

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES March 5, 2002

PRESENT:

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

REGRETS:

Councillors: Sue Uteck
Reg Rankin

STAFF MEMBERS:

Mr. George McLellan, 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 Blumenthal.

2. PROCLAMATIONS - NONE

SWEARING IN CEREMONY - POLICE CADETS

Chief David McKinnon, Police Services, introduced Cst. Jennifer McPhee and Cst. Terrence Poole, who were officially sworn into the HRM Police Services by Mayor Kelly.

ACKNOWLEDGEMENT

Later in the meeting, Councillor Sarto acknowledged the presence in the gallery of Acting Warden Jim MacLean, Inverness.

In other business, Councillor Colwell advised Council of a meeting held earlier in the day with the Honourable Allan Rock, Federal Minister of Trade and Industry, at which time he indicated that the federal government was prepared to put money towards the Halifax Harbour clean up project, and it would be a priority in their \$2 billion dollar infrastructure program for infrastructure outside of the standard program. Mayor Kelly noted that, to date, there have been four Ministers who have made it clear that this project is a priority.

3. APPROVAL OF MINUTES - FEBRUARY 12 & 19, 2002

The following correction was noted in the February 12th minutes: The name "Calbrita" should read "Cabrita."

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the minutes of February 12, 2002 be approved, as amended, and that the minutes of February 19, 2002 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:

- 12.1 Councillor Uteck - Cultural Policy Development

- 12.2 Councillor Warshick - Letter of Congratulations Canadian Women's Curling Championship Winners
- 12.3 Award of Tender -01-107R Marine Engines
- 12.4 2002/2003 Capital and Operating Budget
- 12.5 Property Matter: Acquisition of Parcel W and Parcel X, Wilson Lake Drive, Middle Sackville
- 12.6 Property Matter: Land Exchange - a Portion of the Willow Park Spur Lands
- 12.7 Property Matter - MTT Aliant Telecom Inc. Communications Cabinets
- 12.8 Property Matter: Acquisition of Lot GPO4 - Green Park Close
- 12.9 Legal Matter: Expropriate of Disputed Lease at 2173 Barrington Street

The following item was deleted from the agenda:

- 9.2.1 Halifax Construction & Debris Recycling Ltd. - Dan Chassie

A request to address Council regarding Item 8.2 from Metro Construction Debris Ltd. (which was circulated to Council) was also deleted.

Councillor Streach requested that Item 12.4 - 2002/2003 Capital and Operating Budget be moved up on the agenda to follow Item 7 - Motions of Rescission.

Councillor Johns requested that Item 10.1.1 - Case 00404 - Application to amend Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy to allow a commercial entertainment use, 991 Beaver Bank Windsor Junction Cross Road, be moved up on the agenda to follow Item 12. 4 - 2002/2003 Capital and Operating Budget.

MOVED by Councillor Sarto, seconded by Councillor Blumenthal, 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 the Approval of the Order of Business, Council dealt with Item 12.4 2002/2003 Capital and Operating Budget at this time.

12.4 2002/2003 Capital and Operating Budget

- C A resolution for the Approval of Operating Budget and Tax Rates for Fiscal 2002/2003 was circulated to Council.

- C A list of additional recommendations by staff, dated March 5, 2002, was circulated to Council.

MOVED by Councillor Streach, seconded by Councillor Blumenthal, that Regional Council accept the proposed 2002/03 Operating and Capital, Capital and Reserve Budgets, as recommended by the Committee of the Whole, and as contained within the following resolution, except for Sections (e) (f) and (g) of the resolution respecting area rates and supplementary education, which will be brought back at a later date:

It is hereby resolved that:

- a) the Operating Budget in the amount of \$495,921,000 gross expenditures; \$387,167,200 non-departmental revenues be approved, which reflects all adjustments approved by Council to the Budget tabled on February 12, 2002, and further;
- b) that the general rates of taxation on commercial, machinery and equipment, and business occupancy be set at:
- (i) \$3.358 for the urban area;
 - (ii) \$3.358 for the suburban area; and,
 - (iii) \$2.789 for the rural area

applied to the full assessed value of the property.

- c) that the general rates of taxation on residential and resource property be set at:
- (i) \$1.316 for the urban area;
 - (ii) \$1.209 for the suburban area; and,
 - (iii) \$1.005 for the rural area

applied to the full assessed value of the property.

- d) that the boundary of the urban, suburban, and rural areas is as delineated in the "Tax Structure Map" attached to the resolution.

And, furthermore, that Sections (e), (f), and (g) not be included at this time.

- h) that the final tax bills will become due on Friday, September 27, 2002.**
- i) that the interest rate on the Special Reserve Funds, designated as requiring interest under Section 100(2) of the Municipal Government Act, be set at the rate of return of funds invested by HRM for the period April 1, 2002 to March 31, 2003.**
- j) that the interest rate on the Pollution Control Reserves be set at the rate of return on funds invested by HRM for the period April 1, 2002 to March 31, 2003.**
- k) that the interest rate on all reserves except for those identified in i) and j) will be set at the rate of return on funds invested by HRM for the period April 1, 2002 to March 31, 2003.**
- l) that the interest rate on trust funds will be set at the annual rate of return on specific investments held by the trusts.**

Councillor Blumenthal expressed thanks to staff and members of Council for their work on this budget, stating it is a win-win budget for HRM and its residents.

Also speaking in support of the motion, Councillor Hetherington noted the decrease in the tax rate may not necessarily be a reduction in taxes paid.

Councillor Johns expressed overall satisfaction with the budget, but expressed concern with the lack of funding in Parks and Recreation with respect to playgrounds and other recreational needs in District 19. The Councillor suggested that this area is something that needs to be taken into consideration next year.

Councillor Streach stated that this is the first time, in his opinion, that a truly regional budget has been brought forth where concerns of all residents have been taken into consideration.

MOTION PUT AND PASSED UNANIMOUSLY.

As agreed to during Approval of the Order of Business, Council addressed Item 10.1.1 - Case 00404 - Application to amend Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy to allow a commercial entertainment use, 991 Beaver Bank Windsor Junction Cross Road, at this time.

10.1 NORTH WEST COMMUNITY COUNCIL

10.1.1 Case 00404 - Application to amend Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy to allow a commercial entertainment use, 991 Beaver Bank Windsor Junction Cross Road

- (i) Recommendation from Western Region Community Council**
- (ii) Recommendation from Heritage Advisory Committee**

- C A report from the North West Community Council, regarding the above, was before Council for its consideration.
- C A report from the Western Region Community Council, regarding the above, was before Council for its consideration.
- C A report from the Heritage Advisory Committee, regarding the above, was before Council for its consideration.

MOVED by Councillor Johns, seconded by Councillor Goucher, that:

- 1. Regional Council give First Reading to the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-Law as contained in Attachment "A" of the staff report dated January 7, 2002, and schedule a Public Hearing for March 26, 2002.**
- 2. Regional Council and North West Community Council move Notice of Motion for the proposed Development Agreement, attached as Attachment "B" of the staff report dated January 7, 2002, to permit a commercial entertainment use, and schedule a Joint Public Hearing on March 26, 2002. MOTION PUT AND PASSED UNANIMOUSLY.**

8. CONSIDERATION OF DEFERRED BUSINESS - February 26, 2002

8.1 Crosswalk Fines & Enforcement

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

MOVED by Councillor Blumenthal, seconded by Councillor Goucher, that Council not request any increase in fines for penalties against motorists or pedestrians under the terms of the Nova Scotia Motor Vehicle Act for these types of offences. Further, that Halifax Regional Council affirm its concern for public safety and support the public education and enforcement practices of the police service with regard to crosswalk safety and ask that it remain an ongoing high priority traffic enforcement initiative.

Speaking in support of the motion, Councillor Blumenthal stated the enforcement of crosswalks needs to be strengthened, particularly in areas where there are crosswalk guards. The Councillor further stated continued education needs to be provided to the public regarding crosswalks.

Councillor Cunningham also spoke in support of the motion, stating he believes the fines are high enough.

Councillor Hetherington expressed concern with respect to jaywalkers, particularly in Woodside where there are 1,000 oil rig workers crossing the street. The Councillor stated this activity puts drivers at risk. Councillor Hetherington stated he has passed this information on to Police Services and has spoken to a representative of Irving Oil and they agree that these people should be ticketed if they are jaywalking.

Speaking in support of the motion, Councillor Fougere noted HRM now has a Pedestrian and Cycling Co-ordinator, Traffic Services, who will examine and review pedestrian issues. The Councillor encouraged any member of Council who has concerns in this area to contact him.

Responding to a question of Councillor Cunningham, Mr. Wayne Anstey, Municipal Solicitor, advised Council that HRM receives 100 percent of the fine.

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Solid Waste Resource Advisory Committee - Project 00082 Construction & Demolition Waste Management Strategy for Halifax Regional Municipality

C A supplementary report prepared for George McLellan, Chief Administrative Officer, regarding the above, was before Council for its consideration. The report recommended the following: That Halifax Regional Council:

- (1) *adopt the process outlined in the February 7, 2002 staff report whereby requests to extend additional development rights to existing C & D operations or to recognize new C & D operations would be considered in conjunction with proposed planning amendments for implementing HRM's C & D Waste Management Strategy; and,*
- (2) *that a deadline of April 1, 2002 for receipt of additional applications be set, as part of this planing amendment process, after which any further applications to establish C & D operations under the planning amendment process would be considered only by way of the formal planning applications process.*

Councillor Adams proposed an amendment to the staff recommendation in that the deadline date be set at March 8, 2002. In response, Mr. Anstey advised that Council should stay with the April 1, 2002 deadline, however, he suggested Council may want to

consider March 15th as opposed to March 8th. Councillor Adams supported the date of March 15th and put forth the following motion:

MOVED by Councillor Adams, seconded by Councillor Hetherington, that Halifax Regional Council:

- (1) adopt the process outlined in the February 7, 2002 staff report whereby requests to extend additional development rights to existing C & D operations or to recognize new C & D operations would be considered in conjunction with proposed planning amendments for implementing HRM's C & D Waste Management Strategy; and,**
- (2) that a deadline of March 15, 2002 for receipt of additional applications be set, as part of this planing amendment process, after which any further applications to establish C & D operations under the planning amendment process would be considered only by way of the formal planning applications process.**

Councillor Adams stated he would like staff to come back with a time frame to set the public meetings in the communities that could be affected by these sites and to set a date for a public hearing.

Councillor Hines spoke in support of the work staff have done in this regard. The Councillor stated the public process needs to be timely and requested that staff proceed with this as soon as possible.

Responding to a question of Councillor Sarto, Mr. Jim Bauld, Diversion Planning Coordinator, Solid Waste Resource, stated staff is comfortable with the new deadline proposed in the motion. In response to further questions of the Councillor, Mr. Bauld stated three applications have been received for C & D disposal facilities, one of which is from Dartmouth, which will be reviewed as part of the planning amendment process. The proposed Dartmouth site is off Highway 118, adjacent to the Burnside Industrial Park. The application is for CD-3 disposal, but it has to be evaluated before it is approved.

Speaking in support of the motion, Councillor Streach stated the process will open the door for all residents of HRM to partake in this initiative regardless of where they live.

Councillor Smith questioned if the proposed site in Dartmouth is appropriate. The Councillor noted that any application will have to go through the process as set forth in the policy.

Councillor Goucher stated one of the most important points of this strategy is to make sure that the public perception and reality is that HRM is creating a level playing field for everyone.

In response to a question of Councillor Cooper, Mr. Kurt Pyle, Planner, stated, in terms of new use, extended rights to a present facility would not be considered a new operation.

In response to a question of Councillor Smith, Mr. Pyle stated the proposed Dartmouth site is designated Industrial.

MOTION PUT AND PASSED.

8.3 Councillor Colwell - Household Hazardous Waste (info report Feb.19)

C An Information Report prepared for Brian T. Smith, Director of Solid Waste Resources, was previously circulated to Council.

Responding to questions of Councillor Colwell, Mr. Jim Bauld, Diversion Planning Coordinator, Solid Waste Resource, stated an RFP has been issued, which closes on March 15, 2002, in which the price for mobile depots is specifically requested. In response to an additional question of the Councillor, Mr. Bauld stated the Enviro Depots will be able to accept paint commencing in June 2002. Staff will continue to promote the take back of lead-acid batteries and propane tanks to local retailers that accept them. Councillor Colwell expressed thanks to staff for their work in getting the paint recycling program implemented by the Province.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Petitions

9.1.1 Councillor Mosher - Request for Traffic Study

Councillor Mosher served a petition containing 152 signatures of residents of Osborne Street, Mayo Street, Withrod Drive, Lanigan Court, Elizabeth Drive, Melwood Avenue, and surrounding streets, who feel that traffic volumes are too high on these streets as a result of this route being used as a shortcut between Northwest Arm Drive and Herring Cove Road. The residents requested that a study be undertaken under HRM Neighbourhood Short-cutting Policy to address the problem.

9.1.2 Councillor Mosher - Evening Fitness Program, Cunard Junior High School

Councillor Mosher served correspondence from twelve residents regarding a community adult evening fitness program at Cunard Junior High School which was discontinued last year because of the institution of user fees. The Councillor requested that the

correspondence be referred to facilities staff and to Ms. Carolyn McFarlane, the School Board representative for the area.

9.1.3 Councillor Sarto - Noise Pollution

Councillor Sarto served correspondence from a resident expressing concern regarding noise pollution in her area. The Councillor asked that the correspondence be referred to Legal Services, and copied to By-Law Enforcement, for a response.

9.1.4 Councillor Sloane - Crosswalk Request, Terminal Road/Hollis Street

Councillor Sloane served a petition from businesses on Hollis Street (between Morris Street and Terminal Road) requesting that a crosswalk be marked at the corner of Terminal Road and Hollis Street on an east-west access, and that this be implemented prior to May 1, 2002 which is the advent of the tourist season and the arrival of the cruise ships.

9.2 Presentations

9.2.1 Halifax Construction & Debris Recycling Ltd. - Dan Chassie

During Approval of the Order of Business, this item was deleted.

9.2.2 Breaking Ground Conference: Greening the Urban and Regional Landscape

(i) Jen Meurer

(ii) Kasia Tota

A presentation was made to Council inviting Councillors to the "Breaking Ground: Greening the Urban and Regional Landscape" conference to be held from Wednesday, March 20th to Friday March 22nd at Pier 21. A brochure on the subject was circulated to Council.

10. REPORTS

10.1 NORTH WEST COMMUNITY COUNCIL

10.1.1 Case 00404 - Application to amend Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy to allow a commercial entertainment use, 991 Beaver Bank Windsor Junction Cross Road

(i) Recommendation from Western Region Community Council

(ii) Recommendation from Heritage Advisory Committee

This item was addressed earlier in the meeting.

10.2 CHIEF ADMINISTRATIVE OFFICER

10.2.1 Request for Proposal 01-146 - Communication (Telephone & Radio) Recording System for Protective Services

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

MOVED by Councillor Sarto, seconded by Councillor Blumenthal that:

- 1. Council approve an increase in capital account CEY00107, New Dictaphone, in the amount of \$21,564.97 with funding to be transferred from operation account A450 6711.**
- 2. Council authorize the award of RFP 01-146 to the highest ranking proponent, Dictaphone, for the purchase of a Communication Recording System for \$90,731.82 plus net HST, for a total project cost of \$96,564.97. Funding is available in the 2001/2002 Capital Budget in account #CEY00107 (\$75,000) and remaining funds (\$21,564.97) from account #A450-6711, which is to be transferred to the capital account. MOTION PUT AND PASSED UNANIMOUSLY.**

10.2.2 Tender Q02C215 - Janitorial Services

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

MOVED by Councillor Mosher, seconded by Councillor Warshick, that Regional Council authorize the award of Tender #Q02C215 for Janitorial Services for the following locations: Cowie Hill Depot, Flemming Park, Fairview Cemetery and Sackville Street Complex, to Maritime Maintenance Cleaning Service Ltd. for a three (3) year period at a total cost of \$72,157.59 (tax included) beginning March 1, 2002, with funding as outlined in the Budget Implications Section of the staff report dated February 20, 2002. All prices include the non-refundable portion of the HST.

Responding to a question of Councillor Smith, Mr. Dennis Huck, Manager, Facility Operations, stated this is a new contact. He noted the company has some existing contracts with HRM, and staff is pleased with their work.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.3 Appeals Process - Winter Parking Tickets (supp report)

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

Councillor Walker thanked staff for the report, noting he has been assured the appeal process is now being followed, and those who wish to appeal a ticket are able to do so. The Councillor stated he hopes both staff and motorists utilize common sense with respect to this issue.

Councillor Blumenthal suggested special consideration should be given when special events are taking place with respect to the issuing of tickets.

As requested by Councillor Goucher, it was agreed to deal with Item 10.3.1 in conjunction with this item.

10.3.1 Councillor Goucher - Winter Parking Ban in Hospital Areas

Councillor Goucher expressed concern regarding winter parking for people working in or visiting hospitals. The Councillor submitted a letter from an employee of the QEII Health Sciences Centre regarding this issue which he asked be referred to staff. Councillor Goucher requested a staff report on how the issue of hospital zones can be addressed.

Mr. McLellan stated the winter parking regulations were put in place on approval of Council, and staff are trying their best to make it work. He noted that everybody who parks in a hospital zone is not necessarily actually in the hospital. Mr. McLellan suggested that Council allow staff to consider this request along with a review of the entire approach taken this past winter.

Council agreed that staff would bring back a report before the next winter season to address the concerns regarding winter parking raised throughout this winter season, including this request from Councillor Goucher regarding how winter parking in hospital zones can be addressed.

Councillor Sarto noted the appeal process is available for those wishing to appeal tickets.

Councillor Cunningham spoke in support of a report examining the whole issue of winter parking.

Councillor Whalen suggested if special areas are to be examined, they should be expanded to churches, universities, etc.

Deputy Mayor Harvey reminded Council that when this issue was discussed in early December, Council directed staff to clear the streets of all vehicles when it is snowing so the streets could be cleared curb to curb. The Deputy Mayor expressed concern with the number of exceptions now being requested.

Councillor Mosher requested that the report include information as to how Public Works will adequately maintain the streets during winter conditions if these exemptions are granted.

10.2.4 Renewal of Temporary Borrowing Resolutions and 2002 Spring Debenture Issue

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

MOVED by Councillor Warshick, seconded by Councillor Hetherington, that:

- 1. Halifax Regional Council renew the balances available on Temporary Borrowing Resolution 00/01-05 in the amount of \$196,470 and Temporary Borrowing Resolution 00/01-08 in the amount of \$46,218,060 as they will be required for the 2002 Spring Debenture.**
- 2. The Mayor and Municipal Clerk be authorized to sign the Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate confirmation, not to exceed 7%, to enable the Halifax Regional Municipality to issue a debenture in the amount of \$24,438,000. MOTION PUT AND PASSED UNANIMOUSLY.**

10.3 MEMBERS OF COUNCIL

10.3.1 Councillor Goucher - Winter Parking Ban in Hospital Areas

This item was addressed under Item 10.2.3.

10.3.2 Councillor Warshick - Bid for 2004 CIS Final 10 Basketball Championships

Councillor Warshick requested that the Mayor write a letter of support to accompany the AUS bid for the Final 10 Basketball Championships for the 2004-05 season. The Councillor also requested that, if possible and necessary, Council be willing to send a representative from the Mayor's Office or Council to the presentation process, if so warranted. The Councillor submitted background information regarding this event.

MOVED by Councillor Warshick, seconded by Councillor McInroy, that Council support the AUS bid for the Final 10 Basketball Championships for the 2004-05 season, and that the Mayor write a letter on behalf of HRM to accompany the bid documents. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

12. ADDED ITEMS

12.1 Councillor Uteck - Cultural Policy Development

As Councillor Uteck was not present, Councillor Fougere brought forward this item on her behalf.

MOVED by Councillor Fougere, seconded by Councillor Hetherington, that this matter be referred to staff for a report on the possibility of having a 1% fee on all development permits that would go towards funding for arts, culture, and heritage in the Halifax Regional Municipality. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Councillor Warshick - Letter of Congratulations Canadian Women's Curling Championship Winners

Councillor Warshick extended congratulations to the Colleen Jones rink of Kim Kelly, Mary-Anne Wayne, Nancy Delahunt, and alternate Laine Peters and coach Ken Bagnall, for their recent win of the 2002 Scott Tournament of Hearts. The Councillor asked that a letter of congratulations be sent on Council's behalf. Mayor Kelly advised that the correspondence has already been forwarded.

12.3 Award of Tender -01-107R Marine Engines

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

MOVED by Councillor Hetherington, seconded by Councillor McInroy, that Council authorize the award of Tender #01-107R, Two (2) Marine Propulsion Engines to Atlantic Tractors and Equipment for a total of \$114,943.32 including net HST with funding available in capital account CVD00054, Mid-Life Refit (Ferry) as outlined in the Budget Implications Section of the staff report dated March 4, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

12.4 2002/2003 Capital and Operating Budget

This item was addressed earlier in the meeting.

12.5 Property Matter: Acquisition of Parcel W and Parcel X, Wilson Lake Drive, Middle Sackville

C This item was addressed at an In Camera session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Johns, seconded by Councillor Goucher, that Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Maple Tree Holdings Limited for the purchase of Parcel W and Parcel X, Wilson Lake Drive, purchase price of \$39,000 to be funded as a withdrawal from the Sale of Land Reserve, Account #101, based on the key terms and conditions outlined in the February 11, 2002 Private and Confidential staff report; and further that Council not release the contents of the February 11, 2002 report until the transaction has closed. MOTION PUT AND PASSED UNANIMOUSLY.

12.6 Property Matter: Land Exchange - a Portion of the Willow Park Spur Lands

C This item was addressed at an In Camera session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Nova Scotia Power Inc. (NSPI) for:

- a. the conveyance of Parcels A-2 and D-1 from NSPI to Halifax Regional Municipality (HRM) subject to certain easement interests in favour of NSPI;
- b. the conveyance of easement interest in Parcels J-1 and L from HRM to NSPI;
- c. acknowledgement by HRM and NSPI that the amount owed by HRM to NSPI as a result of the above noted exchange of lands is offset by the acceptance of the requirement for cash-in-lieu for the subdivision of Parcel A-1A

and further that the February 4, 2002 report be released to the public. MOTION PUT AND PASSED UNANIMOUSLY.

12.7 Property Matter - MTT Aliant Telecom Inc. Communications Cabinets

C This item was addressed at an In Camera session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Cooper, seconded by Councillor McInroy, that Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Aliant Telecom Inc. for the sale of easements at Arklow Drive and Gregory Drive based on the terms and conditions set out in the February 19, 2002 Private and Confidential staff report and with a further condition relative to the maintenance of

the abutting bus stops being maintained throughout the construction; and further that the contents of February 19, 2002 report not be released to the public until the transaction is closed. **MOTION PUT AND PASSED.**

12.8 Property Matter: Acquisition of Lot GPO4 - Green Park Close

C This item was addressed at an In Camera session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Whalen, seconded by Councillor Walker, that:

1. Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the acquisition of lot GPO4 on Green Park Close from Clayton Developments Limited according to the terms and conditions set out in the February 25, 2002 Private and Confidential staff report.
2. Council approve the withdrawal of \$812,700 from the Business Parks Expansion Reserve, Q121, to fund the cost of acquiring lot GPO4 including applicable HST.
3. The contents of the February 25, 2002 report not be released to the public until the transaction has closed. **MOTION PUT AND PASSED UNANIMOUSLY.**

12.9 Legal Matter: Expropriation of Disputed Lease at 2173 Barrington Street

C This item was addressed at an In Camera session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that Halifax Regional Council approve the following resolution:

WHEREAS the Council of the Halifax Regional Municipality desires to authorize and ratify the commencement of an action brought in the Supreme Court of Nova Scotia bearing court No. S.H. 158447 and the defence to the counterclaims in that action, and to also ratify the authorization and ratification made by Kenneth Meech, as Chief Administrative Officer on July 5, 2001.

BE IT THEREFORE RESOLVED that the Council of the Halifax Regional Municipality authorizes and ratifies the commencement by William H. Kydd, Q.C. on behalf of the Halifax Regional Municipality of Supreme Court action No. 158447 on or about September 9, 1999, and the defence to counterclaims in the same action on behalf of the Halifax Regional Municipality, Mike Woods, and Tom Rath; and further confirms and ratifies the authorization and ratification made by Kenneth Meech, as

Chief Administrative Officer on July 5, 2001; and further confirms and ratifies the verbal authorization given William H. Kydd, Q.C. on September 7, 1999 by Barry Allen to commence the above action. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. ADJOURNMENT

There being no further business, the meeting adjourned at 7:35 p.m.

Vi Carmichael
Municipal Clerk