

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES JUNE 22, 1999

PRESENT: His Worship Mayor Walter Fitzgerald (part)
Councillors: Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington (part)
Clint Schofield
John Cunningham
Jerry S. Blumenthal
Graham L. Downey
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Stephen D. Adams
Barry Barnet
Robert P. Harvey
Peter J. Kelly
Reg Rankin (Acting Mayor)
Jack Mitchell

**ABSENT WITH
REGRETS:** Deputy Mayor Larry Uteck

STAFF MEMBERS: Mr. Dan English, Deputy CAO
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Barbara Moar, Assistant Municipal Clerk

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1. INVOCATION

Mayor Fitzgerald called the meeting to order at 6:00 p.m. with the Invocation.

PRESENTATIONS:

1.(A) City of Hakodate - Halifax 250th Anniversary

Mayor Fitzgerald welcomed elected officials and citizens from the City of Hakodate visiting HRM to extend their best wishes on the 250th Anniversary of the founding of Halifax. Members of the delegation spoke to members of Council thanking Council and the citizens of HRM for the warm welcome extended to them. The City of Hakodate is in Japan and in 1982 was declared the sister city for Halifax.

Following an exchange of gifts between the two Cities, Mayor Fitzgerald and the delegation left to attend a reception.

Councillor Rankin, Acting Deputy Mayor, took the Chair.

1. (B) Presentation by R. H. Giffin re Ocean View Manor

Earlier in the day, during an In Camera Meeting, Council agreed that a presentation by Mr. Giffin re Ocean View Manor would be added to the Agenda. It was agreed that Mr. Giffin would speak to Council at this point in the meeting.

Mr. Giffin presented a **petition** stating the support of the signers for the Board of Management in their ongoing efforts to maintain Ocean View Manor as a non-profit charitable organization.

Mr. Giffin stated that he and other Board Members are asking Council not to sell Ocean View Manor, but to accept their offer of one dollar for Ocean View Manor, and all outstanding liabilities to be registered as a not-for-profit society.

Mr. Giffin referred to statistics from the Province of Quebec showing conclusively that the care of not-for-profit nursing homes was of a higher quality than that of privatized profit driven homes. He emphasized the concern and stress of the residents and staff about Ocean View Manor being sold to the highest private bidder. He pointed out that a letter had been written to Mr. Dan English from the Department of Health which states that the Department "is not likely to agree to an increase in a facilities per diem rate to offset a purchase price based on equity in the nursing home which has in effect already been paid for once by private paying residents and government funding."

In closing his presentation, Mr. Giffin stated that the Board of Management fully supports HRM'S departure from the nursing home function, pointing out that the operation and financing of Ocean View Manor have been at arm's reach for years. The Board of Management does agree that Ocean View Manor should pay municipal taxes and, in fact, is doing so this year.

The Chair thanked Mr. Giffin for his presentation and assured him that these views will be taken into consideration.

MOVED By Councillors McInroy and Sarto THAT this issue be referred to staff for a report in two weeks. MOTION PUT AND PASSED UNANIMOUSLY

1.(C) 250th Anniversary Status Report

Mr. Bob Geraghty, Deputy Chairman of the Millennium Committee, updated Council on the *Halifax 250th Anniversary Celebrations and Re-enactment Program, June 12-30, 1999*. Copies of a brochure on the Celebrations are available from HRM.

1.(D) Canada Day Activities

Carol Dobson, Chair, Halifax-Dartmouth Canada Day Committee, updated Council on the Canada Day Events in Halifax-Dartmouth Thursday, July 1, 1999. She encouraged all members to join in the activities, and advised that copies of a brochure are being distributed throughout HRM.

1.(E) Junior Firefighters - Beaver Bank and Kinsac

Councillor Barnet had earlier received agreement from Council to make presentations to HRM's first Junior Firefighter Corp from the communities of Beaver Bank and Kinsac. The Councillor pointed out that these young people train and learn firefighting skills, raise their own funds to contribute towards their training, and help in fund raising for other activities. Presentations were made to each of the Junior Firefighters in recognition of their hard work and the commitment they have made to firefighting and to their communities.

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:

- 14.1 Sale of Property - Conveyance of Lot 3B-2 Bayers Road
- 14.2 Sale of Property - 2529 Sackville Drive
- 14.3 Acquisition of Property - Hubbards Cove Waterfront Development Project
- 14.4 Acquisition of Property - Parcel X-5, 19 Alma Crescent
- 14.5 Property Matter - Fenerty Property
- 14.6 Sale of Property - 5450 Russell Street to Shambhala School

Councillor Harvey asked Council to bring Agenda Item **12.3.2 Expansion of Sackville Sports Stadium** forward on the Agenda under Deferred Business as 8.2. Council agreed to this change and this will be identified as Item 8.2 on the Agenda, but to be discussed prior to 8.1.

MOVED by Councillors Sarto and Blumenthal THAT the Order of Business be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY

5. BUSINESS ARISING FROM THE MINUTES - None

6. MOTIONS OF RECONSIDERATION

6.1 Councillor Cunningham - Amendment to Administrative Order Number One

- The following motion was passed on May 25, 1999, and Councillor Cunningham served a Notice of Motion of Reconsideration at that time:

MOVED by Councillors Adams and Walker that Administrative Order Number One be amended by deleting Section 11 thereof and by substituting therefor the following Section: "A Council meeting shall end when the Order of Business as identified on the approved Agenda has been completed."

Councillor Cunningham requested Council's support in reconsidering the above motion that was approved by Council last month. He stated that he believes the current Administrative Order addresses Council's requirements and should be maintained. A curfew of 10:00 p.m. is currently in place and Council can only continue past that time with a motion of Council. If there is business not completed by 10:00 p.m., Council has the opportunity to pass a motion to continue with the Agenda.

MOVED By Councillors Cunningham and Sarto that the following motion adopted on May 25, 1999, be reconsidered:

MOVED by Councillors Adams and Walker that Administrative Order Number One be amended by deleting Section 11 thereof and by substituting therefor the following Section: "A Council meeting shall end when the Order of Business as identified on the approved Agenda has been completed."

MOTION PUT AND PASSED.

Councillor Walker stated that he supported the original motion passed by Council. If the Agenda business cannot be completed by 10:00 p.m., he believes the meeting should continue until it has been completed. With a 10:00 p.m. curfew, he expressed his concern that sometimes items appearing at the end of the Agenda do not get the same consideration as those at the beginning of the Agenda.

Councillor Adams referred to the Order of Business on the Agenda stating that the order should not dictate the importance of an item. They are all equally important, and Council has an obligation to deal with the business at hand. The Councillor stated that he would support the motion that he had put forward and encouraged members of Council to do so bearing in mind that every Agenda item should get equal treatment.

Councillor Hetherington left the meeting at this point in time.

Councillor Hendsbee in supporting the original motion to complete the Agenda, reiterated his earlier requests that the format of the Agenda should be re-evaluated, and that issues should only be debated at the Committee of the Whole meetings, with no debate when ratified by Council. He also suggested that except for time sensitive issues, requests from Councillors to add items to the Agenda should be curtailed, and that tenders should be brought forward earlier on the Agenda.

Councillor Blumenthal stated he would not be supporting the motion, as when he is tired, he does not believe he does justice to his residents.

In asking for a recorded vote, Councillor Kelly agreed that Council should extend the timeframe to debate each item on the Agenda openly and fairly.

Councillor Cooper agreed that items referring to money should be brought to the beginning of the Agenda. Referring to the motion, he pointed out that Council always has the ability to determine its own Order of Business, and, if necessary, can complete the Agenda or come back another day to complete.

Councillor Greenough suggested that it was very rare for Council not to make a motion to extend the 10:00 p.m. curfew if it became necessary to complete an Agenda. He spoke

in favour of the motion not to have a 10:00 p.m. curfew, but pointed out that Council always had the ability to make a motion of adjournment requiring a simple majority of the members.

Councillor Mitchell referred to other meetings that are held before Council meetings, and suggested if all the Councillors attended these meetings, there may be not be a need to have Council meetings that last until 10/11:00 p.m. He noted that only once had Council not completed its business on the Agenda.

Councillor Dooks stated that at amalgamation there was a debate on Community Councils that all local issues would be taken to Community Councils and brought to Regional Council for approval. But, since that time there have been problems with the Community Councils, and now local issues are brought to Council. He pointed out that sometimes Councillors put items on the Agenda that could be answered by speaking to staff, and often Councillors are repetitive stating what has already been said. The Councillor said he does not believe it is the fault of the Agenda or the administration, but rather that of Council itself.

Councillor Sarto said he would be supporting the motion that Council stay with the curfew of 10:00 p.m. because he believes Council is not effective after that time.

Councillor McInroy said he would not be supporting the motion to extend the curfew. He believes this would encourage even more repetitive speeches, duplicated commentary and added items that are sometimes totally unnecessary.

Councillor Stone stated that he supports the original motion that the meeting continue until the Agenda is completed. He agreed with earlier comments that the problem is not the Council Agenda, it is the holding of other meetings on Tuesdays which often start early in the day. By the time the Council meeting starts, the members are already tired. The Councillor stated that adding items to the Agenda is another major problem, and ignores a rule set by Council that there would be no items added after the Agenda has been sent out.

Councillor Stone suggested that a Parliamentarian is needed to tell Council the Rules and to make sure they are followed. He stated that Council does not follow parliamentary procedure or the rules of Council. The Councillor said it was his understanding that when there were Public Hearings that there would be no other items on the Agenda, except possibly tenders. But, that is not the case as is evident by tonight's Agenda.

Councillor Harvey said he is not going to support the motion. The length of time of a meeting has nothing to do with the importance of the issues, or deliberations, or quality

of the decisions. He does not feel there is a need to extend the timeframe which opens up even further discussion. The Councillor pointed out that rules determining the length of time and number of times Councillors speak on issues should be strictly enforced.

Councillor Read stated that he believes the 10:00 p.m. curfew is sufficient time for Council to carry out what is required and Council should be able to work within that timeframe.

Councillor Adams expressed his concern that Councillors are saying that they are too tired to continue with the Agenda after 10:00 p.m. He said he would support his motion that Council continue until the business is completed.

The Chair called for the question on the original motion, adopted at the May 25, 1999 Council session, with a recorded vote.

The motion reads:

MOVED by Councillors Adams and Walker that Administrative Order Number One be amended by deleting Section 11 thereof and by substituting therefor the following Section: "A Council meeting shall end when the Order of Business as identified on the approved Agenda has been completed."

FOR: Councillors Hendsbee, Greenough, Walker, Stone, Adams and Kelly (6).

AGAINST: Councillors Dooks, Snow, Cooper, McInroy, Sarto, Schofield, Cunningham, Blumenthal, Downey, Fougere, Read, Barnet, Harvey, Rankin, and Mitchell (15).

MOTION DEFEATED.

Mayor Fitzgerald, Deputy Mayor Uteck and Councillor Hetherington were absent for the vote.

7. MOTION OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS

8.2 Expansion of Sackville Sports Stadium

- A staff report dated June 8, 1999 prepared for Ken Meech, Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED BY Councillors Harvey and Barnet THAT Regional Council

1. **Approve a new capital project - Expansion of the Sackville Sports Stadium in the amount of \$4.45 million to be financed by a 20 year debenture to be refinanced over 10 years. Debt charges will be recovered through operations of the Sackville Sports Stadium under the terms negotiated with Nova Scotia Municipal Finance Corporation.**
2. **Approve a temporary borrowing resolution for \$4.45 million to enable HRM to borrow these funds.**
3. **Approve the establishment of a Reserve to collect 70% of all project fund raising to be used for principal and interest payments should Sackville Sports Stadium be unable to fully service the loan. Any amounts remaining in the Reserve at the end of the first 10 year term would be applied to the outstanding principal prior to refinancing.**

Following some clarification from staff on projections from the Sackville Sports Stadium and Lake District Recreation, the Chair called for the question.

MOTION PUT AND PASSED UNANIMOUSLY.

8.1 Proposed Consolidated By-law N-200 Respecting Noise

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration at its June 15, 1999 Council meeting.

The Chair noted that at the June 15th meeting Councillors had questions regarding the proposed By-law and it was agreed to defer this matter to allow the Councillors the opportunity to submit their questions to staff for a response. Staff have responded to the questions and are now looking for approval from Council to proceed with the preparation and testing of the by-law.

MOVED By Councillors Greenough and Sarto THAT Regional Council authorize and implement the approval process for the proposed "By-law Respecting Noise - N-200".

Mr. Peter James, Regional Co-ordinator, By-Law Enforcement, gave an overview of the consolidated by-law. The consolidated by-law is founded on two principles which are:

- noise is a subjective interpretation of unwanted sound, and;
- in order to make a judgment on whether or not it is acceptable, one must be reasonable.

The consolidated by-law brings together all the strengths of all the former municipal by-laws and it strengthens staff's ability to restrict that which is unreasonable. As stated in the staff report, it must also be recognized that some essential operations of human activities produce noise and providing that all possible methods to minimize the noise have been exhausted, a certain amount must be accepted with urban development.

At the conclusion of his overview, Mr. James, Ms. Angela Jones, Solicitor, Legal Services and David Porter, Police Services, responded to questions for clarification from Council and the following amendments were suggested to be made to the by-law.

- Delete Section 4(2) (k). This can be dealt with under Section 3. (1).
- Under Section 5.(1), specifically with reference to Bedford Place Mall, that it clarify that the Bedford Place Mall is the main building, and that the trucks are to park in 'front' of the main building, and not on the sides.
- In response to a question as to whether a resident can lay charges against the Province for excessive noise on the highway Mr. Anstey responded that the Crown is exempt.
- When complaints are reported on an activity during a time that is not mentioned in the by-law as being a prohibited time, a resident could lay a charge under Section 3(1).
- Referring to excessive noise from 'street parties' disturbing residents, it was pointed out that such activities are also covered under Section 3.(1).
- Referring to exemption for fuel deliveries, it was suggested that this is not an emergency situation and asked staff to look at this again.
- Referring to Schedule A, Item 21 re the operation of a car wash, concern was expressed about the noise not necessarily emanating from a particular car wash, but from radios at this site. Staff advised that this situation would be covered under Section 3.(1).
- Discussion ensued on Appendix A, Item 13 and it was pointed out by staff that these noises are prohibited during specific hours as identified in the by-law.

The Chair pointed out there is an opportunity at the Public Hearing to address any issue and expressed his concern with the amount of time Councillors are taking to ask questions. At the last meeting, Council agreed to a process that if there were any questions on the proposed By-law that Councillors put them in writing to staff. Only two Councillors did this, and he had a great concern on the length of time that is being spent on questions that should have been directed to staff before tonight's meeting.

- Staff advised that if there is a complaint requiring an immediate response, Police respond, but if it is an ongoing problem, then By-law Enforcement would be involved.
- Reference was made to measuring noise. Staff responded that a by-law that measures noise is called a quantitative by-law, and after 6 months of research across Canada staff have been told by municipalities that these by-laws do not work. They cannot be enforced and are very expensive to implement.
- It was confirmed that this by-law does not govern blasting. There is a blasting by-law and a permit issued that determines when blasting can occur.
- When a charge is laid, there is no appeal process. It goes directly to court.
- Staff advised that the public can call the Police at 490-5020 and By-law Enforcement at 490-5640 if they wish to make a complaint about a particular noise.
- A request was made to incorporate appropriate wording under Section 4, Page 8, to identify devices used to signal the start and finish of sailboat races.
- It was noted on page 3, there is a reference to MT&T and suggested this may now be changed to MTT, and whether other communication companies should be included.
- Staff advised that they are working with RCMP on a Memorandum of Understanding and the question of whether or not they will enforce this by-law and other by-laws after hours.
- A request was made to identify the number of staff that will be employed to enforce the by-law.
- Under Schedule "A", prohibited hours for Items 8, 9, and 10 will be changed from an A to B. Item 22 will be changed from A & D to B.

The Chair asked staff to take the Councillors' comments into consideration. Staff now have concurrence to move ahead with the by-law to be tested. Subsequently, a Notice of Motion was given by Councillor Kelly that he intends to move First Reading of the Noise By-law on July 6th.

MOTION PUT AND PASSED.

9. PROGRAM & SERVICE REVIEW COMMITTEE

9.1 Multi-Year Financial Strategy

- A report, dated June 18, 1999, prepared for Councillor Jack Greenough, Chair of Program and Service Review Committee, with an attached Report entitled "Taking Care of Business: A Multi-Year Financial Strategy" was before Council for consideration.

Mr. George McLellan, Deputy CAO, stated that the Multi-Year Financial Strategy has been developed over the last year as a living document. Many of the significant parts of the report have been approved by Council and are either implemented or in the process of being implemented. Nevertheless, there are six recommendations made in the report entitled "Taking Care of Business: A Multi-Year Financial Strategy" that are intended to ensure the focus on future financial stability and predictability is sustainable.

MOVED BY Councillors Greenough and Sarto THAT:

1. **Starting in 2000/2001, interest be paid on all reserves at the HRM short-term earning rate.**
2. **Reports to Council include a section entitled Multi-Year Financial Strategy Impacts that will advise any long range effects, capital, operating or reserves, of the decision being presented to Council.**
3. **That starting in 2000/2001, Business Plans are integrated to include operating, capital and reserve budget requirements.**
4. **That Council adopt the Debt Servicing Plan (Appendix 8A of "Taking Care of Business").**
5. **That Capital items currently funded by debt which in accordance with the Capital Debt Policy should no longer be funded by debt, be funded from Operating on a Pay as You Go basis as follows:**

2000/2001	20%
2001/2002	40%
2002/2003	60%
2003/2004	80%
2004/2005	100%

6. **That Council approve the inception of a Service Improvement Reserve to be used to provide loans for business redesign projects that require seed capital. In the current year, we recommend allocating \$600,000 from the variable Operating Stabilization Reserve for the purpose of initializing the Service Improvement Reserve (Appendix 1-A of "Taking Care of Business").**

Ms. M. Stephanie Coldwell, Financial Consultant, with the aid of overheads, provided Council with a brief overview of the 4th phase of the Multi-Year Financial Strategy Report, and responded to questions for clarification.

MOTION PUT AND PASSED UNANIMOUSLY.

10. PUBLIC HEARINGS

Conflict of Interest

Councillor Downey declared a conflict of interest because he did not agree with the down zoning of his property. He left the Council Chambers.

10.1 Case 6720 - Peninsula North Area 8 - Gottingen Street Commercial Area - Secondary Planning Strategy

- A staff report, dated December 7, 1998, was before Council on December 15, 1998 which recommended scheduling a public hearing concerning the adoption of the Area 8 Secondary Planning Strategy, Peninsula North.
- A Supplementary Report, dated May 26, 1999, prepared for Donna Davis-Lohnes, General Manager, Planning Services, regarding the above, was before Council for consideration on June 1, 1999.
- A letter dated June 22, 1999 from Beverly W. Miller asking that the block of Maitland Street from Cornwallis Street to Prince William Street should not be zoned R-3.

Mr. Schaffenburg, Planner III, Planning Services, advised Council that this Public Hearing is to consider a new plan and Land Use By-law for Area 8. The plan area is bounded by Cogswell Street, Creighton Street, Gerrish Street and Maitland Street. Staff report dated December 7, 1998 contains the recommended Planning Strategy for Area 8. Area 8 is the last portion of Peninsula North in Halifax to be completed. Plans for Areas 1 to 7 were developed separately between 1990 and 1995. This plan sets a new direction for both commercial development along Gottingen Street and for residential development in the surrounding area. Mr. Schaffenburg briefly reviewed the background for Council.

The Chair called three times for members of the public wishing to speak for the proposal. There were no speakers.

The Chair called for members of the public wishing to speak against the proposal.

Ms. Beverly W. Miller, 6182 South Street, Halifax, N.S.

A copy of a letter from Ms. Miller had been distributed to Council.

Ms. Miller said she is very much in favour of most of the zoning changes, stating that the C-2 zoning that was on much of the residential area was entirely unsuitable. However, as stated in her letter, she is confused about the zoning changes in the block of Maitland Street, from Cornwallis Street to Prince William Street which she believes should not be zoned R-3. She believes that most of the properties in that block cannot be developed as R-3 because many of them are parking lots which is a conforming use. There are only small parcels available for R-3 and if these were to be developed as R-3, it would mean a consolidation of those properties possibly with the parking lots changing the entire character of the block. Ms. Miller asked that there be a further look at this parcel of land.

Eric Prevost, 2355 Creighton Street

Mr. Prevost spoke at the last meeting on this planning strategy, pointing out that he is against having his properties down zoned, and described the properties that would be affected by the proposed changes. He referred to the report that lists 'major property owners' and questioned why he was not included. He pointed out that Sobeys as a major property owner was approached to buy their property and suggested that he may be willing to sell his properties. Mr. Prevost stated that he and his family are personally affected by these changes. He stressed very strongly that if this goes forward that he is against the buildings being more than three storeys, but he would like to have the proposed planning strategy completely reviewed.

The Chair called three times for additional speakers against the proposal. Hearing none, the following motion was put on the floor.

**MOVED By Councillors Greenough and McInroy That the Public Hearing be closed.
MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Blumenthal asked if existing properties that are C-2 would be grandfathered. Mr. Schaffenburg responded that the grandfathering would only relate if Mr. Prevost had a commercial use in a commercial building on any of his properties.

Councillor Harvey asked if the block referred to by Ms. Miller could be excluded and move ahead with the rest of the planning strategy. Mr. Schaffenburg responded that one of the goals is to restrict the commercial zone to the commercial core of Gottingen Street. Staff does not feel Ms. Miller's suggestion would be compatible with the land use policy.

In response to Councillor Stone, Mr. Schaffenburg stated that both of these issues have been discussed at length in terms of what is the appropriate designation for the area along Creighton Street, and the area along Maitland Street, and reported to Council on why staff feel these are the appropriate designations for these areas.

In response to Councillor Kelly, Mr. Schaffenburg stated that staff had considered the input by property owners, however, in developing an overall plan for an area, staff had to look at what the overall intent of that area should be. He described the kinds of issues that had to be considered in arriving at their decision and recommendations to Council.

Councillor Hendsbee suggested that possibly the reason Mr. Prevost was not listed as a major property owner was because the properties are individual pieces of land rather than one large lot. Mr. Schaffenburg was unable to confirm this, but he agreed to look in the file and advise Mr. Prevost. Mr. Schaffenburg responded to other questions raised by the Councillor on the possible loss of opportunity for Mr. Prevost by downsizing the zoning

MOVED By Councilors Cunningham and Greenough THAT the meeting be extended by one hour to 11:00 p.m. MOTION PUT AND PASSED.

Councillor Read stated that this subject had been before the public and discussed at length by the public, by staff and PACs for a considerable number of years. What has evolved is the report that is now before Council. Referring to the concerns that have been expressed about the effect on down zoning certain properties, the Councillor stated it may appear that by down zoning a property there would be an effect on its potential market value. But, he believes that, in general, if this particular planning strategy is put in place, it would have such a positive effect on the whole area that it is going to enhance all properties, including those that may be down zoned.

DECISION OF COUNCIL

MOVED BY Councillors Read and Cunningham THAT Council adopt the Secondary Planning Strategy for Area 8 of Peninsula North as contained in legal resolution form in Appendix A of the December 7, 1998 report.

Councillor McInroy agreed that there would be impacts up and down, and he does not believe Council should entertain giving a property owner the option to opt out because this would be a disservice to those that have not been given this option.

Referring to Ms. Miller's letter and comments from Mr. Schaffenburg, Councillor Harvey pointed out that in this area, the intent is to maintain as many of the existing buildings as

possible. He hoped that Council would keep this in mind in the future in terms of lot consolidation and demolition of buildings.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Case PA-DAR-06-96 - Amendments to the MPS and LUB for Dartmouth - Extension of Development Boundary for Dartmouth to Include the Lands known as Craigwood Estates

- A staff report, dated May 17, 1999 from Donna Davis-Lohnes, General Manager, Planning Services, regarding the above, was previously before Harbour Est Community Council at its May 20, 1999 meeting.
- A staff report, dated May 27, 1999 prepared for Councillor Bruce Hetherington, Chair for Harbour East Community Council, regarding the above, was before Council for consideration at its June 1, 1999 Council meeting.
- A supplementary report dated June 22, 1999 from Donna Davis-Lohnes, General Manager, Planning Services, regarding the above, was before Council for consideration at this Council meeting.

Ms. Donna Davis-Lohnes, General Manager, Planning Services, reported to Council that this Public Hearing is a joint Hearing. The application before Council is an application by the Armoyan Group to extend the development boundary within the former City of Dartmouth to include the lands known as Craigwood Estates, and to enter into a development agreement for these same lands to permit single unit residential development.

Ms. Davis-Lohnes advised Council that this is a two step process, with the two Public Hearings being held together. The decision of Council, as a whole, will relate as to whether or not these lands should be brought within the development boundary. The decision as to whether or not Council enters into a development agreement will be a decision of Harbour East Community Council. She understands that if Regional Council supports the inclusion of these lands within the development boundary, that Harbour East Community Council is prepared to convene a meeting following this Council meeting to address the agreement.

Ms. Davis-Lohnes briefly reviewed the development for Council and spoke of some of the policy issues, and also addressed a few details of the development agreement. The Supplementary Report addresses questions/concerns raised by Community Council regarding this subject application.

Included in Ms. Davis-Lohnes presentation was reference to a pilot project involving the replacement of sanitary manhole covers and upgrading of sanitary manholes as a means of 'buying back' capacity within the sewer system. The pilot project, costing approximately \$37,000, was funded by the applicant. Ms. Davis-Lohnes reported that sufficient capacity has been "created" within the 390 Waverley Road sewershed as a result of this pilot project to permit the development of Craigwood Estates.

Ms. Davis-Lohnes addressed concerns of the public on access to the development. She stated there would be two points of access. There was some concern about the appropriateness of the extension of Craighburn Drive to Waverley Road. She stated that Engineering and Traffic Services have confirmed that the minimum site differences are met at that particular intersection. Another proposal looked at providing access from the development through to a point on Waverley Road, directly opposite Montague Road. Traffic Services had a concern about the offset of the alignment with the Montague Road intersection.

In response to Councillor Greenough, Ms. Davis-Lohnes referred to the Supplementary Report and briefly reviewed the discussions and conclusions re questions on blasting, sidewalks and extension of Craighburn Drive to Waverley Road.

Councillor Read referred to the exit road on to Waverley Road. He pointed out that in his District he has a situation where there are access roads coming on to a main road, (Purcell's Cove Road), on a curve or near a curve and apparently these were created as acceptable intersections. Today, they are problem intersections and he does not want another problem intersection created.

Councillor Read asked if there would be a problem if Craighburn comes out where proposed on Waverley Road, which is very close to where Charles Lake Drive comes out on the Waverley Road. Staff responded that the concern is not with the proximity between these proposed intersections and Lake Charles Drive, but rather the adequacy of sight distances in particular. Ms. Davis-Lohnes said the minimum sight distances are provided. She pointed out that the development agreement will permit right exit turns only. There has been a lot of discussion on this issue with the neighbourhood and Traffic Services accepting it. Councillor Read said the sight distances are adequate for vehicles obeying the speed limit. The Councillor noted that where the exit would come out opposite Montague there was a slight offset. He questioned if there was a way to match that up by either moving Montague Road slightly or moving the exit on to the other property. Ms. Davis-Lohnes responded that the standards are based on signed traffic speeds, rather than the actual traffic speeds.

Mr. David McCusker, Manager, Traffic & Transportation Services, reported that staff had

done radar speed locations and the median speed was 61 km/hour which is typical of suburban roadways that are posted at 50. Mr. McCusker said staff do make the test for the posted speed, but in situations like this there are safety factors built in for people travelling at excessive speeds. Traffic Services are satisfied that this was met at this location. He stated that there was considerable thought given to realigning the intersection with Montague Road, but it was determined that the realignment costs vs the extra benefit that would be given at this location would not justify the additional cost.

The Chair called for members of the public wishing to speak for the proposal.

Barry Zwicker

Mr. Zwicker, representing the application by the Armoyan Group (Kimberly Lloyd Development), spoke to Council on the pilot project that was carried out by the proponent. This pilot project involved the replacement of 58 manhole covers, and repairs to deficiencies in 19 manholes. This project resulted in achieving the sewer capacity buy-back. The details of the pilot project and results are contained in a report entitled "Sanitary Sewer Flow Monitoring Program - August 4, 1998" which is attached to the May 20th staff report. Mr. Zwicker stated that as a result of this pilot project they have been able to provide capacity that will enhance the downstream system as well as the immediate receiving system where this development is proposed.

The Chair called three more times for members of the public wishing to speak for the proposal.

The Chair called for members of the public wishing to speak against the proposal.

Doug Skinner, 14 Lake Charles Drive

Mr. Skinner referred to staff's comments re the cost of realigning the intersection with the Montague Road, and expressed his concern with putting the loss of life against dollars. The decision should be made on the point of safety, not on economics. The Chair stated that this is part of the Development Agreement and would be a decision of the Community Council. In response to a comment by Mr. Skinner on the concept plans, Ms. Davis-Lohnes advised that the concept plans included in the staff report are correct.

The Chair called three times for members of the public wishing to speak against the proposal. Hearing none, the following motion was placed before Council:

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

DECISION OF COUNCIL

MOVED by Councillors Greenough and Cooper that Council

- (a) amend the Dartmouth Municipal Planning Strategy by extending the Development Boundary to include the lands of Craigwood Estates and adopt proposed Policy H-15 to require development of these lands by development agreement;**
- (b) amend the Dartmouth Land Use By-Law to specify that development of lands of Craigwood Estates proceed by means of development agreement.**

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Greenough stated on the basis that it is very late and the Harbour East Community Council would want to give further consideration to the access points by way of the development agreement, he suggested and it was agreed that a special Community Council meeting would be held within the next two weeks, rather than holding the meeting tonight.

MOVED BY Councillors Adams and Kelly that the meeting continue until completion of the Agenda. MOTION PUT AND PASSED.

10.3 Second Reading Amalgamated HRM By-Law T-108 Respecting Taxis and Limousines

- By-Law T-108 Respecting Taxis and Limousines received First Reading on June 1, 1999 and was now before Council for Second Reading
- A staff report, dated May 24, 1999 prepared for Councillor Stephen D. Adams, Chair, Taxi & Limousine Committee, regarding the above, was before Council for consideration.
- A report, dated June 16, 1999 prepared by Bill Harrison, Chair, Hotel Standards Committee, regarding the above, was before Council for consideration.
- Correspondence from Derek T. Mathers, President, Yellow Cab dated June 21, 1999, regarding the above, was before Council for consideration

Councillor Adams briefly reviewed some of the changes in the proposed by-law. He pointed out that Section 12. (1) (iv) is an increase in the size of the vehicles. The intent is that the vehicles would be about the size of a Lumina. There has been a change in the

age requirement that was in previous by-laws. This has been eliminated because "age" is not a reflection of the condition of the vehicle. The Councillor asked that the words "full size" be inserted in the last line of Section 12. (1) on page 6 after the word "door". This would ensure that the vehicle is of a decent size. He would like to have this added for purposes of discussion.

Councillor Adams stated that there is consideration given to individuals that have a vehicle that they have just purchased or may not be in a financial position to be able to satisfy these requirements. This is addressed on page 7, Item 12. (2) and it is recommended that these standards be implemented by the year 2002. For housekeeping, reference to Sections (f) and (g) should also be included in Section 12.(2).

Councillor Adams said Section 22 is a new section stating that the taxi owner must appear in person at the office of the Inspector. This is to ensure that individuals who are living overseas or out of the Province must show up in person to ensure that their vehicle is registered. Section 25 states that a taxi owner licence shall not be transferable from one license holder to another. There have been amendments put forward to the Provincial Government to allow for family members and when this is approved, it could be done on a retroactive basis. Section 27 protects the individuals that have a requirement for accessible vehicles. Councillor Adams suggested that the proposed by-law be amended to add a Section stating that a driver may request an approximate amount of the fare before the trip begins.

Councillor Adams referred to a Section referred to as "Hotel Standards - Halifax Zone" (Pages 22, 23 and 24) which is a program initiated by the former City of Halifax. The Councillor stated that the Taxi & Limousine Committee passed a motion to eliminate this Section from the by-law. But, he took the initiative and asked that it be put back into the by-law for Council's consideration. This is a program that is basically focussed in Halifax zone and there are individuals that did not have an interest in the Halifax zone but they voted against this particular aspect. He believes this is a program that Council should at least consider including in the by-law.

In conclusion, Councillor Adams said this by-law will increase the quality of the vehicle, increase the size of the vehicle, allow for further training for individuals that wish to take it, it recognizes and accommodates special needs of persons with disabilities and ensures that individuals that own vehicles will take an interest in the industry and show up to renew their licenses. It also allows for sufficient knowledge of the English language and geography of the specific zone in which the driver has a licence. Councillor Adams confirmed that this by-law amalgamates all the former by-laws into one by-law.

Councillor Cooper asked if amendments being suggested by Councillor Adams are in the document, and if they are not then Council should have received the actual wording that is being suggested. He also stated that the solicitor should confirm whether any of these suggestions would be a major amendment.

In response to Councillor Adams' request to Councillor Cooper to identify amendments that are contrary or require further discussion, Councillor Cooper reiterated that all suggestions for amendments should have been in written form for consideration by Council after they had gone to the Taxi & Limousine Committee, and continued to express his concern.

Councillor Adams responded that he would withdraw the amendments and go forward with staff's recommendations. Councillor Cooper agreed that this would be appropriate.

The Chair called for members of the public wishing to speak for the proposed by-law.

Barbara LeGay

Ms. LeGay, representing the Advisory Committee for Persons with Disabilities, said one of the handicaps that comes with being disabled is not being able to operate your own vehicle or to use regular transit systems. She stated that taxis for the handicap is not a luxury, they are a necessity to enable one to carry out activities of their daily lives. People with disabilities must expect to receive services from taxi companies and drivers that are equal in timeliness, courtesy and cost to those that able bodied customers receive.

Ms. LeGay gave the Advisory Committee's support of the new by-law, particularly some of the amendments that affect the operation of accessible taxis. But, she pointed out that there are only four accessible taxis in HRM and they would like to see that number increased. She noted that one of the amendments allows for accessible taxis to use regular taxi stands. While this may be a problem for the handicapped, they support it because it allows accessible taxis to become a viable business.

Section 27 allows accessible taxis to be increased in number without any restriction on the number and zoning. The section that amends the size of the vehicle is also of interest to the handicapped because quite often they are told by taxi drivers that they cannot take their dog guides or wheelchairs because the vehicles and trunks are too small. On behalf of the Advisory Committee, she introduced some possible issues which may be the subject of future amendments.

Ms. LeGay stated that wheelchairs, and other technical aids, including dog guides, required by persons with disabilities for mobility are an integral part of the individual that requires them and should not result in any additional cost to that individual over the appropriate fare. She added that drivers should not be allowed to turn on their meters until a person with a disability is secure in their vehicle or to turn them off until the disabled person has reached their destination. Where necessary, drivers should escort a person with a disability to the first accessible door at their pick up or destination points without any additional charge for doing so.

Ms. LeGay stated that the requirement to carry a disabled passenger is not a matter of choice. The dispatcher should not be required to determine if the driver is willing to take a passenger with a disability. The Advisory Committee suggests that any driver who refuses to take a person with a disability, on medical grounds, should be made to provide a doctor's certificate indicating the nature of his/her condition. This should also include the reason why it would be impossible to carry a person with a particular type of disability.

This information should be registered with the Licensing Office.

Ms. LeGay spoke of driver training that incorporates a module on sensitivity training including how to deal with the needs of disabled customers. Participation in this training should be a condition of licensing for new drivers, with other drivers having the training available to them.

Ms. LeGay thanked Council for allowing her to speak on issues of concern to the Advisory Committee for Persons with Disabilities.

Robert Richards, 107 Drummond Road

Mr. Richards is a member of the Taxi & Limousine Committee and the Hotel Standards Committee. He has given a lot of time and effort along with other Committee members in setting up a by-law that will incorporate all the former municipalities. He referred to Ms. LeGay's comments stating that this incorporates exactly what these Committees have been trying to accomplish, and that is to have bigger and better vehicles, better drivers and sensitive drivers to the needs of disabled persons.

Mr. Richards referred to Councillor Adams' recommendation to include Hotel Standards in the amalgamated by-law. He supported this recommendation which is a recognized national certification process for taxi drivers. He also supported Section 22 referred to by Councillor Adams which requires that an owner of a taxi license must appear in person to renew this license. Mr. Richards did not agree with accessible taxis being on taxi stands servicing able bodied people, he believes they should only be used for persons

with disabilities.

Bill Harrison, Chair, Hotel Standards Committee

Mr. Harrison commended Bob Richards and Councillor Adams for their efforts in promoting the Hotel Standards program. Hotel Standards arose out of the fact that a number of guests arriving at various hotels in the former City of Halifax were very concerned about the taxis that picked them up and took them back to the airport. Mr. Harrison pointed out that with people coming and going out of HRM to other areas of the province, it is important to make sure that HRM has the best calibre of vehicles and the most highly skilled and professional drivers. The first and last impressions are key to how visitors view our Province.

Mr. Harrison stated the Hotel Standards program has moved ahead considerably, but has a long way to go. He believes by Councillor Adams recommending that Hotel Standards be entrenched in the new by-law is something that all members of the Hotels Association would like to see. The spin off of providing better vehicles and having drivers go through a training program that upgrades their skills, hospitality initiatives, professionalism and ethics will not only benefit visitors to Nova Scotia, but also the residents of HRM. Mr. Harrison endorsed and requested Council to accept the proposed by-law, including Hotel Standards suggested amendments.

Tim Auld, General Manager of Satellite Taxi, Sackville

Mr. Auld is a member of the Taxi & Limousine Committee. He stated that he would like to express his support for the new by-law. But, he would like to ask Council to urge the existing Committee, future Committees and staff to consider this as work in progress. He would like to see a continued review of the entry into the taxi industry. He stated that in the former Halifax County Municipality, they have some particular challenges facing them immediately which include new homes, golf courses and a call centre that are being built or opened in this area. Mr. Auld said they are having difficulty serving the core areas of Bedford and Sackville, and many of the other areas of the County. For example, the average waiting time for a taxi last Saturday evening at 10:00 p.m. was a minimum of 30 minutes. He said Satellite Taxi does support any effort to train taxi drivers, but the frequency of testing taxi drivers is the problem. The taxi companies require "on demand" testing and any costs should be assigned to each candidate.

The Chair called three times for any further members of the public wishing to speak in favour of the proposed by-law. There were no further speakers.

The Chair called for members of the public wishing to speak against the proposed by-law.

Gordon Sprague, 52 Hartlin Avenue

Mr. Sprague said he is not against the proposed by-law. The only problem he has is with Section 50 on page 14. This section deals with replacement of licenses that have been destroyed, lost or stolen, and described problems that he had following an accident with one of his vehicles. He asked Council to request another look at this section. The Chair suggested that this was an administrative issue and staff agreed that if a person signed an affidavit swearing that their license had been destroyed, lost or stolen this would be acceptable to replace the license.

Leo Greenwood, 58 Braeside Court

Mr. Greenwood, a member of the Taxi & Limousine Committee, spoke in favour of 90% of the proposed by-law but he is having trouble with rushing this through tonight. He stated that some of the sections were not taken out of the by-law as recommended by the Committee, and this should go back to the Committee for further discussion. One of the things that the Committee did discuss was Hotel Standards. He stated if standards are going to be improved, they should not just be drivers/vehicles that are going into the hotels. The same standards should apply for all drivers/vehicles.

Mr. Greenwood referred to the by-law allowing accessible taxis to go anywhere they want to go within any of the zones. He is totally against this change. He referred to complaints he receives about accessible taxis being tied up by able bodied passengers, and not available when the disabled persons need them. Mr. Greenwood felt the taxi industry is working well and the only real problem is enforcement.

Derek Mathers, President, Yellow Cab/Y Taxi and Armdale Taxi

Mr. Mathers, a member of the Hotel Standards Committee, reported that Yellow Cab/Y Taxi and Armdale Taxi operate about 300 taxis in Halifax and Dartmouth. They also operate the only wheelchair accessible taxi service in HRM.

Except for one significant matter, Mr. Mathers stated that he believes the proposed by-law is a balanced approach to providing the travelling public with safe, clean cars and trained professional drivers. Incorporated into the by-law is the requirement to take the National Certification program administered by TIANS. This has put HRM in the forefront of taxi driver training and has initiated number enquiries from other cities across Canada.

Mr. Mathers expressed his concern with Section 77. (1) which limits the number of taxis in the Halifax zone to 550. He stated that before limitation was imposed, there were 667 taxis. There are now 594. These numbers must now be reduced by 44 at a time when

the demand for taxis have been increasing. This is a total loss of 117 jobs. With a booming tourism industry, offshore exploration, the establishment of numerous call centres, film production companies and information technology companies, he questioned why the taxi industry is being told that it must be reduced. Mr. Mathers stated the market and demand for taxis should determine the number of cars in the industry and asked Council not to impose an arbitrary figure. He suggested that Council should be using the London, England system as its model for the taxi industry. Mr. Mathers strongly urged Council to delete Section 77. (1) limiting the number of taxis in Halifax and Section 78. (1) limiting the number of taxis in Dartmouth.

Mike Briand, 2515 Joseph Street, Halifax

Mr. Briand, an independent taxi driver, stated that he believes up until a week ago most of the drivers knew nothing about this proposed by-law, and that is why they are not here tonight. Mr. Briand complained about the Hotel Standards section being put back into the by-law, and expressed concern that other sections may have been 'slipped in'. He complained that taxi drivers had not had a raise in over 9 years. He stated that the Taxi & Limousine Committee should be made up of members of Council, not people in the industry.

Lorne Baccardax, Yellow Cab

Mr. Baccardax, a member of the Taxi & Limousine Committee, basically is in support of the proposed by-law. It was a long process and in many ways is a compromise that he believes will work. He referred to Page 13, Section 42(f) and page 14, Section 45 re smoking in vehicles, expressing a concern that there is nothing in the by-law that gives the travelling public the right to request the driver not to smoke while the passenger in the vehicle. He suggested something be added to allow for this right.

The Chair called three times for further members of the public wishing to speak against the proposed by-law. Hearing none, the following motion was put on the floor:

**MOVED By Councillors Greenough and Sarto that the Public Hearing be closed.
MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Adams said he appreciates that some members of the Committee are not pleased that he put forward the inclusion of the Hotel Standards in the proposed by-law. But, as he stated previously the majority of the Committee members do not have access to Hotel Standards and may not appreciate what is happening in that particular program. He said the document can be sent back to the Committee, but as stated earlier, the Committee is against it. Councillor Adams said he will take the responsibility but the

reason he put this forward was to let Council decide. It is Council that will ultimately decide the fate of the document.

Referring to Mr. Briand's comments, Councillor Adams said copies of the report and by-law, including the Hotel Standards, that is before Council tonight were sent out to those members of the industry who had previously asked to be notified of meetings. Mr. Briand was sent a copy of this document as was everyone else on the list. The regular meeting date of the Taxi & Limousine Committee is the 3rd Monday of every month and notices are sent out to those mentioned above and to the larger taxi companies who notify their drivers by radio dispatch. No one is denied access, except for confidential matters regarding appeals. These are open meetings. Councillor Adams asked Council to consider Mr. Harrison's comments and the benefits to HRM to expanding the Hotel Standards program.

MOVED BY Councillors Adams and Schofield THAT the proposed by-law be referred to staff for a report on the points that have been brought forward.

Councillor Blumenthal suggested that recommendations from Ms. LeGay should be included in the by-law. The Councillor stated that he had a document that was prepared by the Accessible Taxi Committee and he would forward a copy to staff.

Councilor Barnet referred to Mr. Auld's comments noting that Section 37 refers to the testing, but nothing about the frequency. He asked staff to report on Mr. Auld's concerns.

Councillor Cooper asked for clarification that the document in front of Council includes items that were not approved by the Committee. Councillor Adams responded that the Section on Hotel Standards is the only one that was not approved. Councillor Cooper asked staff to prepare a fact sheet for Council pointing out any differences on what is before Council and what has been approved by the Committee. He said he had some difficulty in a document being recommended to Council being changed from the time it left the Committee and came to Council. He also felt the taxi industry should be a user pay system and information should be sought from the Province on a fee structure that will address a user pay system.

MOTION PUT AND PASSED UNANIMOUSLY.

11. CORRESPONDENCE, PETITIONS

11.1 Petitions

11.1.1 Letter from Ms. Kane, 91 Mount Edward Road, Dartmouth

A letter had been received by Councillor Sarto from Ms. Kane re the amount of traffic and high speeds of cars, bikes, trucks, etc. on her street. Councillor Sarto requested a report from staff in Traffic, Police and Engineering to address these concerns.

MOVED By Councillors Sarto and Greenough THAT the letter received from Ms. Kane be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.2 Petition from Residents of English Corner and White Hill's Run

The Chair had received a petition from the residents of English Corner and White Hill's Run requesting the reinstatement of their communities for water service as soon as possible, but no later than next spring.

MOVED By Councillors Barnet and Walker THAT the petition be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.3 Petition from the Residents of Middle and Upper Sackville

Councillor Barnet had received a petition from the residents of Middle and Upper Sackville to have a traffic light and crosswalk placed at the intersection of Lakeview Avenue and Sackville Drive.

MOVED By Councillors Barnet and Harvey THAT the petition be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

12. REPORTS

12.1 MEMBER OF COUNCIL

12.1.1 Councillor Sarto - Designation of the New Ballfield on Mount Edward Road

MOVED By Councillors Sarto and Greenough THAT the new ballfield on Mount Edward Road be designated as the Harold W. Conrad Field. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 BOARD OF POLICE COMMISSIONERS

12.2.1 Policing Issue

- A memorandum from The Board of Police Commissioners, dated June 17, 1999, requesting that Council's request for the Regional Police Commission to develop a policy to examine enforcement and terms of reference, be deferred until the August 17th Regional Council meeting.

MOVED BY Councillors Mitchell and Kelly THAT the request from the Board of Police Commissioners to defer this item until August 17, 1999 meeting be approved. MOTION PUT AND PASSED UNANIMOUSLY

12.3 CHIEF ADMINISTRATIVE OFFICER

12.3.1 Tender 99-203 Brook Street Area Storm Sewer, Phase 2, Halifax

- A staff report dated June 10, 1999 prepared for Ken Meech, Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED BY Councillors Read and Adams THAT Tender No. 99-203, Brook Street Area Storm Sewer, Phase 2, Halifax, be awarded to Sackville Trenching (1995) Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$74,474.00, and a Total Project Cost of \$85,646.00, with funding authorized as per the Budget Implications section of the June 10, 1999 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

12.3.2 This item was addressed earlier as Item 8.2.

12.3.3 North Dartmouth Trunk Sewer/MacCulloch Development

- A staff report dated June 17, 1999 prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

Mr. Kulvinder Dhillon, Director, Engineering Services, advised Council that the 2nd part of the Recommendation in the staff report has been changed. It had originally been requested that it be pre-approved for next year but staff have identified an existing budget for this amount.

MOVED By Councillors Greenough and Schofield THAT

- 1. The Municipality provide cost sharing of \$325,000 plus HST for the oversizing of the North Dartmouth Trunk Sewer to the developer of the MacCulloch development, subject to confirmation through the tendering process and finalization of engineering design.**

2. Expenditure of this amount from the Capital Surplus Reserve Fund

Councillor Cooper asked if an item was being added to the Capital Budget. Mr. Dhillon responded that it was being added to the Capital Budget and staff had identified the account where the funds can be drawn. In response to further questions from Mr. Cooper, Mr. English stated that the first recommendation would have Council pre committing next year's capital budget. As indicated by Mr. Dhillon, staff have identified a source for this funding out of the Capital Surplus Reserve Fund.

Councillor Cooper expressed a concern on the first recommendation being presented to Council. Mr. English said he and Mr. Meech had difficulty with the recommendation but they wanted to get the report to Council and they wanted Mr. Dhillon to have an opportunity yesterday to discuss it with Finance. The source could not be identified until yesterday.

Following some further comments and discussion, **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

12.3.4 Downtown/Commercial Area Streetscape Improvements Program - Disbursement of Funds - Project 00102

- A staff report dated June 4, 1999 prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED BY Councillors Downey and Cooper THAT Halifax Regional Council:

- 1. Approve the disbursement of \$42,000 to the Dartmouth Downtown Development Corporation for the implementation of a way finding program, and a Downtown Dartmouth streetscape study, including priority projects as identified by the study.**
- 2. Approve the disbursement of \$60,000 to the Halifax Downtown Business Commission for a Heritage Lighting Improvement Fund, provided private sector sponsorship funds are secured to match the Halifax Regional Municipality contribution.**
- 3. Approve the disbursement of \$50,000 to the Spring Garden Area Business Association for various streetscape improvement projects (as per Attachment 1 to the June 4, 1999 staff report)**

MOTION PUT AND PASSED UNANIMOUSLY.

12.3.5 Case 00142 - Lot Modification Development Agreement at 2335-3441 Hunter Street, Halifax

- A staff report dated June 15, 1999 prepared for Ken Meech, Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED By Councillors Walker and Mitchell THAT Halifax Regional Council give notice of motion to consider an application by Mr. Steve Rajendram, for a lot modification development agreement, at a public hearing on July 13, 1999.

MOTION PUT AND PASSED UNANIMOUSLY

12.3.6 Case 00060 - Development Agreement Application, Brunswick Street

- A staff report dated April 28, 1999 prepared for Donna Davis-Lohnes, General Manager, Planning Services, regarding the above, was before Council for consideration.
- A staff report dated June 15, 1999 prepared for Ken Meech, CAO, regarding the above, was before Council for consideration.
- A report dated June 15, 1999 prepared by Paul A. Erickson, Chair, Heritage Advisory Committee, regarding the above, was before Council for consideration.

MOVED BY Councillors Downey and Sarto THAT Halifax Regional Council give notice of motion to consider an application by Westwood Developments Limited to permit the construction of a 56 unit multiple unit building and commercial uses on Brunswick Street, between Sackville and Prince Streets, Halifax, at a public hearing on July 13, 1999. MOTION PUT AND PASSED UNANIMOUSLY

12.3.7 Upper Hammonds Plains Water Servicing

- A staff report, dated June 14, 1999, prepared for Ken Meech, CAO, regarding the above was before Council for consideration.

MOVED BY Councillors Barnet and Mitchell THAT:

1. **The Halifax Regional Water Commission be the contracting agency for the Upper Hammonds Plains Servicing Project;**
2. **\$503,570 be recovered through frontage charges to abutters;**

3. **for property owners who have in excess of 299 feet of frontage, either singular or multiple parcels, and not meeting the requirements of the existing deferral program for frontage charges, that Council grant a deferral program on the excess, provided that the amount deferred will accumulate interest at the rate of 8.25% compounded annually and shall be repaid immediately with interest upon death or transfer of property title**

Mr. Ridgley summarized the report that was before Council.

It was pointed out by Councillor Barnet that this is no different than any other water project. The only change would be the issue of No. 3 where Council is providing similar programs as in the tax relief programs. In many cases, there are people who cannot afford to pay these betterment charges. He encouraged all members of Council to move this project forward. It is a time sensitive project and needs to be done immediately.

Councillor Cooper said he will be glad to see this project completed, but it indicates that there are some new policies being established in HRM and he will be looking at them very carefully as it applies to those in his area that cannot afford to put water in. This is a new direction for HRM and must apply to everyone. In response to other questions from Councillor Cooper, staff responded that the \$350,000 funding shown in the staff report was approved by Council on June 23, 1998.

Discussion continued on the source of funding. Mr. Dhillon stated that money is being borrowed from a reserve to pay for this project now, but these funds would have to be reimbursed at some future time when the Water Commission plans to install trunk systems in the areas of Kingswood and Queenswood. Mr. English advised that there would be a capital budget at that time. It is expected that it will be 2 or 3 years before this is done.

Councillor Walker suggested that the \$350,000 be paid back over 5 years, rather than in one lump sum. Mr. English said this could be considered in next year's capital budget. In response to a further question from the Councillor, Mr. Ridgley responded that he has been advised that the Federal Department of Human Resources would be advancing \$75,000 to the Upper Hammonds Plains Development Association and those funds would be used to adjust the frontage charge for those people that are most in need.

Councillor Barnet pointed out that with respect to the financing of \$350,000, the only variance from what is normally done is Council is using reserves that are not being utilized rather than going into debt. Council has already approved the project.

Councillor Cooper asked that it be noted that Council appears to be establishing another

policy that properties over a certain length are going to be eligible for some type of special deferral. He stated there are many new precedents being established that he hopes Council will keep in mind when other areas having similar problems come forward.

MOTION PUT AND PASSED UNANIMOUSLY

13. MOTIONS

13.1 Councillor Hendsbee

“WHEREAS the next Provincial Election could be called any day now;

AND WHEREAS HRM should be setting forth issues that ought to set the agenda for all the political parties to address in each of their respective campaign platforms;

AND WHEREAS political campaigns ought to be conducted on the basis of electoral fairness and equal opportunity for all;

AND WHEREAS, so far to date, we have three Councillors nominated as candidates to seek election to the Provincial Legislature;

AND WHEREAS publicity from HRM Council meetings should not be misconstrued as an unfair advantage to portray and promote anyone or all candidates from any of the political parties or as an independent candidate;

THEREFORE BE IT RESOLVED that the HRM Council grant a leave of absence, with pay, to any and all Councillors who are provincial candidates, for the duration of the writ period up to its end on Election Day; and

THAT IT BE FURTHER RESOLVED than no candidates or political parties be permitted to make presentations, with the exception of the Leaders of the Political Parties, or be acknowledged to any future HRM Council Meetings or Committee of the Whole Meetings or Public Hearings, until this provincial election is over.”

The Chair ruled this motion out of order because there is no enabling provision in legislation that would allow Council authority to deny Councillors to participate in this Chamber. Councillor Hendsbee made a motion to challenge the Chair, but there was no seconder. Therefore, the motion to challenge was lost. However, there was agreement to put the main motion on the floor, and it was seconded by Councillor Kelly. **THE MAIN MOTION WAS PUT AND DEFEATED.**

14. ADDED ITEMS

14.1 SALE OF PROPERTY - CONVEYANCE OF LOT 3B-2 BAYERS ROAD

MOVED BY Councillors Downey and Walker That Halifax Regional Council approve the Purchase and Sale Agreement dated June 1, 1999, for the sale of Lot 3B-2, Bayers Road as shown on Attachment "A" for \$250,000, as settlement in full, plus any additional taxes and adjustments that may be applicable to the Italian Canadian Cultural Association. MOTION PUT AND PASSED UNANIMOUSLY.

14.2 SALE OF PROPERTY - 2529 SACKVILLE DRIVE

MOVED BY Councillors Barnet and Adams That Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an agreement of purchase and sale for 2529 Sackville Drive, as shown on Attachment "A" for \$68,000, as settlement in full, plus any additional taxes and adjustments that may be applicable to Eric and Ruth Thibeau. MOTION PUT AND PASSED UNANIMOUSLY.

**14.3 ACQUISITION OF PROPERTY - HUBBARDS COVE
WATERFRONT DEVELOPMENT PROJECT**

MOVED BY Councillors Mitchell and Kelly That Halifax Regional Council approve the acquisition of Parcel "A" along with a 20' wide right-of-way from Parcel "A" to run along the shoreline of lands of Hubbards Cove Waterfront Development Association as shown on Attachment "A" for the sum of \$100,000 as settlement in full from the Hubbards Cove Waterfront Development Association plus any additional taxes and adjustments that may be applicable. MOTION PUT AND PASSED UNANIMOUSLY

14.4 ACQUISITION OF PROPERTY - PARCEL X-5, 19 ALMA CRESCENT

MOVED by Councillors Walker and Adams That Council approve a recommended settlement of \$75,178.09 as settlement in full for the expropriation of Parcel X-5, 19 Alma Crescent and authorize immediate payment of the balance owing in the amount of \$63,980.59. MOTION PUT AND PASSED UNANIMOUSLY.

14.5 PROPERTY MATTER - FENERTY PROPERTY

MOVED By Councillors Kelly and Mitchell That:

- 1) Halifax Regional Council approve an extension of no more than 18 months to the mortgage dated June 1, 1999 between Mr. Arthur J. Fenerty and Halifax County Municipality, and subject to the existing terms and conditions.
- 2) Halifax Regional Council authorize staff to enter into an agreement with Fenerty Developments Limited to allow for partial releases of newly created lots. Each release is to be granted upon payment of a sum which represents the proportional amount of the mortgage still outstanding. The cost of each release will be paid by the Mortgagor.

MOTION PUT AND PASSED UNANIMOUSLY

14.6 SALE OF PROPERTY - 5450 RUSSELL ST. TO SHAMBHALA SCHOOL

MOVED BY Councillors Mitchell and Walker That Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the Shambhala School for the property at 5450 Russell Street, Halifax, Nova Scotia, for the appraised market value of \$1.00.

Council asked that staff ensure that there is a timeline included in the Agreement.

Councillor Stone said he was voting against the motion because he feels sale of this land for \$1.00 is not appropriate.

MOTION PUT AND PASSED.

Council agreed that the reports emanating from the In Camera meeting can now be released.

15. NOTICES OF MOTION

15.1 Councillor Kelly

Councillor Kelly stated that at the next regular meeting of HRM Council to be held on July 6, 1999, he intends to introduce a Motion to move a First Reading of By-Law N-200 the Noise By-law.

16. ADJOURNMENT

MOVED by Councillors Greenough and McInroy **THAT** the meeting adjourn at 12:50 a.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

**Vi Carmichael
Municipal Clerk**