

## **HALIFAX REGIONAL MUNICIPALITY**

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### **HALIFAX REGIONAL COUNCIL MINUTES OCTOBER 13, 1998**

**PRESENT:**

Mayor Walter Fitzgerald  
Deputy Mayor Reg Rankin  
Councillors: Bill Dooks  
Gordon R. Snow  
David Hendsbee  
Ron Cooper  
Harry McInroy  
Jack Greenough  
Condo Sarto  
Bruce Hetherington  
Clint Schofield  
John Cunningham  
Jerry Blumenthal  
Larry Uteck  
Graham L. Downey  
Sheila Fougere  
Russell Walker  
Bill Stone  
Barry Barnet  
Bob Harvey  
Peter Kelly

**REGRETS:**

Councillors Stephen Adams  
Jack Mitchell  
Ron Hanson

**STAFF MEMBERS:**

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

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**1. INVOCATION**

Mayor Fitzgerald called the meeting to order at 6 p.m with the Invocation.

**2. PROCLAMATIONS**

- 2.1 Proclamation of Identity - SOS**
- 2.2 Science and Technology Week**
- 2.3 Insurance Information Week**
- 2.4 National Space Day**
- 2.5 Waste Reduction Week**

Mayor Fitzgerald proclaimed a Proclamation of Identity. Mayor Fitzgerald further proclaimed the week of October 16 - 25 as Science and Technology Week; the week of October 19 - 24 as Insurance Information Week; October 16 as National Space Day; and, the week of October 16 - 24 as Waste Reduction Week.

**3. APPROVAL OF MINUTES - NONE**

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

The Municipal Clerk requested deferral of the following items:

- 11.4.8 Projected Debt for March 31/98
- 11.4.9 Alarm By-Law for HRM - deferred to October 19/98;

The Municipal Clerk requested the addition to the agenda, of the following items:

- 13.1 Leave of Absence - Councillor Ron Hanson
- 13.2 Councillor Harvey - Traffic Signal Request - McGee/Glendale (Info Item #7)
- 13.3 Report - Municipal Legislation.

Councillor Walker requested Information Item #5 - Greek Summer Fest - be placed on the Regular Council agenda for the October 19, 1998 meeting.

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

Councillor Kelly referenced the Burke/Oliver Report discussed the previous week

(October 6, 1998), particularly the Jack's Lake land assembly in the community of Bedford. It was noted a land agreement had been signed on June 8, 1976 and that there was approximately \$6 million in profits from the development of Jack's Lake, that should be allocated to the municipality.

Accordingly, the Councillor requested a legal staff report on the possibility of proceeding with an injunction against the Provincial and the Federal Governments, for completion of the land transaction, taking into consideration the following:

- a) the Province and Federal Governments both have a fiduciary duty to uphold;
- b) under the agreement, the profits are to be returned to the community (Bedford) in the form of affordable housing / recreational land / capital funds for community services/facilities.

The Councillor stated the community of Bedford was in dire need of a recreational complex and that the monies could be allocated to such a project.

As the municipality was currently reviewing its recreational needs, Council support was requested in exploring whether or not there is a basis for a contractual obligation on the part of the Province and Federal governments to follow through with their 1976 agreement. Reference was made to correspondence dated 1984 from both the Province and Federal governments which stated they were both willing to work with the community to fulfil the MPS process.

Mr. Wayne Anstey, Municipal Solicitor, advised the issue should be reviewed by legal staff, with a report to be brought back to Council at an In Camera meeting on October 27, 1998. Councillor Kelly advised he would also meet with staff in this regard.

**6. MOTIONS OF RECONSIDERATION - NONE**

**7. MOTIONS OF RESCISSION - NONE**

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

**9. PUBLIC HEARINGS**

**9.1 Case 00031 - Amendment - Former Hfx. Co. Subdivision By-Law**

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, dated September 8, 1998, was re-distributed to Council. Also attached

was correspondence from Mr. Ken Burrows.

To review the process of the issue before Council, Mr. Wayne Anstey, Municipal Solicitor, advised this is a by-law under the Nova Scotia Planning Act, which only required one Motion to approve the staff recommendation. A requirement for Three Readings, in this case, does not apply.

Mr. Ted Tam, Manager, Design Services, provided an overview of the issue at hand. It was noted an earlier amendment had been made to the Subdivision By-Law on December 17, 1996 to enlarge the Mandatory Paving Boundary to include parts of Beaver Bank and Upper Sackville areas to coincide with the Core Boundary. Staff was now recommending that the former Halifax County Subdivision By-Law be amended such that all new subdivision streets must be paved.

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

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

### **COUNCIL DECISION**

The following Motion was put on the floor.

**MOVED by Councillors Hetherington and Schofield that the former Halifax County Subdivision By-Law be amended such that all new subdivision streets must be paved.**

Councillor Dooks expressed concern noting if the staff recommendation is adopted, future development in rural areas will cease, although street costs - HRM wide - would be protected. The Councillor advised that a developer, in a rural area, can exercise his right to construct a new road in a subdivision, develop the lots accordingly, and sell the lots at the same cost (approximately \$10,000) as those lots that are located on a main road, outside of a subdivision. If a subdivision road was paved, costs would approximate \$20,000 - \$25,000. Accordingly, Councillor Dooks suggested that developers will not likely be interested in new subdivision development due to high lot costs.

Councillor Hendsbee enquired if the annual costs of gravel roads over a lifetime of 10 years, was equal to the lifetime of a paved road (maintenance and required capital improvements). In response, Mr. Kulvinder Dhillon, Director, Engineering &

Transportation, advised that gravel roads are more expensive to maintain as opposed to paved roads. With respect to capital costs, Mr. Dhillon thought the costs involved approximated \$100,000 per kilometre, but that these figures would be checked.

Councillor Snow advised that rural areas should be developed without high lot costs.

**MOVED by Councillors Dooks and Hendsbee that the Halifax County Subdivision By-law be amended to exempt District One in its entirety, and District Two - that area outside the existing mandatory paving zone.**

Councillor Schofield suggested Districts One and Two should not be exempt as maintenance costs would then be the responsibility of the entire region.

A vote on the amendment took place. **MOTION DEFEATED.**

A vote on the main Motion took place. **MOTION PUT AND PASSED.**

Councillor Dooks left the meeting at this point in time.

## **9.2 Second Reading - Blasting By-Law B-300**

- A written submission, prepared by Mr. Alan Hayman, was distributed to Council as well as correspondence from Mr. Robert Grant, Stewart, McKelvey, Stirling Scales.

Mr. Phil Francis, Policy and Planning Engineer, provided an overview of the issue at hand noting the July 14, 1998 public hearing on the above-noted matter, remained opened pending input from interested parties. On September 22, 1998, as a result of the numerous suggested changes to the by-law, it was agreed to close the July 14th public hearing and re-advertise for a second public hearing. The current by-law before Council this evening included modifications made during the September 22nd meeting of Council.

Two issues before Council include a) proposed amendments, and b) no proposed amendments:

### **PROPOSED MAJOR AMENDMENTS**

- definition of blasting changed to remove drilling;
- maximum air blast increased from 120 to 125 decibels;
- insurance requirement is now at \$1 million per occurrence (as opposed to \$2

- million);
- provision included in the by-law for emergency situations;
- requirement for geological report has been removed;
- provision included for the situation where there is a large property - the monitoring stations do not need to be located within the property - but rather outside of the property;
- vibration limit will be determined by a graph;
- by-law will not be applicable to underground mines.

### **SUGGESTED AMENDMENTS NOT BEING PROPOSED**

- the by-law not apply to quarries;
- the by-law requirements, with respect to quarries, should be the same as provincial guidelines;
- monitoring not to be carried out by an independent agent;
- small blasting projects be treated in a special manner;
- timing for blasting should be changed;
- blasting notice should not include the name of the insurance company;
- pre-blast surveys could be used to delay projects;
- should be a distinction in the by-law between urban and rural blasting;
- the by-law will result in the municipality's own projects being more expensive;
- the by-law should be deferred to next spring.

In referencing the recommended maximum air blast (125 decibels), Mr. Francis referenced a typographical error in the staff report dated September 17, 1998 - page 2 - "Two of the former municipalities had limits of 125 decibels and the remaining unit had a 128 decibel limit." Mr. Francis advised that only one municipality (former City of Halifax) had a 125 decibel limit, the limit in the former Town of Bedford was 120 decibels, the former City of Dartmouth limit was 128 decibels. There was no limit in the former Halifax County Municipality by-law, however, the provincial limit would have been utilized (128 decibels).

Councillor Kelly requested clarification on the term "proof" in Section 5(k) of the draft by-law. In response, Mr. Francis advised that proof would pertain to a letter from the applicant advising that everyone had been delivered a preblast survey, unless there was a problem, then the process would be different.

Councillor Kelly enquired if it was the intent of staff to ensure the homeowner has a copy of the preblast. In response, Mr. Francis advised in the affirmative. Councillor Kelly suggested that staff "tighten" up the process rather than wait for a problem to occur.



Councillor Kelly referenced a scenario where a house is under construction. At the time the preblast is done the house is half built, however, when the blasting actually takes place, construction of the house is complete. The Councillor enquired as to how staff will deal with this type of situation. In response, Mr. Francis advised a different type of preblast survey may have to be done. Councillor Kelly suggested that staff be prepared for this type of incident and review the process.

Councillor Kelly referenced page 5 - paragraph 6 - of the staff report, enquiring if it was the intent of the blaster to provide proof to staff, that they are in receipt of provincial permits. In response, Mr. Francis advised in the affirmative noting that Section 10(b) would be the respective clause, as well as Section 22.

Councillor Stone enquired as to whom residents should contact, should violations take place. In response, Mr. Francis advised the names of the contractor and insurance company will be in the hands of the homeowner, however, should they not be reachable, HRM staff could be contacted.

Councillor Stone suggested when preblast surveys are being distributed, the information should be forwarded to the Councillor of the area.

In response to an enquiry from Councillor Blumenthal as to the length of time residents have to make a claim, Mr. Francis advised there was no specific limit. Mr. Wayne Anstey, Municipal Solicitor noted, however, that the longer the wait, the harder it is to prove a claim.

Mayor Fitzgerald called for members of the public wishing to speak either in favour of, or against, the by-law.

**MR. PAUL MILLER, MILLER & ASSOCIATES, LR. SACKVILLE**

In addressing quarry issues, Mr. Miller noted he was still concerned with this by-law although it was a significant improvement over that of the previous Halifax County.

Two issues that still raised concern were as follows:

- a) Section 5(k) - area for preblast survey - the number referenced (300 meters) was an arbitrary number and doesn't differ between small blasts or quarry blasts. In quarry blasts, 150 meters to 300 meters is inadequate. There are documented cases in the province where flying rocks have travelled well beyond 300 meters from a blast.

- b) Section 27 - Maximum liability of \$5,000 - this is an inadequate penalty and has no level of deterrent. It was suggested that the legislation be amended to correct this aspect.

Mayor Fitzgerald thanked Mr. Miller for his comments.

**AILEEN MCCORMICK - ALLEN HEIGHTS**

Ms. McCormick noted the following concerns:

- there is no mention in the by-law of the distance separation between blasting operations;
- within the boundaries of the properties where blasting is taking place, is the blaster / owner permitted to blast only once or could he/she move around the boundary;
- distance away from structures is not sufficient - 800 meters should remain;
- 300 meters away from wells / septic fields - in rural areas - is not sufficient;
- concerned with statistics obtained from the Department of Environment as to when blasting could not take place;
- permits being issued for one year - does this mean that a blasting operation can continuously operate for one year - the constant noise of blasting is degrading to people's health. It was suggested a permit be issued for a 3 month period with a blaster to reapply after that time frame;

Ms. McCormick noted her major concern, as a Director on the Board of the Sackville River's Waters Association, that there is no mention of the distance of blasting from a watercourse. Reference was made to her correspondence dated July 13, 1998 addressed to Council at which time this concern was made known. If blasting occurs too closely to a watercourse, shock waves can cause a great deal of damage and fish habitat is destroyed. A riverbed can be fractured which would affect either the riverbed itself or disturb the sediment which would release harmful material into the watercourse. Rock and dust could be blown into a watercourse if blasting occurs nearby and Ms. McCormick enquired as to how this could be avoided. Also, what preventive measures would be taken to ensure that acid slate was not involved in any blasting. It was for these reasons, that a geological survey should be undertaken.

Ms. McCormick suggested the by-law should be tighter, to provide a level of care for the residents.

Mayor Fitzgerald thanked Ms. McCormick for her comments.

**MARY MCGRATH - KEARNEY LAKE**

Ms. McGrath advised she lived next to a quarry - less than two kms from an area that is blasted at least once per week. She also resided three kms from the Price Club. When the Price Club was constructed Ms. McGrath lost the thermopane seals on every window on the front of her house and she lives further than the required distance from a blast site. Further, McGrath lost the use of her well, the best part of the summer when the Price Club was constructed. Contact with the insurance company and the blaster proved useless as she was advised she lived too far away from the blasting site "to have possibly suffered any inconvenience from the project." It was noted Ms. McGrath lost her insurance twice and had to find new insurance coverage due to damage and flooding in her basement from blasting emanating from the quarry. It was also noted that with the quarry being at that location for such a long time, preblast surveys were not carried out.

Ms. McGrath suggested the blasting times referenced in the draft by-law were interesting. At the current time, it was not unusual to feel a blast from the quarry at 7:30 in the evening.

Ms. McGrath enquired on the requirements for loaded holes. In speaking with representatives from the industry they have advised it is not unusual to leave a hole loaded for an entire night.

Ms. McGrath noted that residents put up with blasting on the weekends.

In closing, Council was requested to protect the residents as taxpayers.

Mayor Fitzgerald thanked Ms. McGrath for her comments.

**ALAN HAYMAN, Q.C.**

Mr. Hayman spoke on behalf of interested companies, involved in both rock quarry operations and road construction within the municipality. His comments have the support of the N.S. Road Builders Association.

It was noted this revised by-law was not acceptable to the construction industry, however, the by-law was an improvement from the original draft. Mr. Hayman advised he met with representatives of the industry and reviewed the revised by-law in detail. One point of concern raised was the provision of preblast survey required within 150 meters of a proposed blast site. Fifty percent of applications made for blasting permits in HRM are made for so called small blasts; these are for sewer or water line installation, or construction of a foundation. Regulations being proposed of 150 meters

(500 ft.) require a preblast survey to be carried out. Costs involved to carry out a preblast survey for the Grace Maternity Hospital approximated \$60,000. This was due to the geographical area that had to be canvassed. When the Neptune Theatre was constructed, an application was made to HRM to reduce the distance to 75 meters (250 ft.), which was granted.

There can be little or no construction in an constituency as no one will be able to afford to have a water or sewer line installed in a residential property, due to the cost of a preblast survey. This is an issue that must be addressed. A mechanism must be put in place to assist these residents. Involvement with preblast surveys is a 'big ticket' item.

Reference was made to Schedule A which Mr. Hayman distributed to Council, which outlined **proposed amendments** to the revised by-law.

a) Section 2 (d):

“Blasting means the movement, preparation and use of explosives within a blasting area but does not include delivery to, or the initial storage at, the Blasting Area by a properly qualified person under the Transportation of Dangerous Goods Act.”

*Comments - new issue not raised with staff. This issue came to his attention after the by-law was reviewed by representatives of the industry. This is procedural in nature and is required to clarify specific points within the by-law. It may be the industry's fault for not bringing this aspect forward earlier, to staff's attention.*

b) Section 14:

(2) “At the start of the blasting operations, the Blaster shall monitor his initial shots to ensure that they give scaled distances (distances divided by weight of explosives per delay) which will maintain maximum particle velocities below the limit as defined in Appendix “A” for each blast.”

(5) “Notwithstanding subsections 3 and 4, where the blasting area is located completely within the boundaries of the property where blasting is being undertaken, the monitoring stations shall be located at the nearest structures or utilities outside of the property.”

*Comments - new issue not raised with staff. This issue came to his attention after the by-law was reviewed by representatives of the industry. This is procedural in nature and is required to clarify specific points within the by-law. It may be the industry's fault for not bringing this aspect forward earlier, to staff's attention.*

c) Section 15

"The noise created by an air blast shall not exceed 128 (one hundred twenty-eight) decibels."

*Comments - it is understood this is an increase from 120 decibels, however, it ignores the historical context and present day reality of blasting. Further, it deviates significantly from the internationally accepted norm of 128 decibels and does so without the benefit of any scientific or technical analysis. It has been previously stated that any reduction in this limit will have a potentially fatal affect on blasting operations within HRM. For years the limit of 128 decibels has been used by the former City of Dartmouth, former Halifax County Municipality, and the Provincial Department of the Environment. The reduction of 3 decibels equates to 30 percent in the permissible noise level. Mr. Hayman doubted that Council intended such dire consequences particularly in light of the lack of solid scientific grounds. The construction industry is objecting to this reduction in minimum air blast as proposed by this revised by-law.*

d) Section 16

"The applicant shall maintain a complete record of the following for each blast:"

*Comments - the problem with what is currently being suggested is that information is now well maintained by a provincially certified blaster, in accordance with provincial regulations, within a mandated log book. The blasters' log is being maintained by a provincially certified individual and should be relied upon unless there are specific circumstances. A copy of a log book was available for Council's perusal.*

*The blasters' log amply demonstrates the comprehensive nature of the reports maintained by the blaster. Although the purpose behind this section of the by-law is to provide a greater degree of comfort to residents of HRM, the effect is to have a vaguely defined independent monitoring agency, duplicating the work of provincially recognized authority. This section undermines the credibility of provincial regulations.*

e) Section 19:

- (1) "No blasting shall take place on Sundays"
- (2) "No blasting shall be carried out except between 8:00 a.m. and sunset Monday to Saturday exclusive"
- (3) "Notwithstanding subsection (1), the Inspector may grant a blasting permit to carry out blasting operations on Sundays ..."

*Comments - Currently, the section limits blasting from Monday to Friday and then only*

*between 8:00 a.m. and sunset or 6:00 p.m. - whichever comes first. This represents a serious curtailment of the current practice which allows for blasting between sunrise and sunset, as well as on Saturdays. Blasting, whether for road construction or subdivision development is largely a seasonal operation and as such, is subject to strict deadlines. Moreover, the reality of the situation is that adverse weather can quickly set back blasting operations and the overall project. The proposed restrictions on the hours of blasting will severely restrict the ability of contractors to adapt, in order to meet deadlines, which may in turn, result in financial penalties and delay completion of private and public projects. There is also the affect on public convenience to be considered in the relatively lower traffic hours - after 6:00 p.m. and on Saturdays. Blasting must be permitted between 6:00 p.m. and sunset and on Saturdays.*

Mr. Hayman advised he had corresponded with Mr. Phil Francis within the past two weeks setting out his position.

Mr. Hayman noted if his suggested amendments (Schedule A), were approved by Council, a workable by-law will be created.

In closing, Mr. Hayman commended Mr. Phil Francis and his staff on a job well done.

Councillor Kelly enquired if Mr. Hayman would support incurred overtime costs of staff. In response, Mr. Hayman stated if the Councillor was referencing Sundays and holidays, he presumed the applicant would pay a portion of any incurred costs. However, Mr. Hayman suggested there would be few requirements for blasting on Sundays and holidays, if blasting could take place on Saturdays. Councillor Kelly advised prior to the end of the discussion this evening, he would be requesting staff to determine who would be responsible for incurred additional costs.

In response to an enquiry from Councillor Hendsbee, referencing Section 16 - if this would provide an opportunity for the record to be incomplete, Mr. Hayman advised in the negative as the records are in-depth and detailed.

Councillor Hendsbee referenced Section 14(2) and enquired as to why Mr. Hayman was suggesting this particular amendment. Mr. Hayman advised that often there is only one shot so a calibration shot is not always required.

Mayor Fitzgerald thanked Mr. Hayman for his comments.

### **ROBERT GRANT - STEWART MCKELVEY STIRLING SCALES**

Mr. Grant addressed Council representing Tidewater Construction Company Limited. Tidewater is a heavy contractor and has carried out business within the area of the

municipality over the past fifty years. Also, it is the owner and operator of a quarry in the Waverley area.

Tidewater is concerned with the revised by-law in that additional constraints will be imposed on contractors operating within HRM but at the same time, not provide any greater benefit to the public. Rock removal is a fact of life in this municipality with respect to any construction project. The fastest, simplest and least costly way of removing rock is through blasting. Mechanical alternatives to blasting take longer, are more costly and cause more nuisance to the public.

His clients reviewed Mr. Hayman's submission and supports them in their entirety. However, he will focus on three particular elements of the proposed by-law:

a) **Supports the 128 decibel level**

There is no technical underlying basis for staff's recommendation of 125 decibels. There is a distinct difference between quarry operations and contracting operations. In quarries, the blasting is repetitive in nature and the parameters become known to the operator and are easy to control. In contracting operations, however, the parameters are not known. Tidewater was concerned that in contracting operations, the contractor operating in good faith and due diligence, may nevertheless exceed the 125 decibels that is being proposed. This would result in a contravention of the by-law, with the contractor being subjected to the penalty proposed, with no harm being caused to the public.

b) **Supports blasting on Saturdays**

One of the significant components of noise levels associated with a blast, is what the weather conditions are. If the sky is overcast; if there is low cloud cover, sound emanating from a blast is higher. It is therefore important that blasting occurs when the sky is clear - when conditions are right. In this province, with variable weather conditions, contractors have to deal with this - they drill and load the holes with explosives and then in an unforeseen fashion, cloud cover occurs and the blast can't be set off. The by-law as it stands would put a contractor in a quandary on a Friday afternoon, whether to blast with incoming weather or wait for clearing conditions on the following Saturday.

Another factor to be considered is that when explosives are in the hole and stacked, the longer they are in the hole, the more power they use. It is desirable to let the blast go as soon as possible, when conditions are right, after the holes have been filled.

Public safety favours blasting on Saturdays and as Mr. Hayman pointed out, there are

areas within the municipality where it may be desirable to blast on Saturdays - high traffic areas could be done on Saturdays with least convenience to members of the public.

Council was encouraged to think about work associated with the Halifax Harbour Cleanup, or the provision of Natural Gas, to this municipality. Mr. Grant suggested that in light of these projects, Council would wish to give itself some flexibility to permit blasting on Saturdays.

- c) **Monitoring station should be placed at the nearest structure or utility, outside of the property**

Mr. Grant suggested there was no purpose in having a second monitoring station located on the property boundary; only one was required at the nearest structure or utility.

Mayor Fitzgerald thanked Mr. Grant for his comments.

#### **GARY RUDOLPH, N.S. ROAD BUILDERS ASSOCIATION**

Mr. Rudolph advised he supported Mr. Hayman's submission and requested Council reconsider the current by-law.

Mayor Fitzgerald thanked Mr. Rudolph for his comments.

#### **JOYCE EVANS, HAMMONDS PLAINS**

Ms. Evans expressed concern with strict enforcement of the by-law - whatever that may be. Considerable blasting has been experienced in Hammonds Plains, in the past. Contact has been made with staff in this regard. Ms. Evans determined that even though there was blasting affecting Hammonds Plains, permits had not been issued.

Mr. Kulvinder Dhillon, Director, Engineering and Transportation, advised that staff would look into this matter.

Mayor Fitzgerald thanked Ms. Evans for her comments.

**MOVED by Councillors Uteck and Greenough to close the public hearing.  
MOTION PUT AND PASSED.**

#### **COUNCIL DECISION**



Councillor Hetherington suggested this matter be referred back to staff to consider the comments raised during the public hearing.

**MOVED by Councillors Hendsbee and Hetherington to refer the recommendations made this evening on the Blasting By-law, to staff, with a report to come back to Council by October 27, 1998. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Kelly enquired if blasting is extended to weekends, can staff provide comment on increased costs for staff on call or any other costs that may be incurred.

**10. CORRESPONDENCE, PETITIONS**

**10.1 Petitions** - None

**11. REPORTS**

**11.1 MEMBERS OF COUNCIL**

**11.1.1 Councillor Cunningham - Municipal Tree By-Law**

- A memorandum prepared for Councillor Cunningham, on the above-noted matter, was before Council.

Councillor Cunningham requested a status report for the October 19, 1998 Regional Council Meeting as to when the by-law will be brought before Council.

**11.1.2 Councillor Blumenthal - Fire Prevention Week Launching**

- A memorandum prepared for Councillor Blumenthal, on the above-noted, was before Council.

Councillor Blumenthal offered his apologies to the Fire Department for his comments made the previous week on the fact that unpaid fire fighters were not in attendance for the launching. The Councillor since learned there had been mis-communication.

**11.2 CHEBUCTO COMMUNITY COUNCIL**

**11.2.1 Case 7591 - Plan Amendment for Chebucto Peninsula (Planning District 5) to Realign the Conservation Designation Boundary - Polling District 18**

- A memorandum prepared for Councillor Bill Stone, Chair, Chebucto Community Council, on the above-noted, was before Council.

Councillor Stone requested that the suggested public hearing date of November 10, 1998 be changed to December 8, 1998.

**MOVED by Councillors Stone and Walker to approve the revised Generalized Future Land Use Map for the Chebucto Peninsula, Planning District 5; further that Council set a public hearing date of December 8, 1998. MOTION PUT AND PASSED UNANIMOUSLY.**

### **11.3 NORTH WEST COMMUNITY COUNCIL**

#### **11.3.1 Residential Growth Management Policies, Plan Review for Planning Districts 15/18/19**

- A memorandum prepared for Councillor Barnet, Chair, North West Community Council, on the above-noted, was before Council.

**MOVED by Councillors Barnet and Schofield to adopt the proposed amendments to the Hammonds Plains, Beaver Bank and Upper Sackville (Planning Districts 15/18/19) Municipal Planning Strategy and Land Use By-Law and former Halifax County Subdivision By-Law to manage the rate of future residential development in this Plan Area as set out in Appendices A, B and C of the staff report dated October 5, 1998; further, that Regional Council set a Public Hearing date of November 10, 1998. MOTION PUT AND PASSED UNANIMOUSLY.**

Deputy Mayor Rankin anticipated a public information session in the area of Hammonds Plains Road.

### **11.4 CHIEF ADMINISTRATIVE OFFICER**

#### **11.4.1 Tender 98-265 - Resurfacing Part IV, Various Locations - West District**

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

**MOVED by Councillors Kelly and Greenough to:**

- a) **approve local improvement charges in the amount of \$6.66 per foot per side for asphalt curb upgrading to concrete on Westgate Drive and Burns**

Drive in accordance with By-Law S-400 as outlined in the staff report dated September 28, 1998;

- b) award Tender No. 98-265, Resurfacing Part IV, Various Locations, be awarded to Exeter Construction Services for materials and services specified at the unit prices quoted for a Total Tender Price of \$388,021.50 and a Total Project Cost of \$446,225.00 with funding availability as noted in the Budget Implications section of the staff report dated September 28, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

**11.4.2 Tender 98-282 - Auburn Avenue Storm Sewer**

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

**MOVED by Councillors Stone (on behalf of Councillor Adams) and Walker to award Tender No. 98-282, Auburn Avenue Storm Sewer to Amber Contracting Limited for materials and services specified at the unit prices quoted at a Total Tender Price of \$119,686.25 and a Total Project Cost of \$137,639.00 with funding provided as outlined in the Budget Implications section of the staff report dated October 7, 1998. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.3 Tender 98-335 - Street Reconstruction - East District**

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

Councillor Cooper referenced Poplar Drive noting the Local Improvement Charges are not finalized as yet, but that he hopes to have a recommendation shortly.

**MOVED by Councillors Sarto and McInroy to:**

- a) approve the allocation of Local Improvement Charges for the upgrading of asphalt curb to new concrete curb & gutter on Hampton Green as a general area rate for District 5 in the amount of \$6.66 per foot per side in accordance with the June 4, 1998 approval of the Harbour East Community Council;
- b) waive the right of petition for the asphalt curb upgrading to concrete curb and gutter for Poplar Drive and Bellevista Drive and approve the allocation of Local Improvement Charges in the amount of \$6.66 per foot per side;

- c) award Tender No. 98-335, Street Reconstruction, Poplar Drive, Hampton Green and Bellevista Drive to Dillman Enterprises (1995) Ltd. for materials and services specified at the unit prices quoted for a Total Tender Price of \$476,790.00 and a Total Project Cost of \$537,000.00. MOTION PUT AND PASSED.

**11.4.4 Tender 98-356 - Rockmanor Drive Reconstruction**

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

**MOVED by Councillors Kelly and Schofield to:**

- a) approve local improvement charges in the amount of \$6.66 per foot per side applicable to 1654 lineal feet of asphalt curb upgrading to concrete on Rockmanor Drive in accordance with By-Law S-400 and as outlined within the staff report dated October 5, 1998;
- b) award Tender #98-356, Rockmanor Drive Reconstruction to Dexter Construction Co. Ltd. At a tender price of \$150,880 and a Total Project Cost of \$173,512.00 with funding to be made available as noted in the Budget Implications section of the staff report dated October 5, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

**11.4.5 Tender 98-263 - Lakefront Road Street Reconstruction and Watermain Renewal**

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

**MOVED by Councillors Cunningham and Hetherington to:**

- a) approve this project as a Local Improvement Project, the details of which are outlined in the Discussion section of the staff report dated October 7, 1998;
- b) award Tender #98-263, Lakefront Road Street Reconstruction and Watermain Renewal to Amber Contracting Limited for materials and services specified at the unit prices quoted for a Total Tender Price of \$269,288.60 and a Total Project Cost of \$309,682 with funding as outlined in the Budget Implications Section of the staff report dated October 7, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

**11.4.6      Tender 98-105 - Sir John A. MacDonald Soccer Field Renovations**

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

**MOVED by Deputy Mayor Rankin and Councillor Barnet to:**

- a) award Tender #98-105, Sir John A. MacDonald Soccer Field Renovations to Terra Nova Landscaping for materials and labour services quoted for a total tender price of \$66,700 including taxes;**
- b) enter into an agreement with the Province for a grant of \$20,000. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Barnet referenced correspondence from the Province (Sport and Recreation Commission) attached to the staff report. The Councillor requested a staff report for the October 19, 1998 Council Meeting on projects to be tendered that would fall under the proviso of having to be completed by March 31, 1999, in order to qualify for provincial funding.

Councillor Stone enquired on the process involved in applying for such grants.

**11.4.7      Sanitary Sewer Service - Point Pleasant Drive**

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

**MOVED by Councillors Uteck and Downey to:**

- a) approve the installation of sanitary sewer service on Point Pleasant Drive under the local Improvement Policy of the Halifax Regional Municipality;**
- b) approve the use of capital funds in the amount of \$250,000 for this project in the 1998/99 fiscal year from Capital Account No. 95521, Priority No. 2, Point Pleasant Drive, in Roads and Streets - Regional Operations (Renewals) and defer the renewal of Point Pleasant Drive to later years. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Uteck urged staff to determine a quick resolution as to whether there will be a trunk sewer installed under Point Pleasant Drive under the Halifax Harbour Solutions Project.

**11.4.8      Projected Debt for March 31, 1998**

- An Information Report prepared for Mr. Reg Ridgley, Acting Director of Finance, on the above-noted, was before Council.

This item had been deferred at the commencement of the Session.

**11.4.9      Alarm By-Law for HRM**

- A memorandum prepared for Mr. Dan English, Deputy Chief Administrative Officer, on the above-noted, was before Council.

This item had been deferred to October 19, 1998, at the commencement of the Session.

**11.4.10     Assignment of Lease - 670 Portland Street, Dartmouth**

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

**MOVED by Councillors Hetherington and Greenough to consent to the assignment of a lease dated September 9, 1993 between Auto World Limited and the former City of Dartmouth for premises located at 670 Portland Street to Wilkins Limited and that the Mayor and Municipal Clerk be authorized to execute a form of consent on behalf of the Municipality. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.11     Housing Work Group Report**

- A memorandum prepared for Ms. Val Spencer, Director, Priority and Policy, on the above-noted, was before Council.

**MOVED by Councillors Walker and Hendsbee that Council approve the resolution to UNSM as found in Appendix 1 of the staff report dated October 6, 1998, with respect to the reducing or terminating the obligation of municipalities to pay a portion of the operating deficit for public housing units. The Resolution reads as follows:**

**WHEREAS the Province of Nova Scotia, through service exchange agreed to administer all social services and programs in exchange for the municipalities taking on police services and roads;**

**WHEREAS the Province of Nova Scotia has agreed to administer social housing policies and programs devolved to them by the Federal Government, which includes public housing programs;**

**WHEREAS municipalities have jointly maintained the responsibilities of public housing notwithstanding the agreement of service exchange and devolvement of Federal Government housing programs, without compensation;**

**WHEREAS municipalities face potential increases in their required commitment to housing authority operating deficits without any input into the pending priorities and service delivery;**

**BE IT RESOLVED that the Province of Nova Scotia comply with the municipal exchange agreement and enter into negotiations with the appointed representative of the municipalities, UNSM, to release the municipalities from the public housing agreement to pay 12.5 percent operating deficits or offer compensation and/or reimbursement to the municipalities for the cost of meeting that agreement.**

Deputy Mayor Rankin supported the efforts of staff in this regard, particularly Ms. Barb Nehiley, Principal, Societal Issues. The report provides a viable case for the municipality terminating any obligation of providing public housing.

Councillor Schofield advised he would be attending the upcoming UNSM Conference and that he would be willing to bring forth this Resolution at that time.

Councillor Schofield referenced the fact that this type of resolution has gone forward before and at that time it was made known the province should pay municipal taxes on the properties. If the 12.5 percent subsidy that the municipality has to pay is discontinued, and the province discontinues the taxes they are responsible for, the municipality could be the loser. The Councillor suggested that something be included such that municipal taxes remain.

Ms. Barb Nehiley advised currently, the municipality pays out more than is received in taxes - there has been a difference of approximately \$200,000 each year, for the last four years. The municipality is seeking partial or full relief of this amount.

Councillor Schofield reminded Council that it is not only HRM that is affected in this manner and that other municipalities may receive more taxes than they pay out.

Councillor Schofield referenced the Housing Work Group noting that the Group's duty was over, at least for the time being, however, there should be some monitoring of the municipality's partnership with the Province. In noting recent appointments made to the Housing Authority, Councillor Schofield advised, that in past there were four members - one from each municipality - sitting on the Board. The Province reappointed three individuals after the restructuring of housing authorities, but only asked HRM to appoint one individual as opposed to four. For this reason, Councillor Schofield suggested a liaison with the Province in regard.

Councillor Greenough expressed concern with HRM not breaking even in this instance. Accordingly, the Councillor enquired as to what the budgeted amount would be on an annual basis, to cover this cost. In response, Ms. Nehiley advised \$2.6 million in 1994; \$2.2 million in 1995; \$2.18 million in 1996, \$2.2 million 1997 and \$2.2 million for 1998. In each of these years, the municipality ended up paying less - each year - than what was budgeted. The implication is that financial planning strategies need to be determined.

Councillor Greenough suggested it was vital to obtain support from other municipalities in this regard.

Councillor Hendsbee requested an additional report noting potential loss of tax revenues.

**MOTION PUT AND PASSED.**

**11.4.12      Noise Pollution Behind the Bedford Place Mall**

- A memorandum prepared for Mr. Wayne Anstey, Municipal Solicitor, on the above-noted, was before Council.

**MOVED by Councillors Kelly and Barnet that staff be asked to consider and report on the following request from Mr. Fred Hall, Union Street, Bedford: *that the noise by-law be amended to restrict the time during which refrigeration units can run when making deliveries at the Bedford Place Mall, as part of the process of unifying the various noise by-laws inherited from the prior municipal units.***

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.13      Parking Infraction Ticket Project**

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.



**MOVED by Councillors Greenough and McInroy to authorize the expenditure of the sum of \$154,000 for the development and implementation of an expanded parking ticket system that would:**

- a) provide for the electronic transfer of data to the Provincial Court; and
- b) provide for the refusal, by the Registry of Motor Vehicles, to issue vehicle and driver licences for non-payment of fines to be expanded to include parking ticket fines and that the funding required be provided by increased parking ticket revenues.

Mary Ellen Donovan, Legal Services, provided an overview of the issue noting there was approximately \$900,000 in uncollected fines for 1998 alone.

Councillor Downey advised he could not support the Motion as he felt it was a provincial responsibility.

**MOTION PUT AND PASSED.**

12. **MOTIONS** - None

13. **ADDED ITEMS**

13.1 **Leave of Absence - Councillor Ron Hanson - District 17, Purcell's Cove - Armdale**

- A memorandum prepared for Deputy Mayor Rankin, on the above-noted, was before Council.

**MOVED by Deputy Mayor Rankin and Councillor Walker that Councillor Hanson be granted a leave of absence from all Council related duties until January 5, 1999. MOTION PUT AND PASSED UNANIMOUSLY.**

13.2 **Information Item #7 - Traffic Signal Request - McGee/Glendale**

- A memorandum prepared for Councillor Harvey, on the above-noted, was before Council.

Staff was suggesting that traffic signals are not warranted at the intersection and that the posted speed should not further be reduced from the existing limit of 60 km/h.

Councillor Harvey advised that staff's conclusion was not acceptable and that he would

bring forward this issue once again, during Capital Budget deliberations.

### 13.3 Municipal Legislation

- A memorandum prepared for Mr. Wayne Anstey, Municipal Solicitor, on the above-noted, was before Council.

Mr. Anstey advised of revised amendments to the Halifax Regional Municipal Act; particularly two sections - Taxation Structure (Section 82[8][a]), and Pesticides (Section (110[1][v-iv]).

Two changes to the revised amendments, as recommended by staff, were suggested by Council, that being:

- a) Section 82(8)(a) - delete "by the Regional Municipality determined" - second last line.
- b) Section 110(1)(v) - insert "and municipally owned properties" subsequent to "used for residential purposes."

The following Motion takes into consideration the above-noted amendments.

**MOVED by Councillors Hetherington and Greenough to approve the form of the amendments to the Halifax Regional Municipality Act respecting taxation structure and pesticide regulation and instruct staff to arrange for their introduction before the Nova Scotia Legislature.**

### TAXATION STRUCTURE

#### Section 82(8)(a)

**"the Council shall authorize the levying and collecting of a separate rate for the area of the Regional Municipality determined by the Council to be a rural area receiving a rural level of services sufficient to raise the amount estimated to be required to defray an amount not exceeding the area's share of the net cost to the Regional Municipality of providing general administration, planning, development control, building and protective inspections, social services, contributions to a school board, contributions to a regional library, industrial or business development and attraction, and solid waste collection and disposal, including waste diversion and the Council may set separate rates for the area of the Regional Municipality determined by the Council to be a suburban area receiving a suburban level of services and for the area of the Municipality determined by the Council to be an urban area receiving an urban level of services."**

**PESTICIDES**

**Section 110 (1)( v) - (iv)**

“regulating the use of pesticides for the maintenance of outdoor trees, shrubs, flowers, other ornamental plants and turf on that part of a property used for residential properties and municipally owned properties, and without restricting the generality of the foregoing, the bylaw may

- (i) require the posting of notice when pesticides are to be or are being so used, with power to regulate the form and time of the notice and the area in which the notice must be posted;
- (ii) establish a public registration scheme in which a resident, having a medical reason for objecting to pesticides being used, may file with the Clerk an objection to pesticides being so used in the vicinity of the property on which the person resides;
- (iii) require that notice be served on the residents of any registered property within the distance specified in the bylaw when pesticides are to be so used with power to regulate the form, manner and time of the notice; and
- (iv) specify the circumstances in which posting or serving notices is not required;

but a bylaw made pursuant to this clause may not prohibit the use of pesticides and does not apply to property used for agricultural or forestry purposes.”

**MOTION PUT AND PASSED.**

**14. NOTICES OF MOTION - None**

**CONDOLENCES**

Mayor Fitzgerald, on behalf of Regional Council, expressed sadness and extended sincere condolences to the family and friends of Mr. Phillip Thornton and Mrs. Ann Thornton, husband and wife, whose lives were tragically taken away on October 7, 1998. Mr. Thornton, an employee of Halifax Regional Municipality, will be sadly missed by his many friends and co-workers here at HRM.

**FAREWELL**

Mayor Fitzgerald advised this was the final Council Meeting for Ms. Jane Nauss, Assistant Municipal Clerk, who will be relocating to Mr. George McLellan's Office (Deputy Chief Administrative Officer). Mayor Fitzgerald thanked Ms. Nauss for her contribution to Council, and wished her well in her new endeavours.

**15.           ADJOURNMENT**

**MOVED by Councillors Hetherington and Greenough to adjourn the meeting at 9:15 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

**Vi Carmichael  
MUNICIPAL CLERK**