

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES July 17, 2001

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Jerry Blumenthal
Councillors: Steve 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 Adams
Brad Johns
Robert Harvey
Len Goucher
Reg Rankin
Gary Meade

STAFF:

Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Julia Horncastle, Assistant Municipal Clerk
Ms. Sherryll Murphy, Assistant Municipal Clerk

TABLE OF CONTENTS

1.	INVOCATION	6
2.	PROCLAMATIONS	6
2.1	The Salvation Army Blue Bag it Month - August 2001	6
3.	APPROVAL OF THE MINUTES - July 10, 2001	6
11.	REPORTS	6
11.4	CHIEF ADMINISTRATIVE OFFICER	6
11.4.1	Tender 01-202 - Dresden Court Drainage Swale - Central Region	6
11.4.2	Tender 01-248, Mount Edward Culvert Renewal - Eastern Region	7
11.4.3	Tender 01-264, Street Reconstruction - Eastern Region ..	7
11.4.4	Tender 01-260, Waverley Road Reconstruction, New Sidewalk, Sanitary Sewer Renewal and Watermain Renewal - Eastern Region	8
11.4.5	Tender 01-259, New Sidewalk - Portland Estates Blvd. West - Eastern Region	9
11.4.6	Hotel Tax - Memorandum of Understanding (MOU)	9
11.4.7	Request for Proposal 01-082 Consulting Services - Barrington Street "Special District"	10
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	11
5.	BUSINESS ARISING OUT OF THE MINUTES - NONE	11
6.	MOTIONS OF RECONSIDERATION - NONE	11
7.	MOTIONS OF RESCISSION - NONE	11
8.	CONSIDERATION OF DEFERRED BUSINESS - NONE	11
9.	PUBLIC HEARINGS	11

	11.4.20	Richardson Animal Hospital Request for Temporary Use of HRM Street Right of Way - Memory Lane, Sackville	12
10.		CORRESPONDENCE, PETITIONS AND DELEGATIONS	12
	10.1	Correspondence	12
	10.1.1	Supplementary Education Funding - Halifax Regional School Board	12
	10.2	Petitions	13
9.		PUBLIC HEARINGS	13
	9.1	Second Reading By-Law W-101 Respecting Wastewater Discharge (prev circ June 26/01)	13
	9.2	Case 00213 - Plan Amendment and Development Agreement - Petro Canada Lands, North End Halifax (prev circ June 26/01)	15
11.		REPORTS - Continued	17
	11.1	GRANT COMMITTEE	17
	11.1.1	By-Law T-206 Respecting Tax Exemptions for Non-Profit Organizations	17
	11.1.2	Community Grants Program	17
	11.2	HERITAGE ADVISORY COMMITTEE	18
	11.2.1	Application to Consider the Bengal Lancers Property at 1690 Bell Road as a Registered Heritage Property	18
	11.4.10	Withdrawal - Snow and Ice Reserve	19
	11.3	AUDIT COMMITTEE	19
	11.3.1	Audited Financial Statements March 31, 2001	19
	11.3.2	Request for Proposal 01-050 - Audit Services	20
	11.4	CHIEF ADMINISTRATIVE OFFICER - Continued	20
	11.4.1	Tender 01-202 - Dresden Court Drainage Swale - Central Region	20
	11.4.2	Tender 01-248, Mount Edward Culvert Renewal - Eastern Region	20
	11.4.3	Tender 01-264, Street Reconstruction - Eastern Region	20
	11.4.4	Tender 01-260, Waverley Road Reconstruction, New Sidewalk, Sanitary Sewer Renewal and Water main Renewal - Eastern Region	20

11.4.5	Tender 01-259, New Sidewalk - Portland Estates Blvd. West - Eastern Region	20
11.4.6	Hotel Tax - Memorandum of Understanding (MOU)	20
11.4.7	Request for Proposal 01-082 Consulting Services - Barrington Street "Special District"	21
13.1	Wilson Lake Road Paving	21
11.4.8	Request for Proposal 01- 409 Engineering Analysis/Phasing and Timing of Development and Capital Cost Contribution Calculation, Wentworth Estates/Bedford South	22
11.4.9	Award of Contract for Basic Banking Services	23
11.4.10	Withdrawal - Snow & Ice Reserve	24
11.4.11	Case 00123: Request to amend the Halifax Municipal Planning Strategy and Land Use By-Law for 5515/5517/5519 and 5523 Inglis Street, Halifax	24
11.4.12	Union of Nova Scotia Municipalities Resolution - Changes to the Nova Scotia Motor Vehicle Act	25
11.4.13	Hydrostone Park: A Cultural Partnership, Withdrawal from Heritage & Cultural Reserve	26
11.4.14	Additional Extension of Early Retirement Program to the Halifax County Rehabilitation Centre	27
11.4.15	Administrative Order 27 Respecting Materials that shall not be Disposed of in a C& D Disposal Site	27
11.4.16	Playground Equipment - Old Penhorn School	28
11.4.17	Amendment of Street By-Law S-300 to Remedy Solid Waste Issues	29
11.4.18	Nova Scotia Power Inc. and Tree Trimming	29
13.2	Property Matter - Proposed Land Purchase, Parcel B, A Portion of PID #40573263	31
13.3	Property Matter - 52 Jackson Road - Urquhart Property	31
13.4	Property Matter - Titans Gymnastic Club	32
13.5	Resolution Respecting 360 Networks	32
13.6	URB Hearings - Sable Gas	33
13.7	Area Rate for Sidewalk Snow Plowing, District 15	33
11.4.19	Management of Rural Fire Services	34
11.4.20	Richardson Animal Hospital Request for Temporary Use of HRM Street Right of Way - Memory Lane, Sackville	34
11.4.21	First Reading By-Law O-100 Respecting Open Air Burning (supp report) - Councillor Whalen - Move First Reading	34

11.5	MEMBERS OF COUNCIL	35
11.5.1	Councillor Fougere	35
(i)	Changes to Communication and Requirements - Cyclists Safety	35
(ii)	Update: Tax Structure Committee	35
11.5.2	Councillor Rankin:	35
(i)	Icelandic Air Proposed Cancellation	35
(ii)	Correspondence from the Minister of Health re: Tax Exemption	35
11.5.3	Councillor McInroy : Roadside Vending By-Laws	35
11.5.4	Councillor Mosher : Petition for Renaming of Joseph Howe Drive/Dutch Village Road.	36
12.	MOTIONS - NONE	36
13.	ADDED ITEMS	36
13.1	Councillor Johns - Wilson Lake Road Paving	36
13.2	Property Matter - Proposed Land Purchase, Parcel B, A Portion of PID #40573263	36
13.3	Property Matter - 52 Jackson Road - Urquhart Property	36
13.4	Property Matter - Titans Gymnastic Club	36
13.5	Resolution Respecting 360 Networks	36
13.6	URB Hearings - Sable Gas	36
13.7	Area Rate for Sidewalk Snow Plowing, District 15	36
14.	NOTICES OF MOTION	37
14.1	Notice of Motion: First Reading of By-law S-304 Respecting Streets - Councillor Uteck	37
15.	ADJOURNMENT	37

1. INVOCATION

The meeting was called to order at 4:00 p.m. with the invocation.

At a later point in the meeting, Mayor Kelly and Councillor McInroy, on behalf of Regional Council, presented a "Certificate of Congratulations" to Tyler Johnston, Auburn Drive, High School congratulating him on his being awarded with a Nova Scotia School Athletic Association "Scholar Athlete Award" for 2000-2001. Although not in attendance at tonight's meeting, also receiving Certificates of Congratulations were Janine Publicover, Eastern Passage Centre Junior High and Caroline Tucker, Charles P. Allen High School.

At a later point in the meeting, Mayor Kelly recognized Mr. Jerry Pye, MLA, who was present in the gallery.

2. PROCLAMATIONS

2.1 The Salvation Army Blue Bag it Month - August 2001

Mayor Kelly proclaimed August, 2001 as The Salvation Army Blue Bag It Month in the Halifax Regional Municipality.

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the approval of the Order of Business, be deferred to the evening session. MOTION PUT AND PASSED.

3. APPROVAL OF THE MINUTES - July 10, 2001

MOVED by Councillor Sloane, seconded by Councillor Fougere, that the minutes of July 10, 2001 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

At this time, Council agreed to address reports submitted from the Chief Administrative Officer.

11. REPORTS

11.4 CHIEF ADMINISTRATIVE OFFICER

11.4.1 Tender 01-202 - Dresden Court Drainage Swale - Central Region

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated July 17, 2001, on the above noted, was before Council.

MOVED by Councillor Harvey, seconded by Councillor Sarto that Council:

- 1. authorize an increase to the budget in the amount of \$46,024 to Capital Account No. CGR00496 - Dresden Court Drainage Swale as indicated in the Budget Implications section of the staff report dated July 17, 2001. Funding provided by CRESPOOL.**
- 2. award Tender No. 01-202, Dresden Court Drainage Swale - Central Region to North Star Construction Limited for materials and services listed at the unit prices quoted for a Tender Price of \$120,074.50 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$140,575, with funding authorized as per the Budget Implications section of the staff report dated July 17, 2001.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.4.2 Tender 01-248, Mount Edward Culvert Renewal - Eastern Region

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated July 11, 2001, on the above noted, was before Council.**

MOVED by Councillor Sarto, seconded by Councillor Colwell that Council:

- 1. increase the budget in the amount of \$39,536 to Capital Account No. CGR00796 - Mount Edward Road Culvert as indicated in the Budget Implications section of the staff report dated July 11, 2001. Funding is to be provided by CRESPOOL.**
- 2. award Tender No. 01-248, Mount Edward Road Culvert Renewal - Eastern Region to Amber Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$182,195. plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$213,300 with funding authorized as per the Budget Implications section of the report dated July 11, 2001.**

MOTION PUT AND PASSED.

11.4.3 Tender 01-264, Street Reconstruction - Eastern Region

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated July 10, 2001, on the above noted, was before Council.**

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

- 1. approve the recovery of Local Improvement Charges for new concrete curb and gutter on Lucien Drive in Dartmouth, by an amount of \$9,372.74 to be applied to the general area rate of District 7.**
- 2. approve the recovery of Local Improvement Charges for new concrete curb and gutter on Mount Edward Road in Dartmouth, by an amount of \$7,820.80 to be applied to the general area rate of District 7.**
- 3. award Tender No. 01-264, Street Reconstruction - Eastern Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$512,805.60 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$600,350., with funding as per the Budget Implication section of the report dated July 10, 2001.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.4.4 Tender 01-260, Waverley Road Reconstruction, New Sidewalk, Sanitary Sewer Renewal and Watermain Renewal - Eastern Region

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated July 10, 2001, on the above noted, was before Council.**

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

- 1. approve the recovery of Local Improvement Charges for new sidewalk on Waverley road in Dartmouth, by an amount of \$20,163 to be applied to the general area rate of District 6.**
- 2. approve the recovery of Local Improvement Charges for new sidewalk on Waverley Road in Dartmouth, by an amount of \$43,791 to be applied to the general area rate of District 6.**
- 3. approve an increase in the Gross Budget for Account No. CGR00374, Port Wallace - Sanitary Sewer by \$61,386 with change in the Net Budget to cover the cost of watermain renewal for cost sharing from Halifax Regional Water Commission.**
- 4. award Tender No. 01-260, Waverley Road Reconstruction, New Sidewalk,**

Sanitary Sewer Renewal and Watermain Renewal - Eastern Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$911,758 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$1,067,412, with funding authorized as per the Budget Implications section of the staff report dated July 10, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

11.4.5 Tender 01-259, New Sidewalk - Portland Estates Blvd. West - Eastern Region

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated July 11, 2001, on the above noted, was before Council.

MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal that Halifax Regional Council:

1. **approve the recovery of Local Improvement Charges for the concrete sidewalk on Portland Estates Boulevard West in Dartmouth, by an amount of \$24,815 to be applied to an area rate for Portland Estates West, as shown on the attachment to the staff report dated July 11, 2001, identified as Plan 1.**
2. **award Tender No. 01-259, New Sidewalk - Portland Estates Boulevard West, Eastern Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for Tender Price of \$73,700 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$86,282 with funding authorized as per the Budget Implications section of the report dated July 11, 2001.**

MOTION PUT AND PASSED UNANIMOUSLY.

(Deputy Mayor Blumenthal took the Chair)

11.4.6 Hotel Tax - Memorandum of Understanding (MOU)

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated July 8, 2001, on the above noted, was before Council.

Mr. Dan English, Deputy Chief Administrative Officer, indicated the proposed legislation was previously approved, in principle, by Council prior to the hotel industry and other stakeholders being prepared to support the Bill being forwarded to the Legislature. They felt they needed more information on what the final By-Law would entail.

He advised it is expected the legislation will be passed in the fall once endorsement is received from the stakeholders. In the meantime, in order to obtain the support of the stakeholders, staff has been negotiating with the Hotel Association of Nova Scotia. He noted the principles under which the By-Law would be presented to Council is attached as part of the report.

MOVED by Councillor Cunningham, seconded by Councillor Hetherington that:

- 1. Staff develop a By-Law and operating mechanisms which reflects the direction and principles contained in the Memorandum of Understanding (MOU) attached as Appendix #1 to the staff report dated July 8, 2001.**
- 2. An advance of \$50,000 be made available in the form of a grant to the Greater Halifax Convention & Meeting Bureau to be repaid through the hotel tax (Special Events Reserve component).**

In response to Councillor Walker, Mr. English advised the Act is to enact legislation to enable the Municipality to levy the tax. He noted the Act does not contain details, these will be covered in the By-Law. He advised that the Act cannot be taken to the Legislature until letters of support are obtained from the Hotel Association, TIANS and MATA.

Councillor Cooper expressed concern with the threshold number for rooms, noting if the number is high it may cause a significant portion of the hotel/motel industry to be excluded. Referring to the MOU, he further recommended that the Mayor sign the document.

MOTION PUT AND PASSED UNANIMOUSLY.

(Mayor Kelly resumed the Chair)

11.4.7 Request for Proposal 01-082 Consulting Services - Barrington Street "Special District"

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated June 29, 2001, on the above noted, was before Council.

MOVED by Councillor Sloane, seconded by Councillor Fougere that a contract be awarded to the highest ranking proponent, David F. Garrett Architects, in the amount of \$52,150.00 plus 15% HST to total \$59,972.50 for consulting services related to the establishment of a Special District on Barrington Street.

Councillor Walker expressed concern with the point system used in the evaluation process as well as the fact that the tender was not being awarded to the lowest bidder.

MOTION PUT AND PASSED UNANIMOUSLY.

RECESS

MOVED by Councillor Hetherington, seconded by Councillor Goucher, that the meeting be recessed until 5:30 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

The meeting was reconvened at 5:30 p.m. with all members of Council present.

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

Additions

- 13.1 Councillor Johns - Wilson Lake Road Paving
- 13.2 Property Matter - Proposed Land Purchase, Parcel B, A Portion of PID #40573263
- 13.3 Property Matter - 52 Jackson Road - Urquart Property
- 13.4 Property Matter - Titans Gymnastic Club
- 13.5 Resolution Respecting 360 Networks
- 13.6 URB Hearings - Sable Gas
- 13.7 Councillor Walker - Area Rate for Snow Removal from Sidewalks - District 15

Councillor McInroy requested a presentation to a student recipient(s) of HRM who have been presented with Nova Scotia School Athletic Association "Scholar Athlete Awards" for 2000-2001 be placed on the agenda.

Councillor Harvey requested item 11.4.20 be moved up on the agenda following item #8.

Councillor Johns requested item 13.1 be moved forward on the agenda and addressed prior to item 11.4.8.

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

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS - NONE

9. PUBLIC HEARINGS

Public hearings were held at 6:00 p.m. See page 13.

Council agreed to address the following matter at this time.

11.4.20 Richardson Animal Hospital Request for Temporary Use of HRM Street Right of Way - Memory Lane, Sackville

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated July 12, 2001, on the above noted, was before Council.

MOVED by Councillor Harvey, seconded by Councillor Goucher, that Council approve a “Temporary” Encroachment License with Richardson Animal Hospital of Lower Sackville, Nova Scotia, in accordance with By-Law E-200, for use of a portion of Memory Lane for the purposes of operating an animal hospital for a period of up to six (6) months. Further, Council waive rental/license fees. MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Correspondence

10.1.1 Supplementary Education Funding - Halifax Regional School Board

- Correspondence, dated July 5, 2001, from Ms. Sandra Everett, Chair, Halifax Regional School Board, was before Council.
- Correspondence, dated June 27, 2001, from Ms. Vi Carmichael, Municipal Clerk, was before Council.
- An extract from the June 26, 2001 Regional Council minutes was before Council.

Mr. Ken Meech, Chief Administrative Officer, noted Council had asked staff to examine the expenditures relative to Supplementary Education and prepare a report. He advised this will be coming forward after the summer recess at which time a Committee of the Whole will be called and representatives of the School Board will be asked to respond to questions relative to the financial details associated with supplementary funding.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that the correspondence from the School Board be received and filed.

Councillor Colwell, referencing area rated supplementary funding, noted the understanding was that the School Board would come back with a detailed report on where they are going to spend the money in rural areas.

MOTION PUT AND PASSED.

Subsequently, the following motion was placed.

MOVED by Councillor Colwell, seconded by Councillor Sloane, that Council advise the Halifax Regional School Board that HRM is not going to submit funds on the area rated supplementary funding until such time as they bring forward a detailed report on exactly where the money is going to be spent, school by school and area by area.

Mr. Anstey noted Council, pursuant to the Education Act, voted to provide funding to the School Board during the budget process. There was no "condition precedent" to the funding. Council had asked for a report, in the future, on where the funding was going to be allocated. He noted the letter states the School Board is not prepared to submit a draft budget but will fully commit to provide Council with a budget that has been approved by the Board. Mr. Anstey advised once funding is committed then, under the Education Act, the Municipality is required to pay one twelfth of the approved amount each month.

Mayor Kelly ruled the motion out of order, noting the School Board will be coming forward to a Committee of the Whole and Council would have an opportunity, at that time, to receive clarification and seek answers to questions and concerns.

10.2 Petitions - none

9. PUBLIC HEARINGS - 6:00 p.m.

9.1 Second Reading By-Law W-101 Respecting Wastewater Discharge (prev circ June 26/01)

- An extract from the June 26, 2001 Regional Council minutes was before Council.
- A submission by Mr. David Wimberly, 15 Schooner Cove Road, Head of St. Margaret's Bay, was circulated to Council.

Mr. John Sibbald, Pollution Prevention Coordinator, advised the overall objectives of the Wastewater Discharge By-law are:

- to protect the safety of the public and the health and safety of municipal staff;
- to protect the physical integrity of the collection, pumping stations and wastewater treatment plants in HRM;
- to reduce the potential operational problems related to the treatment process which may be caused by commercial and industrial wastewater discharges;
- to reduce potential bio solids management problems caused by concentrations of prohibited materials;
- to reduce pollution of fresh water or marine eco systems.

Mr. Sibbald advised the By-Law is consistent with wastewater regulations throughout the rest of Canada and North America. It has been updated to regulate forty-two additional contaminants that were not previously included. It has been revised to include regulations

controlling the discharge into storm drainage systems. It enables the Municipality to inspect, monitor and control the discharge of wastewater from businesses to meet the objectives. It provides for penalties where there are violations of the by-law. It is a key component of the pollution prevention program.

In response to Councillor Goucher, Mr. Anstey, Municipal Solicitor, advised the By-Law has the ability to deal with an infraction, noting these would be approached through a civil action against the individual/company that introduced the substances into the system. The suit against them would be based upon a breach of the By-Law.

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

Ms. Rosalie Lydon

Ms. Lydon, Ecology Action Centre, advised she has been active in sewage treatment issues since 1988, noting source control is something they have been advocating since that time and are pleased to see this legislation being put in place. She indicated that while the changes in the new By-Law are a step in the right direction, they are out of date and not in keeping with present scientific and environmental knowledge. She stated the only acceptable toxic discharge into a natural biological environment is none, no toxic discharge. HRM must employ a regulatory framework of no net degradation which reflects the present scientific and environmental knowledge. Ms. Lydon's presentation was submitted for the record.

Mr. Walter Regan

Mr. Walter Regan, Sackville Rivers Association, spoke in favour of the By-Law as it is an important step in achieving the clean up of the harbour. This By-Law gives HRM the tools needed to protect the sewer plants, operating personnel and environment. He requested consideration be given to ensuring appropriate resources are provided to ensure enforcement of the By-Law and the ability to immediately stop a pollution. He stated they would like to see substances harmful to the environment added to the By-Law.

Mr. David Wimberly

Mr. David Wimberly, reading from prepared text, spoke in favour of the By-Law and put forward suggested clauses which, in his opinion, would strengthen the By-Law. His suggestions included tightening up of clauses relative to the beneficial use of sludge, protection of the environment, penalties and zero toxic discharge.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor Sloane, seconded by Councillor Hetherington, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Hetherington, seconded by Councillor Goucher, that Council approve By-Law W-101, Respecting the Discharge of Wastewater into Public Sewers. Further, the presentations be referred to staff for a supplementary report.

Councillor Hetherington suggested quarterly reports come to Council on the disbursements of the By-Law to ascertain whether it is being enforced and what problems are being experienced with it.

MOTION PUT AND PASSED UNANIMOUSLY.

9.2 Case 00213 - Plan Amendment and Development Agreement - Petro Canada Lands, North End Halifax (prev circ June 26/01)

- An extract from the June 26, 2001 Regional Council minutes was before Council.
- Correspondence from Corinne Steele, 3779 Kencrest Ave., was before Council.

Mr. Paul Morgan, Planner, with the aid of a Powerpoint presentation, advised this is a joint public hearing for Regional Council and the Chebucto Community Council. He advised Regional Council would be considering amendments to the Municipal Planning Strategy for Halifax and the Land Use By-Law for Peninsula Halifax. The Chebucto Community Council would be considering a development agreement made pursuant to these policy provisions. Mr. Morgan noted that only Regional Council would be in a position to vote on the Planning By-Law amendments at this meeting and Chebucto Community Council would have to defer a decision on the development agreement application until such time as the Plan and By-Law amendments came into effect.

Deputy Mayor Blumenthal received clarification that the land is currently zoned C-5 (Harbour Related Industrial) which means any type of marine related development can be placed on these lands, noting the amendments would change the zoning to allow for residential development. There were three public meetings after which Mr. Polley made changes to the proposed development taking into consideration the concerns of the neighbouring residents. Residents abutting the proposed entrance to the development were given a piece of land which would provide a buffer area between them and the road.

Mayor Kelly called for those wishing to speak either in favour of or against the plan amendment and development agreement.

Mr. Peter Polley

Mr. Peter Polley, applicant, outlined the proposal advising:

- the concept plan includes 41 townhouses on the north end of the site and two, sixty four unit buildings on the south end of the site;
- the multi unit buildings would be started immediately once approvals are in place;
- the second building would be started as a condo building in approximately a year;
- the buildings will be made of concrete;
- the townhouse units would be two storey with a basement;
- there would be a park which will be turned over to the Municipality;
- wiring would be underground;
- confirmed that the properties abutting the proposed entrance would be given a piece of land to be consolidated into to their properties.

Ms. Corrine Steele

Ms. Corrine Steele advised she was not opposing the rezoning but expressed concerns with loss of a view which she has enjoyed over the last 15 years.

Mr. D. Mattea

Mr. D. Mattea, 38 Kencrest Avenue, stated he was told there would be no development behind his home when he bought it in 1969. He advised the area is very quiet at the present time and expressed concern with the entrance off Kencrest Avenue and the increase in traffic resulting from the development. He expressed concern with the height of building in the proposed development.

Mr. Dale Wilson

Mr. Dale Wilson, representing Petro Canada, advised this property is surplus to the needs of Petro Canada and they cannot afford to keep it in their inventory. He noted that if the property is not rezoned to R-2 it will have to be sold for harbour related industrial uses as per the current zoning.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Whalen, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

In response to Deputy Mayor Blumenthal, Mr. Morgan advised a traffic study had been

undertaken which concluded that traffic volumes would be low. On further question, Mr. Morgan advised that the buildings would be at a maximum of four storeys.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Cunningham, that Regional Council approve the amendments to the Halifax Municipal Planning Strategy and Peninsula Halifax Land Use By-Law, presented as Attachments II and III to the staff report dated June 7, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

11. REPORTS - Continued

11.1 GRANT COMMITTEE

11.1.1 By-Law T-206 Respecting Tax Exemptions for Non-Profit Organizations

- A supplementary staff report from J. L. Hobin, Chair of the Grants Committee, dated July 3, 2001, on the above noted, was before Council.

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

- 1. St. George's Tennis Club remain at 100% of the residential tax rate.**
- 2. South End Lawn Tennis Club remain at 100% of the residential tax rate.**
- 3. That any review of Granite Springs Golf Club application for 100% tax exemption be deferred to the 2002-2003 program.**
- 4. That Blue Water Development Corporation Limited remain on the current by-law for 2001-2002 and be reviewed as part of the new revised By-Law in 2002-2003.**
- 5. That St. Margaret's Bay Sailing Club be awarded a short-term tax deferral for up to two (2) years, commencing in fiscal year 2001-2002.**
- 6. That any review of The Fish Plant application for conversion from the commercial to residential tax rate be deferred to 2002-2003 program.**
- 7. That Maskwa Aquatic Club's tax arrears in the amount of \$5,624 for the years 1996 and 1997 be covered under the Tax Exemption for Non-Profit Organizations Program (principle only).**

MOTION PUT AND PASSED.

11.1.2 Community Grants Program

- A supplementary report from Mr. J. L. Hobin, Chair of the Grants Committee, dated July 11, 2001, on the above noted, was before Council.

MOVED by Councillor Smith, seconded by Councillor Warshick, that Regional Council:

- 1. Approve the award \$10,000 to the Dartmouth Boys & Girls Club for 2001-2002;**
- 2. Approve an additional \$2,000 grant for the Dartmouth Boys & Girls Club;**
- 3. Approve an additional \$1,000 grant for the East Dartmouth Boys & Girls Club;**
- 4. Not recommend a grant for the Marine Communities Food Bank Society in 2001-2002 and direct staff to assist the organization in accessing the Community Grants Program application process for 2002-2003.**

Deputy Mayor Blumenthal stated the Boys & Girls Club funding is a Provincial responsibility.

Councillor Goucher advised this is only a transitional grant but, as it is provided each year, the clubs are including the amount in their budgets.

Councillor Fougere expressed concern that an application goes through the process and framework approved by Council resulting in recommendations from the Grant Committee to Council but, at Council, they are sent back to the committee and subsequently a different recommendation comes forward.

Councillor Hetherington noted that the groups are out in the community fund-raising and are not totally dependent on government funding.

MOTION PUT AND PASSED.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Hetherington, that Council request the Mayor write a letter requesting a meeting with Minister Christie as it reflects services and/or funding for Boys and Girls Clubs in HRM. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 HERITAGE ADVISORY COMMITTEE

11.2.1 Application to Consider the Bengal Lancers Property at 1690 Bell Road

as a Registered Heritage Property

- An extract from the June 12, 2001 Regional Council minutes was before Council.

MOVED by Councillor Sloane, seconded by Councillor Meade, that Halifax Regional Council approve the registration of the Bengal Lancers property at 1690 Bell Road as a Registered Heritage Property as per the requirements of the Heritage Property Act.

Councillor Hines expressed concern that with the registration of the property, HRM has committed itself to a financial burden.

In response to Councillor Streach, Mr. Morgan advised any future request for funding will have to be a separate matter.

MOTION PUT AND PASSED.

Council agreed to address item 11.4.10 prior to approval of the audited Financial Statements.

11.4.10 Withdrawal - Snow and Ice Reserve

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated June 29, 2001, on the above noted, was before Council.

MOVED by Councillor Cooper, seconded by Councillor Hetherington, that Council approve the withdrawal of \$2,053,000 from the Snow and Ice Reserve, Q309, and transfer that amount to the Operating Budget to cover the over expenditure in the snow and ice operating accounts for fiscal 2000/01. MOTION PUT AND PASSED UNANIMOUSLY.

11.3 AUDIT COMMITTEE

11.3.1 Audited Financial Statements March 31, 2001

- A report from the Councillor Cooper, Chair of the Audit Committee, dated July 5, 2001, on the above noted, was before Council.
- A report entitled "Halifax Regional Municipality Statement of Operation" dated July 17, 2001, was circulated to Council.
- A report entitled "March 31, 2001 Financial Report" was circulated to Council.

MOVED by Councillor Cooper, seconded by Councillor Hetherington, that the Halifax

Regional Municipality's audited financial statements for the year ended March 31, 2001 be approved, and that the Mayor and Municipal Clerk be authorized to sign the financial statements on behalf of Council.

Mr. Larry Hood, KPMG, Ms. Dale McLennan, Director of Financial Services and Ms. Pam Caswell, Acting Manager of Accounting presented an overview of the report.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3.2 Request for Proposal 01-050 - Audit Services

- A report from Councillor Cooper, Chair of the Audit Committee, dated June 28, 2001, on the above noted, was before Council.

MOVED by Councillor Cooper, seconded by Councillor Uteck, that RFP 01-050, Audit Services, be awarded to KPMG for a five (5) year period to be renewed annually on terms satisfactory to HRM, for an estimated negotiated cost of \$114,000 plus 15% HST of \$17,100 to total \$131,100 for the year 2002 and increases annually, for the remaining four years, by the lesser of the increase in Consumer Price Index and 3%. Per section 88(4) of the Municipal Government Act, Ministerial approval is required and has been requested. MOTION PUT AND PASSED UNANIMOUSLY.

11.4 CHIEF ADMINISTRATIVE OFFICER - Continued

11.4.1 Tender 01-202 - Dresden Court Drainage Swale - Central Region

This matter was dealt with earlier in the meeting. See page 6 for details.

11.4.2 Tender 01-248, Mount Edward Culvert Renewal - Eastern Region

This matter was dealt with earlier in the meeting. See page 6 for details.

11.4.3 Tender 01-264, Street Reconstruction - Eastern Region

This matter was dealt with earlier in the meeting. See page 7 for details.

11.4.4 Tender 01-260, Waverley Road Reconstruction, New Sidewalk, Sanitary Sewer Renewal and Water main Renewal - Eastern Region

This matter was dealt with earlier in the meeting. See page 7 for details.

11.4.5 Tender 01-259, New Sidewalk - Portland Estates Blvd. West - Eastern Region

This matter was dealt with earlier in the meeting. See page 8 for details.

11.4.6 Hotel Tax - Memorandum of Understanding (MOU)

This matter was dealt with earlier in the meeting. See page 9 for details.

11.4.7 Request for Proposal 01-082 Consulting Services - Barrington Street "Special District"

This matter was dealt with earlier in the meeting. See page 10 for details.

13.1 Wilson Lake Road Paving

It was agreed during the setting of the agenda that this matter be dealt with at this time.

Councillor Johns addressed the matter providing a brief history of the matter and noting that staff have issued a tender, Tender #01262, a two part paving tender. The first part included three roads which had been previously approved by Council during budget deliberations and the second part was the addition of Wilson Lake Road as a provisional item. Councillor Johns went on to note that due to Wilson Lake Road's priority on next year's budget this project was added to the tender. He explained that the cost overrun to complete all four projects was approximately \$200,000. Councillor Johns advised that the tender contains a 10% contingency for quality control or unforeseen work and that half of the amount will be recovered through an area or frontage fee which will be paid for by the residents.

The Councillor indicated that his intent this evening had been to request that Council direct staff to look at removing money from CRESPOOL to cover off this overrun. He went on to note that he now understands this would be counter to Council's present policy. Councillor Johns went on to seek Council's assistance in having this project completed and advised that staff has indicated that funding can be accomplished in order to finish this project. Councillor Johns indicated that these funds might come from tender over costing or the realignment of other allocations.

MOVED by Councillor Johns, seconded by Councillor Adams that Halifax Regional Council instruct staff to consider the paving of Wilson Lake Road as a priority and that staff find funding either through a reallocation of appropriations or through projects which have been over budgeted.

MOVED by Councillor Hetherington, seconded by Councillor Fougere that this request be deferred to 2002/2003 capital budget.

Councillor Johns addressing the motion to refer noted that he had discussed the matter with staff and that staff has indicated they will find the money. Councillor Johns noted that this project was a priority for him, and once again requested Council's support of the motion.

THE MOTION TO DEFER WAS PUT AND DEFEATED.

Councillor Cunningham expressed concern that there was not a staff report relative to this matter. Referring to Councillor John's comments, Councillor Cunningham asked if this street was in fact the top priority for staff.

Mr. Meech indicated that as Councillor John's had stated, Wilson Lake Road is on the list as a priority for next year. Mr. Meech further noted that the policy relative to CRESPOOL has only recently changed to provide that staff not use the funds in CRESPOOL for unbudgeted capital projects. He indicated that this project is an unbudgeted capital expenditure.

Referring to the business policies in place, Councillor Cooper noted that the project could go forward if Councillor Johns removed another capital project and replaced it with this project. Mr. Meech indicated that, in light of the business policies in place, staff could only recommend this project based on the substitution of this project for another approved project.

Councillor Uteck requested a report relative to the dollar figure presently in the contingency fund.

Clarifying the present policy, Mr. Meech indicated that staff could provide a projection. He went on to note that as a result of the policy change any additional monies can only be utilized for projects which have been approved in the existing capital budget and any excess funds are carried over as unexpended. Referring to approval of the Wilson Lake Road project, Mr. Meech indicated that Council would have to agree that it was going to bypass the policy.

In response to a question from Councillor Mosher regarding what would happen to funds allocated for a failed petition for sidewalks, Mr. Meech indicated that he believed these would stay in the budget as unexpended and would be available to cover any over expenditures in capital projects. He went on to note that such a situation would be a potential option for substituting a new priority for an existing one.

MOTION WAS PUT AND DEFEATED.

11.4.8 Request for Proposal 01-409 Engineering Analysis/Phasing and Timing of Development and Capital Cost Contribution Calculation, Wentworth Estates/Bedford South

- A staff report dated June 25, 2001 submitted by Mr. K. R. Meech, Chief Administrative Officer was before Council for consideration.

Mr. Austin French, Planning and Development Services, provided a brief overview of the staff report noting that the intent of the staff report was to recommend that the funds be allocated, from an existing account, for the engineering analysis of the phasing and timing of the Bedford South proposed development area. He went on to indicate that the analysis would determine the cost and approach to installing infrastructure within the development area allowing for the development of the Capital Cost Contribution (CCC) for the plan area. Thus, before any decision is made by Council that amount would be known. Mr. French indicated that the funds for the analysis would be recovered through the Capital Cost Contribution. In the long term, the cost would be borne by the landowners in question.

Mr. French referred to the second recommendation for \$20,000 which resulted from a request from Annapolis Group Inc. to initiate a plan amendment to the Bedford MPS to change the Bedford servicing boundary. He indicated that staff felt it was appropriate to have both of these items looked at simultaneously. In this way before Council makes a decision with regard to Capital Cost Contribution area for the Wentworth Estates/Bedford South Master Plan area, the information will be available for the Annapolis lands, Bedford West.

MOVED by Councillor Goucher, seconded by Councillor Rankin that:

- 1. RFP 01-409, Engineering Analysis/Phasing and Timing of Development and Capital Cost Contribution, Wentworth Estates, Bedford South, be awarded to the highest ranking proponent, the SGE Group Inc., in the amount of \$39,130.00 plus 15% HST of \$5,869.50 for a total price of \$44,999.50;**
- 2. An additional sum of \$20,000 be authorized by Council to expand the Scope of Work to include preliminary analysis of the concept plan submitted as part of a request for an amendment to the Bedford Municipal Planning Strategy by the Annapolis Group for lands to the West of the Wentworth Estate/Bedford South study area. All funding to be provided as outlined in the budget implications section of the June 25, 2001 staff report.**

Mr. French then responded to various questions from members of Council.

Councillor Cooper noted that infrastructure negotiation as it relates to transportation is a

relatively new area for municipal government. Councillor Cooper suggested that detailed records of discussions relative to Capital Contributions Contribution in the area of transportation be maintained. He went on to note that decisions relative to transportation could have wide spread implications and that HRM must ensure decisions regarding transportation are made from a sound basis.

MOTION PUT AND PASSED UNANIMOUSLY.

11.4.9 Award of Contract for Basic Banking Services

- A staff report dated July 11, 2001 submitted by K. R. Meech, Chief Administrative Officer was before Council for consideration.

MOVED by Councillor Uteck, seconded by Councillor Sloane that:

1. **The Royal Bank of Canada be appointed to a five year contract to provide Basic Banking Services as outlined in Appendix A of the July 11, 2001 staff report.**
2. **Staff negotiate brokerage arrangements with institutions to provide access to investment products as permitted under HRM Investment Policy and report back to Council at a later date with recommendations in respect to these arrangements as well as on the use of other investment services such as pooled investment funds.**
3. **Staff be authorized to further explore other Financial Services Products including Smart Card and Electronic Bill Presentment proposals and report back to Council at a later date.**
4. **Staff be authorized to offer the use of credit cards for payment of taxes and other lienable high value transactions as part of a pre-payment program.**

MOTION PUT AND PASSED.

11.4.10 Withdrawal - Snow & Ice Reserve

This matter was dealt with earlier in the meeting. See page 19 for details.

11.4.11 Case 00123: Request to amend the Halifax Municipal Planning Strategy and Land Use By-Law for 5515/5517/5519 and 5523 Inglis Street, Halifax

- A staff report dated June 18, 2001 submitted by K. R. Meech, Chief Administrative

Officer

MOVED by Councillor Uteck, seconded by Councillor Fougere that Halifax Regional Council:

- (1) Request staff to initiate a process to amend the Halifax Municipal Planning Strategy (MPS) and Land Use By-Law to allow for consideration of a multi-unit residential building on 5515/5517/5519 and 5523 Inglis Street, Halifax, by way of development agreement; and**
- (2) Agree that the MPS amendment process include a public participation program as approved by Regional Council on February 25, 1997 and generally described within the June 18, 2001 staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.4.12 Union of Nova Scotia Municipalities Resolution - Changes to the Nova Scotia Motor Vehicle Act

- A staff report dated July 7, 2001 submitted by Ken Meech, Chief Administrative Office was before Council for consideration

MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal that Halifax Regional Council endorse the following resolution for presentation to the Union of Nova Scotia Municipalities at its annual conference in October, 2001;

WHEREAS Municipalities have responsibilities for safe and effective traffic control and enforcement within their area of jurisdiction working within the Nova Scotia Motor Vehicle Act; and

WHEREAS new technologies and evolving practices provide the Municipality with tools that may be used to enhance safety and function of the street network and transportation system; and

WHEREAS consideration by the Province of legislative changes to permit the use of new traffic control and enforcement tools will be facilitated by the knowledge that they are endorsed by all Municipalities within Nova Scotia.

THEREFORE BE IT RESOLVED THAT the Union of Nova Scotia Municipalities requests that changes be made to the Nova Scotia Motor Vehicle Act to permit the following:

1. Posting and enforcement of speed limits below 50 kilometers per hour
2. Use of Photo radar and red light camera for enforcement of existing laws
3. Ability to designate reserved lanes for transit
4. Ability to use a transit priority signal
5. Access to collision records for the Municipal Traffic Authority

Responding to a suggestion from Councillor Cooper that in addition to these issues the matter of increasing the fee for the licensing of taxis should go forward to the Province. Mr. McCusker, Traffic Authority, indicated that this listing had been selected from a larger number of items with a view to facilitating their approval. He went on to suggest that it might be useful to have an annual process regarding requested amendments to the Motor Vehicle Act.

In response to a concern from Councillor Streach regarding item 1, posting and enforcement of speed limits below 50 kilometers per hour, Mr. McCusker indicated that a reduction in speed limits would happen only within well defined criteria and would not be a widespread application.

After a further discussion and questioning of Mr. McCusker, the **MOTION WAS PUT AND PASSED.**

11.4.13 Hydrostone Park: A Cultural Partnership, Withdrawal from Heritage & Cultural Reserve

- A staff report dated July 10, 2001 submitted by K. R. Meech was before Council for consideration.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane that:

1. Halifax Regional Council approve the addition of a capital project in the amount of \$65,000 for Phase One of the Hydrostone Project. This Project is an Interpretive Plaza in the Hydrostone Park to commemorate the rebuilding of the North End of Halifax after the 1917 Explosion, the work of the Halifax Relief Commission and the first example of town planning in Halifax. This expenditure includes the cost of construction, to create drawings and supervision.

- 2. Halifax Regional Council approve the withdrawal of funds up to \$65,000 to fund the Phase One Hydrostone Project from Heritage & Cultural Reserve, Q312.**

Deputy Mayor Blumenthal requested a report on signage which is to be used to provide direction to residents and tourists visiting the historical area of the Hydrostone.

The Deputy Mayor further indicated that he would be seeking corporate sponsorship and promoting the sale of commemorative plaques relative to the continued maintenance of this project.

MOTION PUT AND PASSED UNANIMOUSLY.

11.4.14 Additional Extension of Early Retirement Program to the Halifax County Rehabilitation Centre

- A staff report dated to July 9, 2001 submitted by K. R. Meech was before Council for consideration.

MOVED by Councillor McInroy, seconded by Councillor Hetherington that:

- 1. Halifax Regional Council approve an additional extension of the early retirement program for staff of the Halifax Regional County Regional Rehabilitation Centre to October 31, 2001**
- 2. Halifax Regional Council authorize an additional loan not to exceed \$15,000 to the Halifax County Regional Rehabilitation Centre which shall be used solely for the purpose of funding bridge benefits to members who meet the criteria and apply for the retirement program, with repayment being in the same amount from amalgamated surplus of the former Halifax County Plan when such surplus becomes available for distribution.**

Councillor Colwell requested a report as to why the nursing and support staff at the Halifax County Rehabilitation Centre were not being offered severance.

Councillor McInroy indicated that he would be pleased to take this request to the Board of the Halifax County Rehabilitation Centre.

MOTION PUT AND PASSED UNANIMOUSLY.

11.4.15 Administrative Order 27 Respecting Materials that shall not be Disposed of in a C& D Disposal Site

- Notice of Motion to approve Administrative Order 27 was given by Councillor Rankin at the July 10, 2001 meeting of Halifax Regional Council. The proposed Administrative Order 27, Respecting Materials That Shall Not Be Disposed Of In A C & D Disposal Site was before Council for consideration.

MOVED by Councillor Rankin, seconded by Councillor Goucher that:

WHEREAS it is the desire of the Halifax Regional Municipality to maximize the diversion from disposal of recoverable and recyclable construction and demolition debris;

BE IT ENACTED by Council of the Halifax Regional Municipality as a policy pursuant to Section 49 (1) (b) of the Municipal Government Act as follows:

- 1. The following materials shall not be disposed of in a Construction and Demolition Debris Disposal Site, under Bylaw L-200:**

asphalt paving

aggregate and soil

brush and leaves

concrete

milled wood free of adhesives, coatings and preservatives

porcelain, ceramic

root balls and stumps

scrap metal

window metal

window glass

all materials banned from disposal under the Nova Scotia Solid Waste Management Regulations and subsequent amendments

- 2. (1) For the calendar year 2001, a minimum of fifty percent (50%) of all incoming C & D Material arriving at a C & D Processing Facility or Transfer Station shall be recycled or otherwise diverted from disposal**
- (1) For the calendar years 2002 to 2005, a minimum of sixty percent (60%) of all incoming C & D Material arriving at a C & D Processing Facility or Transfer Station shall be recycled or otherwise diverted from disposal**
- (3) For subsequent years, a minimum of seventy-five percent (75%) of all incoming C & D Material arriving at a C & Processing Facility or Transfer Station shall be recycled or otherwise diverted from disposal**

A brief discussion ensued with Councillor Rankin noting that some of the materials listed

above can be used for daily cover at the Otter Lake site.

MOTION PUT AND PASSED UNANIMOUSLY.

11.4.16 Playground Equipment - Old Penhorn School

- A staff report dated July 4, 2001 submitted by K. R. Meech, Chief Administrative Officer was before Council for consideration.

MOVED by Councillor Sarto, seconded by Councillor Smith that Council approve an increase to CPC00303 - Playground Upgrades and Replacements in the amount of \$30,000 with funding to be withdrawn from the Sale of Land Reserve, Q101. MOTION PUT AND PASSED UNANIMOUSLY.

Referring to a similar situation, Councillor Warshick requested a staff report with regard to the possibility of providing playground equipment to the Admiral Westphal school in a manner similar to the one set out in the July 4, 2001 staff report re Playground Equipment - Old Penhorn School. Councillor Warshick noted the potential of Mary Lawson School in his area closing and advised that Admiral Westphal School has no playground equipment. He further indicated that it was his understanding that the equipment at Mary Lawson was too old to move.

11.4.17 Amendment of Street By-Law S-300 to Remedy Solid Waste Issues

- A staff report dated July 9, 2001 submitted by K. R. Meech, Chief Administrative Officer was before Council for consideration.

MOVED by Councillor Rankin, seconded by Councillor Meade that Regional Council:

- 1. Approve in principle an amendment to the street By-Law S-300 which would allow for the costs of removal of improperly placed solid waste, after 24 hours written notice, be billed back to the property owner as a lien against the property.**
- 2. Staff will bring forward to Council appropriate amendments to the Street By-Law S-300**

A brief discussion ensued with Councillor Smith referring to the problem of solid waste which is placed improperly on Friday and left over the weekend. Councillor Smith asked if with these amendments there would be enforcement on the weekend. Responding, Mr. Bauld, Diversion Planning Coordinator, indicated that if the Councillor has a particular problem street or address, he should contact Solid Waste and By-law Enforcement who

will work together to ensure the situation is addressed.

A further discussion ensued with Councillor Warshick requesting a staff report on how to avoid ticketing residents who have just moved into a home. Councillor Warshick indicated that the vacating resident is most often responsible for the improperly placed solid waste and the responsibility for the ticket should not fall to the new homeowner.

THE MOTION WAS PUT AND PASSED UNANIMOUSLY.

11.4.18 Nova Scotia Power Inc. and Tree Trimming

- A staff report dated July 11, 2001 submitted by K. R. Meech was before Council for consideration.

MOVED by Councillor Mosher, seconded by Councillor Sloane that:

- 1. Whereas section 3.1.7 - Tree Trimming, of the CAN/CSA - C22.33 does not dictate specific clearances and distances for trimming, Council direct Urban Forestry staff on the existing Joint Urban Forest Committee to ensure that NSPI pruning is in fact necessary and reasonable, meets professional arboriculture industry standards and specifications, and that the aesthetic appearance of HRM's street tree population is maintained and protected.**
- 2. A committee be struck to investigate the feasibility of installing underground utilities in new developments, such committee shall consist of staff from Planning and Development Services, Public Works & Transportation, Parks and Recreation, and Legal Services report through the Deputy Chief Administrative Officer, Dan English, to EMT.**
- 3. The Mayor write NPSI asking for reconsideration of its policy to secure vegetation easements in new developments in areas adjacent to street line.**
- 4. Failing a positive response to a reconsideration of its vegetation easement policy, that staff initiate an application to the URB for a review of the reasonableness of the vegetation management policy.**

A questioning of staff ensued with Councillor Mosher indicating that the only area of the report she was somewhat concerned with was safety and reliability. Councillor Mosher asked who would be liable, Halifax Regional Municipality (HRM) or Nova Scotia Power Inc. (NSPI), should an accident occur as a result of an HRM tree, trimmed to NSPI standards, cause an outage or downed wire. Mr. Anstey indicated that he could not provide a blanket statement in this regard, noting that it would depend a great deal on the circumstances of

the incident.

Councillor Mosher further expressed concern regarding impact of outages on essential services and asked if there was any safety plan in place relative to the hospitals and other such institutions.

In response, Mr. Brian Phelan, Parks and Recreation, advised that HRM agrees that tree trimming is necessary to maintain reliability and safety. He went on to note that HRM's position is that the previous practice of 3 and 6 feet clearances are safe. Mr. Phelan indicated that NSPI has not demonstrated that moving to 5 and 10 feet will make it more safe. Mr. Phelan stressed that the maintenance of the 3 and 6 feet clearances is key.

Councillor Mosher noted the reference in the staff report to the success stories throughout Canada and the US relative to maintaining the balance between safety and reliability and preserving healthy, mature street tree populations. She requested that copies of these be forwarded to NPSI.

THE MOTION PUT AND PASSED UNANIMOUSLY.

His Worship noted that 10:00 p.m., the set time for adjournment of Council, was approaching and there were a number of agenda items yet to be dealt with. Noting a 2/3 majority vote of Council was required, His Worship asked whether Council wished to extend the meeting until the agenda was complete.

MOVED by Councillor Adams, seconded by Councillor Walker that Council extend the meeting until the agenda is completed. MOTION PUT AND DEFEATED.

His Worship, indicating that there were certain priority items to be dealt with, requested that at this time Council deal with the added items resulting from the In Camera Session held earlier today, to which Council agreed.

13.2 Property Matter - Proposed Land Purchase, Parcel B, A Portion of PID #40573263

- This matter was discussed during an In Camera Session held earlier in the day and was before Council for ratification.

MOVED by Councillor Johns, seconded by Councillor Goucher that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale whereby 21,250 square feet of 3053422 Nova Scotia Limited land known as Parcel B, a portion of PID #40573263 Cobequid Place be acquired by HRM for the amount of \$10.00 per square foot, for a total value of \$212,500, subject to final

survey, plus any additional taxes and adjustments that may be applicable at closing, funds to come from Park & Ride account #CBQ00002; and further that Council not release the contents of this report until the transaction has closed. **MOTION PUT AND PASSED UNANIMOUSLY.**

13.3 Property Matter - 52 Jackson Road - Urquhart Property

- This matter was discussed during an In Camera Session held earlier in the day and was before Council for ratification.

MOVED by Councillor Sarto, seconded by Councillor Cunningham that Council refuse the request from Mr. and Mrs. Urquhart of 52C Jackson Road for the Municipality to negotiate for the purchase of their property; and further that this matter be referred to Bylaw Enforcement for a report and recommendation as to appropriate action to be taken. MOTION PUT AND PASSED.

13.4 Property Matter - Titans Gymnastic Club

- This matter was discussed during an In Camera Session held earlier in the day and was before Council for ratification.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane:

1. That Halifax Regional Council approve in principle the land lease request to the Dartmouth Titan's Gymnastic Club and that Council request Real Estate to undertake the necessary work to proceed with the land lease.
2. That the details of the land lease be presented to Council at a later date, subject to the Titan organization obtaining Provincial funds to proceed and mortgage approval from a financial institution; staff approval of the Titan's business plan and building development proposal; subdivision and development application approvals; and approval of the key terms and conditions of the land lease by Real Estate and Building Management Services.
3. That this report not be released to the public until the property transaction is complete.

MOTION PUT AND PASSED UNANIMOUSLY.

13.5 Resolution Respecting 360 Networks

- This matter was discussed during an In Camera Session held earlier in the day and was before Council for ratification.

MOVED by Councillor Adams, seconded by Councillor Sloane that:

WHEREAS the Council of the Halifax Regional Municipality desires to acquire ownership and possession of lands at Herring Cove, in the County of Halifax and Province of Nova Scotia designated as the shaded area on the plan attached as Schedule "A" to this resolution;

AND WHEREAS the Halifax Regional Municipality has not been able to successfully negotiate a purchase and sale with the owner of the lands by agreement;

THEREFORE BE IT RESOLVED that the Council of the Halifax Regional Municipality does hereby authorize the expropriation of a fee simple interest in the lands designated as the shaded area on the plan attached as Schedule "A" to this resolution pursuant to the Expropriation Act, R.S.N.S. 1989, C. 156, as amended;

The owner of the land according to the last revised assessment roll is the 360 Networks Inc.

The interest intended to be expropriated is the fee simple free and clear from all encumbrances and not subject to any existing interest in the land;

The land is being expropriated for municipal purposes, namely for a sewage treatment facility;

Municipal staff is directed to enter upon the said land and survey and prepare a description of the same and to make any borings or other excavations as shall be necessary to determine the suitability of the site for the required purpose.

MOTION PUT AND PASSED UNANIMOUSLY.

13.6 URB Hearings - Sable Gas

- This matter was discussed during an In Camera Session held earlier in the day and now was before Council for ratification.

MOVED by Councillor Fougere, seconded by Deputy Mayor Blumenthal:

- 1. That Council authorize the filing of Notice of Intent to apply for a Gas distribution franchise by the required date of July 20, 2001.**
- 2. That Council re-establish the Ad-Hoc Committee on Gas effective immediately.**

- 3. That Council endorse the filing of an application for intervention status at the upcoming URB Hearing regarding the Sempra application.**

On a point of clarification, Deputy Mayor Blumenthal confirmed that the Ad-Hoc Committee referred to in the recommendation was, in fact, the existing Committee and membership, with Councillor Adams as Chair.

MOTION PUT AND PASSED.

His Worship requested that Council Item 13.7 dealing with the area rate relative to sidewalk snow plowing in District 15 be dealt with at this time, to which Council agreed.

13.7 Area Rate for Sidewalk Snow Plowing, District 15

- A staff report dated July 17, 2001 submitted by K. R. Meech, Chief Administrative Officer was before Council for consideration.

MOVED by Councillor Walker, seconded by Councillor Adams that:

- 1. Council approve an area rate in the amount of \$.01 per \$100 of taxable assessment be levied in District 15 for the year 2001/02, for the purpose of a reserve to offset any future actual sidewalk snow removal costs which may be incurred in District 15 and;**
- 2) Council agree that the Interim Area Rate guidelines for this area rate be implemented in the fall, the outcome of which will determine whether sidewalk snow removal services will be provided and that a broader review of sidewalk snow removal and that a broader review of funding mechanisms across HRM will also take place in the fall of 2001; and**
- 3.) Council agree that should sidewalk snow removal services not be implemented in District 15, that all revenues collected through the recommended area rate above be returned to the District.**

Councillor Fougere indicated that she had some concerns about collecting an area rate in anticipation of the service being approved, particularly as staff has indicated that they do not believe they can satisfactorily provide the service.

A clarification with regard to the wording contained in Alternative 2, Page 4 was noted in that the reference to the former 'HRM' should be the former 'City of Halifax'.

After a further short discussion the **MOTION WAS PUT AND DEFEATED.**

11.4.19 Management of Rural Fire Services

- A staff report dated July 10, 2001 submitted by Ken Meech, Chief Administrative Officer was before Council for consideration

Due to time constraints this item was not dealt with. Consideration of this matter has been deferred to the August 21, 2001 meeting of Halifax Regional Council.

11.4.20 Richardson Animal Hospital Request for Temporary Use of HRM Street Right of Way - Memory Lane, Sackville

This matter was dealt with earlier in the meeting. See page 12 for details.

11.4.21 First Reading By-Law O-100 Respecting Open Air Burning (supp report) - Councillor Whalen - Move First Reading

- Notice of Motion was given by Councillor Whalen at the July 17, 2001 meeting of Halifax Regional Council regarding her intention to introduce for First Reading the amended By-Law O-100 respecting Open Air Burning
- A supplementary staff report dated July 11, 2001 submitted by K. R. Meech, Chief Administrative Officer was before Council for consideration. Also before Council was correspondence dated July 12, 2001 from Wayne Chapdelaine, Fire Inspector.

MOVED by Councillor Whalen, seconded by Councillor Walker that Halifax Regional Council approve First Reading of the Amendments to By-Law O-100 as attached to the June 22, 2001 staff report. MOTION PUT AND PASSED.

11.5 MEMBERS OF COUNCIL

11.5.1 Councillor Fougere

(i) Changes to Communication and Requirements - Cyclists Safety

Due to time constraints this item was not dealt with. Consideration of this matter has been deferred to the August 21, 2001 meeting of Halifax Regional Council.

(ii) Update: Tax Structure Committee

Due to time constraints this item was not dealt with. Consideration of this matter has been deferred to the August 21, 2001 meeting of Halifax Regional Council.

11.5.2 Councillor Rankin:

(i) Icelandic Air Proposed Cancellation

Due to time constraints this item was not dealt with. Consideration of this matter has been deferred to the August 21, 2001 meeting of Halifax Regional Council.

(ii) Correspondence from the Minister of Health re: Tax Exemption for Nursing Homes and Long Term Care Facilities

Due to time constraints this item was not dealt with. Consideration of this matter has been deferred to the August 21, 2001 meeting of Halifax Regional Council.

11.5.3 Councillor McInroy : Roadside Vending By-Laws

Due to time constraints this item was not dealt with. Consideration of this matter has been deferred to the August 21, 2001 meeting of Halifax Regional Council.

11.5.4 Councillor Mosher : Petition for Renaming of Joseph Howe Drive/Dutch Village Road.

Due to time constraints this item was not dealt with. Consideration of this matter has been deferred to the August 21, 2001 meeting of Halifax Regional Council.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Councillor Johns - Wilson Lake Road Paving

This matter was dealt with earlier in the meeting. See page 21 for details

13.2 Property Matter - Proposed Land Purchase, Parcel B, A Portion of PID #40573263

This matter was dealt with earlier in the meeting. See page 31 for details

13.3 Property Matter - 52 Jackson Road - Urquhart Property

This matter was dealt with earlier in the meeting. See page 31 for details

13.4 Property Matter - Titans Gymnastic Club

This matter was dealt with earlier in the meeting. See page 32 for details

13.5 Resolution Respecting 360 Networks

This matter was dealt with earlier in the meeting. See page 32 for details

13.6 URB Hearings - Sable Gas

This matter was dealt with earlier in the meeting. See page 33 for details

13.7 Area Rate for Sidewalk Snow Plowing, District 15

This matter was dealt with earlier in the meeting. See page 35 for details

14. NOTICES OF MOTION

14.1 Notice of Motion: First Reading of By-law S-304 Respecting Streets - Councillor Uteck

Councillor Uteck gave Notice of Motion of her intent to introduce a motion of First Reading of By-Law S-304 Respecting Streets at the August 21, 2001 meeting of Halifax Regional Council. The amendment will allow for the cost of removal of improperly placed solid waste, after 24 hours written notice, to be billed back to the property owner as a lien against the property.

15. ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Vi Carmichael
Municipal Clerk