

HALIFAX REGIONAL COUNCIL
MINUTES
NOVEMBER 9, 1999

PRESENT: Mayor Walter R. Fitzgerald (6:55 p.m.)
Deputy Mayor John Cunningham
Councillors: Gordon R. Snow
Ron Cooper
Harry McInroy
Jack Greenough
Bruce Hetherington
Clint Schofield
Jerry Blumenthal
Graham L. Downey
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Stephen D. Adams
Robert Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

REGRETS: Councillor: Condo Sarto

STAFF: Mr. K. R. 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

The meeting was called to order at 6:00 p.m. with the invocation.

At a later point in the meeting Mayor Fitzgerald recognized Mr. Barry Barnet, MLA and Councillor Elect David Merrigan who were in attendance.

2. PROCLAMATIONS

2.1 Atlantic Bowl Week

Deputy Mayor Cunningham proclaimed the week of November 15, 1999 as Atlantic Bowl Week in Halifax Regional Municipality.

2.2 Sir John S.D. Thompson Day

Deputy Mayor Cunningham proclaimed Thursday, November 10, 1999 as Sir John S.D. Thompson Day in Halifax Regional Municipality.

2.3 Restorative Justice Week

Deputy Mayor Cunningham proclaimed November 14 - 21, 1999 as Restorative Justice Week in the Halifax Regional Municipality.

3. APPROVAL OF MINUTES

MOVED by Councillors Hetherington and Fougere that the minutes of October 26 & November 2, 1999 be approved, as circulated. MOTION PUT AND PASSED.

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

The following item was deleted from the agenda:

Item 10.3.1 - Case 00116 - Application by Harbour Ridge Developments Ltd. to enter into a development agreement to allow for a Golf Course - East Petpeswick (set date for public hearing)

The following items were added to the agenda:

12.1 Councillor Blumenthal - Leaf Pick-up and Street Sweeping

12.2 Request to move information item 2 to regular Council agenda - Councillor

- Blumenthal and Councillor Kelly.
- 12.3 Councillor Read -
(i) Cigarette Manufacturing
(ii) Smoking in Food and Beverage Establishments
- 12.4 Regional Heritage Advisory Committee - Case 00166 - Addition and Signage for 6 Armada Drive, The Caribou Lodge (Bed & Breakfast), Halifax, Nova Scotia
- 12.5 Property Matter - 429 Cobequid Road, Sackville
- 12.6 Property Matter - 1909 Caldwell Road
- 12.7 Property Matter - 945 Tower Road
- 12.8 Councillor Walker - Winter Parking Ban
- 12.9 Councillor Adams - Unsafe Bus Stop
- 12.10 Councillor Schofield - Dartmouth North Community Centre Report from Department of Occupational Health and Safety

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

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Council Decision on Project 00092 - Plan Review for Beaver Bank, Hammonds Plains and Upper Sackville

- A copy of a supplementary staff report prepared for Mr. K. R. Meech, Chief Administrative Officer, on the above noted was before Council.
- An excerpt from the October 5, 1999 Regional Council minutes was before Council.

MOVED by Councillors Rankin and Mitchell that Regional Council repeal the existing Municipal Planning Strategy and Land Use By-law and adopt the revised Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as attached in the August 16, 1999 Staff report and amended in the October 13, 1999 Supplementary Staff Report.

In response to a query from Councillor Kelly regarding implementation of time frames for use of rock crushers, Council was advised this is provided for in the Land Use By-law General Provisions Section 4.13 noting, the time is one cumulative month per year per area of land.

MOVED by Councillors Kelly and Walker that the motion be amended to include setback for temporary crushers be 800 metres as per the AAC.

Councillor Rankin requested this be considered from an HRM perspective noting requests may follow to have uniformity across HRM in urban areas.

Councillor Snow stated residents have asked for the 800 metre setback and this amendment is in keeping with that request.

Councillor Rankin requested a recorded vote.

The following members of Council voted in favour of the amendment: Councillors Snow, Cooper, McInroy, Greenough, Hetherington, Schofield, Blumenthal, Downey, Fougere, Walker, Stone, Harvey and Kelly.

The following members of Council voted against the amendment: Deputy Mayor Cunningham and Councillors Read, Adams, Rankin and Mitchell.

Mayor Fitzgerald and Councillor Sarto were absent for the vote.

MOTION PUT AND PASSED (13 in favour, 5 against)

In response to a query from Mr. David Merrigan, Councillor Elect, Council was advised it would be possible to make an amendment at a future date with regards to allocation of servicing capacity.

MOTION, AS AMENDED, PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS

9.1 Petitions

Councillor Fougere submitted a petition containing 200 signatures for the removal of traffic lights at Connaught Avenue and Jubilee Road. The Councillor noted signatures submitted to date total 2,200.

Mayor Fitzgerald assumed the chair at 6:55 p.m.

Councillor Snow left the meeting at 6:55 p.m.

10. REPORTS

10.1 MEMBERS OF COUNCIL

10.1.1(i) Councillor Schofield - 24 Hour Shopping in Residential Areas

Councillor Schofield noted there are three convenience stores and gas bars on Victoria Road and the residents are concerned with these businesses operating on a 24 hours a day basis. He requested legal staff review the matter and report to either the Councillor or Council on ways this may be controlled.

10.1.1(ii) Councillor Schofield - Shannon Park School

Councillor Schofield noted all schools in Dartmouth are owned by the Municipality with the exception of the Shannon Park School which is owned by the Department of National Defense. The Councillor requested the Mayor write to the Minister of Education requesting the Province of Nova Scotia purchase the building before it is sold to the private sector thus ensuring that it will be available when needed.

10.1.2 Councillor Hetherington - CFB Shearwater - Discussion with Province of Nova Scotia

Councillor Hetherington requested the Mayor write to the Premier of Nova Scotia requesting that he, Councillor Hetherington, be the Council representative for any meetings that take place in order to keep the surrounding residents informed of any proposals that may apply to the Shearwater lands.

10.2 CHEBUCTO COMMUNITY COUNCIL

10.2.1 Case 00122 - Request to Amend the Halifax Municipal Planning Strategy and Land Use By-law, Clayton Park West, Phase 4 (set date for joint public hearing)

- A report prepared for Councillor Bill Stone, Chair of the Chebucto Community Council, on the above noted, was before Council.

MOVED by Councillors Stone and Fougere that Halifax Regional Council give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law, Clayton Park West, Phase 4 and set a public hearing date for December 7, 1999. MOTION PUT AND PASSED.

10.3 MARINE DRIVE, VALLEY & CANAL PLANNING ADVISORY COMMITTEE

10.3.1 Case 00116 - Application by Harbour Ridge Developments Ltd. to enter into a Development Agreement to allow for a golf course - East Petpeswick

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

10.4 GRANT COMMITTEE

10.4.1 Tax Exemption Recommendations and Amendment to By-Law T-201

- A report from Russell Kelley, Acting Chair, Grants Committee dated November 2, 1999, on the above noted was before Council.

MOVED by Councillors Walker and Schofield that Council approve the recommendations of the Committee, in principle, which will begin the process for amendment of By-law T-201 respecting Tax Exemptions for Non Profit. MOTION PUT AND PASSED.

10.5 PROGRAM & SERVICE REVIEW COMMITTEE

10.5.1 Service Standards - Emergency Traffic Signal Repairs

- A report from Councillor Jack Greenough, Chair, Program and Service Review Committee, on the above noted, was before Council.

MOVED by Councillors Blumenthal and Downey that Council approve Service Standards for Emergency Traffic Signal Repairs as outlined in Appendix "A" of the staff report dated October 5, 1999. MOTION PUT AND PASSED.

10.6 STANDING COMMITTEE ON UNSIGHTLY OR DANGEROUS PREMISES

10.6.1 Dangerous or Unsightly Premises - Staff and Committee Powers

- A report from Councillor Bruce Hetherington, Chair, Dangerous or Unsightly Premises Committee, on the above noted, was before Council.

MOVED by Councillors Hetherington and Schofield that Regional Council pursuant to Part XV Section 345 of the Municipal Government Act delegate authority to the Administrator, except the powers to order demolitions and hear appeals, both of

which shall be delegated to the Dangerous or Unightly Premises Committee.
MOTION PUT AND PASSED.

10.7 CHIEF ADMINISTRATIVE OFFICER

10.7.1 Tender No. 99-356, Gravel Road Paving, Various Locations

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

MOVED by Councillors Greenough and Harvey that Halifax Regional Council approve the award of Tender #99-356, Gravel Road Paving, Various Locations, as a local improvement project, to LaFarge Canada Inc. for materials and services specified at the unit prices quoted at a Tender Price of \$169,280.00 and a Total Project Cost of \$194,672.00 with funding from Capital Account #CXR00332. MOTION PUT AND PASSED.

10.7.2 Second Quarter Financial Position, Forecast for 99/00 - Presentation

- An information report from Mr. George McLellan, Deputy Chief Administrative Officer, on the above noted, was before Council.
- A copy of the slide presentation was circulated to Council.

Mr. George McLellan, Deputy Chief Administrative Officer, with the aid of a power point presentation presented the report to Council outlining the following:

- 2nd quarter results
- Projection to March 31, 2000
- MISER update - outlook for 2000/2001
- Options - planning for the future
- Suggestions for 2000/2001 allocations

In closing Mr. McLellan advised the operating results for the six months ended September 30, 1999 show a positive variance of \$4.1 million and thanked staff for their help in making these results possible.

After a number of Councillors received clarification on a number of issues, no action was taken and the Mayor thanked Mr. McLellan for his presentation.

10.7.3 Project 00098 - Public Participation Program for Herring Cove Area Settlement and Servicing Strategy

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

MOVED by Councillors Adams and Fougere that Council approve the public participation program, as outlined in Attachment 1 of the staff report dated November 9, 1999 for the Herring Cove Area Settlement and Servicing Strategy which includes a review of relevant municipal planning strategy policies. MOTION PUT AND PASSED.

10.7.4 First Reading By-law S-201 Respecting Smoking - Motion - Councillor Harvey - Move First Reading

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

MOVED by Councillors Harvey and Rankin that Council approve First Reading of a proposed amendment to By-law S-200 Respecting Smoking and set a public hearing date for December 7, 1999. MOTION PUT AND PASSED.

Mr. Anstey, Municipal Solicitor, noted the recommendation should be that Council approve First Reading. He further noted Section 6 (2) has been inadvertently included but would not be included as part of the First Reading and subsequent public hearing.

10.7.5 Enterprise Express - Digital Dictation System

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

MOVED by Councillors Walker and Stone that:

- 1. The existing Digital Dictation System of the Halifax Regional Police not be upgraded for Y2K;**
- 2. That the \$14,235.00 that would be required to upgrade the existing Digital Dictation System be applied to the lease trade up of the existing equipment;**
- 3. That a new Enterprise Express Digital Dictation System be sole source leased over the next five years at an annual lease of \$24,327.25, from Dictaphone Canada.**

MOTION PUT AND PASSED.

10.7.6 Street Closure - Portion of India Road and Nivens Avenue (set date for public hearing)

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

MOVED by Councillors Schofield and Hetherington that Halifax Regional Municipality authorize staff to set a date for a public hearing of December 14, 1999, for consideration of Halifax Regional Municipality Administrative Order SC-19, concerning the Closure of a Portion of India Road and Nivens Avenue as shown on Schedule "A" of staff report dated October 27, 1999.

It is further recommended that subject to approval of the street closure, Parcel IR1 comprising of approximately 946 square feet be sold to the owner of Civic #3 India Road.

MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Councillor Blumenthal - Leaf Pick-up and Street Sweeping

Councillor Blumenthal stated he has received numerous call from residents regarding leaves being pushed onto the street rather than being put into bags for pickup. The Councillor queried if the leaves were the responsibility of the residents.

In response, Mr. Brian Smith advised the Streets By-law 300 provides that no one is permitted to put anything on the street, any dirt or nuisance of any kind, which would include leaves.

Council was advised leaf collection has begun and advertisements were being placed in the local newspaper advising residents of their responsibilities regarding this.

12.2 Request to Move Information Item 2 to Regular Agenda - Solid Waste Tonnage Diversion Status Report - Councillors Blumenthal and Kelly

- A report from Mr. Brian Smith, Director, Business Operations, on the above noted, was before Council.

Councillor Blumenthal advised the residents in the area of the Halifax Transit Station are not adverse to the station being in operation but noted the material being stored there emits a noxious odour which has caused them some concern. In response Mr. Brian Smith, Director, Business Operations, advised the facility is scheduled for closure in the next fiscal year.

Councillor Kelly advised there is a packaging task force in place which will have been mandated to the end of January, 2000 and suggested staff investigate supporting this type of initiative through Federal and Provincial legislation.

Councillor Hetherington noted there is no location for the residents to take their hazardous waste which is resulting in illegal dumping. He requested temporary locations be established to enable the residents to dispose of their hazardous waste.

Councillor Walker suggested staff encourage the education of all condominiums so they can all have the same opportunity to do more.

12.3 Councillor Read - Cigarette Manufacturing and Smoking in Food and Beverage Establishments

Councillor Read requested an information report come forward at the public hearing on the Smoking By-law on (1) how much money leaves the HRM economy to pay for cigarette products that are manufactured and grown elsewhere, Ontario specifically, and (2) does work place environment and safety standards apply to bars and restaurants such that serving staff in bars and restaurants have the right to refuse to work without penalty if unsafe working conditions exist.

12.4 Regional Heritage Advisory Committee - Case 00166 - Addition and Signage for 6 Armada Drive, The Caribour Lodge (Bed & Breakfast) Halifax, N.S.

This item was deferred to November 16, 1999.

12.5 Property Matter - 429 Cobequid Road, Sackville

MOVED by Councillors Harvey and Greenough that Council authorize the Mayor and Municipal Clerk to enter into a lease agreement with Clearnet PCS Inc. for 429 Cobequid Road based on the key term and conditions outlined in the In Camera staff report dated October 29, 1999, and the proviso that if another company wants to “piggyback” on the tower, negotiations with HRM must take place. MOTION PUT AND PASSED.

12.6 Property Matter - 1909 Caldwell Road

MOVED by Councillors McInroy and Blumenthal that Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the Ocean View Manor Society for the property at 1909 Caldwell Road based on the key business terms and conditions set out in the In Camera staff report dated October 29, 1999. MOTION PUT AND PASSED.

12.7 Property Matter - 945 Tower Road

MOVED by Councillors Mitchell and Walker that Council authorize staff to issue a request for proposals for the sale of the property at 945 Tower Road, subject to the terms and conditions outlined in the In Camera staff report dated November 1, 1999, and subject to Council's final approval. MOTION PUT AND PASSED.

12.8 Winter Parking Ban - Councillor Walker

Councillor Walker requested the report on the winter parking ban come forward at the November 16, 1999 Council Session.

12.9 Unsafe Bus stop for School Children - Councillor Adams

Councillor Adams advised that as a result of the closure of the Holly Drive School the children are being bussed to the William King School resulting in safety concerns with regards to bus routing and the number of stops the bus makes. The Councillor requested a meeting be organized with staff, Stock Transport and the parents to address the situation.

12.10 Dartmouth North Community Centre - Councillor Schofield

Councillor Schofield advised \$40,000.00 had been budgeted towards the installation of an air conditioner in the Dartmouth North Community Centre. The Councillor noted the air conditioner has not been installed to date and advised the Nova Scotia Department of Labour, Occupational Health and Safety Division, are requesting an update on when this work will be undertaken as there are a number of problems resulting from the lack of an air conditioner. The Councillor requested a report be provided to Council as to when the air conditioning will be installed.

13. NOTICE OF MOTION

13.1 Councillor Rankin - 800 Metre Setback for Rock Crushers

TAKE NOTICE that at the next regular meeting of Regional Council to be held on Tuesday, November 16, 1999 I intend to request staff prepare a report on the planning implication for all of HRM regarding the 800 metre setback on temporary rock crushers recently approved for Beaver Bank, Hammonds Plains and Upper Sackville.

13.2 Councillor Fougere - Amendment T-202, The Tax Exemption By-Law

TAKE NOTICE that at the next regular meeting of Regional Council to be held on Tuesday, November 16, 1999 I will move First Reading of Amendment T-202, The Tax Exemption By-law.

14. ADJOURNMENT

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

**Vi Carmichael
Municipal Clerk**