

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES December 4, 2001

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Bob Harvey
Councillors: Stephen Streach
Gary Hines
Keith Colwell
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Stephen D. Adams
Brad Johns
Len Goucher
Reg Rankin
Gary Meade

REGRETS:

Jerry Blumenthal

STAFF MEMBERS:

Mr. George McLellan, Acting Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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1. **INVOCATION**

Mayor Kelly called the meeting to order at 6:00 p.m., with the Invocation being led by Councillor Streach.

2. **PROCLAMATIONS**

2.1 **Civic Remembrance - 84th Halifax Explosion Memorial Service**

December 6, 2001 was proclaimed to be a time for Remembrance in the Halifax Regional Municipality.

SPECIAL PRESENTATION - KING OF DONAIR SOCCER TEAM

This item was deferred to December 11, 2001.

ACKNOWLEDGEMENTS

Deputy Mayor Harvey expressed congratulations to the SMU Huskies football team, winners of the Vanier Cup. Mayor Kelly noted HRM is organizing a celebration event, and once the final details are known Council will be advised.

Deputy Mayor Harvey also expressed congratulations to the three man SMU team which will be participating in the Super Bowl of Computer Programming in Honolulu, Hawaii, in March 2002. The Deputy Mayor asked that Council's congratulations and best wishes be sent to the team. Mayor Kelly agreed to do so.

Contact information was provided for seniors regarding snow removal. It was agreed that this information will be posted to the HRM web page.

Councillor Cunningham acknowledged the launching of Mr. Arnie Patterson's new book, *A Nova Scotian's Memoirs*.

Mayor Kelly acknowledged the presence in the gallery of Mr. Eric Davison, a Halifax Explosion survivor.

Later in the meeting, Councillor Hines acknowledged the presence in the gallery of Mr. David Hendsbee, MLA, Preston.

3. **APPROVAL OF MINUTES - NONE**

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

The following items were added to the agenda:

- 13.1 Councillor Adams - Supplementary Funding as it relates to County/City Funding
- 13.2 Councillor Smith - Tree Planting Operations
- 13.3 Councillor Smith - Rewards for Major Unsolved Crimes
(Mayor Kelly noted this item has already been referred to the Police Commission.)
- 13.4 Contractual Matter: Landfill Gas Recovery Proposal
- 13.5 Property Matter: 45 Highfield Park Drive
- 13.6 Property Matter: Conveyance of Parcel 1 to be Consolidated with Lot Y (631 Windmill Road)
- 13.7 Property Matter - Easement - 47 Churchill Drive (Kennedy Drive Playground)
- 13.8 Property Matter - Sale of Former Tallahassee Primary School Property, 86 Cow Bay Road
- 13.9 Contractual Matter - Neptune Theatre Foundation: Stabilization Funding

The following item was added to the Information Items agenda:

Information Report - Acting Chief Administrative Officer - Budget Survey (Later in the meeting, Councillor Cooper requested that this item be put on the regular agenda for December 11th.)

Councillor Sloane requested that Item 11.3.1 - Community and Race Relations Committee - Presentation - Various Issues (oral), be moved up earlier in the agenda.

Councillor Hetherington requested that Item 9 - Public Hearings be moved up on the agenda to precede Item 8 - Consideration of Deferred Business.

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

5. BUSINESS ARISING OUT OF THE MINUTES

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

As agreed to during Approval of the Order of Business, Council deal with Item 9 - Public Hearings next on the agenda.

9. **PUBLIC HEARINGS**

9.1 **Second Reading - S-700 Swimming Pool By-Law**

- C By-Law S-700, Swimming Pool By-Law, passed First Reading on November 6, 2001, and was now before Council for Second Reading.
- C A supplementary staff report prepared for Dan English, Deputy Chief Administrative Officer, was previously circulated to Council.

With the use of overheads, Mr. Gary Porter, Planner, presented the report to Council. The report recommended that Council approve proposed By-Law S-700, the Swimming Pool By-Law, attached as Appendix A to the supplementary staff report dated October 17, 2001.

Responding to a question of Councillor Sarto, Mr. Porter stated a pool wall with no availability for a foothold would essentially be no different than a fence. He noted the wall would have to be of a nature that it could not be climbed.

In response to a question of Councillor Cooper, Mr. Porter stated the applicant would have to provide information as to what kind of fence is being proposed before the permit is issued.

Mayor Kelly called three times for members of the public wishing to speak on the proposed By-Law. Hearing none, the following motion was put on the floor:

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

COUNCIL DECISION

Councillor Sarto suggested there should be at least a five foot picket fence enclosure around the entire perimeter of an above-ground pool to protect children who may attempt to climb the side of the pool.

MOVED by Councillor Sarto, seconded by Councillor Cooper, that the By-Law be amended to require a five foot picket fence to be built around the entire perimeter of an above-ground pool.

Mr. Porter stated to permit the sidewall of the pool to substitute for part of the fence has been the practice in the past. He suggested there may need to be another Public Hearing held to consider an amendment such as that proposed by Councillor Sarto. Mr. Wayne Anstey, Municipal Solicitor, stated the change from four feet to five feet would be a significant change to the by-law. He suggested if this change was to take place it probably should have been

done at First Reading. Mr. Anstey noted this issue was raised at that time and Council agreed it would go forward at four feet. With respect to the sidewalls of the pool, he noted this was also debated at two separate meetings. Therefore, Mr. Anstey advised the safer course of action would be to enact the By-Law in its present form, and if the majority of Council wants those changes, a Notice of Motion could be given to amend the By-law at a later date.

Responding to a question of Councillor Cooper, Mr. Porter noted that all four of the previous sets of regulations required that the area of the property containing the pool needs be completely fenced, and the proposed By-Law continues that, and the sidewalls of the pool can form part of the fence. The Councillor expressed concern that it was never the intent of the former County to permit the sidewall of the pool to be considered as part of the fence. Mayor Kelly suggested the matter could be referred back to staff for further consideration. Mr. Anstey suggested if the majority of Council supported the amendments to the By-Law, there is no reason for this not to be indicated now and an advertisement could be placed for a second Public Hearing to consider these amendments.

Based on Mr. Anstey's suggestion, the Mover and Seconder agreed to amend the motion as follows:

MOVED by Councillor Sarto, seconded by Councillor Cooper, that the By-Law be amended to allow for a five foot high enclosure around the entire pool and that the pool sidewall not be considered an adequate enclosure, and that a public hearing be held to consider this amendment.

Councillor Cunningham stated he did not believe the motion is necessary as this matter was already discussed in a fair amount of detail in arriving at the proposed By-Law. The Councillor noted no one spoke either in favour of or against the By-Law during the Public Hearing. Councillor Cunningham suggested most above-ground pools would be deeper than four feet, and it would be more difficult to climb the side of the pool than it would be to climb a fence. Therefore, the Councillor stated he will not support the amendment.

Also speaking against the amendment, Councillor Walker stated this is an amendment being brought forward by Council, not the public. The Councillor noted the matter has already been discussed in previous meetings, and there have been no complaints received from the public.

Councillor Uteck suggested the By-Law should be passed as presented and, if amendments are required, it can be brought back at a later date.

Closing the debate, Councillor Hetherington stated an extra foot on the fence will provide more safety precautions for small children, and, therefore, he will support the amendment.

MOTION PUT AND PASSED.

9.2 Sale of 36 Greenhead Road, Lakeside

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

Ms. Peta-Jane Temple, Coordinator, Grant Program, presented the report to Council.

Responding to a question of Councillor Warshick, Ms. Temple confirmed if the property is subsequently sold by the organization at a later date, HRM will recover the value of its donation of \$160,000.

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

Ms. Marilyn Barry, Executive Director, Adsum House

Ms. Marilyn Barry, Executive Director, Adsum House, addressed Council in support of the sale of the property, and provided Council with some background information regarding the work of Adsum House and the benefits it provides to its residents. Ms. Barry stated the opening of this new facility will result in more women being employed and living independently. She further stated that this community was chosen because they believe it is a good residential community with access to services and programs, and it is in close proximity to industries and businesses for employment opportunities for Adsum House clients. In closing, Ms. Barry stated they are committed to work diligently to ensure this centre will become an important resource to the community.

Mayor Kelly called three times for additional speakers either in favour of or against the sale of the property. Hearing none, the following motion was put on the floor:

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

COUNCIL DECISION

MOVED by Councillor Rankin, seconded by Councillor Meade, that Council approve the transfer of title for 36 Greenhead Road, Lakeside, to the Association for Women's Residential Facilities for the sum of \$1 plus administrative costs incurred by the municipality as applicable; conditional upon signed agreements from both the provincial and federal governments confirming the value of their support to this homelessness project; zoning approval, and the specific terms and conditions identified in the Discussion Session of the staff report dated August 28, 2001.

Councillor Rankin spoke in support of the motion, noting this facility will provide housing for those who otherwise could not obtain it. The Councillor noted this is second-stage housing and not an emergency shelter.

Also speaking in support of the motion, Councillor Colwell stated this is a good use of HRM property and an excellent way to support a very worthwhile cause.

MOTION PUT AND PASSED UNANIMOUSLY.

9.3 Property Sale: Transfer of Title - 43 Wentworth Street, Dartmouth

- C A report from the HRM Grant Committee, regarding the above, was before Council for its consideration. The report recommended that Council approve the transfer of title of 43 Wentworth Street to Feeding Others of Dartmouth Society.
- C A memorandum to the Grant Committee from Peta-Jane Temple, Coordinator, Grant Program, regarding the above, was before Council for its consideration. The memo advised the Committee that the Heritage Advisory Committee recommended that Council approve the transfer of title of 43 Wentworth Street to Feeding Others of Dartmouth Society, and that a clause be added to the Agreement of Purchase and Sale which states that neither de-registration nor demolition of the property will be permitted.
- C Correspondence from Rev. Bud Hooper, dated November 30, 2001, regarding the above, was before Council for its consideration.

Ms. Peta-Jane Temple, Coordinator, Grant Program, presented the report to Council.

Mayor Kelly called for speakers either in favour of or against the sale of the property.

Mr. Doug Livingstone, Chair, Feeding Others of Dartmouth

Mr. Livingstone addressed Council in support of the sale of the property and expressed thanks to staff for the report and recommendation. Mr. Livingstone stated the organization is requesting stewardship of this property, noting they have raised money to upgrade the interior of the house to make it welcoming and comforting to those who use the facility. In closing, Mr. Livingstone asked Council to allow Feeding Others of Dartmouth to continue to do its work which is at no cost to the Municipality.

Mayor Kelly called three times for additional speakers either in favour of or against the sale of the property. Hearing none, the following motion was put on the floor:

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

COUNCIL DECISION

MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale whereby the property, as shown on Attachment 1 of the staff report dated September 20, 2001, located at 43 Wentworth Street, Dartmouth, be conveyed to Feeding Others of Dartmouth Society for the sum of \$1.00, subject to the preparation of a Site Survey and a Legal Description and the terms and conditions as set out in the Discussion Section of the staff report dated September 20, 2001; and, that the municipality shall retain the right of first refusal to re-acquire the property for the sum of \$1.00.

Speaking in support of the motion, Councillor Cunningham praised the organization for its work.

Responding to a question of Deputy Mayor Harvey, Ms. Peta-Jane Temple advised that the recommended clause of the Heritage Advisory Committee will be incorporated into the Agreement of Purchase and Sale.

Speaking in support of the motion, Councillor Sarto stated this organization provides a much needed service, similar to that of the Metro Food Bank, to the community.

Also speaking in support of the motion, Councillor Colwell stated the need for this type of service is growing every day, and it is important for Council to support this initiative.

Councillor Smith spoke in support of the motion stating it is a great move on the part of HRM.

Closing the debate, Councillor Hetherington stated Council needs to take into consideration what the cost would be for the Municipality if it had to provide the service being provided by this organization.

MOTION PUT AND PASSED UNANIMOUSLY.

As agreed to during the Approval of the Order of Business, Council dealt with Item 11.3.1 Community and Race Relations Committee - Presentation - Various Issues at this time.

11.3 COMMUNITY AND RACE RELATIONS COMMITTEE

11.3.1 Presentation - Various Issues (oral)

A presentation was made by representatives of the Community and Race Relations Committee with respect to how the community has been affected since the terror attacks in New York and Washington on September 11th.

Ms. Betty Thomas, Chair, Community and Race Relations Committee, introduced the other members of the Committee who were present: Mr. Sid Chedrawe, Mr. Juan Carlos, and Mr. David Khokhar. Ms. Thomas addressed Council regarding the community and race relations issues affecting some members of HRM's diverse community as a result of the tragic and horrific events on September 11th. A copy of her presentation was provided for the record.

Mr. Juan Carlos addressed Council on behalf of the Muslim community of HRM to make Council aware of situations they have been through as a result of the attack on the USA on September 11, 2001. Mr. Carlos stated the Muslim religion does not invite or condone violence or attacks on innocent people. However, he relayed various incidents that members of the Muslim community have recently faced. Some of these included the following: being harassed on public transit by other passengers, being made to explain their actions to police officers when praying in public, being invited to go home by anonymous donors, having their buildings attacked because of the occupants' religion, being visited by police investigating complaints of suspicious activity, being questioned why Canadian citizenship has not been sought, etc. Mr. Carlos invited Council to visit places of Muslim worship during this holy month of Ramadan to learn about the religion.

Mr. Sid Chedrawe addressed Council regarding the position of Lebanon with respect to the events of September 11th which he stated was inaccurately portrayed by CNN. Mr. Chedrawe noted the television coverage failed to explain to the viewers that those shown celebrating in Lebanon were Palestinian refugees in a refugee camp, and not Lebanese citizens; and, therefore, had no connection with Lebanon and did not represent Lebanese sentiment in any way. Mr. Chedrawe stated Lebanon has never condoned terrorism nor been a supporter of terrorists. He compared Lebanon to Canada with having two cultures living side by side, noting the Christians and Muslims living in Lebanon get along most of the time. Mr. Chedrawe stated a local newspaper article following the attacks also implied that people in Lebanon were happy because of the terrorism and it gave further credence to the CNN story. However, he noted the issue with the local newspaper has been addressed with satisfactory results, and is only being cited as an example. Following these events, Mr. Chedrawe stated people looked at the ethnic community in general, and the Arab community in particular, differently, which affects the entire community. Therefore, Mr. Chedrawe stated this issue should concern everyone. He stated the community needs to come together and not let this situation divide it.

Ms. Thomas provided closing comments which were provided in her written submission.

Mayor Kelly thanked the Committee members for their presentation and for their work and dedication.

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Second Quarter 2001/2002 Financial Report (prev circ) (continue discussion)

Councillor Cooper advised that he spoke directly with staff regarding his remaining questions, and, therefore, there was no need for any further discussion on this item.

8.2 Beaver Bank Sewer & Water -Recovery of Phase Three Costs (supp report)

C A supplementary staff report prepared for George McLellan, Acting Chief Administrative Officer, was before Council for its consideration.

MOVED by Councillor Johns, seconded by Councillor Goucher, that Council approve a sewer area rate of \$.0425 per \$100 of assessment on all properties in the area shown on Plan No. 2 attached to the supplementary staff report dated November 20, 2001, and a water rate of \$.0352 per \$100 of assessment on all properties in the area shown on Plan No. 3 respectively for each fiscal year starting 2002/03 until \$539,414 plus interest is fully recovered.

Councillor Johns advised that he had extensive dealings with staff over the last couple of weeks, and is currently comfortable with this motion based on discussions with staff. However, the Councillor noted if problems are encountered along the way he will bring the matter back to Council.

MOTION PUT AND PASSED UNANIMOUSLY.

8.3 Councillor Meade - Prorating Tax - Properties Damaged by Fire

Councillor Meade requested a staff report with regard to a change of legislation affecting properties which have been damaged by fire part way through the year. The Councillor noted that these property owners have been asking for a prorated tax figure.

MOVED by Councillor Meade, seconded by Councillor Fougere, that Council request a staff report with regard to a change in legislation affecting properties which have been damaged by fire part way through the year.

Councillor Hetherington noted Council previously asked for a staff report regarding properties that are vacant and boarded up and how long they can remain in that condition. The Councillor

noted nothing on this issue has come back to Council, and, therefore, requested that it be included in this report.

Speaking in support of the motion, Councillor Colwell stated it is a very positive move and hopefully Council will be able to accommodate it.

Councillor McInroy suggested staff may want to look at prorating generally, noting there are some subdivision approvals sought after December 5th so they miss the assessment roll for a year. The Councillor also noted there may be mobile homes set up in January/February on which there are no taxes payable for the full year yet are receiving HRM services. Councillor McInroy noted the same case applies to newly constructed dwellings which may be occupied early in the year. It was agreed that the staff report would take this into consideration as well.

Councillor Cunningham noted as a result of fire, insurance companies often reimburse the complete value of the property and cautioned Council in being too quick to write things off. Mr. McLellan confirmed that HRM misses a lot of taxes when properties are built or rebuilt in the run of a year, and agreed staff can look at this.

With respect to boarded up buildings, Councillor Smith stated the owners should not be given any tax breaks.

Responding to a question of Councillor Uteck regarding the fire on Smith Street, Mr. McLellan clarified that when a house burns down, the next assessment may pick it up when the house gets rebuilt. Mr. McLellan stated that in those conditions, HRM can miss the taxes. Councillor Uteck noted one of the problems experienced by the Smith Street residents was the insurance company would pick up the cost of relocation, but since they were heritage properties and had to meet specific design standards, some of the residents were out of their homes for a year. However, they were still required to pay taxes on their homes, which became a hardship for them.

MOTION PUT AND PASSED UNANIMOUSLY.

8.4 Motion - Councillor Mosher (see item 12.1)

12.1 Motion - Councillor Mosher

MOVED by Councillor Mosher, seconded by Councillor Adams, that Council adopt as a policy pursuant to the Municipal Government Act an amendment to Administrative Order Number 1, the amendment being to add to Section 25 thereof an additional subsection as follows:

- (3) Where an item on the agenda has a notation indicating that the report will be circulated other than with the agenda package listed in**

subsection (1), the report shall be delivered, faxed, or circulated to all members of Council as soon as it is practical prior to the regular meeting of Council, and the report shall be provided to all members of Council as near as is reasonably possible at the same time, and in no event shall the report be made available to the public prior to the report having been provided to all members of the Council.

Councillor Warshick noted, in the past, particular reports have been purposely held back until the actual Council meeting. Although he agreed with the intent of the motion, the Councillor questioned the ability to enforce it.

Responding to a question of Councillor Smith regarding instances when individual members of Council are out of town, Mr. Anstey stated it would be assumed that if the report is delivered to the Councillor's usual place of residence it would be considered delivered.

MOTION PUT AND PASSED.

Councillor Mosher requested that Council deal with Item 11.5.1 at this time.

11.5.1 Tender 01-335 - Three (3) Model 2002 - 4 Door Sedan Patrol Cars

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

MOVED by Councillor Mosher, seconded by Councillor Adams, that Council authorize the award of Tender #01-335 to Taylor Ford Lincoln at a price of \$27,491.61 (tax included) per unit for a total project cost of \$82,475.01 (tax included) with funding outlined in the Budget Implications Section of the staff report dated November 22, 2001.

Responding to a question of Councillor Streach, Chief David McKinnon, Police Services, stated this particular tender required rear-wheel drive vehicles and the only platform that is still made in a rear-wheel drive is a Ford product.

In response to a question of Councillor Smith regarding tires, Chief McKinnon stated the general package calls for a police pursuit tire which is designed for high speed.

MOTION PUT AND PASSED UNANIMOUSLY.

8.5 Motion - Councillor Adams (see item 12.2)

12.2 Councillor Adams

"To increase the limit of taxi vehicle licenses in the Halifax Zone from 550 to 610 - Move First Reading By-Law T-118"

- C Correspondence from the United Cab Drivers Association, dated December 4, 2001, regarding the above, was circulated to Council.

MOVED by Councillor Adams, seconded by Councillor Rankin, that Council give First Reading to By-Law T-118 Respecting the Regulation of Taxis and Limousines.

Councillor Uteck expressed concern with the content of the letter circulated by the United Cab Drivers Association and requested that the Mayor respond to the correspondence.

MOTION PUT AND PASSED UNANIMOUSLY.

8.6 Citizens Appointments to Boards & Committees

This item was deferred to December 11, 2001.

8.7 Councillor Mosher - Avenue of Heroes

- C A memorandum from Councillor Mosher dated November 26, 2001, regarding the above, and background information regarding Private Edward Drillio, was before Council for its consideration.

Councillor Mosher briefly reviewed the information provided to Council regarding Private Edward Drillio, West Nova Scotia Regiment, and requested that any new streets adjacent to Crown Drive, such as the Butler property that is currently for sale, or any parks in the area, be considered to be named after Private Drillio.

MOVED by Councillor Mosher, seconded by Councillor Goucher, that the information provided regarding Private Edward Drillio be forwarded to HRM staff for assessment for a lasting local memorial to ensure Private Drillio's name will be forever remembered.

In response to comments of Deputy Mayor Harvey, Mr. McLellan stated staff can also take into consideration how to bring forth and evaluate additional similar situations.

Councillor Fougere noted the last similar request that was before Council was as a result of an oversight. The Councillor agreed there should be some sort of policy to deal with this situation.

Councillor Goucher suggested part of the report should be to direct this issue to the street naming and numbering group for consideration as well.

Councillor Sarto noted there was a policy in the former City of Dartmouth that may assist staff in preparing their report.

Councillor Mosher noted there is some urgency to this particular situation as there is a purchaser currently looking at the Butler property. The Councillor suggested this situation could be dealt with first and then Council could look at an overall policy.

MOTION PUT AND PASSED UNANIMOUSLY.

8.8 Legal Matter - Estate Bequest

C This matter was discussed during the In Camera session held on November 27, 2001, and was now before Council for ratification.

MOVED by Councillor Walker, seconded by Councillor Sloane, that Halifax Regional Council approve the following resolution:

BE IT RESOLVED as a Resolution of the Halifax Regional Municipality (Herein called Halifax);

WHEREAS by reason of the pending retirement of Craigie Cameron Smith and Robert James Stevens (herein called the Trustees) of the Alice Evelyn Smith Trust Fund (herein called the Trust) and by reason of only the Second Peninsula Cemetery Association (herein called the Association) and Halifax being entitled to the income therefrom prorated eighty five per cent (85%) and fifteen per cent (15%) respectively by Order of the Probate Court for Halifax dated April 6, 1988;

AND WHEREAS it appears that only the Association, and Halifax are entitled to share in the capital in the said Trust in the percentage of eighty five per cent (85%) and fifteen per cent (15%) respectively;

AND WHEREAS the Trustees, the Association and Halifax all agree that the Trust should be terminated and that the application to the Supreme Court of Nova Scotia to do so is necessary and appropriate to achieve this termination;

NOW UPON MOTION DULY MADE AND SECONDED:

BE IT RESOLVED as a resolution of Halifax that the Mayor and Chief Administrative Officer sign and agree on behalf of Halifax such writings, documents and assurances

as may be required to assist in the aforesaid application and enable the Supreme Court of Nova Scotia to terminate the said Trust upon such terms and conditions as it may see fit;

AND BE IT FURTHER RESOLVED that the exercise by the Mayor and Chief Administrative Officer of such power as may be necessary to give full effect to this resolution is hereby sanctioned by this Resolution and they are authorized to exercise such powers for and on behalf of Halifax.

MOTION PUT AND PASSED UNANIMOUSLY.

9. PUBLIC HEARINGS

This item was addressed earlier in the meeting.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

10.1.1 Federation of Canadian Municipalities - Municipal Rights of Way

This item being provided for information, was not required to be addressed.

10.2 Petitions

10.2.1 Councillor Hines - Water Survey Results: Fall River Village and Fall River Road

Councillor Hines tabled Water Survey Results for Fall River Village and Fall River Road in area applying for zone change for inclusion in the Halifax Regional Water Commission service.

11. REPORTS

11.1 MARINE DRIVE, VALLEY AND CANAL COMMUNITY COUNCIL

11.1.1 Project 00110 - Municipal Planning Strategy and Land Use By-Law Amendments to designate and zone certain properties within the Lawrencetown Community (to set Public Hearing date - Jan. 15/01)

C A report from the Marine Drive, Valley and Canal Community Council, dated November 30, 2001, regarding the above, was before Council for its consideration.

MOVED by Councillor Colwell, seconded by Councillor Streach, that Halifax Regional Council given Notice of Motion to consider the proposed amendments in Attachment "A" of the supplementary staff report, dated November 27, 2001, and schedule a Public Haring for January 15, 2001. **MOTION PUT AND PASSED UNANIMOUSLY.**

11.2 NORTH WEST COMMUNITY COUNCIL

11.2.1 Traffic Concerns - Intersection of Wardour Street/Dartmouth Road/North Street

C A report from the North West Community Council dated November 26, 2001, regarding the above, was before Council for its consideration.

Councillor Goucher stated the reason this item is before Regional Council is because when the issue of this contract was raised, this intersection was deemed to be a key part of the scenario with regard to the traffic on the Dartmouth Road. Since it was attached to the original motion, it had to be separated and that is the reason for it now being before Regional Council.

MOVED by Councillor Goucher, seconded by Councillor Uteck, that Regional Council request the Traffic Authority to seriously look at the issue of the Wardour Street/Dartmouth Road/North Street intersection, and that a traffic warrant for this intersection be redone and that traffic lights be requested at this intersection.

Councillor Cunningham expressed concern with the wording of the motion. Based on the Councillor's concern, the Mover and Seconder agreed to delete the following phrase "and that traffic lights be requested at this intersection." The amended motion now read as follows:

MOVED by Councillor Goucher, seconded by Councillor Uteck, that Regional Council request the Traffic Authority to seriously look at the issue of the Wardour Street/Dartmouth Road/North Street intersection, and that a traffic warrant for this intersection be redone.

Responding to a question of Councillor Walker, Mr. Anstey advised that this request could have been addressed by the Community Council. Deputy Mayor Harvey stated this was brought forward to advise Council of the chief concern of the Community Council and the community.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2.2 Case 00331 - Request form an Amendment to the Bedford Municipal Planning Strategy and Land Use By-Law - 25, 27 and 35 Dartmouth Road for Multiple Unit Building

C A report from the North West Community Council, dated November 26, 2001, regarding the above, was before Council for its consideration.

MOVED by Councillor Goucher, seconded by Councillor Adams, that Regional Council:

1. **Give First Reading to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-Law, as contained in Attachment "A" of the staff report dated October 25, 2001 and schedule a Public Hearing for January 15, 2002.**
2. **Give Notice of Motion for the proposed Development Agreement, attached as Attachment "B" of the staff report dated October 25, 2001, to permit an apartment building and to schedule a joint Public Hearing with Regional Council for January 15, 2002. MOTION PUT AND PASSED UNANIMOUSLY.**

11.3 COMMUNITY AND RACE RELATIONS COMMITTEE

This item was addressed earlier in the meeting

11.4 GRANTS COMMITTEE

11.4.1 Lake Echo Recreation Association, 3168 Highway #7, Lake Echo: Tax Arrears Resolution

C A report from the Grant Committee, dated October 23, 2001, regarding the above, was before Council for its consideration.

C Correspondence from Mr. David Hendsbee, MLA, Preston, dated December 4, 2001, regarding the above, was circulated to Council.

Ms. Peta-Jane Temple, Coordinator, Grant Program, presented the report to Council.

MOVED by Councillor Colwell, seconded by Councillor Streach that Regional Council approve:

1. The payment of arrears for principal in the amount of \$48,744 for 2001-02 from the Tax Exemption for Non-Profit Organizations Program to be paid from the 2001-2002 budget;
2. Interest for the period 1998-2002 in the amount of \$29,427 shall be waived;
3. The balance of the principal outstanding of \$123,720 for the period 1998-2001 to be written off against the valuation allowance (non-collectable debts) to reflect the property management agreement entered into by HRM and the Lions Club of Lake Echo, April 1, 1999;
4. That the Lake Echo Recreation facility be entered onto By-Law T-201 for fiscal year 2002-2003 under application from the Lions Club of Lake Echo at 100% tax exempt. Annual renewal of tax exemption status shall be required as per the terms and conditions of the by-law.
5. Staff of the HRM Grants Program and service departments be directed to review all management agreements and leasing arrangements with a view to incorporating any property tax exemption awarded a registered non-profit community group or charity under the auspices of one tax exemption program; effective April 1, 2004. That program shall be the *Tax Exemption for Non-Profit Organizations Program (By-Law T-201)*.
6. Those cases identified by staff, actioned under Item 5 above, will be brought before the Grant Committee for resolution and a determination of tax exemption eligibility and exemption level under By-Law T-201.

Councillor Hetherington expressed concern with this report, and the following two reports from the Grant Committee, and the fact that they are coming directly from the Committee and not under the signature of the Acting Chief Administrative Officer, as required by Council procedures.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that this item and Items 11.4.2 - By-Law T-200 Tax Exemption for Non-Profit Organization - Request for an Extension of the Current By-Law through 2002-2003 and Item 11.4.3 - Administrative Order # 10 Amendment - Residential Taxation, be deferred for one week pending a report from the Acting Chief Administrative Officer. MOTION PUT AND PASSED UNANIMOUSLY.

11.4.2 By-Law T-200 Tax Exemption for Non-Profit Organization- Request for an Extension of the Current By-Law through 2002-2003

- C A report from the Grant Committee, dated October 18, 2001, regarding the above, was before Council for its consideration.

This item was deferred to December 11th pending a staff report under the signature of the Acting Chief Administrative Officer. (See Item 11.4.1)

11.4.3 Administrative Order # 10 Amendment - Residential Taxation

- C A report from the Grant Committee, dated October 18, 2001, regarding the above, was before Council for its consideration.

This item was deferred to December 11th pending a staff report under the signature of the Acting Chief Administrative Officer. (See Item 11.4.1)

11.5 CHIEF ADMINISTRATIVE OFFICER

11.5.1 Tender 01-335 - Three (3) Model 2002 - 4 Door Sedan Patrol Cars

This item was addressed earlier in the meeting.

12. MOTIONS

12.1 Councillor Mosher - Amendment to Administrative Order One

This item was addressed earlier in the meeting (See Item 8.4).

12.2 Councillor Adams - First Reading, By-Law T-118

This item was addressed earlier in the meeting (See Item 8.5).

13. ADDED ITEMS

13.1 Councillor Adams - Supplementary Funding as it relates to County/City Funding

Councillor Adams noted at a recent meeting with the J. L. Ilsley family of schools, some information was relayed to him that does not appear to be consistent with past policy. The Councillor noted that the students who live in the former County in District 18 now have access to some supplementary funding because of the fact that there is an area rate put on that

particular area. As a result of that small area rate, they have now lost any of the existing supplementary funding. The reason for this, according to HRSB officials, is that supplementary funding cannot go across borders. However, Councillor Adams noted that when supplementary funding for Holly Drive students was refused, that policy appeared to be ignored. Therefore, the Councillor asked that the matter be referred to staff to find out exactly why the same policy was not applied to the students of Holly Drive School who now attend William King School.

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

13.2 Councillor Smith - Tree Planting Operations

Councillor Smith expressed concern with the difficulty experienced by some Councillors with respect to having trees planted in their Districts. The Councillor noted there are many areas in District 9 that could use some trees to improve the look of the community. Councillor Smith requested a staff report from Urban Forestry regarding its operational needs and requirements and outlining such things as the number of requests received versus the number of requests fulfilled per individual District.

MOVED by Councillor Smith, seconded by Councillor Fougere, that this matter be referred to staff for a report.

Councillor Streach requested that the report also address the issue of whose responsibility it is to water the trees after they have been planted.

MOTION PUT AND PASSED UNANIMOUSLY.

13.3 Councillor Smith - Rewards for Major Unsolved Crimes

As noted during Approval of the Order of Business, this item was referred to Police Commission.

13.4 Contractual Matter: Landfill Gas Recovery Proposal

C The following item was discussed during an In Camera Session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Fougere, seconded by Councillor Walker, that Council authorize staff to negotiate with Highland Energy to recover landfill gas, based on terms described in the November 19, 2001 Private and Confidential staff report, after which time the contract will be brought back to Council for approval; and, further,

that the November 19, 2001 report not be released until such time as an agreement has been reached. **MOTION PUT AND PASSED UNANIMOUSLY.**

13.5 Property Matter: 45 Highfield Park Drive

C This item was discussed during an In Camera Session, held prior to the Regular Session, and was now before Council for ratification.

MOVED by Councillor Smith, seconded by Councillor Hetherington, that Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Rendan Properties Limited for the purchase of 45 Highfield Park Drive for the purchase price of \$276,715.00 net of taxes, from capital account #CBF00444 subject to the terms and conditions set out in the November 13, 2001 Private and Confidential staff report; and further that Council authorize planning staff to initiate the process for the rezoning of the subject property for the proposed use; and that the November 13, 2001 report not be released until the Agreement of Purchase and Sale has been duly executed. **MOTION PUT AND PASSED UNANIMOUSLY.**

13.6 Property Matter: Conveyance of Parcel 1 to be Consolidated with Lot Y (631 Windmill Road)

C This item was discussed during an In Camera Session, held prior to the Regular Session, and was now before Council for ratification.

MOVED by Councillor Smith, seconded by Councillor Sarto, that Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Roode & Rose Plumbing and Heating Specialists Limited for the conveyance of Parcel "1" as shown on Attachment "B" of the November 13, 2001 Private and Confidential staff report subject to the terms and conditions set out in the same report; and that the November 13, 2001 report not be released to the public until, and if, the recommended transaction is concluded. **MOTION PUT AND PASSED UNANIMOUSLY.**

13.7 Property Matter - Easement - 47 Churchill Drive (Kennedy Drive Playground)

C This item was discussed during an In Camera Session, held prior to the Regular Session, and was now before Council for ratification.

MOVED by Councillor Walker, seconded by Councillor Sarto, that Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with S. Jachimowicz Limited incorporating the terms and conditions set out in the

November 7, 2001 Private and Confidential staff report; and that the November 7, 2001 report not be released to the public. MOTION PUT AND PASSED UNANIMOUSLY.

13.8 Property Matter - Sale of Former Tallahassee Primary School Property, 86 Cow Bay Road

C This item was discussed during an In Camera Session, held prior to the Regular Session, and was now before Council for ratification.

MOVED by Councillor McInroy, seconded by Councillor Hetherington, that Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Terrance E. Morash and John MacPherson, for \$225,000 plus applicable taxes for 86 Cow Bay Road, former Tallahassee Primary School Property, Eastern Passage, subject to the terms and conditions set out in the November 23, 2001 Private and Confidential staff report; and further that the November 23, 2001 report not be released to the public until the Agreement of Purchase and Sale is finalized. MOTION PUT AND PASSED UNANIMOUSLY.

13.9 Contractual Matter - Neptune Theatre Foundation: Stabilization Funding

C This item was discussed during an In Camera Session, held prior to the Regular Session, and was now before Council for ratification.

MOVED by Councillor Fougere, seconded by Councillor Adams, that Regional Council approve the recommendation of staff to decline financial assistance for Neptune Theatre's debt restructuring negotiations with the Royal Bank of Canada; and that this report be immediately released to the public. MOTION PUT AND PASSED.

14. NOTICES OF MOTION - NONE

15. ADJOURNMENT

There being no further business, the meeting adjourned at 8:20 p.m.

Vi Carmichael
Municipal Clerk