

HALIFAX REGIONAL MUNICIPALITY

**HALIFAX REGIONAL COUNCIL
MINUTES
MARCH 18, 2003**

PRESENT:

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

REGRETS:

Councillors: Jerry S. Blumenthal
Linda Mosher
Gary G. Meade

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Deputy Municipal Clerk
Ms. Patti Halliday, Legislative Assistant

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1. **INVOCATION**

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

ACKNOWLEDGMENTS

Later in the meeting, Councillor Cunningham acknowledged the following Dartmouthians who were present in the gallery: Mr. Roland Thornhill, former Mayor; Mr. Daniel Brownlow, former Mayor; Ms. Gloria McCluskey, former Mayor; Mr. Carmen Moir, Mr. Brian Vandervaart, Dr. Tony Lamplugh, Ms. Joan Forshner, Ms. Mildred Richardson and Mr. Bob Frame.

Councillor Sloane reported on the "Fire Aid" benefit, recently held at the Marquee Club for the Gottingen Street fire victims, which raised approximately \$8,000. The Councillor expressed thanks to all those who donated and those who were involved in the fundraiser.

2. **APPROVAL OF MINUTES - FEBRUARY 25 & MARCH 4, 2003**

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the minutes of February 25, 2003 and March 4, 2003 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

The following items were added to the agenda:

- 12.1 Membership Selection Committee - Boards and Committees
- 12.2 Sale of 2092 - 2100 Brunswick Street - Former Kidston Glass Site
- 12.3 Contract for Residential Collection Areas 3, 4 and 5

Councillor Goucher requested that Item 10.3.4 Case 00543: Amendments to the Bedford Municipal Planning Strategy and Land Use By-Law be referred back to the North West Planning Advisory Committee, then to the North West Community Council, before coming back to Regional Council.

Councillor Cunningham requested that Item 10.3.7 National Heritage Site Designation - Starr Manufacturing Lands be moved up on the agenda to follow Item 9.3.1 National Heritage Designation - Starr Manufacturing Site.

Councillor Uteck requested that Item 10.3.5 be moved up on the agenda to follow Item 9.3.2

Case 00451 - Planning Amendment for 5576 Fenwick St., Hfx. - Mr. Andrew McLeod.

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

4. **BUSINESS ARISING OUT OF THE MINUTES**

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

8. **PUBLIC HEARINGS**

8.1 **Case 00511 - Various Amendments to the Municipal Planning Strategy and the Land Use By-Law, Bedford**

C A report from the North West Community Council, regarding the above, was previously circulated to Council on February 25, 2003. Revised Attachments "A" "A-1" and "E-1" to the staff report dated January 27, 2003 to the North West Planning Advisory Committee on February 5, 2003, were circulated to Council.

C Council gave First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-Law on February 25, 2003 and the matter was now before Council for a Joint Public Hearing with the North West Community Council.

With the use of computer-aided graphics, Ms. Thea Langille-Hanna, Planner, presented the issue to Council. The issues to be addressed by Regional Council were:

- C extending abutting zoning to water lots along Shore Drive
- C mapping inconsistencies - floodway area of the Sackville River
- C exclusion of institutional uses from watercourse setback requirements

The remaining amendments were presented, but Ms. Langille-Hanna noted a decision will be postponed until the March 27, 2003 meeting of the North West Community Council meeting.

Copies of Ms. Langille-Hanna's presentation were circulated to Council.

Following Ms. Langille-Hanna's responses to a few questions of clarification from members

of Council, Mayor Kelly opened the floor for members of the public wishing to speak for or against the amendments.

Mr. Walter Regan, Sackville Rivers Association

Mr. Walter Regan addressed Council in support of the amendments, in particular, the addition to the floodplain and the other measures which strengthen the by-laws for Bedford and the protection of the public in HRM. Mr. Regan expressed thanks to staff and Councillor Goucher.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was put on the floor:

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

COUNCIL DECISION

MOVED by Councillor Goucher, seconded by Councillor Rankin, that Council adopt the amendments to the Bedford Municipal Planning Strategy and Land Use By-Law as provided in revised Attachments A and A-1; Attachments B, B-1, B-2 and B-3; and Attachments C and C-1, with an amendment to Attachments A and A-1 to better clarify the wording. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor Walker - Metro Transit Route 12

Councillor Walker served a petition from residents requesting that HRM refuse to condone any further erosion to the transit system. The residents objected to the proposed changes to Route 12. The Councillor asked that the petition be forwarded to Metro Transit for a response.

9.3 Presentations

9.3.1 National Heritage Designation - Starr Manufacturing Site

- (i) Dr. John Savage**
- (ii) Mr. Roland Thornhill**

Councillor Hetherington noted Dr. John Savage was unable to attend this evening's meeting due to health issues. Mr. Roland Thornhill made a presentation to Council regarding the Starr Manufacturing Site, copies of which were provided to members of Council. In his presentation, Mr. Thornhill stated the Dartmouth Regional Heritage Foundation recommended that Regional Council agree to refer the Starr Manufacturing Site to the Historic Sites and Monuments Board of Canada for consideration as a national historic site.

Councillor Cunningham thanked Mr. Thornhill for his presentation and spoke in support of the Foundation's request. The Councillor also acknowledged the efforts of Mr. Joe Zatzman, former mayor of Dartmouth, who also supports this project. Councillor Cunningham noted this matter was before the Harbour East Community Council last month for a similar presentation and it was unanimously endorsed by the Community Council.

As agreed to during Approval of the Order of Business, Council addressed Item 10.3.7 National Historic Site Designation, Starr Manufacturing Lands, at this time.

10.3.7 National Historic Site Designation, Starr Manufacturing Lands

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

MOVED by Councillor Cunningham, seconded by Councillor Streach, that Regional Council:

- 1. Support the position of the Dartmouth Heritage Foundation, and authorize staff to commission a background report to document the history of the Starr site;**
- 2. Authorize staff to commence, upon completion of the background report, the nomination process to designate the Starr lands as a National Historic Site; and,**
- 3. Authorize staff to prepare, in partnership with the Shubenacadie Canal Commission, a joint management plan for other portions of the Shubenacadie Canal system, including the identification of other sites where it may be appropriate to seek National Historic Site status.**

Councillor Uteck requested that when issues like this come forward in the future that they be sent to the Heritage Advisory Committee for comment prior to coming to Council.

MOTION PUT AND PASSED UNANIMOUSLY.

9.3.2 Case 00451 - Planning Amendment for 5576 Fenwick St., Halifax - Mr. Andrew McLeod

C Correspondence from Mr. Andrew MacLeod, President and CEO, MCJ Restaurant Limited, dated March 11, 2003, regarding the above, was before Council for its information.

Mr. Andrew McLeod made a presentation to Council in support of a plan amendment for 5576 Fenwick Street, Halifax. Information contained in his presentation was circulated to Council. Mr. McLeod also referenced letters of support from J. Renzi, Director, Investigation and Enforcement, Nova Scotia Alcohol and Gaming Authority; Donald Webster, Chairman of the Board, Canadian Restaurant and Foodservices Association; and, Luc Erjavec, Vice President, Atlantic Canada, Canadian Restaurant and Foodservices Association; copies of which were provided for the record.

As agreed to During Approval of the Order of Business, Council addressed Item 10.3.5 Case 00451: Request for a MPS/LUB Amendment to Permit a Lounge at 5576 Fenwick Street, Halifax, at this time.

10.3.5 Case 00451: Request for a MPS/LUB Amendment to Permit a Lounge at 5576 Fenwick Street, Halifax

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration. The report recommended that: *Regional Council not initiate the process to consider amending the Halifax Municipal Planning Strategy and Land Use By-Law to permit a lounge at 5576 Fenwick Street.*

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Council adopt Alternative 3 of the staff report dated February 20, 2003 to authorize an MPS and land use by-law process to consider a specific amendment to permit a lounge at 5576 Fenwick Street. MOTION PUT AND PASSED UNANIMOUSLY.

10. REPORTS

10.1 HERITAGE ADVISORY COMMITTEE

10.1.1 Case H00100 - Deregistration and Proposed Subdivision of a portion of St. John's Anglican Church Property, 954 Old Sackville Road (to set Public Hearing date - April 22, 2003)

C A report from the Heritage Advisory Committee, dated March 12, 2003, regarding the above, was before Council for its consideration.

MOVED by Councillor Harvey, seconded by Councillor Goucher, that Council set a Public Hearing date for April 22, 2003 to provide consideration for the proposed subdivision and deregistration of a portion of land known as 954 Old Sackville Road. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Adams questioned why the electronic voting system was not being used noting the Administrative Order states that it be used for all substantive motions.

MOVED by Councillor Hetherington, seconded by Councillor Johns, that Council suspend the rules and disband the use of the electronic voting machine, except for recorded vote requests, for this meeting and that an amendment to Administrative Order Number One be brought forward in the future to correct the problem. MOTION PUT AND DEFEATED.

Members of Council voting **in favour** of the motion: Mayor Kelly, Councillors: Streach, Hines, Colwell, Warshick, Sarto, Hetherington, Sloane and Goucher.

Members of Council voting **against** the motion: Deputy Mayor McInroy, Councillors: Cooper, Smith, Cunningham, Uteck, Fougere, Walker, Whalen, Adams, Johns, Harvey and Rankin.

10.1.2 Case H00102 - Barrington Street Heritage Conservation District

C A report from the Heritage Advisory Committee, dated March 12, 2003, regarding the above, was before Council for its consideration.

C Correspondence from Heritage Trust of Nova Scotia dated March 16, 2003, regarding the above, was circulated to Council for its consideration,

C Correspondence from Philip Pacey, dated March 18, 2003, regarding the above, was circulated to Council for its consideration.

With the use of overheads, Mr. Paul Dunphy, Director, Planning and Development Services, and Mr. Kevin Barrett, Heritage Planner, presented the issue to Council.

Councillor Sloane questioned why the proposed boundary of the conservation district would end at Bishop Street. Mr. Barrett noted this is just the starting point and there may be changes to the boundary as a result of the public consultation.

Councillor Hetherington expressed concern regarding the placement of restrictions on properties that do not want to become registered heritage properties and offering limited financial incentives in return. Mr. Dunphy responded that the level of control on the non-registered properties will be lower than those that are registered. Councillor Hetherington inquired what would be the outcome if one of the non-registered buildings applied for a demolition permit. Mr. Dunphy responded that these details will be worked out before the matter comes back to Council.

Councillor Harvey noted the staff recommendation will commence a lengthy public process in addition to a public hearing before Council before a decision is made. The Councillor noted a number of people are interested in pursuing conservation districts, including residential areas. Councillor Harvey stated Council should pursue the public process and make it as wide scope and encompassing as possible.

MOVED by Councillor Sloane, seconded by Councillor Uteck, that Council direct staff to initiate the process to adopt a Heritage Conservation District on Barrington Street between Duke and Bishop Streets under the enabling legislation of the Provincial Heritage Property Act.

Councillor Sloane requested that a update be provided regarding the possibility of changing the waiting period for a demolition permit from one year to five years.

Councillor Warshick noted the current motion only refers to the area of Barrington Street between Duke and Bishop Streets and inquired if this should be amended. Mr. Dunphy stated staff could examine all of Barrington Street and then draw a proposed boundary.

The Mover and Seconder agreed with Councillor Warshick and the amended motion read as follows:

MOVED by Councillor Sloane, seconded by Councillor Uteck, that Council direct staff to initiate the process to adopt a Heritage Conservation District on Barrington Street under the enabling legislation of the Provincial Heritage Property Act. MOTION PUT AND PASSED. (Councillor Hetherington voted against the motion.)

10.1.3 Case H00101 - Heritage Conservation Districts within HRM

C A report from the Heritage Advisory Committee, dated March 12, 2003, regarding

the above, was before Council for its consideration.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Regional Council direct staff to investigate the possibility of establishing residential heritage conservation districts within Halifax Regional Municipality along with applicable processes. MOTION PUT AND PASSED. (Councillor Hetherington voted against the motion.)

10.2 REGIONAL TAXI AND LIMOUSINE COMMITTEE

10.2.1 By-Law T-123, Respecting Licensing of Large Vehicles as Taxis

C A report from the Regional Taxi and Limousine Committee, regarding the above, was before Council for its consideration. The report recommended that: *Regional Council approve, in principle, By-Law T-123 attached as Appendix "A" to the Committee report dated March 3, 2003, and direct staff to arrange for its formal introduction for First Reading.*

MOVED by Councillor Cooper, seconded by Councillor Warshick, that this matter be referred back to the Regional Taxi and Limousine Committee for further review. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 CHIEF ADMINISTRATIVE OFFICER

10.3.1 Tender 03-006, One (1) Pumper Tanker for the Ostrea Lake and Pleasant Point Fire Department

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

MOVED by Councillor Streach, seconded by Councillor Colwell, that Council authorize the award of Tender #03-006, one (1) Pumper Tanker for the Ostrea Lake and Pleasant Point Fire Department from the lowest bidder, Superior Emergency Vehicles at a cost of \$270,095.52 (tax included) with funding provided as outlined in the budget implications section of the staff report dated March 7, 2003. MOTION PUT AND PASSED. (Councillor Sloane voted against the motion.)

10.3.2 Tender 03-030, Eastern Passage Digester Cover Removal

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

MOVED by Deputy Mayor McInroy, seconded by Councillor Hetherington, that Council authorize an increase to Capital Account No. CGU00512, Eastern Passage Digester Cover Replacement, in the amount of \$32,429. Funding provided from the Wastewater Treatment Reserve (Q122) as indicated in the budget implications section of the staff report dated March 7, 2003. **MOTION PUT AND PASSED.** (Councillors Warshick and Cunningham voted against the motion.)

10.3.3 Extension to Tender 01-101 - Purchase of Scott 2.2 Low Pressure Self-Contained Breathing Apparatus

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

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

1. **Halifax Regional Council provide advanced funding approval of the proposed 2003/04 Capital Project CEJ00517, Breathing Apparatus, in the amount of \$485,000.**
2. **Halifax Regional Council agree to the purchase of an additional 163 Scott AP50 Self Contained Breathing Apparatus for use within the Halifax Regional Rural Fire and Emergency Service from Ackland-Grainger Inc. in the amount of \$482,832.08 (net tax included). MOTION PUT AND PASSED.** (Councillors Hetherington and Cunningham voted against the motion.)

10.3.4 Case 00543 - Amendments to the Bedford Municipal Planning Strategy (MPS) and Land Use By-Law (LUB)

During Approval of the Order of Business, this item was referred to the North West Planning Advisory Committee.

10.3.5 Case 00451: Request for a MPS/LUB Amendment to Permit a Lounge at 5576 Fenwick Street, Halifax

This item was addressed earlier in the meeting.

10.3.6 Amendments to Administrative Order #15 (Residential On Street Parking Policy)

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

MOVED by Councillor Fougere, seconded by Councillor Sloane, that Regional Council approve amendments to Administrative Order 15 as outlined in the staff report dated March 10, 2003.

Councillor Smith expressed concerns with the exemption cost. In response to a question of the Councillor, Mr. David McCusker, Manager, Regional Transportation, stated no controls will be changed unless invited by the residents. Councillor Smith stated he did not support the \$30 fee for people who have exemptions in Area D in Dartmouth. The Councillor stated these residents will be paying to address a problem in downtown Halifax.

In response to a question of Councillor Sarto, Mr. McCusker stated there are very few streets in Area D to which this policy would apply.

Mr. George McLellan, Chief Administrative Officer, noted that having to pay the \$30 fee will ensure not too many streets are needlessly petitioned into control.

For the record, Councillor Uteck stated the \$65 fee in some areas, such as Point Pleasant Drive, is too high for students and they will likely forego purchasing a permit and take the chance on not getting a ticket.

MOTION PUT AND PASSED.

Members of Council voting **in favour** of the motion: Councillors: Streach, Colwell, Cooper, Sloane, Uteck, Fougere, Johns, Harvey, Goucher and Rankin.

Members of Council voting **against** the motion: Mayor Kelly, Councillors: Hines, Warshick, Sarto, Smith, Cunningham, Walker, Whalen and Adams.

(Deputy Mayor McInroy and Councillor Hetherington were absent for the vote.)

10.3.7 National Historic Site Designation, Starr Manufacturing Lands

This item was addressed earlier in the meeting.

10.3.8 Spring Weight Restrictions

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

MOVED by Councillor Streach, seconded by Councillor Sloane, that Halifax Regional Council:

1. **Approve temporary maximum vehicle weight restrictions (as per Schedule A of the staff report dated March 10, 2003) applicable to all HRM streets excluding those listed in Schedule B of the staff report dated March 10, 2003. These restrictions would be in effect beginning March 23, 2003 with the tentative removal date being May 11, 2003.**
2. **Authorize the Engineer to modify the implementation dates, weight restrictions and list of exempted roads as conditions warrant.**

Councillor Sloane expressed concern with the damage the large container trucks cause to the streets in downtown Halifax. Mr. Rick Paynter, Director, Public Works and Transportation Services, stated staff recognize this problem and have made a commitment, between now and the next implementation of the spring weight restrictions, to review whether or not is appropriate to have exemptions.

Councillor Johns raised concerns regarding the effect this will have on vehicle access to the site of the new fire hall being constructed in his area. Staff agreed to take the Councillor's concerns under advisement.

Councillor Hines expressed concern with increasing restrictions for the trucking industry noting it will result in increased costs and restrictions to businesses in the area. Mr. McLellan agreed noting there are very significant impacts and benefits involved in this issue and further restrictions would not be implemented without industry consultation.

MOTION PUT AND PASSED. (Councillors Hetherington and Smith voted against the motion.)

10.3.9 Business Improvement Association Service Agreement Renewal

- 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 Sloane, that Council approve the Service Agreement between HRM and the four Business Improvement Associations, which will come into effect on April 1, 2003, for a period of two (2) years, in order to continue to provide services related to the betterment and revitalization of the downtown neighbourhoods in conjunction with the Capital District. **MOTION**

PUT AND PASSED. (Councillors: Cooper, Sarto, Hetherington, Whalen and Johns voted against the motion.)

11. **MOTIONS**

12. **ADDED ITEMS**

12.1 **Membership Selection Committee - Boards and Committees**

C A report from the Membership Selection Committee, regarding the above, was before Council for its consideration.

MOVED by Councillor Smith, seconded by Councillor Sarto, that Mayor Kelly, Councillor Blumenthal and Councillor Streach be nominated to serve on the Greater Halifax Partnership for a two year period to June 2005. MOTION PUT AND PASSED. (Councillors Warshick and Hetherington voted against the motion.)

12.2 **Sale of 2092 - 2100 Brunswick Street - Former Kidston Glass Site**

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

MOVED by Councillor Sloane, seconded by Councillor Streach, that Council authorize the reimbursement of the Purchaser's reasonable building demolition and site recommendation costs identified in the private and confidential staff report dated March 6, 2003, with funding from Property Clearing Account HSOLREST, recoverable from the gross proceeds from the sale of the subject property. Further, that Council not release the contents of the private and confidential staff report. MOTION PUT AND PASSED. (Councillor Hetherington voted against the motion.)

12.3 **Contract for Residential Collection Areas 3, 4 and 5**

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

MOVED by Councillor Rankin, seconded by Councillor Goucher, that Regional Council approve an adjustment, not to exceed \$75,000, to the existing contract with Marriotts Container Rentals Ltd. for residential solid waste collection for Collection Areas 3, 4, and 5 to the end of June, 2003. Further, that the private and confidential staff report dated March 12, 2003, not be released to the public. MOTION PUT AND

PASSED.

Members of Council voting **in favour** of the motion: Mayor Kelly, Deputy Mayor McInroy, Councillors: Streach, Hines, Colwell, Sarto, Smith, Cunningham, Fougere, Adams, Johns, Harvey, Goucher and Rankin.

Members of Council voting **against** the motion: Councillors: Cooper, Warshick, Hetherington, Sloane, Uteck, Walker and Whalen.

13. NOTICES OF MOTION

13.1 Councillor Cooper - Amendment to Administrative Order Number One

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 25th day of March 2003, I propose to place before Council, for adoption as a policy pursuant to the Municipal Government Act, an amendment to Administrative Order Number 1 to revise and clarify the procedures with respect to the processing of requests by delegations to make presentations to Council and the filing of petitions and other communications.

13.2 Councillor Warshick - Amendment to Administrative Order Number One

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 25th day of March 2003, I propose to place before Council, for adoption as a policy pursuant to the Municipal Government Act, an amendment to Administrative Order Number 1 to provide that the electronic voting system only be utilized for recorded votes when requested.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 7:45 p.m.

Jan Gibson
Deputy Municipal Clerk