

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES September 28, 1999

PRESENT:

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

REGRETS:

Councillors: John Cunningham
Bill Stone

STAFF MEMBERS:

Mr. George McLellan, Acting Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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1. **INVOCATION**

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

MOMENT OF SILENCE

A Moment of Silence was observed in memory of Mr. Leslie Lucas, a long-time employee of Regional Operations, who passed away suddenly on September 21, 1999. Mayor Fitzgerald noted Parks and Natural Services will plant a tree in the spring in memory of Mr. Lucas.

ACKNOWLEDGEMENT

At a later point in the meeting, Councillor Adams acknowledged the presence in the gallery of the players and coaches of the Halifax Mets, who won the Atlantic Bantam A Baseball Championship held in Truro on September 17-19, 1999. Councillor Adams introduced the players and coaches, and, on behalf of Council, extended congratulations to them.

PRESENTATION - MAYOR ERNIE BOLIVAR, UNSM PRESIDENT - UNSM ACTIVITIES

Mayor Ernie Bolivar, Mayor of Bridgewater, UNSM President, made a presentation to Regional Council regarding recent UNSM activities.

In his presentation, Mayor Bolivar made the following comments:

- UNSM currently has the following two priority areas: natural gas and the current provincial/municipal review of roles and responsibilities.
- With respect to natural gas, UNSM is actively following developments regarding distribution. UNSM has met with representatives from Maritimes NRG and Sempra Atlantic Gas and discussed the need for broad distribution. UNSM also expressed its views to the former Premier of Nova Scotia and Provincial Ministers, the National Energy Board, and the Nova Scotia Utility and Review Board.
- With the input of members, the UNSM has determined the four main areas of focus in any agreement with the successful distributor should be the following: municipal taxation, municipal control of approvals of line locations, company support for fire training, and an agreement of who pays when a natural gas line must be relocated.
- UNSM is seeking payment on a system of gross revenues realized by the company from within each municipality.
- Meetings held last summer were the building blocks for a joint municipal/provincial review of roles and responsibilities. As a result, an agenda has been created for a process which will take at least another year to complete. The project is being

- managed by a committee of provincial ministers and the table officers of UNSM. This process will address a number of long standing municipal concerns, such as education funding, contributions to corrections, equalization, Nova Scotia Power grants in lieu, etc. This process will identify solutions to these and other issues.
- The new Municipal Government Act is an example of how the Province and municipalities can work collectively. Section 519 of the Act states “*The Minister shall notify the UNSM at least one year prior to the effective date of any legislation, regulation, or administrative action undertaken or on behalf of the government of the Province that would have the effect of decreasing the revenue received by municipalities in Nova Scotia or increasing the required expenditures of that municipality.*” This clause will serve to force the Province to think of municipalities when changes are being made and to give them notice.
 - UNSM is working on a solution to the Provincial decision to require municipal water utilities to look after bacterial water testing. The Department of Environment has advised that this will cost Nova Scotia municipalities about \$140,000 annually, and HRM’s share of this will be about \$100,000. The UNSM objected to this new charge and was offered a one time 75% rebate by the former government, and on September 16, 1999, a request was made to the Minister to reconsider this decision in light of the government’s commitment to stop downloading onto municipalities.
 - Municipal contributions to Community Services will be eliminated over four years.
 - The UNSM Executive would like to have the UNSM Act amended to give the Executive Committee the power to annually appoint a table officer from Cape Breton Regional Municipality (CBRM) and Halifax Regional Municipality (HRM).
 - The UNSM dues formula is under review and a recommendation will be made that a cap of \$60,000 be placed on any UNSM dues bill, which will reduce HRM’s dues bill from \$88,000 down to \$60,000 for next year.
 - The annual UNSM conference will be held from November 3 - 5, 1999 in Halifax at the Westin Hotel.

In closing, Mayor Bolivar thanked Council for the opportunity to make his presentation, stating the UNSM appreciates the support it receives from Halifax Regional Municipality.

Mayor Fitzgerald expressed thanks to Mayor Bolivar for his presentation and the work done by UNSM.

2. PROCLAMATIONS

2.1 World Ostomy Day

Mayor Fitzgerald proclaimed October 2, 1999, to be World Ostomy Day.

2.2 Autism/PDD Awareness Month

Mayor Fitzgerald proclaimed October 1999 to be Autism/PDD Awareness Month.

3. APPROVAL OF MINUTES - September 14, 1999

MOVED by Councillors Greenough and Blumenthal that the minutes of September 14, 1999 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

- 13.1 Councillor McInroy - Integrity and Maintenance of Municipal Open Storm Drainage Systems
- 13.2 Councillor Hetherington - Dartmouth Masonic Lodge
- 13.3 Intersection - Beaver Bank Crossroad and Waterwheel Crescent
- 13.4 Legal Matter - Claim Settlement, Tax Sale Reversal
- 13.5 Property Matter - Lease Assignment
- 13.6 Membership Selection Committee - Halifax Regional Water Commission Appointment
- 13.7 Gasoline Tax

The following item was deleted from the agenda:

- 11.2.1 Tender 99-240 - Dartmouth Road Sidewalk (North Street to Bedford Highway), Bedford

Councillor Hetherington requested that Item 13.2 - Dartmouth Masonic Lodge be moved up on the agenda to precede the Public Hearing, as he had to leave early to attend a residents' association meeting in Cole Harbour.

In response to a question of Councillor Kelly regarding the deletion of Item 11.2.1 Tender 99-240, Dartmouth Road Sidewalk, Mr. McLellan, Acting Chief Administrative Officer, stated the document was sent back to staff for further consideration.

POINT OF PERSONAL PRIVILEGE

On a **Point of Personal Privilege**, Councillor Kelly stated he wished to clarify, for the record, comments made by the Mayor in a Press Release issued by HRM staff earlier in

the day regarding Council's approval of the Chief Administrative Officer's contract on September 21, 1999.

For the record, Councillor Kelly addressed the following three points contained in the Press Release:

- 1) *Like every other member of Council, Councillor Kelly had been aware of the negotiation process that has been taking place during the past year with Mr. Meech. He had every opportunity to voice his concerns or comments, but chose to remain quiet until the contract was approved by Council. One might question why he is raising the issue after the fact.*

For the record, Councillor Kelly stated the Municipal Clerk's Office has a tape recording of the In Camera meeting, which indicates he brought forward his points regarding the issue at the In Camera session, which was the time the debate on the matter occurred.

- 2) *If Councillor Kelly was so concerned about the terms of the contract, he should have made them known at last week's regular Council meeting.*

For the record, Councillor Kelly quoted Administrative Order Number One, Section 9 (7), which states "*Recommendations resulting from discussions taking place in the In Camera meeting shall be brought forward as an added item for approval by Council in open session immediately following dissolution of the In Camera session, and the rules of procedure will apply to the adoption of such recommendations, provided, however, that the motion to adopt a recommendation shall not be debated.*" Based on this information, Councillor Kelly stated the rules did not allow him to make comment on the issue during the regular Council meeting.

- 3) *Councillor Kelly was very well aware of what was going on. If he had concerns, he should have raised them before now. As I recall, he sat silent during our meeting last week when we approved Mr. Meech's contract. I guess he had different thoughts when he spoke to the media.*

For the record, Councillor Kelly reiterated that the rules preclude public debate and public discussion on In Camera items. The Councillor noted he voted against the motion during the regular session, which indicated his opinion on the matter without breaking proper protocol as per the rules.

In closing, Councillor Kelly stated, as a politician, he has the right to bring his point of view forward, whether or not other members of Council agree with it. With respect to the press release, Councillor Kelly expressed concern with it being issued without staff obtaining all the facts, stating the result is unfair to himself and Council. The Councillor stated all

members of Council have the right to be respected for what they bring forward and not be criticized, and requested that this be done in the future.

In response, Mayor Fitzgerald stated he stands by his comments, but agreed to review the points raised by Councillor Kelly and report back to Council next week.

MOVED by Councillors Downey and Blumenthal that the Order of Business, Additions and Deletions, be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

5. **BUSINESS ARISING FROM THE MINUTES - None**

6. **MOTIONS OF RECONSIDERATION - None**

7. **MOTION OF RESCISSION - None**

8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 **Case 00151 - Amendments to the Halifax Municipal Planning Strategy, the Halifax Peninsula Land Use By-Law, and the Halifax Mainland Use By-Law to incorporate policy and regulations concerning Billboards**

- A Public Hearing regarding these amendments was held on September 14, 1999. The matter was now before Council for a decision.
- A supplementary staff report prepared for Austin French, Acting General Manager, Planning Services, regarding the above, was before Council for consideration.

Mr. Austin French, Acting General Manager, Planning Services, presented the supplementary report, noting the recommendation should be amended to read as follows:

It is recommended that Halifax Regional Council:

1. *Approve the amendments to the Halifax Municipal Planning Strategy, the Halifax Peninsula Land Use By-Law, and the Halifax Mainland Land Use By-Law, to incorporate policy and regulations concerning billboards, as set forth in Attachments 4, 5 and 6 of the 28 June 1999 staff report, **as amended in the August 31, 1999 staff report**, to the Public Hearing on 14 September 1999.*

2. *Direct staff to consider a 250-foot separation distance between billboards and residential properties in the upcoming regional signage review.*

In response to a question of Councillor Kelly inquiring if Council could decide to amend the By-laws, for both Halifax and Dartmouth at the same time, to change the residential setback from 100 feet to 250 feet, Mr. French stated a second Public Hearing would be required to do so. However, staff believes the most appropriate time to pursue the 250 foot setback issue would be during the regional sign review. Mr. Wayne Anstey, Municipal Solicitor, suggested another alternative would be to adopt the proposed amendments now, and then pass another resolution to start the process to amend both the Halifax and Dartmouth By-Laws to incorporate a 250 foot setback.

Mr. McLellan reminded Council of the current demand on Planning Services and inquired about the time frame for the regional signage review. Mr. French replied the total project will take approximately eight to nine months.

Councillor Kelly stressed the importance of implementing the change in setback as soon as possible.

MOVED by Councillors Blumenthal and Hetherington that Council approve the amendments to the Halifax Municipal Planning Strategy, the Halifax Peninsula Land Use By-Law, and the Halifax Mainland Land Use By-Law, to incorporate policy and regulations concerning billboards, as set forth in Attachments 4, 5 and 6 of the 28 June 1999 staff report, as amended in the August 31, 1999 staff report, to the Public Hearing on 14 September 1999.

In response to a question of Councillor Blumenthal, Mr. Marcus Garnet, Planner, stated residential areas refer to residential zones. In the proposed amendments, residential zones are defined as zones which permit residential uses only, so residential/commercial zones are not included.

MOTION PUT AND PASSED UNANIMOUSLY.

Before continuing the debate regarding the 250 foot setback, it was agreed to deal with Item 13.2 Councillor Hetherington - Dartmouth Masonic Lodge at this time.

13.2 Councillor Hetherington - Dartmouth Masonic Lodge

Councillor Hetherington questioned why the Dartmouth Masonic Lodge was not being granted the same tax exemption as other lodges under By-Law T-201 Respecting Tax Exemptions For Non Profit Organizations. The Councillor requested that this issue be addressed as soon as possible. At a later point in the meeting, Councillor Schofield, a

member of the Grant Committee, advised Council that this issue is on the agenda for the next Grant Committee meeting which will be held on October 21, 1999. Following this meeting, a recommendation will be forwarded to Council.

(Councillor Hetherington left the meeting at this time.)

Debate then continued regarding Item 8.1 Case 00151 - Amendments to the Halifax Municipal Planning Strategy, the Halifax Peninsula Land Use By-Law, and the Halifax Mainland Use By-Law to incorporate policy and regulations concerning Billboards.

8.1 Case 00151 - Amendments to the Halifax Municipal Planning Strategy, the Halifax Peninsula Land Use By-Law, and the Halifax Mainland Use By-Law to incorporate policy and regulations concerning Billboards (cont'd)

Councillor McInroy spoke in support of increasing the residential setback to 250 feet, stating the amendment should be made as soon as possible.

Responding to a question of Mr. McLellan, Mr. French stated if Council directs staff to proceed with the setback amendment, an advertisement will be placed in the newspaper as soon as possible, and the Public Hearing would take place approximately three weeks after the date of advertising.

Councillor Cooper spoke in support of increasing the residential setback to 250 feet. The Councillor expressed concern with the possibility of billboards being permitted in areas that currently do not have them. Mr. Garnet replied staff has no intention of allowing billboards in communities that currently do not allow them.

Responding to a question of Councillor Walker, Mr. Garnet stated the proposed amendments only apply to free-standing billboards. In response to an additional question of the Councillor, Mr. Garnet stated the Traffic Authority has the right to order billboards to be removed further to the Municipal Government Act. Councillor Walker requested that billboards along Dutch Village Road be examined to determine if they should be removed as they are all located near crosswalks.

Councillor Sarto noted he has concerns with billboards in his area in residential communities, and stated that he would provide specific location information to staff to examine in context of the regional review.

Responding to a question of Mayor Fitzgerald, Mr. Garnet stated the majority of the billboards are located in industrial and major commercial areas, and a relative minority are in residential areas.

Responding to a question of Councillor Blumenthal, Mr. Anstey stated if Council agrees to proceed with an amendment to increase the residential setback, once the advertisement is placed in the newspaper, an immediate freeze of 150 days is in effect until the amendment can be adopted.

MOVED by Councillors Kelly and Schofield that Council direct staff to commence the process to change the residential setback, with respect to billboards, from 100 feet to 250 feet in both the Dartmouth and Halifax By-Laws, and that staff advertise as soon as possible for the Public Hearing process. MOTION PUT AND PASSED UNANIMOUSLY.

9. PUBLIC HEARING

9.1 Case 00140: Application for Non-Conforming Use Development Agreement, 5552 Kane Place, Halifax

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was previously circulated to Council on September 7, 1999.

Mr. Bernard Moe, Planner, presented the staff report, stating staff are satisfied that the application meets all policy requirements and are recommending approval.

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

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

COUNCIL DECISION

MOVED by Councillors Blumenthal and Sarto that Council:

- 1. Approve the non-conforming use development agreement (Attachment II to the staff report dated August 23, 1999), to permit the expansion of the dwelling unit at 5552 Kane Place, Halifax.**
- 2. Requires the Development Agreement to be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval shall be void and obligations**

arising hereunder shall be at an end. **MOTION PUT AND PASSED UNANIMOUSLY.**

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 PETITIONS

10.1.1 Deputy Mayor Uteck - Rezoning of a Portion of Atlantic Street

On behalf of Deputy Mayor Uteck, Councillor Fougere submitted a petition from residents of Atlantic Street requesting HRM to rezone the portion of Atlantic Street. running from South Bland St. to 5655 Atlantic Street, from R-2, which permits development of up to four apartment units on a lot, to R-1, single family residential.

10.1.2 Councillor Adams - Loss of Teaching Position - Rockingstone Heights Elementary School

Councillor Adams submitted a petition from the Rockingstone Heights Elementary School P.T.A. expressing concern with the loss of a teaching position at their school.

10.1.3 Councillor Cooper - Off Leash Areas for Dogs

Councillor Cooper submitted a petition from NS Responsible Off Leash Exercisers requesting that HRM review the situation of off lease areas for dogs, and to provide taxpayers with a safe and suitable environment to enjoy exercising their dogs without breaking the law. The Councillor requested that the petition be forwarded to staff and the Harbour East Community Council.

Information Item #5 - Quarterly Economic Report & Information Item #8 - Council Request for Information

At this time, Mr. McLellan noted the above reports provide Council with information regarding public response to service levels and the proposed budget schedule and process.

Ms. Betty MacDonald, General Manager, Financial Analysis Services, briefly reviewed the Quarterly Economic Report, noting staff will be reporting this information quarterly, using the most recent available statistics regarding employment, income levels and cost of living.

11. REPORTS

11.1 MEMBERS OF COUNCIL

11.1.1 Councillor Harvey - Intersection: Beaver Bank Crossroad and Waterwheel Crescent

Councillor Harvey stated the main problem with this intersection is a bend in the Beaver Bank Crossroad which is very close to the intersection. The speed limit around this corner is 30 kms per hour, but the Councillor noted he has observed a number of drivers exceeding this limit. Councillor Harvey stated a number of children cross at this intersection to attend Millwood Elementary School, and stated the desire is to move the children further away from the bend in the road to make the cross to the sidewalk leading to the school.

The Councillor noted Added Item 13.3 - Intersection - Beaver Bank Crossroad and Waterwheel Crescent is a report from Police Services regarding this issue. Councillor Harvey requested that this report be forwarded to Regional Operations for assessment and comment and possible solutions to the safety concerns at this intersection, and that Council review the situation again when additional information is received.

MOVED by Councillors Harvey and Greenough that the staff report dated September 27, 1999 regarding the Beaver Bank Crossroad and Waterwheel Crescent be forwarded to Regional Operations for assessment and comment and for possible solutions to the safety concerns at this intersection. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.2 Councillor Snow - Bridge Over Lakeview Road

Councillor Snow stated the noise on this bridge has been taking place 24 hours per day over the last two years. The Councillor noted the noise has been recorded and the tapes have been provided to Mr. McLellan. The Councillor requested that a strong letter be sent to the Minister of Transportation inquiring when something will be done to resolve the noise problem.

11.2 CHIEF ADMINISTRATIVE OFFICER

11.2.1 Tender 99-240 Dartmouth Road Sidewalk (North Street to Bedford Highway), Bedford

This item was deleted during the Approval of the Order of Business.

12. MOTIONS - None

13. ADDED ITEMS

13.1 Councillor McInroy - Integrity and Maintenance of Municipal Open Storm Drainage Systems

Councillor McInroy stated there has been recent serious flooding of properties in Cole Harbour that can be directly related to deficiencies with regard to the extent to which the Municipality maintains its open storm drainage systems. In particular, the Councillor noted there have been problems with one system that carries storm flows from the Cole Harbour Road, in the Cole Harbour Shopping Centre area, through what is referred to as the "H" section of Colby Village, and another system which parallels the property on which the Tallahassee Community School is located in Eastern Passage. Councillor McInroy requested a staff report regarding the integrity and maintenance of municipal open storm drainage systems in these two areas, noting the Municipality needs to put policies and procedures in place to ensure that these systems are maintained so that they can do the job they were intended to do.

Mr. John Sheppard, Manager, Environmental & Development, Engineering & Transportation, stated if the drainage system is a natural watercourse as defined by the Province, then there are certain rules and regulations that need to be followed. However, he agreed to look at the two areas brought forward by Councillor McInroy and prepare a report to Council.

Councillor Read requested that the staff report include open drainage in other areas as well. Councillor Kelly requested that the staff report also include Union Street and Cedar Street watercourses in Bedford.

Councillor Cooper requested that the report include comments on the fact that HRM allows continued development but does not require storm drainage systems to be enhanced to carry the extra water.

Mr. McLellan suggested the Department of Environment should be approached, as part of the report, to determine why additional work on these systems needs constant approval when increased water flow is so predictable.

Councillor Harvey requested that consideration be given to including beaver dams to natural water courses.

13.2 Councillor Hetherington - Dartmouth Masonic Lodge

This item was dealt with earlier in the meeting.

13.3 Intersection - Beaver Bank Crossroad and Waterwheel Crescent

This item was dealt with under Item 11.1.1.

13.4 Legal Matter - Claim Settlement, Tax Sale Reversal

- This item was discussed during an In Camera Session held prior to the Regular Session, and was now before Council for ratification.

MOVED by Deputy Mayor Uteck and Councillor Mitchell that the matter be settled by the payment to Wayne Slade in the sum of \$13,000.00. Funds to pay the settlement are available from Account No. 01-60001-2205 which is the account for municipal liability. MOTION PUT AND PASSED UNANIMOUSLY.

13.5 Property Matter - Lease Assignment

- This item was discussed during an In Camera Session held prior to the Regular Session, and was now before Council for ratification.

MOVED by Councillors Walker and Fougere that Halifax Regional Council authorize the Mayor and Municipal Clerk to execute an Assignment of its Lease at the Northcliffe Centre from Northcliffe Tennis Club Inc. to Northcliffe Indoor Tennis Club Inc. MOTION PUT AND PASSED UNANIMOUSLY.

13.6 Membership Selection Committee - Halifax Regional Water Commission Appointment

- This item was discussed during an In Camera Session held prior to the Regular Session, and was now before Council for ratification.

MOVED by Councillors Mitchell and Downey that Council approve the appointment of Councillor Rankin to the Halifax Regional Water Commission. Councillor Rankin will fill the remainder of a three year term expiring in March 2002. MOTION PUT AND PASSED UNANIMOUSLY.

13.7 Gasoline Tax

Mayor Fitzgerald stated that UNSM has made a request to the Province that municipalities receive a portion of the Provincial gasoline tax. The Mayor noted on September 7, 1999, the Province of Alberta approved grants, based on 5¢ per litre from the fuel sold in Edmonton and Calgary, to be paid directly to those cities for transportation infrastructure needs. Mayor Fitzgerald noted similar agreements are also being made in

Vancouver/Victoria, and stated that HRM has been requesting this for a number of years from the Province of Nova Scotia, without success.

Councillor Kelly noted the Province of Alberta is also planning to commence negotiations with the Federal Government for a portion of its share of the gasoline tax, and suggested HRM should do the same.

MOVED by Councillors Blumenthal and Kelly that HRM pursue with the Province of Nova Scotia, the possibility of the Municipality receiving a portion of the gasoline tax for transportation infrastructure need, and that HRM request the Provincial Government to commence negotiations with the Federal Government to share its portion of the gasoline tax, as is being done in the Province of Alberta. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Schofield suggested the Municipality should consider requesting the Province to reinstate the gasoline control prices, and requested that staff look into this as well.

14. NOTICES OF MOTION - None

15. ADJOURNMENT

MOVED by Councillors Greenough and McInroy that the meeting adjourn at 7:35 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
Municipal Clerk