

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL MINUTES May 15, 2001**

**PRESENT:**

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

**STAFF MEMBERS:**

Mr. Ken Meech, 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.

**HRM CITIZENSHIP AWARDS**

Mayor Kelly presented the 2001 Citizenship Awards to the following recipients:

Ashley Boutilier	Jessica Haigh	Michael Armson	Antonia Wareham
Chevone Baker	Natalie Gauthier	Angela Enman	Benjamin Hartling
Catherine Taylor Shallyn Williams	Anne Aubut	Elyse Adams	
Caroline Tooton	Sarah Eyland	Bridget Arsenault	Stephanie Fung
Calvin Simmons	Laura Stanford	Laura Miller	Jared Balke
Ryan Lapierre	James Wilson	Alan Dalton	Jason Oxner
Charlee Tolliver	Gerald Stacey-Gates	Jessica Singh	Farrah Moore
Alexander Sancton	Neesha Rao	Erin Cuvelier	Dina Hasan
Nicholas Naugle	Laura Dunnington	Courtney Johnston	Jessie McGrath
Katrina Collins	Phuong Nguyen	Susan Tse	Derrick Gillissie
Billy Tsimiklis	Ashley Simon	Melissa Murphy	

**2. PROCLAMATIONS**

**2.1 Royal Week - May 18 -25, 2001**

The week of May 18 - 25, 2001 was proclaimed to be Royal Week.

**2.2 National Public Works Week**

The week of May 20 - 26 was proclaimed to be National Public Works Week.

**2.3 National Police Week**

The week of May 14 - 20 was proclaimed to be National Police Week.

**3. APPROVAL OF MINUTES - NONE**

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

The following items were added to the agenda:

- 13.1 Property Matter - RFP 01-001 Leased Office Accommodation - Customer Service Centre

13.2 Property Matter - 159 Walker Avenue

13.3 Property Matter - 1735-1737 Barrington and George Streets

It was agreed to deal with Item 10 - Correspondence, Petitions and Delegations following Item 7 - Motions of Rescission.

Councillor Adams asked that a report from the Regional Taxi and Limousine Committee - Reconsideration of Council Decision re: Advance Fare also be added to the agenda.

**MOVED by Councillor Adams, seconded by Councillor Mosher, that a report from the Regional Taxi and Limousine Committee be added to the agenda. MOTION PUT AND DEFEATED.**

Councillor Warshick expressed concern regarding repeated severe flooding problems in District 6. The Councillor noted, for the second time in six months, Waverley Road at Red Bridge Pond was virtually impassable, as the pond had swollen over its banks completely covering approximately 100 feet of road. Councillor Warshick stated it is imperative to look at measures to resolve this problem due to the possibility of emergency vehicles not being able to access the area. The Councillor requested an immediate staff report which would also look at how the lakes are monitored for levels prior to and during storms so as the Municipality will be pro-active in the future.

**MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, that the Order of Business be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**6. MOTIONS OF RECONSIDERATION - NONE**

**7. MOTIONS OF RESCISSION - NONE**

As agreed to during Approval of the Order of Business, Council deal with Item 10 - Correspondence, Petitions and Delegations next on the agenda.

**10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**10.1 Petitions**

**10.1.1 Councillor Adams - Advance Taxi Fares**

Councillor Adams served a petition containing approximately 75 signatures of Dartmouth taxi drivers requesting that the drivers be permitted to request fares in advance, in certain circumstances.

**10.1.2 Councillor Johns - No Parking, Judy Avenue**

Councillor Johns served a petition containing approximately 134 signatures of residents in favour of “no parking” signs on one side of Judy Avenue.

**10.2 Presentations**

**10.2.1 Annual Report - Union of Nova Scotia Municipalities - Mayor Anna Allen**

Mayor Anna Allen presented the Union of Nova Scotia Municipalities’ Annual Report to Council.

**10.2.2 Overview, Replanting in Point Pleasant Park (oral)**

- i) Karla Russell, President, PAWEECA**
- ii) Kelli Hogg**

A presentation was made by the PAWEECA representatives regarding the replanting in Point Pleasant Park. A copy of their presentation was submitted for the record.

Mayor Kelly and several Councillors expressed appreciation and thanks to PAWEECA for their efforts.

**8. CONSIDERATION OF DEFERRED BUSINESS**

**8.1 First Reading By-Law L-200 Respecting Licensing and Construction and Demolition Debris Recycling and Disposal Operations (deferred May 1) (supp report)**

C A supplementary report prepared for K. R. Meech, Chief Administrative Officer, dated May 10, 2001, regarding the above, was before Council for its consideration.

Mr. Brian Smith, Director, Solid Waste Resources, presented the supplementary report to Council, noting the Solid Waste Resource Advisory Committee is recommending that Council proceed with First Reading of the revised By-Law, as attached to the supplementary report dated May 10, 2001.

**MOVED by Councillor Rankin, seconded by Councillor Meade, that Council give First Reading to By-Law L-200, as attached to the supplementary report dated May 10, 2001.**

Speaking in support of First Reading, Councillor Rankin noted this will allow a formal process to be initiated and public input will be obtained during Second Reading. The Councillor stated there are currently no rules in place governing the process, and it is incumbent upon Council to come forward with a reasonable proposal. Councillor Rankin stated this By-law is a good proposal to be brought forward for public comment, and it is infinitely better than the status quo.

Councillor Uteck stated each of these facilities needs to be treated as a separate entity in the area in which they are located. The Councillor suggested the separation distance could be amended to read between 30m - 100m of a residential or institutional property line. If the community has no problem with the 30m distance, Councillor Uteck questioned why Council would bring in stronger regulations. The Councillor also expressed concern with the fact that there are no locations chosen yet for the disposal sites.

**MOVED by Councillor Uteck, seconded by Councillor Sloane, that By-Law L-200 be amended to change the separation distance for C & D Disposal Sites (distances from stockpile/active area/disposal site) to between 30m - 100m of a residential or institutional property line.**

Speaking against the amendment, Councillor Cooper stated he would like to see the 100m distance maintained, especially until such time as the amendments for the municipal development plans and by-laws are in place, as there are many areas that have not been addressed by this By-law, such as visual impacts. The Councillor noted the residents also have to have the opportunity to be heard. Councillor Cooper suggested it would be easier to reduce the distance at a later date rather than trying to impose more stringent requirements.

Mr. Wayne Anstey, Municipal Solicitor, expressed concern with the word "between" in the amendment. Mr. Anstey stated if someone meets the 30m requirement, there is no mechanism to force them to a higher separation distance. He suggested the wording be changed to "at least 30m" then the same objective will be accomplished.

Based on Mr. Anstey's comments, Councillor Uteck, with the agreement of the Seconder, withdrew her motion and put forth a new motion.

**MOTION WITHDRAWN.**



**MOVED by Councillor Uteck, seconded by Councillor Sloane, that By-Law L-200 be amended to change the separation distance for C & D Disposal Sites (distances from stockpile/active area/disposal site) to 50 m of a residential or institutional property line.**

Speaking against the amendment, Councillor Walker stated Council should hear from the public before making any decision to change the separation distance.

Responding to a question of Councillor Adams, Mr. Anstey stated if a higher distance is advertised for the Public Hearing, and the result of the public input is to reduce the distance, that would be a reasonable amendment for Council to make to the By-Law.

Speaking against the amendment, Councillor Goucher suggested it should be withdrawn or deferred until after the Public Hearing process. Councillor Hines agreed the public process should be completed before making any amendments.

The vote was then taken on the amendment.

#### **MOTION PUT AND DEFEATED.**

Speaking against the main motion, Councillor Fougere expressed concern with putting the By-Law in place before amending the Land Use By-Laws. The Councillor stated the By-Law, as currently written, will do little to address the situation in the long run.

Speaking in support of First Reading, Councillor Adams noted there will be a meeting in Harrietsfield at the Community Centre on Wednesday, May 23<sup>rd</sup> at 7:00 p.m. at which time more public input will be obtained.

Also speaking in support of First Reading, Councillor Walker stated he had more concerns but agreed to bring them forward at Second Reading.

Councillors Smith and Hines also spoke in support of the motion stating it is time to move through the process.

Councillor Rankin stated time is of the essence and the By-Law needs to be put in place for the summer and that is why this step is preceding the Land Use By-Law amendments. The Councillor noted these facilities are in existence now, and rules for them need to be put in place.

Responding to a question of Councillor Cooper, Mr. Smith stated it is staff's intention to bring the municipal development plan and by-law amendments back to Council as soon as possible. Mr. Kurt Pyle, Planner, stated the target date to have everything to Council for a

decision is by the end of 2001. Following the approval of the By-Law, the next step will be to outline the plan and land use by-law amendments to be forwarded to the Community Councils and Planning Advisory Committees. Responding to a question of the Councillor, Mr. Meech stated every effort will be made to meet these deadlines.

Responding to a question of Councillor Adams, it was noted Second Reading will be held on June 5, 2001.

The vote was then taken on the Main Motion for First Reading.

**MOTION PUT AND PASSED.**

**8.2 Approval of Rural Fire Department Area Rates (deferred May 1)**

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

Mr. Reg Ridgley, Manager, Revenue and Process Audit, presented the staff report to Council.

Responding to a question of Councillor Streach regarding a boundary issue, Mr. Bill Mosher, Deputy Chief Director, Fire Services, stated it was agreed at a recent meeting that the Chiefs of the Ostrea Lake and Oyster Pond fire stations would meet to discuss these boundaries.

**MOVED by Councillor Streach, seconded by Councillor Fougere, that:**

- 1. The area rates as scheduled in Appendix A (attached to the staff report dated May 2, 2001) be levied for fiscal year 2001/02 on residential and resource property assessments;**
- 2. The area rates as scheduled in Appendix B (attached to the staff report dated May 2, 2001) be levied for fiscal year 2001/02 on commercial property and business occupancy assessments;**
- 3. The area rates as scheduled in Appendix C (attached to the staff report dated May 2, 2001) be levied for fiscal year 2001/02 on commercial, residential and resource property assessments;**
- 4. A loan be granted as emergency funding in the amount of \$6,100.00 to the Mushaboom Fire Service at an interest rate of 4.75% with the loan and interest being the first charge against operations for fiscal 2002/03;**

5. **A loan be granted as emergency funding in the amount of \$6,000.00 to the Port Dufferin/Three Harbours Fire Service at an interest rate of 4.75% with the loan and interest being the first charge against operations for fiscal 2002/03.**

Responding to a question of Councillor Johns regarding the possibility of one consolidated rate for fire services, Mr. Meech stated this issue was referred to the Tax Structure Review Committee and a recommendation will be brought back to Council at a later date.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**8.3 Pesticides By-Law - Formalize Designation of Inspector (deferred May 8)**

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

**MOVED by Councillor Cunningham, seconded by Councillor Sarto, that Halifax Regional Council approve the following designations as per By-Law P-800 [Section 2 (c)] Respecting the Regulation of Pesticides, Herbicides and Insecticides:**

1. **Regional Council designate the Manager-Senior Advisor, Parks and Natural Areas as the Inspector for the Pesticide By-Law P-800.**
2. **Regional Council authorize, under the direction and approval of the Inspector, the assigning of on-site inspectors to carry out and approve routine on site pesticide permit applications, when and as required.**

Responding to a question of Councillor Streach, Mr. Stephen King, Manager-Senior Advisor, Parks and Natural Areas, stated the By-Law states an Inspector will be designated by Council, and there is no additional cost for this position. In response to a further question of the Councillor, Mr. King stated HRM has engaged the services of Clean Nova Scotia to assist with the review process of permit applications and public awareness programs. Mr. King noted this was part of the budget previously approved by Council.

In response to questions of Councillor Warshick regarding the rollout, Mr. King stated the rollout is on target, and he does not foresee any difficulty with taking on the role of Inspector in addition to his duties as Manager-Senior Advisory. Councillor Warshick expressed concern with the effect this additional work will have on the rollout, and suggested it should be assigned to an independent.

Responding to questions of Councillor Mosher, Mr. King outlined his experience and training with respect to horticulture and the use of pest control products. In response to a further

question of the Councillor, Mr. Meinhard Doelle, Executive Director of Clean Nova Scotia, explained the background training of their staff.

In response to a question of Councillor Streach, Mr. King stated the Inspectors will be wearing identification cards so people will know who they are.

**MOTION PUT AND PASSED.**

**8.4 Cat By-Law (deferred May 8)**

- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, dated July 6, 2000, regarding the above, was before Council for its consideration.
- C Correspondence from Ms. Laura Lahey, regarding a trap/alter/release program, was before Council for its consideration.

Councillor McInroy stated both he and Councillor Walker had some discussion with staff following the deferral of this item on May 8, 2001, with respect to the idea of asking staff for a not yet considered alternative to what is currently before Council as a Cat By-Law.

**MOVED by Councillor McInroy, seconded by Councillor Walker, that the proposed Cat By-Law be referred back to staff for an alternative solution that would be more general, complaint driven, and far less costly than the proposed by-law.**

Speaking in support of the motion, Councillor Cunningham stated he received some documentation from a resident in Digby regarding possible options that he will pass on to staff.

**MOTION PUT AND PASSED.**

**9. PUBLIC HEARINGS**

**9.1 Second Reading By-Law T-206, An Amendment to T-200 Respecting Tax Exemptions for Non Profit Organizations**

- C By-Law T-206, An Amendment to T-200 Respecting Tax Exemptions for Non Profit Organizations passed First Reading on April 24, 2001.
- C A staff report from the Grant Committee, dated April 17, 2001, regarding the above, was previously circulated to Council on April 24, 2001.

Ms. Peta-Jane Temple, Grant Program Coordinator, presented the Committee's report.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the By-Law.

**Mr. Michael Burke, Mount Saint Vincent Motherhouse**

Mr. Burke spoke in support of the By-Law and the Mount Saint Vincent Motherhouse's conversion from commercial to residential rate.

**Mr. Guy Harrington, Columbus Club of Sackville**

Mr. Harrington spoke in support of the recommended tax conversion for the Columbus Club of Sackville from commercial to residential rate. However, he requested that Council apply the residential rate retroactively to the first year of the Club's ownership of the property. Mr. Harrington noted at the time the Club purchased the building, it was too late to apply for an exemption for that year. He stated it was only assessed commercial because the Province assesses all non-residential buildings commercial as there are no other categories. Mr. Harrington stated the Columbus Club is still developing uses for the building, and it is currently being used by non-profit organizations. He outlined the various programs the Club sponsors such as Special Olympics, safe graduation programs, bursary and scholarship programs, etc.

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

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

**COUNCIL DECISION**

Councillor Streach suggested a second look should be given to the Columbus Club of Sackville's situation. In response, Ms. Temple stated the Grant Committee did this at its meeting yesterday, and its recommendation is to uphold the original recommendation which was a conversion to the residential rate, but not retroactive to the date of purchase.

Councillor Streach inquired if other similar facilities receive a better level of exemption. Ms. Temple stated certain service clubs have two different rates depending on what facilities are on the property. She noted that the majority of these clubs are located in HRM owned buildings and are not charged taxes. Ms. Temple noted this issue will be reviewed by staff and Building Management Services and will come forward as part of the overall review of the By-law in 2002.

**MOVED by Councillor Streach, seconded by Councillor Hetherington, that By-Law T-206, An Amendment to T-200 Respecting Tax Exemptions for Non Profit Organizations, be given Second Reading.**

Councillor Harvey expressed appreciation to staff and the Grant Committee for the time spent on this report. However, for the reasons stated by Mr. Harrington, Councillor Harvey put forth the following motion:

**MOVED by Councillor Harvey, seconded by Councillor Johns, that the conversion to residential rate for the Columbus Club of Sackville be made retroactive to April 2000.**

Councillor Harvey noted this retroactive conversion would create a benefit of approximately \$1,300 for the club.

Councillor Cunningham inquired if it was legally possible to provide a retroactive conversion. In response, Mr. Wayne Anstey, Municipal Solicitor, stated the By-Law can only deal with the current year's taxes. Councillor Walker noted the Grant Committee could not give a retroactive deferral from the Grant budget because it would be for tax arrears. The Councillor suggested the matter could be sent to Financial Services to see if the money could be found elsewhere.

**NO VOTE WAS TAKEN ON THE MOTION.**

In response to Councillor Walker's suggestion, Mr. Anstey stated the money would come from the same source: the taxpayers. He noted Council would have the authority to make a general grant, equal to the tax arrears, to this organization. However, the Municipal Government Act provides that the By-Law deal on a year to year basis with taxes of properties. Mr. Anstey stated the tax arrears issue should be dealt with as a separate issue, and a motion to give a general grant would require a Notice of Motion to have it placed on next week's agenda.

Ms. Temple advised Council there would be a written supplementary report to Council next week, and this report could include options as to how Council could address the Columbus Club's tax arrear issue.

Councillor Cunningham expressed disappointment with the recommendation for Saint George's Tennis Club, and suggested the Grant Committee should review the application again to see if a partial exemption could be provided.

**MOVED by Councillor Cunningham, seconded by Councillor Warshick, that St. George's Tennis Club be referred back to the Grant Committee for further review.**

It was noted that if a change is made to this tennis club, the South End Lawn and Tennis Club should also be reviewed.

The vote was taken on the St. George's Tennis Club referral.

**MOTION PUT AND PASSED.**

The vote was taken on the Main Motion for Second Reading of the By-Law.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Harvey, seconded by Councillor Walker, that Council request a separate report respecting possible solutions to resolving the tax arrears situation of the Columbus Club of Sackville. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.2 Second Reading By-Law T-301 An Amendment to By-Law T-300, Tax Deferrals**

C By-Law T-301, An Amendment to By-Law T-300, Tax Deferrals, passed First Reading on April 24, 2001.

C A staff report from the Grant Committee, dated April 17, 2001, regarding the above, was previously circulated to Council on April 24, 2001.

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

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

**MOVED by Councillor Sarto, seconded by Deputy Mayor Blumenthal, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

**MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane, that By-Law T-301, An Amendment to By-Law T-300, Tax Deferrals be given Second Reading. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.3 Second Reading By-Law L-103 Respecting Local Improvement Charges**

- C By-Law L-103 Respecting Local Improvement Charges passed First Reading on April 24, 2001.
- C An information report prepared for Carl Yates, General Manager, Halifax Regional Water Commission, dated May 9, 2001, regarding the above, was before Council for its consideration.

Mr. Carl Yates, General Manager, Halifax Regional Water Commission, presented the staff report to Council, noting there is an additional \$35,000 of contributions towards this project, and the net effect is frontage charges of \$13.90/foot for Pockwock Road (White Hills Run to west end, Anderson Road, Anderson Court) and \$16.40/foot for Pockwock Road (White Hills Run to English Corner).

Mayor Kelly called for members of the public wishing to speak either in favour of or against the By-Law.

**Mr. Marty David, Upper Hammonds Plains**

Speaking against the version of the By-Law that passed First Reading, Mr. David stated the residents of Upper Hammonds Plains have been clear and vocal in the past about the water project and the cost to the community, and the result has been very disappointing. Mr. David noted the community is now in litigation with HRM regarding with this project, and, therefore, he has been advised to say very little at this time. However, Mr. David stated increasing the frontage charges is unacceptable and requested Council to carefully consider what it is doing to the community of Upper Hammonds Plains.

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

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

**COUNCIL DECISION**

Councillor Rankin noted the frontage charges in the By-Law should read as they are stated in the May 9, 2001 staff report, and put forth the following motion:

**MOVED by Councillor Rankin that By-Law 103 Respecting Local Improvement Charges be given Second Reading reflecting the following local improvement**



**charges: \$13.90 - Pockwock Road (White Hills Run to west end, Anderson Road, Anderson Court); and \$16.40 - Pockwock Road (White Hills Run to English Corner.)**

**There was no seconder to this motion.**

Mayor Kelly inquired what figures were advertised in the newspaper for the Public Hearing. In response, Mr. Yates stated specific figures were not given in the advertisement. Mr. Anstey inquired what figures were in the staff report that was approved at First Reading. Mr. Yates stated the original frontage charges approved at First Reading were \$14.70 and \$17.20, and these figures are each being reduced by \$.80 in the motion as a result of the additional \$35,000 of contributions. Mr. Anstey suggested the issue of the frontage charges in the revised By-Law (\$13.07 and \$15.57), which was circulated to Council, needs to be clarified to ensure the public was provided the proper information. He suggested that the matter be deferred for one week.

Councillor Rankin noted that the frontage charges proposed at First Reading were higher than what he is proposing now. However, he agreed to defer the matter for clarification.

**MOVED by Councillor Rankin, seconded by Councillor Fougere, that this matter be deferred for one week.**

Councillor Cunningham inquired if it would not be better to defer this matter until the litigation is resolved. In response, Mr. Anstey stated the litigation is in a relatively early stage and it will be some months before there is a decision.

**MOTION PUT AND PASSED UNANIMOUSLY.**

Later in the meeting, Mr. Anstey stated he discussed the matter with the Municipal Clerk and he is now satisfied that the version of the By-Law made available to the public was the one approved at First Reading. The revised By-Law was only circulated to members of Council in their Council agenda packages. Therefore, Mr. Anstey stated he was satisfied that Second Reading could proceed at this time, if a two-thirds majority of Council agreed to do so. A vote was taken with 16 members of Council voting in favour of placing the matter back on the floor at this time.

**MOVED BY Councillor Rankin, seconded by Councillor Uteck, that By-Law 103 Respecting Local Improvement Charges be given Second Reading reflecting the following local improvement charges: \$13.90 - Pockwock Road (White Hills Run to west end, Anderson Road, Anderson Court); and \$16.40 - Pockwock Road (White Hills Run to English Corner.) MOTION PUT AND PASSED.**

**9.4 Case 00283 Amendments to the MPS and LUB for Eastern Passage/Cow Bay to Consider a Golf Course and Tourist Cottage Development Adjacent to Silver Sands Beach in Cow Bay**

- C The proposed amendments to the MPS and LUB for Eastern Passage/Cow Bay passed First Reading on April 24, 2001.
- C A report from the Harbour East Community Council, dated April 18, 2001, was previously circulated to Council on April 24, 2001.
- C Correspondence from Kathleen Peers, James Mosher, and Millie Knapp, in favour of the development was before Council for its consideration.
- C Correspondence from Ron Matthews, opposing the development, was before Council for its consideration.

With the use of overheads, Mr. Mitch Dickey, Planner, presented the report to Council.

Responding to a question of Councillor Uteck regarding the purchase of the lands surrounding the moose and the waterfront, Mr. Dickey stated discussions have been on and off. An offer was made to the owner, but it was rejected. Negotiations broke off for awhile, and it was the belief of the PAC that the policy amendments should continue to go forward. In the meantime, the developer has brought back a counter-proposal and staff will continue to explore this issue. Either way, Mr. Dickey noted public access will need to be maintained as per the proposed amendments. Councillor McInroy noted there was some concern earlier in the process that this should be settled before the application proceeded, but this did not happen for a number of reasons which he briefly outlined.

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

**Thomas Hounsell**

Mr. Thomas Hounsell, a resident for 32 years of the Cow Bay/Eastern Passage area, addressed Council regarding the proposed golf course development. Mr. Hounsell stated in review of the plan for the golf course, he did not see any reference to the destruction of the nature's course that could be involved in the development of this golf course. Mr. Hounsell also noted it is not clear what type of sewage system that will be installed. He further noted the development of homes on the island may cause more destruction and wash out in the lake. Mr. Hounsell questioned who will be performing the environmental assessments and who is authorizing the taking away of the beach and recreational areas. In closing, Mr. Hounsell

stated the residents would like to have a meeting with the area Councillor to discuss these amendments further.

In response to Mr. Hounsell's comments, Mr. Dickey stated the Department of Environment is the lead with respect to the environmental assessments.

**Bev Woodfield**

Ms. Bev Woodfield, 1174 Cow Bay Road, spoke in support of the golf course development, noting there are many other residents who are in favour of it and are of the assumption that it has already been approved. Ms. Woodfield stated she is confident that there are controls and laws in place to handle any environmental concerns. In closing, Ms. Woodfield stated the business community of Eastern Passage is looking forward to this development, and she believes the general community is strongly in favour of it.

**Jed Stonehouse**

Mr. Jed Stonehouse, the project consultant, addressed Council, stating the developer chose a local person to be the golf course architect, who is also an environmental planner. Mr. Stonehouse stated meeting with the community is important, and this has been done several times with different groups and the Councillor of the area. With respect to housing on the island, Mr. Stonehouse noted, as the result of a request at one of the public meetings, the cottages have been removed so there will be no sewage piping across the floating bridge. With regard to the land for the moose and the beach, the developer is trying very hard to reach an agreement with HRM. Mr. Stonehouse noted the developer has agreed there will be community access to these facilities throughout the project. In closing, Mr. Stonehouse stated the developer will be working closely with HRM Planning Services to ensure the project is completed properly and will be something that residents can be proud of.

**Doug Wigg**

Mr. Doug Wigg, 3 Dogwood Drive, addressed Council regarding this issue, stating it will be a major change to the existing plan for the area. Mr. Wigg stated there are as many residents with concerns about this project as there are those in favour of it. One of these concerns is with respect to the effect this development will have on the local water supply. Mr. Wigg noted the developer has already removed a substantial number of trees on site without approval, which does not show good faith in following the rules. With respect to traffic concerns, Mr. Wigg stated the only road that will access this golf course is the Cow Bay Road, a residential road with very few sidewalks. He suggested this issue needs to be examined further to see what implications this development will have on safety.

**Robert LeBlanc**

Mr. Robert LeBlanc, golf course architect, addressed Council regarding this proposal, responding to some of the concerns raised. With respect to traffic, Mr. LeBlanc noted the traffic from the golf course would result in only one or two cars every eight or ten minutes on a very busy day. The golf course has been setback 450 feet from the shoreline due to the importance of the issue of public access to the beach. Mr. LeBlanc stated a number of new environmental planning technologies will be utilized in this golf course. With respect to the water usage, irrigation of tees and greens only is being considered at this time, with the possibility of full irrigation in the future. Run-off from the golf course will be collected and re-used on the course. Mr. LeBlanc stated the usage of water by the clubhouse and the cottages is currently being studied.

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

**MOVED by Deputy Mayor Blumenthal, seconded by Councillor Hetherington, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

#### **COUNCIL DECISION**

**MOVED by Councillor McInroy, seconded by Councillor Hetherington, that Regional Council give Second Reading to the proposed amendments to the Eastern Passage/Cow Bay Planning Strategy and Land Use By-Law for Eastern Passage/Cow Bay, as outlined in Attachments 1 and 2 of the Memorandum dated April 11, 2001, to enable Council to consider golf course developments and tourist cottage development outside the serviceable boundary, by way of development agreement.**

In response to some of the comments made during the Public Hearing, Councillor McInroy stated when the proposal first came forward, he encouraged the Community Council to send the matter back to the Planning Advisory Committee for further review. Councillor McInroy noted a number of significant changes have been made to the proposal as a result of public input, including increased constraints for water testing and monitoring and public access to the moose and beach property. In closing, the Councillor stated he believes there is strong public support for this project, particularly the golf course component.

Speaking in support of the motion, Councilor Hetherington stated he hopes this development will bring life and vigor back to the Silver Sands beach area. The Councillor noted the majority of people at the public meeting he attended were in favour of this development.

Also speaking in support of the motion, Councillor Streach stated the amendments are appropriate and will revitalize this area of the Municipality.

Councillor Sarto also spoke in support of the development, stating it will be an asset to the community as well as providing local employment.

Councillor Warshick spoke in support of the motion, stating the development will bring more tourists to the area. The Councillor encouraged Council to look at this development as a long term plan.

Closing the debate, Councillor McInroy stated he is willing to meet with residents any time on this, or any other, issue. However, the Councillor noted this particular development will require additional community meetings and a lot of questions will be answered through that process.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**10.1 Petitions**

This item was addressed earlier in the meeting.

**10.2 Presentations**

**10.2.1 Annual Report - Union of Nova Scotia Municipalities - Mayor Anna Allen**

This item was addressed earlier in the meeting.

**10.2.2 Overview, Replanting in Point Pleasant Park (oral)**

- i) Karla Russell, President, PAWEECA**
- ii) Kelli Hogg**

This item was addressed earlier in the meeting.

**11. REPORTS**

**11.1 REGIONAL HERITAGE ADVISORY COMMITTEE**

**11.1.1 Heritage Case H00045 - Application by Louis Bernard to Consider 5308 South Street as a Registered Heritage Property (set date of June 19/01 to consider Heritage Registration)**

- C A report from the Regional Heritage Advisory Committee, dated May 10, 2001, regarding the above, was before Council for its consideration.

**MOVED by Councillor Uteck, seconded by Councillor Sloane, that Council set the date of June 19, 2001 to consider the heritage registration of 5308 South Street, as per the requirements of the Heritage Property Act. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2 CHIEF ADMINISTRATIVE OFFICER**

**11.2.1 Tender 01-227 Right Turn Lane - Lake Lands Blvd. and Intersection Improvements - Kearney Lake Road at Dunbrack St.**

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

**MOVED by Councillor Whalen, seconded by Councillor Goucher, that Council award Tender No. 01-227, Right Turn Lane and Intersection Improvements to Dexter Construction Company Limited, for materials and services listed at the unit prices quoted for Tender Price of \$63,520.00 plus net HST and an allowance of 10% contingencies for a Total Project Cost of \$74,364.20, with funding authorized as per the Budget Implications section of the staff report dated May 1, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.2 Tender 01-215 RA-5 Overhead Crosswalk Lights**

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

**MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane, that Council award Tender No. 01-215, RA-5 Overhead Crosswalk Lights to XL Electric Limited for materials and services listed at the unit prices quoted for a Tender Price of \$56,537.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$66,189.05, with funding authorized as per the Budget Implications Section of the staff report dated May 9, 2001.**

In response to a question of Councillor Goucher, Mr. Paul Burgess, Design and Construction Services, stated quality control/quality assurance is another term for contingencies.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.3 Tender 01-091 Seventeen Model 2001 Four Door Sedan Patrol Cars**

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

**MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, that Council authorize the award of Tender #01-091 to Taylor Ford Lincoln Sales Ltd. at a price of \$29,900.00 (HST included) per unit for a total project cost of \$508,300.00 (HST included) with funding outlined in the Budget Implications section of the staff report dated May 9, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.4 Call for Proposals 00-150 Proposals for Insurance**

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

**MOVED by Councillor Sarto, seconded by Councillor Meade, that the insurance for the Halifax Regional Municipality be awarded to AON Reed Stenhouse Inc. for a one year term and renewable in one year increments up to five years at a cost in the first year of \$947,340. (Insurance premiums are exempt HST.)**

**Further, that HRM's insurance consultant and staff negotiate for the excess umbrella liability of \$30 million (for a total of \$50 million) renew Professional E & O (errors and omissions) based upon the best coverage for the cost associated with this coverage. Excess umbrella coverage is for extraordinary claims above HRM's primary and excess insurance. HRM's current present premium is \$52,250.00 and the current premium for Professional E & O is \$215,244.**

Responding to questions of Councillor Walker, Mr. Peter Ross, Manager, Procurement, stated this agreement will run for five years, and the premium will be renewed each year. The current premium is \$1.1 million. The figure of \$2.078 million was the amount paid for insurance prior to amalgamation and was included for comparison purposes.

In response to a question of Councillor Hetherington, Mr. Ross stated there were five insurance claims paid out last year that were over \$100,000, the highest being \$450,000. The Councillor inquired how close the Municipality is to being self insured. Mr. Ross replied HRM

handles 90 percent of the insurance claims itself. Mr. Anstey stated the \$1 million is for protection in the event of a very large claim that the Municipality could never pay itself. Councillor Hetherington suggested a \$1 million deductible may be more appropriate. Mr. Mel Parsons, insurance consultant, stated an assessment was done and it was determined that \$100,000 was the most appropriate figure. Mr. Parsons noted cap insurance over and above the \$1 million would still need to be purchased. Councillor Hetherington requested a staff report regarding the possibility of raising the deductible to \$1 million be brought back for Council to consider.

Councillor Streach expressed concern with moving in the direction of self insurance.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.5 M-200 By-Law Amendment - Repealing the Licensing Fee for Mobile Homes and Mobile Home Parks in the Former City of Dartmouth**

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

Ms. Maureen Ryan, Planner, noted a correction to Page 4 of the staff report which states the amendments shall take effect on March 31, 2001. Ms. Ryan stated this date should read April 1, 2000 should Council decide to rebate those mobile home park owners who have paid the fee for the previous fiscal year.

Councillor Cunningham stated there is an argument to be made with respect to passing the savings on to the owners of the mobile homes, and suggested this could be debated further at Second Reading.

Councillor Walker noted mobile home owners receive very little services for the taxes paid.

In response to a question of Councillor Johns, Ms. Ryan stated staff has no control over whether or not the mobile home park owners will rebate the mobile home owners. The Municipality only has the opportunity to rebate the park owners.

Councillor Hetherington noted this matter is not yet on the floor for discussion, and stated he would put forth a Notice of Motion for First Reading later in the meeting (see Item 14.1).

**MOVED by Councillor Adams, seconded by Councillor Walker, that the meeting extend beyond 10:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.6 Amendment to Payment Agreement - North End Community Health Association**



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

**MOVED by Councillor Sloane, seconded by Deputy Mayor Blumenthal, that Council authorize staff to amend the repayment term on the outstanding mortgage balance of \$46,500 with the North End Community Health Association, by three and one half (3 ½) years. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.7 Multi-Year Financial Strategy - Capital Pool Procedures**

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

**MOVED by Councillor Cooper, seconded by Councillor Cunningham, that Council adopt the amended Capital Pool Procedures, as attached to the staff report dated May 15, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3 MEMBERS OF COUNCIL**

**11.3.1 Councillor Fougere - Inclusion of the Quinpool Mainstreet District in the Terms of Reference for the Capital District Task Force**

Councillor Fougere requested that the Quinpool Mainstreet District be added in the Terms of Reference for the Capital District Task Force, as it was not in place at the time the Terms of Reference were developed.

**MOVED by Councillor Fougere, seconded by Councillor Sloane, that the Quinpool Mainstreet District be added in the Terms of Reference for the Capital District Task Force.**

Councillor Cooper inquired if this could be extended to any other improvement District. Mr. Meech responded it was his recollection that there were some parameters in terms of geographical area defined under the Capital District, and it was his opinion that it would not cover all of the Peninsula. However, he suggested the matter could be referred to staff for a report.

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

**11.3.2 Councillor Whalen:**

**(i) Prince's Lodge Sewer and Water**

Councillor Whalen noted an Information Report was received by Council on this issue on May 1, 2001.

**MOVED by Councillor Whalen, seconded by Councillor Walker, that the Prince's Lodge Sewer and Water project be referred to Financial Services to be included on the list of HRM infrastructure projects under the federal program. MOTION PUT AND PASSED UNANIMOUSLY.**

**(ii) Construction Litter**

Councillor Whalen stated construction site litter is a problem throughout HRM. The Councillor noted she contacted the Development Liaison Group regarding this issue, and the group has commenced discussions with the construction industry and would like Council to show its support of the group's endeavours to strengthen industry support and cooperation.

**MOVED by Councillor Whalen, seconded by Councillor Fougere, that Council endorse the efforts of the Development Liaison Group to address the problem of construction letter. MOTION PUT AND PASSED UNANIMOUSLY.**

**(iii) Sign By-Law**

**MOVED by Councillor Whalen, seconded by Councillor Adams, that Council extend the deadline for comment until August 21<sup>st</sup> to allow input from all stakeholders in this issue, and that the matter come back to Council on August 28<sup>th</sup>.**

Councillor Adams suggested a member of the local mobile sign community be included on the sub-committee to work with staff and provide their input, and put forth the following amendment:

**MOVED by Councillor Adams, seconded by Councillor Hetherington, that the motion be amended to include a member of the local mobile sign community being invited to sit on the sub-committee to work with staff and provide their input. MOTION PUT AND PASSED UNANIMOUSLY.**

The vote was then taken on the main motion, as amended.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12. MOTIONS**

**12.1 Councillor Mosher**

“To amend Administrative Order 23 respecting Pesticides, Herbicides and Insecticides Excluded from the Pesticide By-Law. The purpose of this amendment is to have Chemfree Products added to the list of permitted pesticides.”

Councillor Mosher circulated some data regarding diatomaceous earth which she briefly reviewed for Council, and put forth the following motion:

**MOVED by Councillor Mosher, seconded by Councillor Adams, that diatomaceous earth be added to Administrative Order 23 Respecting Pesticides, Herbicides, and Insecticides Excluded from the Pesticide By-Law.**

Councillor Walker suggested the matter should be directed to staff for a report as to whether or not it should be added.

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

Councillors Cunningham and Harvey spoke in support of the referral.

**MOTION PUT AND PASSED.**

**13. ADDED ITEMS**

**13.1 Property Matter - RFP 01-001 Leased Office Accommodation - Customer Service Centre**

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

**MOVED by Councillor Hetherington, seconded by Councillor Fougere, that Council Authorize the Mayor and Municipal Clerk to enter into a Lease Agreement with Atlantic Shopping Centre Limited for accommodation at the West End Mall, Mumford Road, Halifax, based on the key terms and conditions outlined in the May 8, 2001 confidential report; further, that the report not be released until the final Lease Agreement has been duly executed. MOTION PUT AND PASSED.**

**13.2 Property Matter - 159 Walker Avenue**

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

**MOVED** by Councillor Harvey, seconded by Councillor Johns, that Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Larry and Margo Cranidge for the purchase of 159 Walker Avenue for the price of \$26,450 plus HST (if applicable) plus reasonable legal expenses to close on their behalf and subject to further terms and conditions detailed in the May 3, 2001 confidential report and with funding as per the Budget Implications Section of the May 3, 2001 confidential report; and, further, that a maximum of \$24,627 be withdrawn from Parkland Reserve Account Q107 towards funding the purchase price and closing fees. Further, that this report not be released to the public until, and if, the recommended transaction is concluded. **MOTION PUT AND PASSED UNANIMOUSLY.**

**13.3 Property Matter - 1735-1737 Barrington and George Streets**

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

**MOVED** by Councillor Sloane, seconded by Councillor Goucher, that Council authorize the Mayor and the Municipal Clerk to approve the Offer to Purchase pending due diligence with respect to property title and environmental investigation of the site; further, that the report not be released until the final Purchase Agreement has been executed. **MOTION PUT AND PASSED.**

**14. NOTICES OF MOTION**

**14.1 Councillor Hetherington - By-Law R-104**

**TAKE NOTICE** that at the next regular Regional Council meeting to be held on **May 22, 2001**, I intend to introduce for First Reading, By-Law R-104, the purpose of this By-Law is to repeal the Annual Mobile Home Park licensing fee under the Dartmouth Mobile Home Park By-Law M-200.

**15. ADJOURNMENT**

**MOVED** by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, that the meeting adjourn at 10:30 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael  
Municipal Clerk