

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES FEBRUARY 9, 1999

PRESENT:

Councillors: Jack Greenough (Chair)
Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry S. Blumenthal
Graham L. Downey
Sheila Fougere
Russell Walker
Bill Stone
Stephen D. Adams
Barry Barnet
Robert P. Harvey
Peter J. Kelly
Jack Mitchell

ABSENT WITH
REGRETS:

His Worship Mayor Walter Fitzgerald
Deputy Mayor Larry C. Uteck
Councillor Reg Rankin
Councillor Condo Sarto

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Barry Allen, A/Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Karen Swim, Assistant Municipal Clerk

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1. INVOCATION

The meeting was called to order at approximately 6:00 p.m. Councillor Fougere, at the Chair's request, led her colleagues in the recitation of the invocation.

1A. His Worship Mayor Walter Fitzgerald

Councillor Greenough advised that His Worship Mayor Walter Fitzgerald had returned to Halifax earlier in the day having experienced mild chest pains while on a Trade Mission to Mexico. Best wishes for a speedy recovery were extended from all members of Council to the Mayor, who is currently a patient at the QEII Health Science Centre where he will remain for observation.

2. PROCLAMATIONS - NONE

3. APPROVAL OF MINUTES - NONE

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

The following items were requested to be added to the agenda:

- 13.1 Councillor Blumenthal - Outside Consultants
- 13.2 Councillor Kelly - Fire Services
- 13.3 Councillor Kelly - Section 15, Proposed Amendment (Assessment Act)
- 13.4 Councillor Harvey - Second Lake Regional Park Announcement
- 13.5 Legal Matter - Claim Settlement

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION

6.1 Councillor Hendsbee - Amendment to Administrative Order Number 1

Notice of Motion with regard to this matter had been given by Councillor Hendsbee during the regular meeting of Halifax Regional Council held on February 2, 1999.

MOVED by Councillor Hendsbee, seconded by Councillor Cooper that the motion made during the February 2, 1999 meeting of Halifax Regional Council to amend Administrative Order Number 1 (and, more specifically, to provide that a motion arising out of a presentation made at Council or an added item not be voted on by Council until a staff report and recommendation has been received from the Chief Administrative Officer) be reconsidered. MOTION DEFEATED.

7. MOTIONS OF RESCISSION

7.1 Councillor Schofield - Restoration of Transit Services: Route Nos. 52 and 53

- An Information Report dated February 4, 1999 and entitled *Metro Transit Service Reductions* was submitted under the signature of Mr. Brian T. Smith, Director of Business Operations.
- Correspondence dated February 9, 1999 was submitted from Mrs. Kim Logan, 127 Riverwood Drive, Timberlea.
- Correspondence dated February 9, 1999 was submitted from Mr. Bill Estabrooks, MLA for Timberlea-Prospect.

Councillor Schofield had given Notice of Motion of Rescission during a regular meeting of Halifax Regional Council held on Tuesday, February 2, 1999; namely, that transit service on Route Numbers 52 and 53 be restored.

Mr. Brian Smith, Director of Business Operations, provided a brief overview of the February 4 Information Report and, with Brian Taylor, Manager of Metro Transit, responded to questions from Councillor Schofield.

Councillor Schofield referred to concerns expressed to him that, during peak hours, buses travelling Route #53 (Notting) are already overloaded to the point that passengers are often forced to wait for the next trip. He added that passengers feel that this situation will only be exacerbated, should the proposed changes in transit service (i.e., scheduling trips for every 20 minutes, rather than 15) be implemented.

The Councillor went on to point out, however, that in conversations with Transit representatives he had received assurances that this route -- and others like it -- are regularly monitored so that larger or additional buses can be added should overload situations occur.

With reference to Route #52 (Ilsley), Councillor Schofield noted that staff have recommended the elimination of seven trips during off-peak hours travelling through Burnside Industrial Park. He went on to acknowledge that, realistically, some changes will have to be implemented, but expressed concern with regard to the 1:55 p.m. and 2:55 p.m. trips which (based on recent load counts) carry the largest number of passengers of the trips proposed for elimination. Councillor Schofield advised that he is now prepared to put forward a motion in support of staff's original recommendation concerning Route #52, providing that the 1:55 p.m. and 2:55 p.m. trips can be reinstated.

MOVED by Councillor Schofield, seconded by Councillor Cunningham that:

- (1) staff proceed with the reductions previously approved by Council for Transit Route #53 (Notting), with the proviso that staff be requested to monitor this service carefully so that additional or larger buses can be provided during periods of heavy ridership;**
- (2) staff proceed with the reductions previously approved by Council for Transit Route #52 (Ilsley), with the exception that the trips formerly scheduled for 1:55 p.m. and 2:55 p.m. be reinstated; and further, that a review of all transit services provided to the Burnside Industrial Park be completed within the next six months.**

Councillor Adams expressed concern that, in putting forward their recommendations for transit service reductions, staff is not giving adequate consideration to the passengers who rely on the buses to take them to work, school, medical appointments, etc. The Councillor went on to suggest that, rather than targeting service reductions as a method of meeting budget obligations, staff should consider changes in other areas such as fares (and the impact on the general tax rate of a small fare increase) and/or other operational areas of the Transit Division in which reductions could be made.

Councilor Barnet noted that staff have identified Route #83 (Springfield) as a route which could be considered for elimination, given that its cost recovery rate is only 20 percent. He went on to emphasize, however, that Route #83 is the sole source of transit service in the Middle Sackville area, adding that many of its users already have to walk a considerable distance to access their bus stop.

The Councillor expressed concern that the public is rapidly losing confidence in the reliability of transit service, and asked that staff prepare a report as to the implications of a moratorium on the elimination of transit services to those communities that do not have access to any other transit route.

Councillor Blumenthal made reference to the frustrations expressed by many transit users in light of the proposed service reductions. Concurring with comments made earlier in the discussion, the Councillor emphasized that, in his opinion, service to the public should take precedence and that instead of recommending service reductions, staff should be reviewing a number of operational areas in which cost savings might be identified. In this context, Councillor Blumenthal made reference to the following areas and asked for staff comment: the elimination of the GO system; the need for a staff member dedicated to Transit "public relations" and the feasibility of consolidating this responsibility with those in other HRM divisions; the requirement for a staff member in Development and Planning; and the recent increase in the number of schedulers, staff dedicated to training and safety, supervisors, and inspectors.

Concurring with the suggestions put forward by Councillor Blumenthal, Councillor Walker also asked that staff comment on allegations that considerable savings could be realized with regard to bus transfers.

Councillor Cooper expressed concern with regard to the motion put forward by Councillor Schofield, noting that, at this point in time, Council has no information as to the implications the motion is likely to hold for other transit routes.

MOVED by Councillor Cooper, seconded by Councillor Hendsbee that this matter be referred to staff for comment on the implications of the motion proposed by Councillor Schofield, as well as on the suggestions put forward by other members of Council relevant to possible cost savings.

Councillor Mitchell, on behalf of Councillor Rankin (who could not be present at tonight's meeting) and on behalf of the residents of Timberlea-Lakeside, asked that Route Numbers 83, 15 and 21 be maintained.

Councillor Cunningham made reference to a statement made earlier in the meeting by Councillor Barnet (namely, that residents of Middle Sackville contribute an estimated \$100,000 in additional taxes towards the provision of transit services) and asked for confirmation from staff. The Councillor also referred to the allegations of transfer abuse and asked for staff's opinion as to whether there is a possibility of extra revenues in this area of operations. On a final note, he made reference to statements made by Councillor Walker concerning the impact the proposed transit reductions will have on bus users attempting to access Burnside Industrial Park from the Fairview-Clayton Park area (more specifically, that a one-way trip could take upwards of two hours), and asked for confirmation.

THE MOTION (i.e., to refer this matter to staff for comment) WAS PUT AND PASSED.

8. CONSIDERATION OF DEFERRED BUSINESS - NONE

7:30 p.m. -- The meeting was adjourned for a brief recess.

7:35 p.m. -- The meeting was reconvened with the same members being present.

9. PUBLIC HEARINGS

9.1 Case 7609 - Peninsula Halifax Land Use By-Law Amendments to the C-3A (Business Service) Zone

- A staff report, dated February 1, 1999 and entitled *Case 7609 - Peninsula Halifax Land Use By-Law Amendments to the C-3A (Business Service) Zone*, was submitted under the signatures of Donna Davis-Lohnes, General Manager, Planning Services, and Paul Morgan, Planner.

Mr. Paul Morgan, Planner, provided a brief overview of the February 1 staff report and responded to questions from various members of Council.

The Chair then called for members of the public wishing to speak either in favor of or in opposition to the proposed amendment.

Mr. Jim Lorimer, a resident of 1930 Parkwood Terrace and co-owner of Formac Publishing Limited, spoke briefly in support of the proposed amendment.

There were no further persons wishing to address Council in this regard.

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

MOVED by Councillor Blumenthal, seconded by Councillor Fougere that Halifax Regional Council approve the amendments to the C-3A (Business Service) Zone of the Peninsula Halifax Land Use By-Law, as presented in Attachment 1 of the staff report dated February 1, 1999. THE MOTION WAS PUT AND PASSED.

9.2 Case 7583 - Minor Variance at 6232-34 Cedar Street

- A staff report dated December 6, 1998 and entitled *Appeal of a Minor Variance Approval, Case No. 7583 - 6232-34 Cedar Street, District 13*, was submitted under the signature of Mr. G. R. Smith, Development Officer.
- Correspondence dated December 20, 1998 was received from Mr. Leszek Bednarski, 6229 Cedar Street.
- A petition dated February 3, 1999 and containing the signatures of seven Cedar Street property owners was submitted in opposition to the addition proposed for the building located at 6232-34 Cedar Street.

Mr. Greg Smith, Development Officer for the Region's Western Area, provided a brief overview of his December 16 report and responded to questions from various members of Council concerning the property located at 6232-34 Cedar Street and his decision to allow the minor variance.

Responding to a question from Councillor Stone, Mr. Smith clarified that, should Council move to overturn his decision, the owner of the property in question would be prevented from constructing the third storey addition and, in turn, three units. He emphasized, however, that should the owner be denied his minor variance, he would still have the option of undertaking internal conversions to create three units.

The Chair then called for members of the public wishing to speak in favor of the minor variance approval.

Mr. Danny Chedrawe, 3 Anchor Drive, Halifax, addressed Council in support of the Development Officer's decision, emphasizing the considerable demand for housing on the Halifax Peninsula.

The owner of the property at 6232-34 Cedar Street (the property to which the minor variance is intended to apply) briefly addressed Council to point out that his proposal is intended to supply some badly needed student accommodation in this area of the Municipality.

Mr. Peter Hargrieve, a resident of 6232-34 Cedar Street, spoke in support of the Development Officer's decision, emphasizing that this location is especially appropriate for students, given its proximity to the universities and stores.

Responding to a question from Councillor Blumenthal, Mr. Hargrieve advised that, at the present time, there is a total of eight students housed in two units at 6232-34 Cedar Street.

There being no further persons wishing to speak in favor of the minor variance, the Chair called for those wishing to address Council in opposition to the Development Officer's decision.

Mr. Hugh Pullen, 6262 Oakland Road, addressed Council to emphasize that, in his view, the proposal to add an additional unit to this residence is yet another example of what he called "the slow decline" of the Halifax South End. He went on to suggest that this move toward the creation of a "student ghetto" in the middle of well cared for single-family residences was completely inappropriate, and called on Council to overturn the decision previously made by the Development Officer.

Mr. Laurie Rockwell, 6228 Cedar Street (the residence immediately next door to the property in question) advised that he and his wife have lived in their home for over 35

years and that, until recently, the neighborhood had consisted of single-family houses whose owners took a great deal of pride in their properties. Mr. Rockwell expressed his very deep concern regarding the introduction of student housing into this quiet neighborhood, noting that there have been instances of rowdiness, excessive noise and infrequent calls to the police. He concluded his remarks by emphasizing that the proposed addition is not in keeping with the character of the surrounding neighbourhood and called on Council to reject the Development Officer's decision.

Mrs. Betty Bednarski, 6229 Cedar Street, addressed Council on behalf of her husband, Mr. Leszek Bednarski, and two of her neighbors, Dr. Gerhard Stroink of 6246 Cedar Street and Ms. Joan Last of 6235 Cedar Street. In her remarks, Mrs. Bednarski emphasized that, in her view, Council should be concerned with the implications of this proposal on the neighborhood's quality of life, rather than what she termed the "technicalities" of a minor variance approval. She went on to make reference to the building at 6232-34 Cedar Street as an "eyesore," and one whose external appearance is completely incompatible with that of its neighbors. Concurring with remarks made by the previous speakers, Mrs. Bednarski urged that Council reject the Development Officer's decision and prevent what she called "the insidious erosion" of the neighborhood's quality of life.

There were no further persons wishing to address Council in this regard.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

Responding to a question from Councillor Kelly, Mr. Smith advised that a Building Inspector had recently visited the property at 6232-34 Cedar Street and reported that space on the basement level had been finished. He emphasized, however, that this space cannot be construed as an additional "unit" as there is no kitchen facility or other components that would constitute a unit under the Building Code. He added that the ceiling height on the basement level is also problematical, and that the owner of the property is aware of these restrictions.

With reference to a question from Councillor Hendsbee, Mr. Smith suggested that the owner could seek approval for his proposed addition using a "lot modification" process which would also provide neighboring property owners considerable opportunity for input.

MOVED by Councillor Fougere (speaking on behalf of Deputy Mayor Uteck), seconded by Councillor Blumenthal that Council overturn the decision of the Development Officer and deny the application for a minor variance at 6232-34 Cedar Street. THE MOTION WAS PUT AND PASSED.

10. CORRESPONDENCE, PETITIONS

10.1 Petitions

10.1.1 Petition - Councillor Cooper Re: Pesticide By-Law

Councillor Cooper submitted a petition containing approximately 119 signatures of students of the Sacred Heart School, their friends and families, in support of the adoption by Halifax Regional Council of a by-law to restrict the cosmetic use of pesticides. The Councillor asked that the petition be forwarded to the appropriate staff for reference purposes.

10.1.2 Petition - Councillor Cooper Re: Harbour Clean-Up

Councillor Cooper submitted a petition containing several hundred signatures of students and teachers of the Sacred Heart School endorsing the sewage treatment plan proposed in reference to the Harbour Clean-Up initiative by the Stakeholders Advisory Committee. The Councillor asked that the petition be forwarded to the appropriate staff for reference purposes.

11. REPORTS

11.1 MAYOR

11.1.1 HRM Boundary Issue - District 1

- A report dated February 5, 1999 and entitled *HRM Boundary Issue - District 1* was submitted under the signatures of His Worship Mayor Walter Fitzgerald and Councillor Bill Dooks, District 1.

MOVED by Councillor Dooks, seconded by Councillor Kelly that:

- (1) the following Councillors be appointed to serve on an Ad Hoc Committee of Council: Deputy Mayor Larry Uteck; and Councillors Bill Dooks, Gordon Snow, Peter Kelly, Jack Greenough, and Jack Mitchell;**
- (2) the Committee's mandate will be to provide recommendations to Council on the following issues:**
 - (A) the implications of putting forward an application to the Nova Scotia Utility and Review Board for a review of the HRM boundaries to address the wishes of the citizens of the Musquodoboit Valley area of HRM, who wish to be governed by the Municipality of the County of Colchester; and**
 - (B) the most appropriate way for Council to deal with rural issues such as by-laws, service delivery, and taxation levels.**

Councillor Dooks noted that his motion had been put forward in response to a request from residents in the southern part of District One, who have clearly indicated their desire to remain within the Halifax Regional Municipality provided they can be guaranteed a tax rate and by-laws that reflect the rural character of their communities. The Councillor went on to emphasize that he does not regard the motion's intent as being "separatist" in nature, but rather a movement toward unity.

Speaking in support of the motion, Councillor Hendsbee expressed the hope that the proposed study will "turn over every stone" -- that it will examine every cost, every revenue, and every service that is generated to and from the Musquodoboit Valley area -- so that residents will have detailed information on which to decide their destiny. He went on to suggest that, by using the activity-based costing approach, it should be a fairly easy process to demonstrate the advantages that are inherent in remaining as part of the Halifax Regional Municipality.

Councillor Walker spoke in opposition to the motion, indicating that, in his view, it was inappropriate that the normal process for the selection of committee members (i.e., review by the Membership Selection Committee) had not been followed in this instance. He went on to suggest that if such a committee were to be formed for the rural component of HRM, similar committees should also be established to address the concerns of their urban and suburban counterparts. The Councillor concluded his remarks by making reference to the costs inherent in conducting a study of the scope suggested by part (2) of Councillor Dooks' motion, and emphasized that, in his view, these were steps that the Musquodoboit Valley residents should be taking on their own.

Councillor Adams expressed concern that, whether or not a study is undertaken, there does not appear to be any guarantee that the Utilities Review Board will entertain an application from the Musquodoboit Valley to leave HRM.

Councillor Stone spoke in opposition to the motion, emphasizing that by-laws, service delivery and taxation levels are of concerns to residents in every district of HRM and that, in his view, it was not the role of Halifax Regional Council to encourage communities to separate from the Municipality.

Speaking in support of the motion, Councillor Hendsbee strongly recommended that the committee add to its mandate the development of a step-by-step process which could be followed by communities wishing to leave HRM.

Responding to a question from Councillor Stone, Mr. Meech indicated that he has requested that the Department of Municipal Affairs assign a staff member to work with the ad hoc committee in achieving its mandate. The CAO went on to suggest that information required by the committee should be relatively easy to access, most of it having been accumulated during the amalgamation process in 1996.

A recorded vote was requested and taken (15 in favor, 4 against):

FOR: Councillors Dooks, Snow, Hendsbee, Cooper, McInroy, Greenough, Hetherington, Cunningham, Blumenthal, Fougere, Adams, Barnet, Harvey, Kelly, and Mitchell.

AGAINST: Councillors Schofield, Downey, Walker and Stone.

THE MOTION WAS PUT AND PASSED.

11.2 PROGRAM AND SERVICE REVIEW COMMITTEE

11.2.1 Regional Museum - Transition to Community

- A report dated February 3, 1999 and entitled *Regional Museum - Transition to Community* was submitted by Councillor Jack Greenough, Chairman of the Program and Services Review Committee.

Mr. Dan Norris, Regional Heritage Coordinator, provided a brief overview of the contents of the February 3 report and responded to questions from various members of Council.

Councillor Hetherington opened his remarks by expressing his appreciation to the Chair (Mrs. Brenda Shannon) and members of the Regional Museum Ad Hoc Committee for their valuable contribution to this project. He went on to acknowledge that while his preference was for a "regional" museum, he was of the opinion that the "community-based" management structure (as outlined in the February 3 report) would provide a useful starting point towards this objective.

Councillor Hetherington also made reference to the fact that HRM has applied for and received a grant of \$36,000 from the Province of Nova Scotia. He emphasized, however, that a further \$12,000 could be made available to the Municipality from this source, and urged that application be made as quickly as possible.

MOVED by Councillor Hetherington, seconded by Councillor Harvey that:

- 1. Council comment the Regional Museum Ad Hoc Committee for the thorough report that provides council and staff with the sufficient information to assess options and chart future directions;**
- 2. Council authorize staff to investigate the feasibility of creating a Regional Cultural Committee through the Cultural Tourism Business Planning process now underway and report back to Council no later than April 1999;**
- 3. Council authorize staff to assist members of the community to establish a non-profit Museum Society (to provide community-based management for the collection of the Regional Museum) within three (3) months;**

4. Council authorize staff to develop a Cultural Tourism Agreement with the Museum Society within a period of six (6) months. The Agreement will consist of four components: a lease not to exceed two years for the HRM-owned facility at 100 Wyse Road, secondment of one member of HRM staff, access to all other HRM staff, and an annual fee-for-service grant not to exceed \$50,000 (the Agreement will be brought back to Council for approval);
5. Council authorize staff to issue a Call for Proposals to all public, private and non-profit organizations within HRM in nine (9) months, should it not be possible to assign the Agreement to a community-based Museum Society;
6. Council authorize staff to move the collection to secure off-site storage within twelve (12) months, if the Call for Proposals is not successful.

THE MOTION WAS PUT AND PASSED with Councillor Blumenthal voting in opposition.

EXTENSION OF MEETING TIME

MOVED by Councillor Hendsbee, seconded by Councillor Cunningham that the meeting be extended until 11:00 p.m. THE MOTION WAS PUT AND PASSED UNANIMOUSLY.

11.3 HERITAGE ADVISORY COMMITTEE

11.3.1 Application to Demolish Registered Municipal Heritage Property: 5536 Sackville Street (Irving Oil Gas Station)

- A report dated February 2, 1999 and entitled *Application to Demolish Registered Municipal Heritage Property, 5536 Sackville Street - Irving Gas Station* was submitted under the signature of Mr. Paul A. Erickson, Chairperson, Regional Heritage Advisory Committee.
- Correspondence dated February 3, 1999 was submitted from Mr. Ronald A. Pink of Pink, Breen, Larkin, together with a second letter dated February 9.
- Correspondence dated February 4, 1999 was submitted from Mr. Paul McCulloch.
- Correspondence dated February 5, 1999 was submitted from Mr. Thomas O. Boyne, of Boyne, Clarke.

- Correspondence dated February 9, 1999 was submitted from Mrs. Elizabeth Pacey, Nova Scotia Representative, Board of Governors, Heritage Canada Foundation. Ms. Donna Davis-Lohnes, General Manager of Planning Services, addressed Council to advise that, on March 19, 1998, Westwood Developments (acting on behalf of the owner, Irving Oil Limited) submitted an application under the Heritage Property Act to demolish the registered heritage property located at 5536 Sackville Street. The matter was reviewed by the Heritage Advisory Committee in June with a motion being approved to reject the application. In this context, Council was advised that, on a motion to reject, a 12-month waiting period automatically goes into effect, after which the applicant is free to do as he chooses with the heritage property. The purpose of the waiting period (which dates from the date of application) is to allow the Municipality an opportunity to identify workable alternatives to demolition. In this particular instance, the one-year waiting period expires on March 19, 1999.

Ms. Davis-Lohnes went on to indicate that, since June of 1998, staff have been working with the HAC, Heritage Trust and with the prospective owner of the property to find alternatives. She referred to an Information Report dated January 29, 1999 previously distributed to Council, and noted that the strategy currently being proposed is that of moving the building to another site within the former City of Halifax. She acknowledged, however, that both the HAC and Heritage Trust have expressed concern with that approach.

Ms. Davis-Lohnes concluded her remarks by indicating that the matter is before Council at this point in time because the HAC is concerned that their motion of June 1998 had not yet been forwarded. She added that staff is prepared to take responsibility for this omission, but emphasized that they had been attempting to develop a feasible alternative to demolition so that all issues concerning this property could be addressed by Council simultaneously.

MOVED by Councillor Downey, seconded by Councillor Hetherington that the correspondence received from Boyne, Clarke and from Pink, Breen, Larkin be forwarded to the Municipal Solicitor for review and comment (a report to be submitted at the next regular meeting of Halifax Regional Council scheduled for Tuesday, February 16, 1999).

Councillor Fougere, speaking as a member of the Heritage Advisory Committee, provided Council with information concerning the heritage significance of the property in question. In her remarks, the Councillor noted that the building at 5536 Sackville Street represents one of the first gas stations built in Halifax and one of four remaining in Nova Scotia originally constructed in the 1920's by K. C. Irving, who took a personal interest in its design. The facility has a special significance because this year marks what would have been Mr. Irving's 100th birthday.

While concurring with Councillor Downey's motion, Councillor Fougere strongly recommended that Planning staff be requested to work with the Heritage Advisory Committee to develop appropriate policies and guidelines (similar to those in place in other large municipalities across Canada) concerning the demolition of registered heritage properties.

Councillor Hendsbee noted that while he supported the preservation of heritage properties, he acknowledged that the continued presence of the gas station at 5536 Sackville Street may no longer be "ideal." He went on to recommend that the feasibility of moving the building to an alternate site should be given serious consideration, adding that while the "heritage" designation may be lost in the process, the building as an asset to the City may be saved. In this context, Councillor Hendsbee made reference to a site at the corner of Sackville and Robie Streets (across from the CBC building) and suggested that, if the gas station were moved so that it was in close proximity to the Garrison Grounds, it could be converted to serve a number of useful purposes. He went on to suggest that the service bays could perhaps be renovated as a permanent washroom facility and that other parts of the building could be used to provide power for the many special events held on the Garrison Grounds. The Councillor asked that staff be asked to provide comment on the feasibility of these suggestions in time for the February 16 meeting of Regional Council.

Mr. Paul A. Erickson, Chair of the Regional Heritage Advisory Committee, address Council to note that the HAC is opposed to the demolition of this property, primarily because it does not feel that buildings should be destroyed merely because they are "in the way." He also alluded to allegations that the gas station must be moved because of environmental considerations and to remarks made by Mr. Danny Chedrawe of Westwood Developments Limited to the effect that he is prepared to relocate the building to the Robie Street Extension. Mr. Erickson suggested that if it is possible to move the building to a permanent location, it would be equally feasible to move it temporarily so that an environmental clean-up can be undertaken, then move it back to its original site.

Mr. Danny Chedrawe of Westwood Developments Limited addressed Council to express his displeasure over the events of the past year with regard to 5536 Sackville Street. He emphasized that he had approached the HAC over 10 months ago in the hope that they and other heritage groups in the Municipality could work with him to resolve the problems surrounding this site. He noted, however, that despite the fact that he considers himself to be very "approachable," none of these groups had come forward with any suggestions or alternatives until the 12-month waiting period had almost elapsed at which time Heritage Trust submitted its objections. Mr. Chedrawe concluded his remarks by emphasizing that because he is a strong believer in the advantages of protecting heritage property, he has made a public commitment to assuming the costs of relocating the gas station, rather than see it destroyed.

THE MOTION WAS PUT AND PASSED with the notation that the report to be submitted will include staff's comments with regard to the recommendations put forward by both Councillor Hendsbee and Councillor Fougere.

11.4 CHIEF ADMINISTRATIVE OFFICER

11.4.1 Tender 98-129: Removal/Disposal of Existing Boiler, Supply and Installation of New Boiler at Maintenance Facility, Metro Transit, 200 Ilsley Avenue

- A staff report dated February 2, 1999 and entitled *Tender 98-129: Removal/Disposal of Existing Boiler, Supply and Installation of New Boiler at Maintenance Facility, Metro Transit, 200 Ilsley Avenue*, was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.

MOVED by Councillor Hetherington, seconded by Councillor Walker that Regional Council authorize the award of Tender #98-129 to the lowest bidder meeting specifications, Bremner's Plumbing and Heating Limited, at a cost of \$43,666.00 plus applicable taxes. THE MOTION WAS PUT AND PASSED.

11.4.2 P3 Schools - Connections to the Municipality's Sewer

- A **revised** staff report dated February 9, 1999 and entitled *P3 Schools - Connections to the Municipality's Sewer* was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.

MOVED by Councillor Snow, seconded by Councillor Hetherington that Halifax Regional Council approve the connection of the P3 Schools in Fall River and Port Wallace to the Municipality's sanitary sewer systems in those areas, subject to the Province and/or the Consortium agreeing to the following conditions:

- (a) that the Province and/or the Consortium resolve, to the satisfaction of the Municipality, any capacity or operational problems related to the impact of connecting to the Municipality's sewer systems;**
- (b) that the Province and/or the Consortium obtain approval from the Provincial Department of the Environment with respect to connecting to the Municipality's sewer systems, which approval is to be provided prior to the issuance of any permit to connect;**

- (c) that the Province and/or the Consortium indemnify and hold harmless the Halifax Regional Municipality from all claims or damages arising out of the Municipality's granting the Province and/or the Consortium permission to connect to the Municipality's sanitary sewer systems, and to pay any legal costs incurred responding to any claims for damages;
- (d) that the Province and/or the Consortium pay a sewer connection charge of \$400,000 for the P3 School at Fall River and a sewer connection charge of \$200,000 for the P3 School at Port Wallace, which charges are to be paid prior to the issuance of any permit to connect;
- (e) that the Province and/or the Consortium agree to pay any other fees and charges normally required pursuant to any legislation or by-law, which fees and charges are to be paid prior to the issuance of any building permit;
- (f) that the Province and/or the Consortium agree to initiate and complete any Plan Amendment process related to changes required to the Service Boundary at Fall River and the Development Boundary at Port Wallace, including the payment of any related fees or other costs.

THE MOTION WAS PUT AND PASSED.

11.4.3 Street Name Change

- A staff report dated February 4, 1999 and entitled *Street Name Change* was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.

Ms. Donna Davis-Lohnes, General Manager, Planning Services, introduced Mr. Ronald Lowerison, who provided Council with a brief overview of the February 4 staff report. In his remarks, Mr. Lowerison noted that, in addition to the historical significance of the street in question and the costs that will be incurred by the renaming process, staff have concerns that a change to a street name of such long standing will cause a considerable degree of public confusion, a situation that could be particularly harmful in emergency situations. For all of these reasons, staff have recommended against the renaming of this street, and have instead offered a number of alternatives that could be implemented as suitable tributes to the community's veterans.

Mr. Donald Allen, representing the Korean Veterans Association of Canada, addressed Council to express his disappointment with regard to staff's recommendation. In his remarks, Mr. Allen alluded to the "Veterans Memorial Garden" proposed for a site abutting this portion of Jubilee Road, to the close proximity of Camp Hill Cemetery, and to the

support the renaming proposal has received from the President and CEO of the QEII Health Science Centre. He also made reference to the alternatives put forward by staff, noting, in particular, that the suggestion to rename Shore Road in Point Pleasant Park would not be acceptable because of its strong naval links. In closing, Mr. Allen called upon members of Council to consider the valuable contribution made by Halifax veterans and to support the renaming proposal.

MOVED by Councillor Snow, seconded by Councillor Blumenthal that that portion of Jubilee Road between Robie Street and Summer Street be renamed *Veterans Memorial Lane*.

Councillor Cunningham spoke in opposition to the motion, noting that because there is already a Veterans Avenue in Dartmouth, this duplication of street names can only add to the public's confusion.

Councillor Fougere concurred with the concerns put forward by Councillor Cunningham, emphasizing that, in her view, "good planning" should not be overlooked in an attempt to pay respect to the community's veterans. In this context, the Councillor made reference to the number of streets and buildings that already have been named in honor of those who served during war time, and also brought to Council's attention that Jubilee Road is heavily used by non-residents of HRM who will undoubtedly be confused by the street's name change. She concluded her remarks by suggesting that a more appropriate approach would be to erect a separate plaque designed to hang along Jubilee Road below the standard street signs.

While speaking in support of the motion, Councillor McInroy acknowledged staff's concern that the renaming of this particular street could lead to a variety of similar requests for changes. In this context, the Councillor urged that the request from the Korean Veterans Association be evaluated on its own merits so as to avoid a precedent-setting situation that could become problematical in future.

THE MOTION WAS PUT AND PASSED.

11.4.4 Noise By-Law

- A staff report dated January 28, 1999 and entitled *Noise Bylaw*, was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.
- Correspondence dated January 25, 2033 [sic] was submitted from Mr. Frederick V. Hall, 93 Union Street, Bedford.

MOVED by Councillor Walker, seconded by Councillor Kelly that Council take no action at this time, but rather direct staff to prepare a new consolidated Noise By-Law for the entire Municipality based upon subjective standards using the enabling provisions contained in the new *Municipal Government Act*.

Responding to a question from Councillor Kelly, Mr. Meech advised that information relating to a possible completion date for the consolidated by-law (i.e., the date on which it will be available for consideration by Council) will be brought forward at the February 16 meeting.

A recommendation was also put forward by Councillor Downey that, upon completion, the proposed by-law be forwarded to a meeting of Committee of the Whole for review and debate.

THE MOTION WAS PUT AND PASSED.

11.4.5 Administrative Order #11, Respecting Fees for the Registration of Dogs for the Registration Year 1999-2000

- A staff report dated January 26, 1999 and entitled *Administrative Order #11, Respecting Fees for the Registration of Dogs for the Registration Year 1999-2000* was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. George McLellan, Deputy CAO.

MOVED by Councillor Hendsbee, seconded by Councillor Mitchell that Administrative Order #11 be amended to set out the dog registration fees for fiscal period April 1, 1999 to March 31, 2000 (as outlined in the staff report dated January 26, 1999). THE MOTION WAS PUT AND PASSED.

11.4.6 Presentation - Halifax Millennium Committee

- A staff report dated February 5, 1999 and entitled *Presentation - Halifax Millennium Committee* was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal that the requested presentation from the Halifax Millennium Committee be deferred until the regular meeting of Halifax Regional Council scheduled for Tuesday, February 16, 1999. THE MOTION WAS PUT AND PASSED.

11.4.7 Alarm By-Law

- A staff report dated February 1, 1999 and entitled *Alarm By-Law for HRM* was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.

The following recommendation was contained in the staff report dated February 1, 1999:

That:

- 1) there be consolidated of the False Alarm By-Law for the entire Halifax Regional Municipality;
- 2) the Finance Department assume responsibilities for the registration and collection of service fees for false alarms which are responded to by Halifax Regional Fire and Emergency Services, Halifax Regional Police, and/or the Royal Canadian Mounted Police within the Halifax Regional Municipality to ensure the most efficient administration of the By-Law.

IT WAS AGREED THAT no action would be taken at this time.

Note: A Notice of Motion pertaining to this proposed By-Law was given by Councillor Stone at a later point in the meeting's agenda.

12. MOTIONS

12.1 Councillor Fougere Re: Local Improvement Procedure

Notice of Motion with regard to this matter had been given by Councillor Fougere during a regular meeting of Halifax Regional Council held on Tuesday, February 2, 1999.

Councillor Fougere addressed Council to advise that her Notice of Motion had been prompted by concerns raised by 18 property owners on George Dauphinee Avenue who had recently received bills (ranging from between \$700-1100) for paving improvements undertaken to their portion of the street. The Councillor went on to emphasize that the residents had never asked to have these improvements made nor were they ever notified that the project would be undertaken.

Asked to comment, Mr. Kulvinder Dhillon, Director of Engineering and Transportation Services, advised that the paving on this portion of George Dauphinee Avenue had been proposed as part of the 1997/98 Capital Budget. In October of that year, staff had had to make determinations as to which projects could reasonably be completed before the construction season came to an end. George Dauphinee Avenue was chosen because it was assumed that the project had been advanced with the full knowledge and concurrence of both the Councillor for the area and his constituents.

Councillor Fougere noted that there has been a degree of controversy over whether, throughout the history of this subdivision, George Dauphinee Avenue has ever been paved. In this context, she referred to an inter-office memo forwarded to her predecessor, Councillor Howard Epstein, in 1997 by the Manager of Street and Road Services, Mr. Philip Cochrane. In that memo, Mr. Cochrane indicated that, to the best of his knowledge, the streets in this subdivision had been built in the 1940's as stone and oil streets, and had been constructed to paved street specifications with the exception that (instead of an asphalt surface) they had been finished with a chip seal surface. The Councillor went on to note that this information appears to be at odds with the memories of several long-term residents of the area, who recall that George Dauphinee Avenue was indeed paved as far back as 1957-58.

Mr. Dhillon observed that staff's opinions on the matter are based, in part, on the lack of any evidence that betterment or local improvement charges (for street improvements) have ever been levied against abutters in this neighborhood.

Councillor Fougere advised that she had reviewed a street file maintained by two of her predecessors and that nowhere in that information is there a request for this portion of the street be paved. She expressed concern about the process that was used with respect to these street improvements, and suggested that the incident has led her to question whether there have not been other similar instances which have been allowed to "fall through the cracks." She concluded her remarks by indicating that her motion was intended to give some assurances that situations like that on George Dauphinee Avenue are not allowed to recur.

MOVED by Councillor Fougere, seconded by Councillor Adams that Council direct staff to include in its Local Improvement procedures a requirement that residents to be charged a Local Improvement Charge be notified in writing immediately following the approval by Council of a Local Improvement Project (approved either without the right of petition or despite a petition against the imposition of such charges) that the project will proceed and that Local Improvement Charges will be imposed.

THE MOTION WAS PUT AND PASSED.

Note: Councillor Fougere gave a further Notice of Motion with regard to this matter at a later point in the meeting's agenda.

13. ADDED ITEMS

13.1 Councillor Blumenthal - Outside Consultants

Councillor Blumenthal noted that, at a Council meeting held on October 6, 1998, he had requested that a report on the use of outside consultants (both during the 1998-1999 fiscal

year and any anticipated use) be prepared. Noting that this information had not yet been received, the Councillor asked that it be submitted as quickly as possible.

Councillor Hetherington asked that the requested report also include reference to the cost of external legal services.

13.2 Councillor Kelly - Fire Services

- Correspondence (unsigned and undated) was submitted by the Councillor with regard to concerns relating to Fire Services.

MOVED by Councillor Kelly, seconded by Councillor Hetherington that the correspondence recently circulated to members of Council be referred to staff for review and report. THE MOTION WAS PUT AND PASSED.

13.3 Councillor Kelly - Section 15, Proposed Amendment to Assessment Act

CONFLICT OF INTEREST

Councillor McInroy declared a Conflict of Interest on this matter, owing to the fact that he is employed by the Provincial Assessment Division, and removed himself from the discussion.

MOVED by Councillor Kelly, seconded by Councillor Adams that, whereas the express wishes of Halifax Regional Council and the UNSM Conference have not been addressed:

- (1) a letter be written to the Minister of Housing and Municipal Affairs on behalf of Halifax Regional Council advising of its dissatisfaction with his response on this matter; and further, that**
- (2) Council urge the UNSM to communicate its concern to the Minister that he has not acted on the clearly expressed wish of the Conference (namely, that Section 15 entitled *Public Office* and the associated internal policy be immediately withdrawn from the proposed amendments to the Assessment Act).**

THE MOTION WAS PUT AND PASSED.

13.4 Councillor Harvey - Second Lake Regional Park Announcement

Councillor Harvey brought to Council's attention that, earlier in the day, three Provincial Cabinet Ministers had travelled to Sackville to announce that 665 acres of the watershed of Second Lake would be transferred to the Department of Natural Resources as a "park reserve," thereby protecting it from development and allowing the community of Sackville and surrounding communities to work towards a regional park in this location.

The Councillor publicly acknowledged the valued contributions to this initiative of those in the Sackville community, and thanked the Provincial Government for acting on this request. He particularly referenced the 12 years of effort contributed by MLA John Holm and also by the Co-Chairs of the Community Committee, Shane O'Neill and Teresa Scratch.

MOVED by Councillor Harvey, seconded by Councillor Schofield that a letter of appreciation be sent to Premier Russell MacLellan in recognition of the decision made by his government concerning the land in the vicinity of Second Lake and for the Premier's own interest in this matter. THE MOTION WAS PUT AND PASSED.

13.5 Legal Matter - Claim Settlement

This matter had been addressed during an *In Camera* meeting of Halifax Regional Council held earlier in the day.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal that the recommendation adopted during the In Camera meeting held earlier in the day be ratified. THE MOTION WAS PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor Barnet Re: Redistribution of Political Boundaries

Councillor Barnet gave Notice of Motion that, at the next regular meeting of Halifax Regional Council scheduled for Tuesday, February 16, 1999, he proposes to introduce a motion requesting staff to prepare a report for Council's consideration on the redistribution of political boundaries that reflect equal representation by population, and to provide Council with advice and recommendation concerning the possible reduction of the number of districts within the Halifax Regional Municipality.

14.2 Councillor Fougere Re: Waiver of Local Improvement Charges - George Dauphinee Avenue

Councillor Fougere gave Notice of Motion that, at the next regular meeting of Halifax Regional Council scheduled for Tuesday, February 16, 1999, she proposes to introduce

a motion supporting the waiver of Local Improvement Charges imposed for an unsolicited paving project carried out on a single block of George Dauphinee Avenue; and further, that a core sampling of the street be undertaken to alleviate any future question as to its surfacing history.

14.3 Councillor Kelly Re: Proposed Changes to By-Law S-400, Respecting Charges for Street Improvements

Councillor Kelly gave Notice of Motion that, at the meeting of Halifax Regional Council scheduled for Tuesday, February 23, 1999, he proposes to introduce a motion to amend By-Law S-400, Respecting Charges for Street Improvements, by adding Sub-section 2(1)(9); namely, that Council shall not undertake any project as stated in Section 2 unless the Municipality receives a 66 2/3 support from the abutting property owners through a petitioning process.

14.4 Councillor Stone Re: Alarm By-Law for HRM

Councillor Stone gave Notice of Motion that, at the regular meeting of Halifax Regional Council scheduled for Tuesday, February 23, 1999, he proposes to introduce for First Reading By-Law B-400, Respecting Burglary, Robbery and Fire Alarm Systems.

Councillor Kelly asked that staff be prepared to comment on the rationale for placing responsibility for this by-law with the Finance Division, rather than with the Bylaw Enforcement section.

15. ADJOURNMENT

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal that the meeting adjourn at approximately 11:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
MUNICIPAL CLERK

