

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES SEPTEMBER 7, 1999

PRESENT:

Mayor Walter R. Fitzgerald
Deputy Mayor Larry Uteck
Councillors: Gordon R. Snow
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Sheila Fougere
Russell Walker
Stephen Adams
Robert Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

REGRETS:

Councillors: Bill Stone
Graham Read

STAFF MEMBERS:

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

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1. INVOCATION

Mayor Fitzgerald called the meeting to order at 6:15 p.m. with the Invocation.

At a later point in the meeting, Mayor Fitzgerald acknowledged the presence in the gallery of Mr. Jerry Pye, MLA.

2. PROCLAMATIONS

2.1 National Muscular Dystrophy Awareness Month 1999

Mayor Fitzgerald proclaimed September, 1999 as National Muscular Dystrophy Awareness Month in Halifax Regional Municipality.

2.2 International Literacy Day

Mayor Fitzgerald proclaimed September 8, 1999 as International Literacy Day in the Halifax Regional Municipality.

2.3 National Payroll Week

Mayor Fitzgerald proclaimed September 13 - 17, 1999 as National Payroll Week in the Halifax Regional Municipality.

2.4 Shinerama Day

Mayor Fitzgerald proclaimed September 7, 1999 as Shinerama Day in the Halifax Regional Municipality.

3. APPROVAL OF MINUTES

MOVED by Councillors Blumenthal and Downey that the minutes of August 17 & 24, 1999 be approved as circulated. MOTION PUT AND PASSED.

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

Additions

The following items were added to the agenda:

- 12.1 Councillor Kelly - Pedestrian Cycle Path - Bedford Highway
- 12.2 Councillor Mitchell - Allen Heights Water Quality
- 12.3 Councillor Hetherington - Request to move Information Item #8 re: Position Paper - Portland Estates Residents Association to regular Council agenda
- 12.4 Property Matter - Correctional Facility
- 12.5 Purchase of Block "B" from Stan Havill: Lands Adjacent Big Salmon Pond and Otter Lake Waste Resource Management Facility
- 12.6 Sale of 2633 Sackville Drive to Dow and Doucet
- 12.7 Street Closure and Sale of Land - Corner of Forest Hills Parkway and Highway #7
- 12.8 Appointments - HRM District Boundaries Advisory Committee

Deletions

The Municipal Clerk requested Item 10.4.8 - Encroachment License - Lockview Road, Fall River be deferred for two weeks.

MOVED by Councillors Hetherington and Greenough that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.

5. BUSINESS ARISING FROM THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Building Transition Plan - Halifax Regional Police

! A staff report prepared for Mr. Ken Meech, Chief Administrative Officer, on the above noted, was before Council for consideration.

Deputy Police Chief Robert Barss outlined the recommendations as contained in the staff report.

MOVED by Councillors Mitchell and Adams that Regional Council direct the Chief of Police:

1. **Centralize all administrative and operational support services to 1975 Gottingen Street.**
2. **Maintain a patrol division presence of approximately 70-80 officers in**

Dartmouth with facilities provided by HRM that satisfy HRM operational plans.

Councillor Greenough received clarification that there would be no change in the police presence in the City of Dartmouth. The Councillor stated Council has to be realistic and realize that it cannot operate two police headquarter buildings.

Deputy Chief Barss noted, for the record, that 65% of calls received are from Halifax, 31% are from Dartmouth and the remaining 4% from Bedford and the portion of Halifax within that zone.

MOTION PUT AND PASSED.

8.2 Health Boards

! A staff report prepared for Mr. Ken Meech, Chief Administrative Officer, on the above noted, was before Council for consideration. Staff was recommending:

1. *Council does not seek re-establishment of Municipal Health Boards at this time.*
2. *Council support staff's continued efforts to gain clarity and cooperation from provincial colleagues to improve service delivery, as outlined in the report.*

Ms. Barbara Nehiley, Special Projects Advisor, with the aid of an overhead presentation, outlined the staff report.

Councillor Snow expressed his disappointment with the recommendation of staff noting, difficulty is experienced in having problems addressed as there are no longer Municipal Health Inspectors.

Councillor Hetherington spoke in support of a Municipal Health Board advising it is his understanding that inspections are not being carried out in eating establishments and, permits are being renewed without any inspection taking place. He expressed concern that a situation may arise which may endanger the health of HRM citizens.

Councillor Kelly queried what would be the process followed if HRM wanted to take responsibility. In response, Ms. Nehiley advised the report is meant to indicate that HRM needs to obtain additional information as to what some of the solutions are in order to ascertain HRM's role. She advised there may be some by-laws that can be enacted by the Municipality to give Provincial officials authority to act. Ms. Nehiley noted that the report

is asking the Municipality not take action with regards to Health Boards at the present time but rather instruct staff to work further with provincial officials to look at where there may be gaps.

Councillor Kelly enquired as to whether there was a time frame recommended. In response, Ms. Nehiley advised there is no specific time frame but staff is hoping to come back with recommendations in this fiscal year.

MOVED by Councillors Hetherington and Snow that Council support staff's continued efforts to gain clarity and cooperation from provincial colleagues to improve service delivery, as outlined in the staff report dated July 5, 1999 and report back to Council in three months. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS

Councillor Hetherington submitted a petition and correspondence from the concerned residents of Portland Estates regarding additional tax of the school lunch program requesting the petition be forwarded to the School Board and the correspondence circulated to all members of Council.

Councillor Schofield submitted a petition from Dartmouth Investments Limited regarding sidewalks in Wallace Heights and requested a report indicating who is responsible for placement of sidewalks in this area.

10. REPORTS

10.1 MEMBERS OF COUNCIL

10.1.1 Councillor Snow - Speed Limit, Fall River

Councillor Snow requested a traffic study be undertaken on Highway #2 from Waverley, through Fall River to Wellington, to the core limit to ascertain if it was possible to reduce the speed limit to 50 km/hr.

10.1.2 Councillor Adams - Urban Farm Museum

Councillor Adams advised the Urban Farm Museum Society, Spryfield, is developing a project for a farm museum in that area and requested a report (1) indicating whether the possible uses and lease of land for this project is compatible with HRM Parkland Policy with regards to proposed future development and (2) what resources this organization would require from HRM to foster the development of the project involving HRM and adjacent lands.

10.1.3 Councillor Adams - Supplementary Education Funding - Holly Drive

Councillor Adams advised this request is being made on behalf of a number of citizens in the Holly Drive catchment area who are concerned with the supplementary education funding they are paying even though the school has been closed. He stated it is his understanding that this education funding will go to other students in the Halifax and Spryfield area but the children who previously attended Holly Drive do not enjoy the benefits of supplementary education as they have been placed in a former Halifax County school. He advised they are still paying for supplementary education in that area yet the children do not receive the benefit of that funding. The Councillor requested a report outlining (1) the feasibility and possibility of rebating all or part of the supplementary funding for this catchment area to the citizens in that area and (2) the possible transfer of some of those monies to the William King School which those children are now attending.

Councillor Hetherington advised all residents within the Portland Estates catchment area pay supplementary education funding through an area rate because their children attend schools within the former boundaries of the City of Dartmouth. He noted next year those children will be attending a new P3 school that will be in the former Halifax County area which means none of their supplementary funding will be going to their school. The Councillor requested that the report also advise (1) if an exemption is possible for the residents of Portland Estates that send their children to elementary school.

10.1.4 Councillor Cooper - Construction and Demolition Facility, Ross Road

Councillor Cooper stated a construction and demolition facility has recently started operation on Ross Road which has become an eyesore to the community. The Councillor requested a staff report as to the scope of operations of the location and also an assessment of the unsightly condition and any remedies that can be taken to make sure this site does not remain unsightly.

10.1.5 Councillor Rankin - Robie Street Traffic

CONFLICT OF INTEREST

Deputy Mayor Uteck declared a Conflict of Interest as he is an employee of St. Mary's University.

Councillor Rankin advised parking had been permitted on the west side of Robie Street, opposite St. Mary's University, between the hours of 8:00 a.m. and 6:00 p.m. A poll of area residents resulted in a no parking ban being imposed. The Councillor noted the university had not been consulted in this matter and therefore placed the following motion:

MOVED by Councillors Rankin and Mitchell that staff be requested to reinstate the status quo with regards to parking on the west side of Robie Street until the policy is resolved. MOTION PUT AND PASSED.

10.2 POINT PLEASANT PARK ADVISORY COMMITTEE

10.2.1 Renaming Shore Road, Point Pleasant Park

- ! A copy of letter, dated June 22, 1999, from Diana Lee Dalton, Chair, Point Pleasant Park Advisory Committee, was before Council for consideration.

- ! An extract from the May 11, 1999 Regional Council Session was before Council for consideration.

- ! Staff report, dated April 29, 1999, entitled "Renaming of Shore Road, Point Pleasant Park" was before Council for consideration.

MOVED by Councillors Rankin and Greenough that Regional Council approve the renaming of Shore Road in Point Pleasant Park to Sailor's Memorial Way taking into consideration the concerns of the Point Pleasant Park Advisory Committee as outlined in their June 22, 1999 letter. MOTION PUT AND PASSED.

10.3 GRANT COMMITTEE

10.3.1 Amendment to Terms of Reference

- ! A copy of a report from Councillor Russell Walker, Acting Chair, Grant Committee was before Council for consideration.

MOVED by Councillors Fougere and Walker that:

1. Council amend the Grant Committee Terms of Reference, Revised February 24, 1998, changing section 5, which states "A Quorum at a meeting of the Committee shall be a simple majority of the sitting members, of which three are Councillors." to:

"A Quorum at a meeting of the Committee shall be a simple majority of the sitting members, of which two are Councillors"

2. Council appoint new Council representatives to the Grant Committee as soon as possible after the October 30, 1999 by-election.

MOTION PUT AND PASSED.

10.4 CHIEF ADMINISTRATIVE OFFICER

10.4.1 Tender 99-232 Proposed Combined Sewer - Duke Street

! A staff report, dated August 25, 1999, prepared for Mr. Ken Meech, Chief Administrative Officer, on the above noted, was before Council for consideration.

MOVED by Councillor Downey and Deputy Mayor Uteck that Tender No. 99-232, Proposed Combined Sewer, Duke Street be awarded to Sackville Trenching Limited for materials and services listed at the unit prices quoted for Total Tender Price of \$164,231.50 and a project cost of \$188,900.00 with funding authorized as per the Budget Implications section of the staff report dated August 25, 1999. MOTION PUT AND PASSED.

10.4.2 Special Election - HRM Districts 1, 3, 19

! A staff report, dated September 1, 1999, prepared for Mr. George McLellan, Acting Chief Administrative Officer, on the above noted was before Council for consideration.

MOVED by Councillors Adams and Mitchell that:

- 1. Council accept the resignations of Councillors Dooks, Hendsbee and Barnet from Halifax Regional Council.**
- 2. Approve the appointment of Vi Carmichael, Municipal Clerk, as Returning Officer to conduct the Special Election in Districts 1, 3, 19 to fill the vacancies on the Halifax Regional Council.**
- 3. Permit the Returning Officer to use in this Special Election the list of electors prepared for the 1999 Provincial Election, as provided for in the Municipal Elections Act.**
- 4. Set the date of Saturday, October 30, 1999, as Ordinary Polling Day. Further, set the date of Saturday, October 23, 1999, as the first Advance Poll Day (the second Advance Poll Day will be October 26, 1999, as mandatory under the Municipal Elections Act).**

MOTION PUT AND PASSED.

10.4.3 Case 00140: Application for Non-conforming Use Development Agreement, 5552 Kane Street, Halifax (District 11) (Set date for Public Hearing - September 28, 1999)

! A staff report, dated August 23, 1999, prepared for Mr. Ken Meech, Chief Administrative Officer, on the above noted, was before Council for consideration.

MOVED by Councillors Blumenthal and Hetherington that Halifax Regional Council give notice of motion to consider an application by Brian Gallant for a non-conforming use development agreement, at a public hearing to be held on September 28, 1999. MOTION PUT AND PASSED.

10.4.4 Proposed Consolidation By-law Respecting Municipal Cemeteries - C200

! A staff report, dated August 26, 1999, prepared for Mr. Ken Meech, Chief Administrative Officer, on the above noted, was before Council for consideration.

MOVED by Councillors Sarto and Hetherington that Regional Council authorize and implement the approval process for Municipal By-laws for the proposed "By-law Respecting Cemeteries - C200".

Councillor Kelly requested a staff report with respect Perpetual Care funding.

MOTION PUT AND PASSED.

10.4.5 Debenture Issue and Temporary Borrowing Resolutions

! A staff report, dated September 1, 1999, prepared for Mr. Ken Meech, Chief Administrative Officer, on the above noted, was before Council for consideration.

MOVED by Councillors Greenough and Sarto that:

- 1. Council approve the renewal of Temporary Borrowing Resolution 98/99-03 in the amount of \$1,500,000.00**
- 2. Council approve Temporary Borrowing Resolution 99/00-01 in the amount of \$25,350,000.00**
- 3. The Mayor and Municipal Clerk be authorized to sign the Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate to enable the Halifax**

Regional Municipality to issue a debenture in the amount of \$30,000,000.00

MOTION PUT AND PASSED.

10.4.6 Request from Town of Springhill - Business Occupancy Tax

! A staff report, dated August 24, 1999, prepared for Mr. Ken Meech, Chief Administrative Officer, on the above noted, was before Council for consideration.

CONFLICT OF INTEREST

Councillor McInroy stated, for the record, that he did not have an actual conflict on this matter but, in the context of a possible perception of same, declared a conflict of interest as he is an employee with the Provincial Department of Municipal Affairs.

MOVED by Councillors Blumenthal and Downey that Council endorse the motion made by the Town of Springhill respecting changes to municipal Business Occupancy Tax regulations, and that Halifax Regional Council encourage the Roles and Responsibilities work group to finalize and present to UNSM and the Province of Nova Scotia, its findings and recommendations from the study now underway respecting Business Occupancy Taxation. MOTION PUT AND PASSED.

10.4.7 Application to Erect a Fence - Three Brooks Subdivision

Councillor Rankin advised all the requirements of the regulations relating to construction of a fence exceeding the as-of-right height limit have been met. The Councillor advised approval has been obtained from adjacent lot owners.

MOVED by Councillors Rankin and Mitchell that Council approve the application to erect a fence at Lot 317, Three Brooks Subdivision, exceeding the as-of-right height limit. MOTION PUT AND PASSED.

10.4.8 Encroachment License - Lockview Road, Fall River

This item was deferred under the approval of the Order of Business.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Councillor Kelly - Pedestrian Cycle Path - Bedford Highway

Councillor Kelly requested staff provide a report as to whether there are Capital funds available to install a bike path or sidewalk from Kearney Lake Road to the Bluenose Inn.

12.2 Councillor Mitchell - Allen Heights Water Quality

Councillor Mitchell requested staff send a letter to the Department of Environment, with a copy to the Minister of Municipal Affairs and the MLA for the Prospect/Timberlea area, requesting a study be undertaken with regards to the quality and quantity in Allen Heights.

12.3 Councillor Hetherington - Request to move Information Item #8 re: Position Paper - Portland Estates Residents Association to regular Council agenda

Councillor Hetherington requested the staff report be forwarded to the Portland Estates Residents Association for a response to the Harbour East Community Council.

12.4 Property Matter - Correctional Facility

Councillor Hetherington requested a recorded vote be taken on the motion.

Councillor Schofield stated he did not approve the exchange of lands but rather that the lands in Burnside should be sold at market value. The Councillor stated there should and must be a public meeting so that the people that live and work in the area will have an opportunity to be advised of the proposal.

MOVED by Councillor Walker and Deputy Mayor Uteck that:

- 1. Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the Province of Nova Scotia for Lot 920 on Colford Avenue in the Burnside Industrial Park, subject to the terms and conditions set out in the staff report dated September 2, 1999.**

- 2. Subject to the approval of the Agreement of Purchase, that Halifax Regional Council authorize an amendment to Contract 99-236 to Dexter Construction Company Limited whereby the Company would extend municipal services and street construction for Colford Avenue a further distance of approximately 1000 feet such that Colford Avenue would be fully connected to Gloria McCluskey Avenue. Based on the Company's unit costs for Contract 99-236 the extension is to include the installation of municipal water and sewer mains plus construction of the street to municipal standard including taxes and contingencies.**

3. **Halifax Regional Council authorize the withdrawal of \$750,000 from the Sale of Land Reserve to pay for the cost of the contract amendment recommended above, plus the cost of engineering design and surveying for the street extension and the surveying of Lot 920; plus power poles and street lighting.**
4. **That Halifax Regional Municipality request the Province of Nova Scotia to consider including, in the exchange of lands between HRM and the Province of Nova Scotia for Provincial Correctional Facility and Forensic Psychiatry Hospital, the 50 remaining acres of land of the First Lake Watershed.**
5. **The exchange is inclusive of all taxes and charges that would otherwise be paid upon closing including HST and Deed Transfer Tax. However, the Province shall be responsible for all development permit fees, lot grading permit fees, street opening permit fees and building permit fees that might otherwise be due and payable to the Municipality in relation to the construction of the facility on Lot 920.**

Councillor Kelly advised he supported the public consultation process. The Councillor stated that if this should proceed, he suggested there be ongoing dialogue with the Province to ensure they fulfill their promise of the Burnside Expressway to help alleviate the traffic concerns.

Councillor Hetherington stated he was in favour of the facility but had concerns with the process and the fact that there is only ten days in which to make a decision and therefore would not be supporting the motion.

Councillor Greenough stated he would prefer to see a straight land sale as opposed to a swap. The Councillor stated he would prefer that the recommendation be that the sale of the lot in Burnside for the correctional facility be approved in principle only subject to the Province holding the appropriate public hearing process for this particular project.

MOVED by Councillors Adams and Hetherington that the motion be amended to include that the Province be requested to conduct a public consultation and information process on this project. MOTION PUT AND PASSED

Those voting in favour were: Mayor Fitzgerald and Councillors: Snow, Cooper, McInroy, Greenough, Sarto, Hetherington, Schofield, Cunningham, Blumenthal, Downey, Fougere, Walker, Adams, Harvey, Kelly, Rankin and Mitchell.

Deputy Mayor Uteck voted against the motion.

Councillors Stone and Read were absent.

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

MOTION PUT AND PASSED. (10 in favour, 9 against)

Those voting in favour of the motion were: Mayor Fitzgerald, Deputy Mayor Uteck and Councillors: Blumenthal, Fougere, Walker, Adams, Harvey, Kelly, Rankin and Mitchell.

Those voting against the motion were Councillors: Snow, Cooper, McInroy, Greenough, Sarto, Hetherington, Schofield, Cunningham and Downey.

Councillors Stone and Read were absent.

Councillor Schofield served **Notice of Motion of Reconsideration**, seconded by Councillor Hetherington with respect to this issue.

12.5 Purchase of Block "B" from Stan Havill: Lands Adjacent Big Salmon Pond and Otter Lake Waste Resource Management Facility

MOVED by Councillors Mitchell and Rankin that:

- 1. Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for acquisition from Stanley Havill of an area of approximately 775 acres known as Block "B" as illustrated on Attachment "A" to the staff report dated August 27, 1999, according to the terms and conditions set out in that report.**
- 2. Council authorize withdrawal of an amount not to exceed \$1,800,000 from the Sale of Land Reserve to fund the acquisition of the purchase including surveying, legal and administrative expenses.**
- 3. The \$1,800,000 withdrawal from Sale of Land Reserve minus the rebate of a portion of HST be repaid in annual charges of \$155,000 over a twenty year period commencing April 1, 2000, from the operating budget of Solid Waste Resources.**
- 4. The realignment of a portion of Highway No. 3 as described in the staff report dated August 27, 1999, and having an estimated gross cost of \$750,000 with \$350,000 to be recovered from Stan Havill, be approved as part of the Municipality's 2000-01 Capital Budget.**

MOTION PUT AND PASSED.

12.6 Sale of 2633 Sackville Drive to Dow and Doucet

MOVED by Councillors Harvey and Greenough that Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the conveyance of 2633 Sackville Drive to Carol Diane Dow and Janette Marie Doucet for \$76,900, as payment in full, plus any additional taxes and adjustments that may be applicable. MOTION PUT AND PASSED.

12.7 Street Closure and Sale of Land - Corner of Forest Hills Parkway and Highway #7

MOVED by Councillors Cooper and Sarto that Council:

- 1. Authorize staff to set a date for a public hearing for consideration of HRM Administrative Order SC-16, concerning the closure of a portion of Forest Hills Parkway and Highway #7 identified as Parcel A on Map A attached to the staff report dated August 26, 1999.**
- 2. Approve the sale of Parcel A, subject to approval of the street closure, to Sobey's Land Holdings Ltd., comprising 20,152.7 square feet, at a unit value of \$7.50 per square foot unencumbered, for a total value of \$151,145.25.**
- 3. Approve the purchase of Parcel B, comprised of 1,940.6 square feet as shown on Map A attached to the staff report dated August 26, 1999, from Sobey's Land Holdings Ltd., for street purposes, at a unit value of \$7.50 per square foot encumbered, for a total value of \$14,554.50, with funds to be deducted from the final settlement of the sale of Parcel A in Recommendation #2 above, and the balance of \$136,590.75 to be deposited in the Sale of Land Account.**

MOTION PUT AND PASSED.

Councillor Cooper requested staff investigate the possibility of a land swap in District 3 with a supplementary report coming forward before the street closure is carried out.

12.8 Appointments - HRM District Boundaries Advisory Committee

MOVED by Councillors Snow and Hetherington that Regional Council:

- 1. Approve the appointment of nine citizens (three per Region) to the District Boundaries Advisory Committee as follows:**

Eastern Region: Phillip Nelson, Phil Elliott, and one other member to be appointed at a later date.

Western Region: G.R. (Bob) Hayes, Debra Hum and Robert A. Stapells.

Central Region: Eileen L. Gillis, Len Goucher and Paul Hyland.

- 2. Approve the appointment of G.R. (Bob) Hayes as Chair of the Committee.**
- 3. Approve the Terms of Reference for the District Boundaries Advisory Committee as attached to the staff report dated September 7, 1999.**

MOTION PUT AND PASSED.

13. NOTICES OF MOTION

Councillor Schofield served Notice of Motion of Reconsideration with respect to Item 12.4 - Property Matter, Correctional Facility for the September 14, 1999 meeting.

14. ADJOURNMENT

MOVED by Councillors Blumenthal and Snow that the meeting be adjourned at 8:30 p.m. MOTION PUT AND PASSED.

**Vi Carmichael
Municipal Clerk**