

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES JULY 11, 2000 (afternoon session)

PRESENT: Deputy Mayor Cunningham
Councillors: Steve Streach
Gordon R. Snow
Keith Colwell (3:10 p.m.)
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
Jerry Blumenthal
Graham L. Downey
Sue Uteck
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Stephen Adams
David Merrigan
Robert Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

ABSENT
WITH REGRETS: Mayor Walter R. Fitzgerald

STAFF: Mr. K. R. Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Julia Horncastle, Assistant Municipal Clerk

TABLE OF CONTENTS

1.	INVOCATION	5
2.	PROCLAMATIONS	
2.1	The Salvation Army BLUE-BAG-IT-MONTH - August, 2000	5
	Presentations (6:00 p.m)	
i)	Halifax Regional Municipality Crest	22
ii)	Resource Recovery Fund Diversion Cheque - Mr. Darrell Hiltz, Chair and Mr. Derek Firth, Acting COO Resource Recovery Fund Board ...	22
iii)	Festival of Sail - Sue Conrad, Chair	23
iv)	Donation of Plaque by the Best Family	23
3.	APPROVAL OF MINUTES - June 27 and June 29 (special session), 2000 ...	5
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	5
5.	BUSINESS ARISING OUT OF THE MINUTES	6
6.	MOTIONS OF RECONSIDERATION - NONE	6
7.	MOTIONS OF RESCISSION - NONE	6
8.	CONSIDERATION OF DEFERRED BUSINESS	
8.1	Federal Infrastructure Program (Info memo #7 May 23)	6
8.2	Upgrading of Stone & Oil and Chipsealed Streets (deferred July 4)(request for deferral to August 15)	6
8.3	Council Decision on Project 00095 - Downtown Dartmouth Secondary Planning Strategy and Land Use By-Law	27
8.4	Council Decision on By-Law P-800 Respecting the Regulation of Pesticides, Herbicides and Insecticides	34
9.	PUBLIC HEARINGS - 6:00 p.m.	
9.1	Second Reading By-Law S-405 Respecting Charges for Street Improvements	25
9.2	Second Reading By-Law R-103 Respecting By-Law and Ordinance Repeal	26
9.3	Case 00223 - Application for Lot Modification Development Agreement, 1071-1073 Tower Road, Halifax	26

10.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	
10.1	Correspondence	
10.1.1	Request - Dr. Iain C. Taylor, Friends of Point Pleasant Park	7
10.2	Petitions	31
10.3	Presentations - 2:30 p.m.	
10.3.1	Request to Name Area of Land - Icelandic Memorial Society of Nova Scotia - Mr. David Dwyer	7
10.3.2	Loose and Stray Cats - Mr. Mike O'Halloran	8
11.	REPORTS	
11.1	MEMBERS OF COUNCIL	
11.1.1	Councillor Stone	
	i) Extension of Parkland Drive to Kearney Lake Rd ..	8
	ii) Volunteers in the Fire Department and Available Positions	9
11.1.2	Councillor Hetherington - Dartmouth Marine Slips	9
11.1.3	Councillor Colwell - Cost of Street Lights in District 3	9
11.1.4	Councillor Snow - Streets and Roads in Rural Areas ...	10
11.1.5	Councillor Sarto - Billboard, 899 Portland Street	10
11.1.6	Councillor Fougere - Landscaping, Snow/Ice By-Law Infractions	10
11.1.7	Councillor Rankin	
	i) Garbage Clean-Up - Downtown	10
	ii) Update - Tower, Glengarry Gardens	11
11.2	HALIFAX-DARTMOUTH NATAL DAY STEERING COMMITTEE	
11.2.1	Natal Day Update - Mr. Peter Majeaux, Chair	11
11.3	HRM PENSION COMMITTEE	
11.3.1	Municipal Government Act - Cost of Living Increases to Pensions	11
11.4	AUDIT COMMITTEE	
11.4.1	Audited Financial Statements, March 31, 2000	11
11.5	CHIEF ADMINISTRATIVE OFFICER	
11.5.1	Tender 00-233 New Paving - Central & East Regions ..	11
11.5.2	Tender 00-264 Adelaide Avenue & Shirley Street,	

	Reconstructions, Halifax	13
11.5.3	Tender 00-049 Flow Monitoring of Sewers, Pricing Agreement	14
11.5.4	Cat By-law (to be tabled)	14
11.5.5	Noise By-Law Exemption Application - Bedford Superstore (set date for public hearing - Aug. 15)	14
11.5.6	EMO Master Plan and Four Memorandums of Understanding	14
11.5.7	Hemlock Ravine Park - Management Plan	15
11.5.8	Project #00102 - 2000/2001 Downtown/Commercial Areas Streetscape Improvements Program - Disbursement of Funds	15
11.5.9	Proposed Ship Harbour Long Lake Wilderness Area ...	16
11.5.10	Supplementary Education Funding Question	17
11.5.11	Tax Structure Review - Proposed Terms of Reference ..	31
11.5.12	Case 00267 - Proposed Amendments to City of Halifax And City of Dartmouth Subdivision By-Laws - Minimum Lot Width and Depth (set public hearing date - Aug. 15)	32
11.5.13	Case 00207 - Amendments to C-2A Zone Signage Requirements in the Land Use By-Laws for Halifax Peninsula and Halifax Mainland (first reading and set date for joint public hearing - August 22)	32
11.5.14	Case 00252 - Request to Discharge Development Agreement - Sobey's and Former Hiseler's Properties Windsor and North Streets, Halifax	33
11.5.15	Heritage and Cultural Tourism Reserve Business Cases	34
12.	MOTIONS	43
13.	ADDED ITEMS	43
13.1	Request from Harbour East Community Council - Washroom Facilities, Cole Harbour Common	44
13.2	Councillor Sarto - Woodlawn Community Playground	44
13.3	Property Matter - Lease Renewal, Suites 203, 505A and 506, 2 nd Floor, Duke Tower	44
13.4	Property Matter - Sale of Parcel Adjacent Burnside Drive Extension Right-of-Way to Nova Scotia Power	44
13.5	Property Matter - Lease, Former Greenvale School Building	45
13.6	RFP Process - Harbour Solutions	45
14.	NOTICES OF MOTION	46
14.1	Councillor Uteck - By-Law T-202	46
14.2	Councillor Uteck - Creation of Community Council	46

14.3	Councillor Adams - Amendment to By-Law D-100	46
14.4	Deputy Mayor Cunningham - Impact of Report Requests	46
15.	ADJOURNMENT	46
1.	<u>INVOCATION</u>	

Deputy Mayor Cunningham called the meeting to order at 2:30 p.m with the Invocation.

2. PROCLAMATIONS

2.1 The Salvation Army BLUE-BAG-IT-MONTH - August, 2000

Deputy Mayor Cunningham proclaimed August, 2000 as The Salvation Army BLUE-BAG-IT-MONTH in the Halifax Regional Municipality.

Presentations (6:00 p.m.)

Halifax Regional Municipality Crest

This item was dealt with during the evening session (see Page 22)

Resource Recovery Fund Diversion Cheque - Mr. Darrell Hiltz, Chair and Mr. Derek Firth, Acting COO Resource Recovery Fund Board

This item was dealt with during the evening session (see Page 22)

Festival of Sail - Sue Conrad, Chair

This item was dealt with during the evening session (see Page 23)

Donation of Plaque by the Best Family

This item was dealt with during the evening session (see Page 23)

3. APPROVAL OF MINUTES - June 27 and June 29 (Special Session), 2000

MOVED by Councillors Hetherington and Schofield that the minutes of June 27 and June 29 (Special Session), 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 items were added to the agenda:

- 13.1 Request from Harbour East Community Council - Washroom Facilities, Cole Harbour Common
- 13.2 Councillor Sarto - Woodlawn Community Playground
- 13.3 Property Matter - Lease Renewal, Suites 203, 505A and 506, 2nd Floor, Duke Tower
- 13.4 Property Matter - Sale of parcel adjacent Burnside Drive Extension Right-of-Way to Nova Scotia Power
- 13.5 Property Matter - Lease, Former Greenvale School Building, Dartmouth
- 13.6 RFP Process - Harbour Solutions

MOVED by Councillors Read and Kelly that Item 8.3, Council Decision on Project 00095 - Downtown Dartmouth Secondary Planning Strategy and Land Use By-Law be held during the afternoon session. MOTION DEFEATED.

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

5. **BUSINESS ARISING OUT OF THE MINUTES - NONE**

6. **MOTIONS OF RECONSIDERATION - NONE**

7. **MOTIONS OF RESCISSION - NONE**

8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 **Federal Infrastructure Program (Info Memo #7 May 23)(deferred June 27th)**

- An information report from Dale MacLennan, Director of Financial Services, dated May 18, 2000, on the above noted was before Council.

MOVED by Councillors Hetherington and Sarto that the report be tabled. MOTION PUT AND PASSED.

8.2 **Upgrading of Stone & Oil and Chipsealed Streets (deferred July 4) (request for deferral to August 15)**

- An excerpt from the draft July 4, 2000 Regional Council Minutes was before Council.

MOVED by Councillors Walker and Greenough that the Upgrading of Stone & Oil and Chipsealed Streets be deferred to August 15, 2000. MOTION PUT AND PASSED.

8.3 Council Decision on Project 00095 - Downtown Dartmouth Secondary Planning Strategy and Land Use By-Law

This item was dealt with during the evening session (see Page 27)

8.4 Council Decision on By-Law P-800 Respecting the Regulation of Pesticides, Herbicides and Insecticides

This item was dealt with during the evening session (see Page 34)

9. PUBLIC HEARINGS - 6:00 p.m.

9.1 Second Reading By-Law S-405 Respecting Charges for Street Improvements

This item was dealt with during the evening session (see Page 25)

9.2 Second Reading By-Law R-103 Respecting By-Law and Ordinance Repeal

This item was dealt with during the evening session (see Page 26)

9.3 Case 00223 Application for Lot Modification Development Agreement, 1071 - 1073 Tower Road, Halifax

This item was dealt with during the evening session (see Page 26)

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Correspondence

10.1.1 Request - Dr. Iain C. Taylor, Friends of Point Pleasant Park

- Correspondence from Dr. Taylor was before Council.
- Correspondence from Mr. Philip Pacey was before Council.

MOVED by Councillors Mitchell and Hetherington that the letter be received and filed. MOTION PUT AND PASSED.

10.2 Petitions

This item was dealt with during the evening session (see Page 31)

10.3 Presentations - 2:30 p.m.

10.3.1 Request to Name Area of Land - Icelandic Memorial Society of Nova Scotia - Mr. David Dwyer

- Request to address Council by the Icelandic Memorial Society of Nova Scotia was before Council.

Mr. David Dwyer made a presentation on an area of land south of Caribou Mines, Halifax Regional Municipality, advising a memorial cairn will be dedicated on Saturday, August 26, 2000 in memory of the Icelandic settlers.

Following the presentation by Mr. Dwyer, the following motion was placed.

MOVED by Councillors Streach and Snow that be it resolved that Halifax Regional Municipality supports the Icelandic Memorial Society's wish to have the area of land located south of Caribou Mines, Halifax County, named "Markland" and to have the name entered in the Canadian Geographical Names Gazetteer as an "official" place name. This name marks the location of the memorial cairn erected on the site of the Icelandic settlement of 1875-82.

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

MOVED by Councillors Hetherington and Blumenthal that this request be referred to staff for a report. MOTION PUT AND PASSED.

10.3.2 Loose and Stray Cats - Mr. Mike O'Halloran

- A request to address Council from Mr. Mike O'Halloran was before Council.

Mr. Mike O'Halloran addressed Council regarding the problem of loose and stray cats and the damage they cause to properties.

11. REPORTS

11.1 MEMBERS OF COUNCIL

11.1.1(i) Councillor Stone - Extension of Parkland Drive to Kearney Lake Road

Councillor Stone noted this has been an ongoing issue and requested Mr. Meech to investigate why this has not come forward, noting there is an opportunity to sell a parcel of HRM owned lands to pay for the road. The Councillor advised the extension is necessary for the community to extend Parkland which will eventually go from Main Avenue to Kearney Lake Road.

MOVED by Councillors Stone and Walker that staff be requested to provide a report on the status of this issue. MOTION PUT AND PASSED.

11.1.1(ii) Councillor Stone - Volunteers in the Fire Department and Available Positions

MOVED by Councillors Stone and Sarto that a staff report be requested from the Chief Director, Fire and Emergency Services, answering the following questions:

- 1. What is the process for volunteers in the Fire Department, especially as it relates to the former City of Halifax Boundary;**
- 2. Do the volunteers have to live in the district from which they volunteer;**
- 3. Are there opportunities for volunteers in the former cities; and, what is the communication to the fire stations in this regard;**
- 4. What is the status of an application that was forwarded to the Chief over a month ago and Council be provided a copy of the reply that had been sent;**
- 5. Were all of the permanent positions filled and by whom and when;**
- 6. When is the training process for new recruits going to start and how is it going to be implemented.**

MOTION PUT AND PASSED.

11.1.2 Councillor Hetherington - Dartmouth Marine Slips

Councillor Hetherington noted there has been no work at the Dartmouth Marine Slips for the past three weeks and made the following motion.

MOVED by Councillors Hetherington and Schofield that the Mayor write a letter to the Irving family and the Prime Minister of Canada to ascertain what their policy is

regarding the Dartmouth Marine Slips, what their intentions are over the short term as well as the possible long term effects of not having any work at the Marine Slips. MOTION PUT AND PASSED.

11.1.3 Councillor Colwell - Cost of Street Lights in District 3

Councillor Colwell noted that his district is the only district completely area rated for street lights at a rate of \$0.036 per \$100. of assessment. He suggested District 3 pay the same rate as is paid in Halifax and Dartmouth for street lights.

Mr. Meech advised this is an issue that will be examined under the tax structure review.

Councillor Colwell advised District 3 is paying a different fee for the same service as in the cities. The Councillor advised the rate in the cities is \$0.019 per \$100. of assessment, noting the rules for application are the same in the rural as well as urban areas.

MOVED by Councillors Colwell and Walker that staff provide a report on the area rate structure relative to street lighting in District 3 as well as the history on an area rate being applied to the entire district for street lights.

Councillor Walker suggested the staff report be provided to Council prior to being presented to the tax structure committee.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.4 Councillor Snow - Streets and Roads in Rural Areas

Councillor Snow requested a report on paving in District 2 addressing the issue of why streets are being petitioned but not being paved.

Council was advised the report would come forward on August 15, 2000.

11.1.5 Councillor Sarto - Billboard, 899 Portland Street

Councillor Sarto noted there are two billboards at this site and the one that abuts the neighbouring property is unsightly and devalues the property.

MOVED by Councillors Sarto and Schofield that the billboard that abuts the R-1 property at 899 Portland Street be reviewed in conjunction with the report from the Chebucto Community Council with regards to negotiations regarding billboards located on CN lands. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.6 Councillor Fougere - Landscaping, Snow/Ice By-Law Infractions

Councillor Fougere noted landscaping and snow and ice by-law infractions are given a time frame in which to have a property cleaned up but, once that time frame has gone by, the issues have either disappeared or the season has expired. The Councillor requested these two items, which are similar in nature, be examined for ways they can be addressed in a more timely manner.

MOVED by Councillors Fougere and Greenough that because of the seasonality of this issue legal staff investigate the situation and ascertain if there is some way, through a By-Law amendment, these concerns can be addressed in a more timely manner. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.7(i) Councillor Rankin - Garbage Clean-Up Downtown

MOVED by Councillors Rankin and Sarto that Council recommend that funds be budgeted to address the issue of garbage in Downtown Halifax.

Mr. Meech stated a determination needs to be made as to whether commercial businesses are taking responsibility for the amount of waste found on their properties and whether there are adequate receptacles placed and maintained in the Downtown area.

MOTION PUT AND PASSED.

11.1.7(ii) Councillor Rankin - Update, Tower Glengarry Gardens

Councillor Rankin advised prior to any consideration of a permit for a tower at Glengarry Gardens there would be due public process including one public meeting in the affected community.

11.2 HALIFAX-DARTMOUTH NATAL DAY STEERING COMMITTEE

11.2.1 Natal Day Update - Mr. Peter Majeaux, Chair

This item was dealt with during the evening session (see Page 25)

11.3 HRM PENSION COMMITTEE

11.3.1 Municipal Government Act - Cost of Living Increases to Pensions

- A report from the HRM Pension Committee, dated June 20, 2000, on the above

noted, was before Council.

MOVED by Councillors Greenough and Sarto that Council support and forward to the Province of Nova Scotia for adoption an amendment to subsection 45(7) of the Municipal Government Act as follows: *“The pension plan may provide for increases in the pensions paid pursuant to the plan but any such increases shall not exceed the lesser of 6% per year and the percentage increase in the cost of living as measured by the change in the Consumer Price Index for Canada prepared by Statistics Canada in the years since each pension became payable, net of any increases previously provided”*. MOTION PUT AND PASSED UNANIMOUSLY.

11.4 AUDIT COMMITTEE

11.4.1 Audited Financial Statements, March 31, 2000

This item was dealt with during the evening session (see Page 23)

11.5 CHIEF ADMINISTRATIVE OFFICER

11.5.1 Tender 00-233 New Paving - Central and East Regions

- A report prepared for Mr. K.R. Meech, Chief Administrative Officer, dated July 4, 2000, on the above noted, was before Council.

MOVED by Councillors Kelly and Fougere that Council:

1. waive the right of petition for the new paving and curb and gutter for Camden Street.
2. approve the recovery of Local Improvement Charges for Laura Lee Drive, Nottingham Lane, Roode Court, St. George Boulevard and Camden Street new paving and curb and gutter by frontage charge as per Council's policy.
3. award Tender No. 00-233, New Paving to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$234,007.75 and a Total Project Cost of \$269,109., with funding authorized as per the Budget Implications section of the report dated July 4, 2000.

Councillor Kelly requested that the recovery charges for Camden Street be collected through an area rate throughout District 21, as in the previous year, as it is a continuation of this project. The Councillor requested Local Improvement Charges be applied to all of District 21.

MOVED by Councillors Kelly and Mitchell that the Local Improvement Charges for Camden Street be area rated throughout District 21 pending a meeting in the District as per the area rate approval guidelines. MOTION PUT AND PASSED.

Motion as amended:

MOVED by Councillors Kelly and Fougere that Council:

- 1. waive the right of petition for the new paving and curb and gutter for Camden Street.**
- 2. approve the recovery of Local Improvement Charges for Laura Lee Drive, Nottingham Lane, Roode Court, St. George Boulevard and Camden Street new paving and curb and gutter by frontage charge as per Council's policy.**
- 3. award Tender No. 00-233, New Paving to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$234,007.75 and a Total Project Cost of \$269,109., with funding authorized as per the Budget Implications section of the report dated July 4, 2000.**
- 4. the Local Improvement Charges for Camden Street be area rated throughout District 21 pending a meeting in the District as per the area rate approval guidelines.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.5.2 Tender 00-264 Adelaide Avenue & Shirley Street, Reconstructions, Halifax

- A report prepared for Mr. K.R. Meech, Chief Administrative Officer, dated July 4, 2000, on the above noted, was before Council.

MOVED by Councillors Uteck and Downey that Council:

- 1. approve the recovery of Local Improvement Charges for the new concrete curb and gutter on Adelaide Avenue as per Local Improvement Charges Policy through a frontage charge.**
- 2. authorize the transfer of funds between Account No. CRESPOOL, the Capital Pool, and the Capital Accounts as summarized in the Budget Implications**

section of the report dated July 4, 2000.

3. **award Tender No. 00-264, Adelaide Avenue & Shirley Street, Reconstructions, Halifax to Basin Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$309,804.25 and a Total Project Cost of \$356,275., with funding authorized as per the Budget Implications section of the report dated July 4, 2000.**

Councillor Walker stated the motion does not include the \$3.56 and \$7.13 as agreed to by the residents of Adelaide Street. In response, Mr. Dhillon advised he will check the figures and advise the Councillor prior to the evening session.

MOTION PUT AND PASSED.

Later in the meeting, during the evening session, Mr. Kulvinder Dhillon, Director, Public Works and Transportation, stated letters outlining exactly what local improvement charges each property owner would be charged for this project, were sent out some time ago. Mr. Dhillon recommended that Council approve the charges as the residents agreed to pay, rather than what the charge would be based on the local improvement charges policy which will be approved by Council later in the meeting.

MOVED by Councillors Walker and Uteck that residents be charged local improvement charges for this project, based on the exact amount as they were previously advised. MOTION PUT AND PASSED UNANIMOUSLY.

11.5.3 Tender 00-049 Flow Monitoring of Sewers, Pricing Agreement

- A report prepared for Mr. K.R. Meech, Chief Administrative Officer, dated June 30, 2000, on the above noted, was before Council.

MOVED by Councillors Greenough and Hetherington that Regional Council award Tender No. 00-049, Flow Monitoring of Sewers - Pricing Agreement to SNC Lavalin Inc. based on the unit prices quoted for a total tender price of \$57,499.43, with funding provided as outlined in the Budget Implications section of the report dated June 30, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

11.5.4 Cat By-Law

- A report prepared for Mr. K.R. Meech, Chief Administrative Officer, dated July 6, 2000, on the above noted, was before Council.

MOVED by Councillors McInroy and Hetherington that the report and By-Law be

tabled. **MOTION PUT AND PASSED UNANIMOUSLY.**

11.5.5 Noise By-Law Exemption Application - Bedford Superstore (set date for public hearing - August 15)

- A report prepared for Mr. K.R. Meech, Chief Administrative Officer, dated June 29, 2000, on the above noted, was before Council.

MOVED by Councillors Kelly and Uteck that a public hearing be scheduled for August 15, 2000 to consider Bedford Superstore's application for exemption from the provisions of HRM By-Law 200 Respecting Noise and that Council render a decision on this application pursuant to any matters raised at the public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

11.5.6 EMO Master Plan and Four Memorandums of Understanding

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated July 3, 2000, on the above noted, was before Council.

MOVED by Councillors Hetherington and Fougere that Halifax Regional Council approve (a) the Halifax Regional Municipality Emergency Measures Organization Master Plan, as well as (b) four Memorandums of Understanding (MOU's), namely; (i) Port of Halifax Nuclear Powered Vessel Nuclear Emergency Response Operational Coordination Protocol; (ii) Eastern Shore Amateur Radio Club; (iii) Halifax Amateur Radio Club; and (iv) the Dartmouth Amateur Radio Club; further that HRM's EMO Coordinator be authorized to execute the MOU's on behalf of Halifax Regional Municipality. MOTION PUT AND PASSED UNANIMOUSLY.

11.5.7 Hemlock Ravine Park - Management Plan

- A report prepared for Mr. George McLellan, Acting Chief Administrative Officer, dated July 5, 2000, on the above noted, was before Council.

MOVED by Councillors Stone and Read that:

- 1. Regional Council adopt the Management Plan as the document which will guide the development and management of Hemlock Ravine Park and meet leasing requirements for Provincial lands within the park.**
- 2. Council instruct staff to initiate a process to amend the Municipal Strategy to incorporate the Hemlock Ravine Management Plan.**

Councillor Stone recognized all the community organizations who had participated in the development of the plan.

Councillor Adams requested the minutes reflect that the Halifax Regional Water Commission, Parks and Recreation Services, and Councillor Stone had contributed funds to help this project go forward.

MOTION PUT AND PASSED UNANIMOUSLY.

11.5.8 Project #00102 - 2000/2001 Downtown/Commercial Areas Streetscape Improvements Program - Disbursement of Funds

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated June 30, 2000, on the above noted, was before Council.

MOVED by Councillors Downey and Greenough that Council approve a total disbursement of \$179,025 from the 2000/01 Capital Budget for Downtown/Commercial Areas Streetscape program as follows:

- 1. \$40,000 to the Dartmouth Downtown Development Corporation for design and site preparation work for the first phase of construction for a Waterfront Plaza, located at the foot of Portland Street.**
- 2. \$60,000 to the Halifax Downtown Business Commission for a Heritage Facade Improvement Program, subject to private sector sponsorship funds being secured to match the Halifax Regional Municipality contribution.**
- 3. \$49,025 to the Spring Garden Area Business Association for various streetscape improvement projects (see attachment 1 of staff report dated June 30, 2000)**

In response to Councillor Downey, Mr. Austin French, Planning Services, advised an amount of \$150,000 had been approved in this years Capital Budget for the Streetscape Improvement Program. He advised there were funds in previous budgets that have carried over and have been earmarked for Gottingen Street (\$40,000.), noting the projects approved in this report are over and above the \$150,000.

MOTION PUT AND PASSED UNANIMOUSLY.

11.5.9 Proposed Ship Harbour Long Lake Wilderness Area

- A report prepared for Mr. K.R. Meech, Chief Administrative Officer, dated July 4, 2000, on the above noted, was before Council.

Staff was recommending: 1) *Council pass a resolution requesting the Nova Scotia Department of Environment to undertake a study into the feasibility of designating the proposed Ship Harbour Long Lake Wilderness Area, under the Wilderness Areas Protection Act and 2) Regional Council request the Province declare a development, road building, and tree harvesting moratorium while this study is underway, so that this opportunity is not lost in the meantime.*

MOVED by Councillors Streach and Colwell that Regional Council pass recommendation #1 only requesting the Nova Scotia Department of Environment to undertake a study into the feasibility of designating the proposed Ship Harbour Long Lake Wilderness Area, under the Wilderness Areas Protection Act.

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

MOVED by Councillors Read and Mitchell that recommendation # 2 be included requesting the Province declare a development, road building, and tree harvesting moratorium while this study is underway, so that this opportunity is not lost in the meantime.

Councillor Greenough noted that this was not a municipal jurisdiction and the final decision would be made by the Province as to whether or not they would grant the request.

Mr. Blair Blakeney, Regional Coordinator, Park Planning and Development, advised the Minister of the Environment has stated they would not be placing a moratorium on this area and would be honouring current leases. The Minister had advised the process will be looked at through the integrated management process only.

AMENDMENT DEFEATED.

Councillor Fougere, speaking to the main motion, requested that a qualifier be placed on the time frame for the study and placed the following amendment.

MOVED by Councillors Fougere and Streach that the Province be asked to undertake a study as soon as possible. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Streach and Greenough that the Province be encouraged to initiate a “Best Practice” to forest management with respect to clear cutting. MOTION PUT AND PASSED UNANIMOUSLY.

Motion as amended:

MOVED by Councillors Streach and Colwell that Regional Council pass recommendation #1 only requesting the Nova Scotia Department of Environment to undertake a study into the feasibility of designating the proposed Ship Harbour Long Lake Wilderness Area, under the Wilderness Areas Protection Act as soon as possible and that a “Best Practice” to forest management with respect to clear cutting be initiated. MOTION PUT AND PASSED UNANIMOUSLY.

11.5. 10 Supplementary Education Funding Question

- A report prepared for Mr. George McLellan, Acting Chief Administrative Officer, dated June 5, 2000, on the above noted, was before Council.
- Correspondence from E. Roy Salmon, Auditor General, Province of Nova Scotia, was before Council (Information item #4)

Councillor Blumenthal noted that the Auditor General has refused to look into supplementary funding on behalf of the Municipality because it is not a provincial jurisdiction. The Councillor noted the word enhancement may have a different meaning to Council than what it does to the School Board.

In referencing the proposed question to be put to the public in the plebiscite, Councillor Fougere suggested the word “raise” be replaced by the word “collect”. The Councillor suggested that there be a qualifier placed on the funding that it be for “over and above the core programming stipulated by the Province of Nova Scotia Department of Education”.

Councillor Uteck suggested the words “through taxation” be taken out.

Councillor Rankin suggested that the word “levy” rather than “collect” be used. The Councillor expressed concern with the process that would give responsibility for public information sessions to the School Board which may be perceived as a biased process and the intention was to have a fair process. The Councillor suggested this section be deleted and, as an alternative, factual information be provided for Council’s consideration on the rates in respective areas.

Councillor Snow noted that residents will want to know what amount is being recommended as it is still a tax. The Councillor suggested it is the responsibility if the School Board to go to the public.

Councillor Kelly questioned whether there should be a defined process. He suggested there be a prescribed process for external groups who want to get involved such as putting

in place spending caps and/or criteria so that it does not become a campaign for a defined approach for ones own benefit thus ensuring it is fair and open across the board.

Councillor Harvey referenced the words “continuing to raise” be taken of the question. The Councillor noted the report does not contain a clear statement of what the answer means - is it an opinion poll or will Council be bound by the results or does it mean each District will decide how the vote goes in each District or “family of schools” area. Also, what will be the minimum number of people to vote on this question before it has any validity. He stated ground rules need to be established as to interpretation.

Mr. Anstey, Municipal Solicitor, advised this is not a legal plebiscite in that HRM is proposing a particular rate. It is essentially an opinion poll and the power rests with Council to decide whether and how they will impose the rates which means the power rests with each individual Councillor to decide how he/she will interpret the results. The outcome in terms of what gets put in place will be whether or not a majority of the Council can come to a consensus as to what should be put in place.

Councillor Adams expressed concern with what will happen if there is a negative vote. The Councillor stated that the results of this plebiscite will be something this Council will have to follow regardless of whether it is legal or not. It is something Council will be obligated to do because Council is asking an opinion.

Councillor Read asked what happens in Halifax and Dartmouth if the answer is “no”.

Councillor Walker stated he agrees with the word “collect” and would like to see the words “through taxation” and “enhanced” removed. It was suggested that the deciding vote would be 50% + 1 % throughout all HRM.

Councillor Greenough stated the objective is to create equity in the school system throughout HRM. The Councillor noted the question has to be clear and concise and suggested the wording be “are you in favour of the Halifax Regional Municipality collecting a supplementary funding amount through an area rate to provide enhanced educational programming for students in all areas of the Municipality”.

Councillor Colwell stated the question has to be very concise and it has to indicate that it is a tax. The Councillor stated there should be precise information going out that says how much supplementary funding is in place in each area at the present time, what the rate is and what it buys. He suggested the School Board be responsible for bringing this to the public.

Councillor Schofield stated Council was elected to make a decision and they should do so.

Councillor Stone stated the plebiscite is necessary suggesting the question be simple and ask "are you in favour of HRM providing supplementary funding through taxation". The Councillor stated there should be information provided to each individual in advance of going to the polls. He stated "through taxation" has to be there.

Councillor Cooper stated there needs to be clarification as the money raised will be used equally across the entire HRM which may cause a drastic change in Halifax and Dartmouth. It may mean a uniform rate or an increase in taxes in the former County areas. The Councillor advised the residents have to be informed as to where that money is going and how it is going to be spent. The Councillor stated the Municipality should collect the money and hand it over to the school Board. The School Board has to realize that the programs presently in place could drastically change if it is an area rate as the Councillors will have input into where the money is spent. He stated people will have to know what the benefits are going to be.

Councillor Downey questioned why Halifax and Dartmouth are included as they already have supplementary funding in place.

Councillor Hetherington suggested the ballots go out without a specific name and come back to a central location to be counted as one complete ballot which would give a true reading for all HRM based on the number of people who vote.

Councillor Sarto stated he would like to see the words "in the form of services and programs above and beyond the three r's as provided by the Department of Education" inserted after the word "opportunities".

Councillor Merrigan stated people will want to know what they are paying and what that amount is buying.

Councillor Blumenthal stated he wants to know what enhancement is and what people are getting for their money. The school board has to be accountable.

MOVED by Councillors Greenough and Hetherington that the wording be referred the Supplementary Education Funding Committee. MOTION DEFEATED.

MOVED by Councillors Greenough and Stone that the issue be referred to the Solicitor. MOTION PUT AND PASSED.

RECESS

MOVED by Councillors Hetherington and Blumenthal that the meeting be recessed at 4:50 p.m. MOTION PUT AND PASSED.

HALIFAX REGIONAL COUNCIL

**MINUTES
JULY 11, 2000
(evening session)**

PRESENT:

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

STAFF:

Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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

Presentations

i) Halifax Regional Municipality Crest

Mayor Fitzgerald noted that a number of people have been involved over the last several months in a project to create a woodcarving of the municipal crest. The Mayor introduced the following people involved in this project: Admiral Dusty Miller, Captain Burke, Mr. Bob Geraghty and members of the HRM Millennium Committee, Chief Petty Officer Second Class Jay Morrison, Lieutenant Commander Chamberlain, and members of the HRM Coat of Arms Committee.

Admiral Miller addressed Council regarding the fine relationship the Municipality has with the Navy. The Admiral stated the crest was carved by Chief Petty Officer Morrison at the Naval Engineering School, with the many members of the school and their children also participating in the project. Admiral Miller noted the Navy carved the original City of Halifax crest sixty years ago. In closing, the Admiral expressed thanks for all the support given to the military over the years, stating the carved crest is special token of appreciation to HRM from the military and the Millennium Committee.

With the assistance of Captain Burke, Admiral Miller, Chief Petty Office Morrison and Mr. Geraghty, Mayor Fitzgerald unveiled the newly carved crest. On behalf of Council and the citizens of Halifax Regional Municipality, Mayor Fitzgerald thanked all those involved in this project. Mr. Geraghty noted this is one of a number of legacy projects with which the Millennium Committee is involved, and introduced two members of the Committee present in the gallery: Ms. Audrey Manzer and Mr. David Dwyer. Chief Petty Officer Morrison, a lifelong resident of Halifax, addressed Council stating it was an honour to work on this project.

ii) Resource Recovery Fund Diversion Cheque - Mr. Darrell Hiltz, Chair & Mr. Derek Firth, Acting COO Resource Recovery Fund Board

Mr. Derek Firth, Acting COO, Resource Recovery Fund Board, spoke about the resource recovery program, the mandate of the Board, and the progress of the solid waste diversion initiative. Mr. Firth stated the Solid Waste Resource Management regulations require the Board to pay a minimum of 50 percent of its net revenues to the municipalities, based on the amount of solid waste they divert. The fiscal year, which ended March 31, 2000, was a record year for the Resource Recovery Fund. The takeover of the Nova Scotia Liquor Commission deposit refund program added over 50 million containers to the deposit base, and helped push total revenues to almost \$30 million, a 38 percent increase over the previous year. In total, deposits were received on 267 million beverage containers. Nova

Scotians recycled almost 212 million of those containers through their nearest Enviro-Depot or municipal curbside collection programs. Despite the significant increases in volumes, the operating costs remained relatively the same, resulting in an almost 47 percent increase in net revenues of \$9.3 million, of which \$4.6 million will be distributed to the municipalities as diversion credits. In closing, Mr. Firth presented Mayor Fitzgerald with a T-shirt made from recycled plastic pop bottles.

Mr. Darryl Hiltz, Chair, Resource Recovery Fund, presented Mayor Fitzgerald with a resource recovery fund diversion cheque in the amount of \$2,446,240. On behalf of Council and the citizens of HRM, Mayor Fitzgerald accepted the cheque and expressed thanks to the Board.

iii) Festival of Sail - Sue Conrad, Chair

Ms. Sue Conrad, Chair, Festival of Sail, provided Council with an update regarding the Festival of Sail, to be held in Dartmouth from July 17 - 24, in conjunction with Tall Ships 2000. On behalf of HRM, Mayor Fitzgerald thanked Ms. Conrad for her presentation and work on this event.

iv) Donation of Plaque by the Best Family

On behalf of Ann and Roger Stoddard, West Chezzetcook, Councillor Colwell presented a plaque, in memory of Clarence Best, a longtime employee of the City of Dartmouth, on the occasion of the 250th anniversary of the founding of Dartmouth. On behalf of the former City of Dartmouth, Deputy Mayor Cunningham accepted the plaque.

On a **Point of Privilege**, Councillor Uteck addressed Council regarding some recent comments in the Daily News newspaper, regarding the Harbour Solutions project inferring that she did not have the public interest in mind when debating or making decisions regarding this issue. Councillor Uteck publicly reaffirmed her intention, and that of all of Council, that the public interest is foremost in Council's mind when debating the Harbour Solutions project.

At this point in the meeting, Council agreed to deal with **Item 11.4.1 - Audited Financial Statements, March 31, 2000**, next on the agenda.

11.4 AUDIT COMMITTEE

11.4.1 Audited Financial Statements, March 31, 2000

- A report from the Audit Committee, regarding the audited financial statements for the year ended March 31, 2000, was before Council for its consideration.

- Copies of the staff presentation were circulated to Council.
- Additional schedules regarding the financial statements were circulated to Council.

Ms. Dale MacLennan, Finance Director, introduced Mr. Larry Hood, KPMG, who reviewed the Auditor's Report (attached to the Committee report) and expressed thanks to staff for their assistance during the audit.

Ms. MacLennan presented the audited financial statements for the year ended March 31, 2000, to Regional Council, and expressed thanks to KPMG and staff who worked on the statements. Ms. MacLennan also congratulated the Directors and staff of the individual Business Units on the good year-end results. Copies of Ms. MacLennan's presentation were circulated to Council. In her presentation, Ms. MacLennan made the following points:

- 3rd quarter projections were met
- There is no windfall, so focus needs to be maintained on meeting the 2000/01 budget
- Alignment 2000 - format changes
- Pension Assets/Liabilities - format changes
- Cash position has improved
- HRWC debt guarantee, relating to the Lake Major project, is now reflected in the financial statements
- There is an approximate \$3.7million surplus for the year ending March 31, 2000
- Gross revenue variances resulted in \$6.98 million over budget.
- Gross expenditure variances resulted \$2.91 million over budget.
- The net variance from the budget was \$4.07 million.
- The net debt balance as of 1999/00 was \$331,241 million.
- The total variance between project and actual reserve balances as of March 31, 2000 is \$12.25 million.
- It is expected that the management letter will be before the Audit Committee in late summer/early fall.

Ms. MacLennan encouraged Councillors, or members of the public, to call staff directly for responses to any specific questions they may have.

MOVED by Councillors Greenough and Hetherington that Council approve the Halifax Regional Municipality's audited financial statements for the year ended March 31, 2000, and that the Mayor and Municipal Clerk be authorized to sign the financial statements on behalf of Council.

Councillor Kelly stated he had some questions of clarification, but would meet with staff directly to discuss them.

Responding to a question of Councillor Schofield, Ms. MacLennan stated the debt charges as a percentage of expenditures is expected to be in the 12.3 percent range, which she believed is reasonably unchanged from the previous year, but agreed to confirm this for the Councillor. In response to an additional question of the Councillor, Ms. MacLennan advised that the Halifax Regional Water Commission debt is reflected in its financial statements. The debt guaranteed by HRM is indicated by a note in HRM's financial statements.

Responding to a question of Councillor Sarto, Ms. MacLennan stated, in some cases, tax agreements are reviewed monthly.

In response to a question of Councillor Walker, Ms. MacLennan stated the previous management letter was presented to the Audit Committee and will be coming to Council following the summer break.

MOTION PUT AND PASSED UNANIMOUSLY.

At this point in the meeting, it was agreed to deal with item 11.2.1 Natal Day Update.

11.2 HALIFAX-DARTMOUTH NATAL DAY STEERING COMMITTEE

11.2.1 Natal Day Update - Mr. Peter Majeaux, Chair

Mr. Peter Majeaux, Chair, Halifax-Dartmouth Natal Day Steering Committee, provided Council with an update regarding Natal Day weekend. A short video of a television commercial for this event was shown to Council. A schedule of events was previously circulated to members of Council. Mr. Majeaux noted Purdy's Wharf is a new venue for entertainment events this year, and encouraged members of Council to attend as many of the Natal Day events as possible. In closing, Mr. Majeaux noted this is his last year on the Committee, and expressed thanks to the Committee, Council and staff for their support. Mr. Majeaux also reviewed the accomplishments of the Committee over the last four years.

Mayor Fitzgerald thanked Mr. Majeaux for his presentation and his efforts while serving on the Halifax-Dartmouth Natal Day Steering Committee.

Council returned to the Order of Business, commencing with the Public Hearings.

9. PUBLIC HEARINGS

9.1 Second Reading By-Law S-405 Respecting Charges for Street Improvements

- By-Law S-405 Respecting Charges for Street Improvements passed First Reading on June 13, 2000, and was now before Council for Second Reading.

Mr. Kulvinder Dhillon, Director, Public Works and Transportation, presented the staff report.

Mayor Fitzgerald called three times for members of the public wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was put on the floor:

MOVED by Councillors Hetherington and Blumenthal that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillors Greenough and Sarto that Council give Second Reading to By-Law S-405 Respecting Charges for Street Improvements. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 Second Reading By-Law R-103 Respecting By-Law and Ordinance Repeal

- By-Law R-103 Respecting By-Law and Ordinance Repeal passed First Reading on June 20, 2000, and was now before Council for Second Reading.

Mr. Wayne Anstey, Municipal Solicitor, presented the staff report.

Mayor Fitzgerald called three times for members of the public wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was put on the floor:

MOVED by Deputy Mayor Cunningham and Councillor Hetherington that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Deputy Mayor Cunningham and Councillor Sarto that Council give Second Reading to By-Law R-103 Respecting By-Law and Ordinance Repeal. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 Case 00223 Application for Lot Modification Development Agreement, 1071-1073 Tower Road, Halifax

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, dated June 7, 2000, regarding the above, was previously circulated to Council.

Mr. Gary Porter, Planner, presented the staff report.

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

MOVED by Councillors Hetherington and Blumenthal that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

Councillor Uteck spoke in support of the development agreement, and suggested a better system needs to be devised for Planning Services to deal with simplistic applications, such as this one. The Councillor expressed concern that it took eight months to have this application processed.

MOVED by Councillors Uteck and Fougere that Council approve the development agreement attached as Appendix "A" to the staff report dated June 7, 2000, to permit the subdivision of the property at 1071-1073 Tower Road. Council requires that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED UNANIMOUSLY.

8. CONSIDERATION OF DEFERRED BUSINESS (cont'd)

8.3 Council Decision on Project 00095 - Downtown Dartmouth Secondary Planning Strategy and Land Use By-Law (Public Hearing portion closed) (deferred June 27th) (supp report)

- A Supplementary Report prepared for Dan English, Deputy Chief Administrative Officer, dated July 5, 2000, regarding the above, was before Council for its consideration.
- Correspondence from Susan Guppy, 62 Shore Road, Dartmouth, regarding the above, was circulated to Council.

Deputy Mayor Cunningham spoke in support of the Downtown Dartmouth Secondary Plan

and put forth the following motion:

MOVED by Deputy Mayor Cunningham and Councillor Greenough that Council:

- 1. Adopt the proposed Secondary Planning Strategy and Land Use By-Law for Downtown Dartmouth (Attachments A & B of the July 5, 2000 Supplementary Report)**
- 2. Repeal the sections of the Dartmouth Municipal Planning Strategy and Land Use By-Law which pertain to Downtown Dartmouth.**
- 3. Approve an amendment to the Dartmouth Subdivision Regulations to implement provisions of the proposed planning documents for Downtown Dartmouth (Attachment C of the July 5, 2000 Supplementary Report).**

Councillor Hetherington spoke in support of the Plan, but suggested an amendment should be put forth regarding One Park Avenue to allow consideration of a high density residential development on this site. The Councillor noted this does not guarantee any such development will take place on this site.

MOVED by Councillors Hetherington and Schofield that the motion be amended to add that staff be directed to report back to Council with subsequent amendments to allow consideration of a high density residential development on the One Park Avenue site.

Responding to a question of Deputy Mayor Cunningham, Mr. Anstey stated it is his opinion that this amendment is sufficiently different from the previous amendment voted on at the June 20, 2000 session of Regional Council, and, therefore, would be in order. Ms. Jacqueline Hamilton, Planner, stated if this amendment passes, staff would want further specific direction from Council as to the appropriate range of density for development for this site. Ms. Hamilton noted the current document would only allow 35 units per acre. Responding to a question of Councillor Kelly, Ms. Hamilton stated staff would not be in support of a higher density range.

Councillor Streach spoke in support of the amendment, stating a high density residential development is appropriate for the Park Avenue site.

Speaking against the amendment, Councillor Fougere stated there are individuals who participated for over two years to develop this Plan which was approved by the Harbour East Community Council. The Councillor stated the proposed amendment is not necessary, as the site specific amendment can be applied for by the property owner through the normal process. Councillor Fougere suggested this would be more appropriate whereas the owner has chosen not to participate in the process up to this point.

Also speaking against the amendment, Councillor Read stated the Plan should proceed as proposed, reiterating that the amendment is totally unnecessary as the proponent can apply for an amendment at any time. The Councillor suggested that any density higher than 35 units per acre would be totally unsuitable for this site.

Mayor Fitzgerald expressed concern with the possibility of losing the entire Plan. Mr. Anstey clarified that if the amended motion passes, the entire Plan would be adopted intact. The only thing the amendment will do is to direct staff to review the site and bring back a proposal for Council to decide whether or not it wants to consider.

Councillor Stone expressed concern with the amendment being tied to the main motion, and suggested it should be dealt with following the vote on the main motion.

Mr. Paul Dunphy, Director, Planning and Development Services, advised that if the amended motion is approved, the entire Downtown Dartmouth Plan will be adopted for all properties in the downtown area. The amendment will direct staff to go back, with the approved Plan in place, and prepare a supplementary report to Council which would outline the property owner's proposal and present the various options and implications. When the report comes before Council, Council will only be voting on considering a process to start amending the Plan with respect to this one property. This process would involve a series of public meetings and another Public Hearing. Mr. Dunphy noted, if the Plan is adopted, the property owners always have the option of coming back and requesting a plan amendment.

Speaking in support of the amendment, Councillor Mitchell stated more residential development is needed to support businesses in the area.

Speaking against the amendment, Councillor Stone stated he did not believe it was appropriate and would be voting in support of the people who worked over two years on this Plan.

Deputy Mayor Cunningham stated, as much as he opposes the amendment, in order to save the great amount of work and effort put that has been put into this Plan over the last couple of years, he is forced to support the amendment or there is a good possibility the entire Plan will be lost. The Deputy Mayor expressed concern with the manner in which this matter has developed.

Councillor Fougere also expressed extreme disappointment with the fact that Councillors may have to vote in support of an amendment they oppose just to save the Plan. The Councillor stated it would be a shame to waste staff's time to ask them for a report, the answer for which they have already provided. The Councillor also expressed grave concern with the steps being taken to satisfy the request of a group that chose not to take

part in the process.

Mayor Fitzgerald reiterated that the possibility of losing the whole Plan exists if the amendment is defeated.

Councillor Greenough stated he would support the amendment only for practical reasons so as to minimize the risk of losing two years of work. The Councillor noted the amendment only permits consideration of a high density development on the One Park Avenue site. Councillor Greenough suggested a 50-60 unit per acre density could be considered as this would be consistent with the old Plan.

Speaking in support of the amendment, Councillor Streach stated every Councillor has the right to vote on issues throughout the Municipality.

Councillor Schofield stated 35 units per acre is not enough to make the Park Avenue site feasible for development. However, the Councillor stated 186 units is too many, and suggested 50 units per acre would be more appropriate.

Responding to a question of Councillor Kelly, Ms. Hamilton confirmed that a property owner can come forward at any time and request an amendment to the Plan. With respect to the density for the One Park Avenue site, Councillor Kelly stated the public has made it clear that 35 units per acre should be the maximum.

Councillor Sarto stated he would support the amendment as a compromise to ensure the entire Plan is not lost.

Councillor Mitchell reiterated Councillor Streach's comments with respect to all Councillors' votes having equal value no matter what the issue.

Councillor Merrigan stated individual Councillors should not vote against the main motion just because the amendment is defeated. The Councillor stated the only motion that should have been put forward at this time is whether or not Council supports the integrity of the downtown Plan, which all of Council should support.

Closing the debate, Councillor Hetherington stated the amendment on the floor is nothing more than a procedure that allows for some negotiation and flexibility to take place with respect to the One Park Avenue site. The Councillor noted the Plan itself will be approved, and the amendment provides for a second look at the One Park Avenue site.

The vote was taken on the amendment.

MOTION PUT AND PASSED.

The vote was then taken on the Main Motion, as amended, which now read as follows:

MOVED by Deputy Mayor Cunningham and Councillor Greenough that Council:

1. **Adopt the proposed Secondary Planning Strategy and Land Use By-Law for Downtown Dartmouth (Attachments A & B of the July 5, 2000 Supplementary Report)**
2. **Repeal the sections of the Dartmouth Municipal Planning Strategy and Land Use By-Law which pertain to Downtown Dartmouth.**
3. **Approve an amendment to the Dartmouth Subdivision Regulations to implement provisions of the proposed planning documents for Downtown Dartmouth (Attachment C of the July 5, 2000 Supplementary Report).**
4. **Direct staff to report back to Council with subsequent amendments to allow consideration of a high density residential development on the One Park Avenue site. MOTION PUT AND PASSED UNANIMOUSLY.**

RECESS

A 15 minute recess was taken at 8:00 p.m. and the meeting reconvened at 8:15 p.m.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

This item was addressed earlier in the meeting (see Page 7).

10.2 Petitions

10.2.1 Councillor Merrigan - Beaver Bank/Kinsac Schools

Councillor Merrigan served a petition, signed by 1109 residents, objecting to students in the Beaver Bank-Kinsac area being sent to schools in other communities. The Councillor requested that the petition be forwarded to the Halifax Regional School Board.

10.2.2 Councillor McInroy - Crosswalk Request, Shore Road, Eastern Passage

Councillor McInroy served a petition, containing 470 signatures of residents, requesting a crosswalk between St. Andrew's Church and the parking lot adjoining the boardwalk on Shore Road, Eastern Passage.

10.2.3 Councillor Streach - Pesticide By-Law

Councillor Streach served a petition, containing 132 signatures of residents, opposing any by-law banning pesticide applications.

10.2.4 Petition - Pesticides

On behalf of Ms. Helen Jones, the Municipal Clerk submitted a petition and postcards, containing approximately 1,012 signatures of residents in support of a phase out of cosmetic pesticide use. Correspondence from Ms. Barbara Charles, in support of a pesticide ban, was also received.

11.5 CHIEF ADMINISTRATIVE OFFICER (cont'd)

11.5.11 Tax Structure Review - Proposed Terms of Reference

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

MOVED by Councillors Uteck and Fougere that Council approve the Proposed Terms of Reference for the Tax Structure Review, as attached to the staff report dated July 6, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

11.5.12 Case 00267 - Proposed Amendments to City of Halifax and City of Dartmouth Subdivision by-Laws - Minimum Lot Width and Depth

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

MOVED by Councillors Read and Greenough that Halifax Regional Council move First Reading to consider amending the Subdivision By-Laws for the former City of Halifax and City of Dartmouth as contained in Appendix "A" attached to the staff report dated July 7, 2000, and schedule a Public Hearing for August 15, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

11.5.13 Case 00207: Application by Atlantic Shopping Centres to Amend the C-2A Zone Sign Requirements in the Land Use By-Laws for Halifax Peninsula and Halifax Mainland

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

Councillor Adams advised Council that, at a recent meeting of the Chebucto Community

Council, a motion was put on the floor for First Reading of the proposed amendments to the C-2A Zone requirements in the land use by-laws for Halifax Mainland, but there was no seconder. As a result, no motion was adopted. The Councillor inquired of the Municipal Solicitor what options are now available with respect to the entire Public Hearing process.

Mr. Anstey responded that Regional Council could move First Reading and set a date for a Public Hearing with respect to the Peninsula By-law, and the Mainland By-law would be in limbo as nothing was voted on by the Community Council. Mr. Anstey further advised that if the Chebucto Community Council wants to consider the amendments, it has to set a date for a Public Hearing. Unless a meeting to do this is held in the near future, the date of August 15 will not be met. Councillor Adams stated it is clear that members of the Chebucto Community Council do not want to consider these amendments, and suggested Regional Council should set the Public Hearing date for the Peninsula.

Responding to a question of Councillor Walker inquiring if the Public Hearing could be site specific for two locations only, Mr. Gary Porter, Planner, stated a Plan amendment and a By-Law amendment would also be required. Mr. Roger Wells confirmed that in order to zero in on two specific sites, it would require amendments to MPS policy and another public process. Councillor Walker stated he does not have a problem with the two specific sites but does not want the amendment for the entire area.

MOVED by Councillors Fougere and Blumenthal that Council set the date of August 22 for a Public Hearing for Regional Council to consider amendments to the C-2A Zone Signage Requirements in the Land Use By-Law for Halifax Peninsula.

Responding to a question of Councillor Read, Mr. Porter stated if an application came forward to rezone the two properties to C-2 rather than C2-A, a plan amendment would still be required.

Mr. Porter noted that the political boundaries and the legislative boundaries of the Peninsula are not the same, and there is a portion of the Peninsula By-Law on Dutch Village Road that falls under the jurisdiction of the Chebucto Community Council. Therefore, if Regional Council adopts an amendment to the C2-A zone and the Community Council does not, the amendment will not apply to this portion of land.

In response to a question of Councillor Stone, Mr. Porter stated the advertisement would have to state what Council is considering as the amendment. Councillor Stone suggested staff could consider an amendment in terms of setbacks or the size of the building to determine the size of the billboard, which would include these two sites.

MOTION PUT AND PASSED.

At this time, Council agreed to hear from Mr. Glen Boone, representative for Sobeys. Mr. Boone stated the initial application was made in December 1999, and Sobeys has been working with staff, and he believes the proposal put forth by staff is fair. Mr. Boone stated construction is already taking place in Spryfield, and the C2-A zone permits the store as-of-right. Mr. Boone expressed concern with a possible further delay until September, as Sobeys would like to open the store with a permanent sign. In closing, Mr. Boone asked Council for its support in holding both Public Hearings at the same time. Mayor Fitzgerald stated the Regional Council Public Hearing will be held on August 22nd, and it will be up to the Chebucto Community Council to decide how it wants to proceed.

11.5.14 Case 00252 - Request to Discharge Development Agreement - Sobeys and Former Hiseler's Properties, Windsor and North Streets, Halifax

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

MOVED by Councillors Blumenthal and Fougere that Council approve the Agreement, presented as Attachment III to the staff report dated July 6, 2000, which would discharge all previous development agreements registered against the Sobeys property at Windsor and North Street and the former Hiseler's property at Windsor and Summit Street in Halifax. MOTION PUT AND PASSED UNANIMOUSLY.

11.5.15 Heritage and Cultural Tourism Reserve Business Case

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

MOVED by Councillors Sarto and Uteck that Council approve the Heritage and Cultural Tourism Reserve Business Case as attached to the staff report dated July 5, 2000.

Ms. Dale MacLennan, Finance Director, clarified an issue with respect to the list of four projects included in one of the Attachments to the Reserve Business Case. Ms. MacLennan advised that the source of funds for the first year are primarily from capital sources, and thus would have to be spent on capital projects. Therefore, it has to be ensured that the projects listed for this year pass the capital expenditure test.

MOTION PUT AND PASSED UNANIMOUSLY.

At this point in the meeting Council agreed to deal with **Item 8.4 Council Decision on By-Law P-800 Respecting the Regulation of Pesticides, Herbicides and Insecticides.**

8.4 Council Decision on By-Law P-800 Respecting the Regulation of Pesticides, Herbicides and Insecticides

- A supplementary report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration. The report recommended the following: That, should Council wish to proceed with adoption of a Pesticide By-Law, it proceed on the basis of provision of a two-year adjustment period followed by a ban on the use of pesticides within HRM within the legislative authority granted by the *Municipal Government Act* and that the adjustment period focus on:
 - Promoting public awareness and industry cooperation related to acceptable pesticide alternatives;
 - A ban on the use of pesticides on municipal property; and
 - A ban on the use of pesticides on properties within 100 metres of persons at risk with medical documentation.
- Correspondence from Brent Baxter, Supervisor, Pollution Prevention, Nova Scotia Department of the Environment, dated Feb 16, 2000, to Mr. Herman Pye, was circulated to Council.
- Correspondence from Linda Mosher, 10 Milsom Avenue, Halifax, regarding the above, was circulated to Council.
- Information provided by Debbie Darrah, regarding the above, was circulated to Council.
- Correspondence from the Honourable Alan Rock, Minister of Health, dated June 28, 2000, regarding the above, was circulated to Council.
- Correspondence from Dr. Ed Napke and Dr. Libuse Gilka, regarding the above, was circulated to Council.
- A newspaper article from "*The Ottawa Citizen*" regarding the above, provided by Councillor Uteck, was circulated to Council.

CONFLICT OF INTEREST

As he owns a greenhouse and a landscaping business, Councillor Snow declared a **Conflict of Interest** and removed himself from the discussion.

Councillor Read spoke in support of a partial ban to be implemented after a reasonable period of adjustment and education. The Councillor stated Page 3 of the supplementary report dated July 6, 2000, outlines an option for a three year process. Councillor Read spoke in support of this alternative with a few minor changes, and put forth the following motion:

MOVED by Councillors Read and Fougere that Council approve, in principle, to adopt a pesticide by-law similar to the 2nd option proposed by staff on Page 3 of the supplementary report, dated July 6, 2000, with the following implementation:

Year 1 (this year): Pesticide ban to apply to municipal property only.

Year 2: Pesticide ban on properties within 100 metres of persons at risk, with medical documentation.

Year 3: Complete ban on landscape pesticide use on residential properties in HRM.

All three years are to have an exclusion list of permitted pesticides and provisions for banned pesticides to be used in special cases as detailed in the various reports to Council.

Speaking in favour of a pesticide ban, Deputy Mayor Cunningham expressed concern with the proposed by-law itself. The Deputy Mayor questioned the phase-in process, stating he would have preferred to have certain pesticides banned the first year, and have the number of banned pesticides increased over a period of a few years. Deputy Mayor Cunningham questioned how the 100 metre ban would be enforced, and suggested adequate protection will be not achieved as the by-law will not be enforceable. The Deputy Mayor suggested pesticides should be gradually banned in accordance with toxicity, noting this information could be obtained through the Federal Government.

Speaking against a pesticide ban, Councillor Adams stated he does support a by-law. The Councillor referenced some information from the Pest Management Regulatory Agency regarding the testing of pesticides and a letter from The Honourable Alan Rock, Minister of Health, which was previously circulated to Council. Councillor Adams noted the New England Journal of Medicine stated that PCPs, DDT and DDE are not a cause of breast cancer. The Councillor noted a physician spoke at one of the public meetings stating that the medical community that supports a ban includes the Medical Society of Nova Scotia, the Canadian Cancer Society, and Dr. John Rudy, Faculty of Medicine, Dalhousie University. Councillor Adams clarified that the Medical Society suggested it would support a reduction in the use of pesticides and not a ban. With respect to cancer deaths related to domestic exposure to pesticide, Councillor Adams stated current evidence suggests it is less than one percent of cancer deaths. The Councillor clarified that the Canadian Cancer Society supports using alternatives to pesticides, however, if pesticides must be used, the Society recommends that the instructions be followed carefully with regards to safe application. With respect to Dr. Rudy, Councillor Adams clarified that he does not support a ban on the cosmetic use of pesticides. Councillor Adams noted some information provided during the Public Hearings came from subjective unscientific material.

Councillor Adams stated that enforcement is the issue, and Council may be over its head in this regard as it is attempting to regulate a federally and provincially regulated body. The banned products will still be available in the stores for purchase by unqualified people to use. The Councillor agreed there needs to be consideration given to chemically sensitive individuals, and suggested the following could be considered: incentives for developers to create pesticide free subdivisions, safehouses, and a reduction in the use of pesticides in July and August. Councillor Adams suggested Council should have an epidemiologist compile and assess the information that has been brought forward and bring back a recommendation to Council.

Responding to questions of Councillor Kelly regarding the cost and staff resource implications if the by-law is adopted, Mr. Tony Blouin, Manager, Environmental Policy, stated estimates were provided in a previous report to Council, and it would depend on the number of pesticide applications received. Mr. Jim Donovan, Acting Director, Planning and Development Services, stated Planning Services would be responsible for enforcement and Parks and Recreation would perform the program element to identify severe infestations and methods of dealing with them.

Councillor Read stated he believes the majority of people want to see the quantity of pesticides being used reduced, and does not believe a ban will create "weekend weed warriors." With respect to the medical information referred to by Councillor Adams, Councillor Read stated a link between the use of pesticides and breast cancer could not be found, but it was not proven that they did not cause it.

Councillor Streach stated after all the presentations and discussions, he is no further ahead in understanding the effects of pesticides, and is, therefore, reluctant to make any decision regarding the banning of pesticides. The Councillor stated he is prepared to support the advance warning registration system first put forward by the Committee and staff, but not a total ban. Based on this, Councillor Streach attempted to put forth an amendment to establish a pesticide notification registry in September 2000, but Mayor Fitzgerald ruled it to be contrary to the Main Motion and, thus, out of order.

Councillor Blumenthal stated Council needs to exert caution in making a decision on this issue so as not to possibly endanger the health of the residents. The Councillor suggested the first year only education and alternatives should be explored. With respect to the 100 metre designation in the second year, Councillor Blumenthal expressed concern that this was too large and suggested it should be changed to abutting properties.

Responding to a question of Councillor Colwell, Mr. Blouin clarified that the comments made by the individuals from Dalhousie University and the Department of Natural

Resources in the April 25, 2000 staff report to Council were individual statements and not statements of the organizations.

Councillor Colwell also expressed concern with the 100 metre ban stating it is too large. With respect to education, the Councillor stated it is very important the first year. Councillor Colwell stated he does not support a total ban, but wants to ensure adequate protection is provided to people with sensitivities. Councillor Colwell inquired if HRM staff have the expertise to advise Council which pesticides are safe to use and which ones not. Mr. Donovan responded in the negative.

In response to a question of Councillor Colwell, Mr. Donovan responded that the Enforcement Policy, attached to an earlier report, states staff will respond to complaints, and investigations into alleged violations and will rely primarily upon eyewitness testimony and physical evidence, such as product containers.

Responding to a question of Councillor Cooper, Councillor Read stated it was his intention to include an educational process starting in Year 1. The Secunder of the motion was agreeable to this amendment, and the motion now read as follows:

MOVED by Councillors Read and Fougere that Council approve, in principle, to adopt a pesticide by-law similar to the 2nd option proposed by staff on Page 3 of the supplementary report, dated July 6, 2000, with the following implementation:

Year 1 (this year): Pesticide ban to apply to municipal property only, and an education process is to begin.

Year 2: Pesticide ban on properties within 100 metres of persons at risk, with medical documentation.

Year 3: Complete ban on landscape pesticide use on residential properties in HRM.

All three years are to have an exclusion list of permitted pesticides and provisions for banned pesticides to be used in special cases as detailed in the various reports to Council.

(Mayor Fitzgerald left the meeting at 9:30 p.m. and Deputy Mayor Cunningham assumed the Chair.)

Councillor Cooper stressed the necessity of an educational process, but questioned at who it would be aimed. The Councillor stated the by-law does not address how business and commercial entities will be handled. Councillor Cooper suggested voluntary compliance

from these organizations should be requested. The Councillor further suggested that a small committee, comprised of representatives from the medical, scientific and industrial fields, needs to be put in place that will review the decisions of the Pest Management Regulatory Agency as it reviews all the various pesticides. Councillor Cooper suggested as proof comes forward of very low toxicity level pesticides, they should be put back on the permitted list. With respect to the 100 metre ban, the Councillor suggested it should be reduced to 50 metres, and also refer to schools, hospitals, etc.

Councillor Fougere spoke in support of the motion, stating none of the information received from official sources, including the Pest Management Regulatory Agency, could say the pesticides listed are safe. What they do say, is that they pose no unacceptable risk to human health. Councillor Fougere stated it is not made clear to who the risk is acceptable. The Councillor noted either side of the issue can be mistaken, but like Councillor Blumenthal, Councillor Fougere stated she would prefer to err on the side of caution. With respect to the 100 metre provision, the Councillor noted there is a provision in the by-law for neighbours to come to a mutual agreement to alter this range, if that is desired. In closing, Councillor Fougere urged Council to take a cautionary approach out of consideration for the health of all the citizens of HRM and the environment. The proposed by-law is a starting point and can be amended in the future, if required.

Councillor Rankin spoke in support of education and communication and not a total ban of the use of pesticides. The Councillor stated the Municipality, as a branch of government, is isolated in taking on this issue, as the other levels of government are not seeking a pesticide ban. Councillor Rankin questioned what kind of liability will the Municipality be setting itself up for with respect to permitting when the HRM does not have the expertise to determine which pesticides are safe.

Based on the information received from both sides of the issue, Councillor Read stated he has become more convinced that a reduction in the use of pesticides is correct. The Councillor stated it is up to Council to decide if the unacceptable risk determined by the PMRA is acceptable to the citizens of HRM, and it is his opinion that a large number would say it is not good enough.

Speaking in support of the motion, Councillor Uteck stated Council has a moral obligation to the residents of HRM that goes beyond commercial interest and beliefs. The Councillor urged Council to support the by-law, noting there will be the opportunity for revision and fine-tuning over the next two years.

Councillor Schofield spoke in support of the motion, noting necessary changes will be made over the years to come.

Councillor Stone suggested a balance needs to be found in this matter. The Councillor

spoke in support of the by-law and the phase-in approach, noting it can be evaluated at any point in time. Councillor Stone expressed concern with the possible cost to HRM for enforcement, communication and potential litigations. The Councillor stated if the citizens of HRM do not buy into this by-law, it will never work, and communication and education needs to be an on-going process. With respect to industry, Councillor Stone stated they need to be told to look at alternatives. In closing, the Councillor suggested the phase in process should be over a four year period, including two years of education.

Councillor Greenough spoke in support of Councillor Stone's comments with respect to public acceptance. The Councillor noted Council has heard from a large number of people who become ill following exposure to pesticides, which, in his opinion, points in the direction of a phase out of the use of pesticides. Councillor Greenough stated he believes it is wrong that a person should have to leave their residence when a neighbour sprays pesticides on their property. The Councillor referenced correspondence from Edmonds Landscape and Construction Services Limited which states it supports an HRM By-Law to phase out and ban the use of pesticides and like products, and has been preparing for a chemical free approach to lawn and property care for over a decade.

Responding to a question of Councillor Greenough with respect to funding for implementation of this by-law, Mr. Donovan stated there are no current funding sources identified, but staff is in the process of doing so.

With respect to an implementation date, Councillor Read stated the current year would be Year 1. The Councillor stated registrations of those at risk would begin in 2001.

(Mayor Fitzgerald returned to the meeting at 10:00 p.m. and assumed the Chair.)

MOVED by Councillors Blumenthal and Hetherington that the meeting extend beyond 10:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Streach spoke in support of freedom of choice and the use of common courtesy between neighbours. In response to a question of the Councillor, Mr. Donovan stated agricultural and commercial properties, such as golf courses, will not be affected by the by-law, as the legislation only permits HRM to address pesticide use on residentially assessed properties. With respect to personal gardens, Mr. Anstey stated the by-law would apply to a flower garden, but not a vegetable garden.

In response to a question of Councillor Sarto, Mr. Blouin stated staff received opinions indicating that the cessation of the use of pesticides would not increase the population of bees, and, therefore, not increase the risk of being stung by a bee. Responding to a question of Mayor Fitzgerald, Mr. Blouin stated these opinions could be obtained in writing. In closing, Councillor Sarto stated he is firmly convinced there is strong evidence that

pesticides will adversely affect children, and, therefore, he will support a pesticide ban.

Councillor Cooper suggested the following amendments should be considered by Council:

- A 50 metre ban around schools, hospitals, etc., beginning January 1, 2001.
- The 100 metre boundary be implemented.
- In January 1, 2003, that there be a complete ban.
- The inclusion of a review procedure for additions to the Administrative Order by unbiased scientific and medical people.
- The inclusion of a requirement for a program of voluntary compliance by business and commercial organizations.

Responding to a question of Councillor Harvey, Councillor Read stated it was his intention that the year would begin on April 1.

Speaking in support of the motion, Councillor Harvey stated he believes there is a wide level of public acceptance for a reduction in the use of pesticides.

Councillor Merrigan stated Council needs to be concerned about children and the people who get sick from exposure to pesticides. However, the Councillor stated he could not agree with the 100 metre exclusion zone nor waiting until next year to commence the registration. Councillor Merrigan stated something needs to be done now to protect the people who have chemical sensitivities. The Councillor expressed concern with neighbours not being concerned about each other.

Councillor Hetherington questioned how enforcement will take place and what will be the costs. In response, Mr. Donovan stated it has been outlined from the outset that there will be a very low level of enforcement relative to this issue, as it will be heavily reliant on voluntary compliance and public awareness. Enforcement will be reactive to complaints received and preventative enforcement patrols seeking violations will not be undertaken. Plant samples will not be taken at the scene of an alleged violation and tested for pesticide residues. In response to a further question of the Councillor, Mr. Anstey stated prosecutions would be based on assessment of evidence collected at the scene. Councillor Hetherington expressed concern with giving a false impression by adopting by-laws that cannot be enforced.

With respect to the 100 metre boundary, Councillor Hetherington suggested 50 metres may be more appropriate. In regards to education, the Councillor stated a two year program should be put in place for both residential and commercial.

Councillor Blumenthal agreed that all by-laws are difficult to enforce, but attempts have to be made to protect the residents. With respect to the 100 metre boundary, the Councillor

stated he could support an amendment to 50 metres. Councillor Blumenthal also spoke in support of getting commercial people involved in using alternative products.

Mayor Fitzgerald suggested Council could approve the By-Law, in principle, and have the revised By-Law come back to Council on August 15th for Second Reading.

With regards to an education process, Councillor Blumenthal stated this needs to be done continuously to ensure people are aware of the potential problems.

Councillor McInroy spoke in support of moving forward with the phased in approach, noting the process can be amended and modified as necessary.

Councillor Mitchell spoke in support of education and the 50 metre boundary, but would not support a complete ban.

Councillor Read stated part of the education process will be to provide people with alternatives. The Councillor noted there is far more public acceptance for a ban or restriction on pesticide use than he would have thought a year ago. With the agreement of the Seconder, Councillor Read stated he would amend the motion to change the 100 metre boundary to 50 metres. The amended motion now read as follows:

MOVED by Councillors Read and Fougere that Council approve, in principle, to adopt a pesticide by-law similar to the 2nd option proposed by staff on Page 3 of the supplementary report, dated July 6, 2000, with the following implementation:

Year 1 (this year): Pesticide ban to apply to municipal property only, and an education process is to begin.

Year 2: Pesticide ban on properties within 50 metres of persons at risk, with medical documentation.

Year 3: Complete ban on landscape pesticide use on residential properties in HRM.

All three years are to have an exclusion list of permitted pesticides and provisions for banned pesticides to be used in special cases as detailed in the various reports to Council.

At this point, Councillor Cooper suggested an amendment be made to include a component for voluntary compliance by commercial and business entities. In response, Mr. Donovan suggested this would be more program focused and not by-law related. Mr. Anstey advised that the Municipality does not have the authority to regulate use of

pesticides on commercial and business properties, and the only thing that can be done is to include them as part of the educational process.

With respect to an Administrative Order for the exclusion list, Councillor Cooper inquired how additions will be handled. In response, Mr. Donovan stated nothing has been put forward as of yet, but suggested it would be possible for an advisory group to review this list. Councillor Cooper suggested it should be mandatory to have medical and scientific expertise included in this group.

Councillor Stone suggested the process should be spread over a four year period, and put forth the following amendment:

MOVED by Councillors Stone and Streach that the motion be amended to spread the implementation process over a four year period, and that the complete ban be implemented in the fourth year.

Mr. Ken Meech, Chief Administrative Officer, stated staff is only putting forth options, and Council is free to choose whichever option it prefers. Mr. Anstey noted the proposed By-Law calls for a complete ban on April 1, 2003, which is one year longer than what the current motion states.

Councillor Read spoke against the amendment, stating increasing the time period to four years will involve a far more cumbersome exclusion zone system.

The vote was taken on the amendment.

MOTION PUT AND PASSED.

With respect to schools, hospitals, etc., Councillor Cooper put forth the following amendment:

MOVED by Councillors Cooper and Blumenthal that the motion be amended to include a 50 metre exclusion around schools, hospitals, playgrounds, etc. MOTION PUT AND PASSED.

Councillor Kelly requested a **Recorded Vote** on the Main Motion, as amended, which now read as follows:

MOVED by Councillors Read and Fougere that Council approve, in principle, to adopt a pesticide by-law similar to the 2nd option proposed by staff on Page 3 of the supplementary report, dated July 6, 2000, with the following implementation:

Year 1 (this year): Pesticide ban to apply to municipal property only, and an education process is to begin.

Year 2: Pesticide ban on properties within 50 metres of persons at risk, with medical documentation. Also, commencing on April 1, 2001, there is to be a 50 metre pesticide ban around schools, hospitals, playgrounds, etc.

Year 4: Complete ban on landscape pesticide use on residential properties in HRM.

All four years are to have an exclusion list of pesticides and provisions for banned pesticides to be used in special cases as detailed in the various reports to Council.

Members of Council voting **in favour** of the motion: Mayor Fitzgerald, Deputy Mayor Cunningham, Councillors: Cooper, McInroy, Greenough, Sarto, Schofield, Blumenthal, Downey, Uteck, Fougere, Walker, Stone, Read, Merrigan, Harvey and Kelly.

Members of Council voting **against** the motion: Councillors: Streach, Colwell, Hetherington, Adams, Rankin and Mitchell.

MOTION PUT AND PASSED. (17 For, 6 Against). (Councillor Snow earlier declared a Conflict of Interest and did not participate in discussions.)

It was agreed that the By-Law would be brought forward at the August 15, 2000, meeting of Regional Council for Second Reading.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Request from Harbour East Community Council - Washroom Facilities, Cole Harbour Common

- A report from the Harbour East Community Council dated July 7, 2000, regarding the above, was before Council for its consideration.

Councillor McInroy reported there have been concerns expressed by property owners abutting the Cole Harbour Common regarding people using the wooded area between the properties as washrooms, change rooms, etc. The Councillor noted that HRM staff have also been expressing concerns for at least four years regarding the absence of washroom

facilities in this area. Councillor McInroy noted that current stormwater system construction is taking place in the vicinity of the sanitary sewer system, and it would be a good opportunity to address this problem at the same time.

MOVED By Councillors McInroy and Cooper that Council investigate the feasibility of locating permanent washroom facilities on the Cole Harbour Commons, and until such time as these are in place, temporary facilities be provided. MOTION PUT AND PASSED UNANIMOUSLY.

13.2 Councillor Sarto - Woodlawn Community Playground

Councillor Sarto requested that Council approve expenditures (approx. \$25,000-\$30,000) to replace the playground that was demolished along with the former Penhorn School. The Councillor stated the money is supposed to come from the Sale of Land Account from the sale of Penhorn School. It was agreed to refer the matter to Mr. Meech to see if this request can be expedited during Council's summer break.

13.3 Property Matter - Lease Renewal, Suites 203, 505A and 506 2nd Floor, Duke Tower

- This matter was discussed during the In Camera session held prior to the Regular Session, and was now before Council for ratification.

MOVED by Councillors Fougere and Uteck that Council authorize the Mayor and Municipal Clerk to enter into a Lease Agreement with Halifax Developments Limited for Suites 203, 505A and 506, 2nd floor, Duke Tower, based on the key terms and conditions outlined in the June 22, 2000 staff report; further, that the June 22, 2000 staff report not be released. MOTION PUT AND PASSED UNANIMOUSLY.

13.4 Property Matter - Sale of parcel adjacent Burnside Drive Extension Right-of-Way to Nova Scotia Power

- This matter was discussed during the In Camera session held prior to the Regular Session, and was now before Council for ratification.

MOVED by Councillors Hetherington and Schofield that Council:

1. **Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the conveyance of Parcel WL-1 adjacent to the right of way for the extension of Burnside Drive for a purchase price of \$0.85 per square foot for an estimated area of 251,884 square feet and an estimated**

purchase price of \$214,101.

2. Approve a withdrawal resolution from the Business/Industrial Parks Expansion reserve in the amount of \$94,300 as the Municipality's contribution to the construction of the HRM-Dal tech sponsored Engineered Wetland in the designated Wetland adjacent the proposed Natural Gas feeder line corridor. The location of the proposed Engineered Wetland is shown on Attachment "A" in the June 12, 2000 staff report.
3. That the June 12, 2000 staff report can be released to the public. **MOTION PUT AND PASSED UNANIMOUSLY.**

13.5 Property Matter - Lease, Former Greenvale School Building, Dartmouth

- This matter was discussed during the In Camera session held prior to the Regular Session, and was now before Council for ratification.

MOVED by Deputy Mayor Cunningham and Councillor Greenough that Council approve, in principle, the Greenvale Art and Cultural Association's proposal for renovation and reuse of Greenvale School (Attachment 3), conditional to review by the Heritage Advisory Committee, and authorize the Mayor and Municipal Clerk to enter into a long-term Lease Agreement with the Association based on the key terms and conditions outlined in the June 26, 2000 staff report. Further, that the contents of the June 26, 2000 staff report not be released to the public. **MOTION PUT AND PASSED UNANIMOUSLY.**

13.6 RFP Process - Harbour Solutions

- This matter was discussed during the In Camera session held prior to the Regular Session, and was now before Council for ratification.

MOVED by Councillors Hetherington and Kelly that Council reaffirm the RFP process as a design, build and operate for the Harbour Solutions Project, including the development of a Shadow Bid which will be submitted on the proposal due date. **MOTION PUT AND PASSED UNANIMOUSLY.**

14. NOTICES OF MOTION

14.1 Councillor Uteck - By-Law T-203

TAKE NOTICE that at the next regular Regional Council meeting, to be held on Tuesday,

the 15th day of August, 2000, I propose to introduce a motion to move First Reading of By-Law T-202, an amendment to By-Law T-201, the Tax Exemption for Non-Profit Organizations By-Law.

14.2 Councillor Uteck - Creation of Community Council (Polling Districts 11, 13, 14, 22 and 23)

TAKE NOTICE that at the next regular Regional Council meeting, to be held on Tuesday, the 15th day of August, 2000, I propose to introduce a motion to adopt an Administrative Order, as a policy pursuant to the Municipal Government Act, respecting the creation of a Community Council in Polling Districts 11, 13, 14, 22 and 23.

14.3 Councillor Adams - Amendment to By-Law D-100

TAKE NOTICE that at the next regular Regional Council meeting, to be held on Tuesday, the 15th day of August, 2000, I propose to introduce a motion to amend By-Law D-100, the Dog By-Law, to allow for special consideration for owners of those dogs issued for seeing-eye dogs, hearing dogs, and other dogs necessary for individuals to function on a day-to-day basis. The purpose of this waiving of fee, to reclaim dog (accidental escape) or allow 30 days to pay.

14.4 Deputy Mayor Cunningham - Impact of Report Requests

TAKE NOTICE that at the next regular Regional Council meeting, to be held on Tuesday, the 15th day of August, 2000, I propose to introduce a motion that staff examine the issue of reports formally requested at Regional Council sessions.

15. ADJOURNMENT

MOVED by Councillors Blumenthal and Hetherington that the meeting adjourn at 11:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
Municipal Clerk