

HALIFAX REGIONAL MUNICIPALITY

---

HALIFAX REGIONAL COUNCIL

August 20, 1996

PRESENT:

Mayor Walter Fitzgerald  
Councillors: Bill Dooks  
Gordon R. Snow  
David Hendsbee  
Ron Cooper  
Harry McInroy  
Jack Greenough  
Condo Sarto  
Bruce Hetherington  
Clint Schofield  
John Cunningham  
Jerry Blumenthal  
Graham L. Downey  
Larry Uteck  
Howard Epstein  
Russell Walker  
Bill Stone  
Ron Hanson  
Stephen Adams  
Barry Barnet  
Bob Harvey  
Peter Kelly  
Reg Rankin  
Jack Mitchell

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Jane Nauss, Acting Municipal Clerk  
Ms. Patti Halliday, Assistant Municipal Clerk

**TABLE OF CONTENTS**

1.	<b><u>INVOCATION</u></b> .....	4
2.	<b><u>APPROVAL OF MINUTES: JULY 9, JULY 15, AND JULY 16, 1996</u></b> .....	4
3.	<b><u>APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS</u></b> .....	4
4.	<b><u>BUSINESS ARISING FROM THE MINUTES</u></b> .....	4
5.	<b><u>MOTIONS OF RECONSIDERATION</u></b> .....	4
5.1	<b><u>COUNCILLOR HETHERINGTON - ESTABLISHMENT OF COMMITTEE TO REVISE BY-LAW C-100, THE CAT BY-LAW</u></b> .....	5
6.	<b><u>MOTIONS OF RESCISSION - NONE</u></b> .....	5
7.	<b><u>CONSIDERATION OF DEFERRED BUSINESS</u></b> .....	5
7.1	<b><u>HRM NON UNION SALARY POLICY AND STRUCTURE (deferred from July 16, 1996 Council)</u></b> .....	5
8.	<b><u>PUBLIC HEARINGS - None</u></b> .....	6
9.	<b><u>CORRESPONDENCE, PETITIONS AND DELEGATIONS</u></b> .....	6
	<b><u>PETITIONS</u></b> .....	6
9.1	<b><u>PRESENTATIONS</u></b> .....	6
9.1.1	<b><u>SANITARY SEWER BACKUPS, CARLISLE DRIVE AREA, JULY 1996</u></b> .....	6
9.2	<b><u>PETITIONS</u></b> .....	7
9.2.1	<b><u>PETITION REGARDING ENVIRONMENTAL CONCERNS ASSOCIATED WITH ULTRAMAR DISMANTLING AND REMOVING EQUIPMENT</u></b> .....	7
9.3	<b><u>CORRESPONDENCE</u></b> .....	7
9.3.1	<b><u>HALIFAX REGIONAL VOLUNTEER FIREFIGHTERS ASSOCIATION</u></b> .....	7
9.3.2	<b><u>MUNICIPALITY OF PICTOU COUNTY</u></b> .....	8
10.	<b><u>REPORTS</u></b> .....	8
10.1	<b><u>COUNCILLOR SCHOFIELD</u></b> .....	8
10.1.1	<b><u>LAKE BANOOK BRIDGE - NEW TRAIL SYSTEM</u></b> .....	8
10.2	<b><u>THE GRANT COMMITTEE</u></b> .....	8
10.2.1	<b><u>GRANT COMMITTEE RECOMMENDATIONS REPORT 3</u></b> .....	9

10.3	<b>CHIEF ADMINISTRATIVE OFFICER</b> .....	9
10.3.1	<b>INVOCATION</b> .....	10
10.3.2	<b>RESIDENT TAX EXEMPTION/DEFERRALS</b> .....	10
10.3.3	<b>WILLOW PARK TRAIL: PROTECTIVE MEASURES ON ROBIE STREET OVERPASS</b> .....	11
10.3.4	<b>ACQUISITION, PORTION 10-12 ACORN ROAD</b> .....	12
10.3.5	<b>SALE OF LAND: DUTCH VILLAGE ROAD</b> .....	12
10.3.6	<b>PURCHASE OF 9 MM SEMI-AUTOMATIC PISTOLS</b> ...	12
10.3.7	<b>(NO AGENDA ITEM WITH THIS NUMBER)</b> .....	12
10.3.8	<b>RECYCLING OF WHITE GOODS - PROPOSAL NO. 96- 150</b> .....	13
10.3.9	<b>PROHIBITION OF MOTORIZED CRAFT IN SMALL LAKES .....</b>	13
10.3.10	<b>COUNCIL AGENDA AND PROCEDURES</b> .....	14
10.3.11	<b>LEASE OF PARCEL 1 OF LOT 36A, MACDONALD AVENUE, BURNSIDE BUSINESS PARK TO S. NORMAN SANCTON AND SON LIMITED</b> .....	14
10.3.12	<b>SALE OF PARCEL Q-2, WADDELL AVENUE TO AD OUTDOOR SIGNS</b> .....	18
10.3.13	<b>NOVA SCOTIA DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS COST-SHARING - VICTORIA ROAD PAVING, DARTMOUTH</b> .....	19
11.	<b>MOTIONS</b> .....	19
11.1	<b>WASTEWATER DISCHARGE BY-LAW - FIRST READING (COUNCILLOR EPSTEIN)</b> .....	19
11.2	<b>RETAIL SHOP CLOSING - FIRST READING (COUNCILLOR SCHOFIELD)</b> .....	19
12.	<b>ADDED ITEMS</b> .....	20
12.1	<b>FORMER DARTMOUTH CITY HALL - FUTURE USE</b> .....	20
12.2	<b>MERKEL HOUSE</b> .....	21
12.3	<b>BY-LAW ENFORCEMENT OFFICER</b> .....	22
12.4	<b>SCHOOL BUS DRIVERS</b> .....	22
13.	<b>NOTICES OF MOTION</b> .....	22
13.1	<b>COUNCILLOR HENDSBEE</b> .....	22
13.2	<b>COUNCILLOR ADAMS</b> .....	22
14.	<b>ADJOURNMENT</b> .....	23

**1. INVOCATION**

The meeting was called to order at 6:30 p.m. with an invocation.

**2. APPROVAL OF MINUTES: JULY 9, JULY 15, AND JULY 16, 1996**

In review of the minutes of July 15, 1996, Councillor Blumenthal noted that he was not present at that meeting.

**MOVED by Councillors Hetherington and Mitchell that the minutes of July 9, July 15 (as amended), and July 16, 1996 be approved. MOTION PUT AND PASSED.**

**3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

The Municipal Clerk requested the following additions to the Agenda:

1. Former Dartmouth City Hall - Future Use
2. Merkel House - 2445 Brunswick Street (Councillor Epstein)
3. By-Law Enforcement Officer (Councillor Blumenthal)

Councillor Epstein requested the following addition to the Agenda:

1. School Bus Drivers

**MOVED by Councillors Blumenthal and Walker that the Order of Business and Approval of Additions and Deletions to the Agenda be approved. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING FROM THE MINUTES**

Councillor Walker updated Council on an issue raised at the July 16-17 Council Session regarding unsightly premises at 33 Coronation Avenue. Councillor Walker reported the owner has fixed the property as of July 16, 1996. Inspectors and staff have viewed the property and are satisfied with its improvements.

Councillor Barnet inquired about Item 12.5 Fences - Cost Sharing, from the July 16-17 Council Session. Mr. Meech agreed to follow up on this for clarification.

**5. MOTIONS OF RECONSIDERATION**

**5.1 COUNCILLOR HETHERINGTON - ESTABLISHMENT OF COMMITTEE TO REVISE BY-LAW C-100, THE CAT BY-LAW**

**MOVED by Councillors Hetherington and Blumenthal that Council bring By-Law C-100, the Cat By-law, back on Second Reading.**

Councillor Hetherington stated the by-law should not be given to the Committee to revise; rather, the issue should be given to them to come back with recommendations as to how to alleviate the cat problem. He noted that a vote was not taken on Second Reading at the July 16, 1996 meeting.

Councillor Walker asked if a public hearing could be held on a new proposed by-law presented by the Committee. Mr. Anstey replied that if Council wishes, they can do so.

The vote on the Motion to Reconsider was taken.

**MOTION PUT AND DEFEATED.**

In discussion of what occurred at Second Reading of the by-law, Councillor Walker noted the Motion creating a committee to formulate a revised by-law was passed by a vote of 12 in Favour and 11 Against at the July 16 Council meeting. He also suggested the time frame for the Committee to report back to Council should be extended by one month to the first meeting in January 1997.

**MOVED by Councillors Walker and Hendsbee that the minutes of July 16, 1996 be amended to indicate the vote on the Motion to establish a Committee to formulate a revised by-law was passed by a vote of 12 in Favour and 11 Against; further, that the time frame for the Committee to report back to Council should be extended by one month to the first meeting in January 1997. MOTION PUT AND PASSED.**

Mr. Anstey pointed out the minutes should also be amended to indicate no vote was taken on the Motion for Second Reading.

**MOVED by Councillors Walker and Hendsbee that the minutes of July 16, 1996 be amended by removing the sentence "Motion put and defeated" from Page 11. MOTION PUT AND PASSED.**

**6. MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS**

**7.1 HRM NON UNION SALARY POLICY AND STRUCTURE (deferred from July 16, 1996 Council)**

Councillor Dooks requested that this item be deferred to a later date. Council agreed to his request.

Councillor Cooper noted on July 9, he requested Assessments be put on this agenda. As it was not, he asked that it be added to the August 27, 1996 agenda to which Council agreed.

**8. PUBLIC HEARINGS - None**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**PETITIONS**

Councillor Walker passed two petitions to the Clerk. One from residents of Sunnybrae and Central Avenues in Fairview regarding a permit that has been granted for a child care centre to be located at 67 Sunnybrae Avenue.

The other petition was from approximately 400 signatures requesting dirt diamonds for minor baseball fields.

**9.1 PRESENTATIONS**

**9.1.1 SANITARY SEWER BACKUPS, CARLISLE DRIVE AREA, JULY 1996**

Ms. Annette Kehoe, a resident of Carlisle Drive, made a presentation to Council regarding the sanitary sewer backup problems in the Carlisle Drive area.

During her presentation, Ms. Kehoe made the following points:

- ! Sewer backup during heavy rain has been a problem for seven years, and, to date, has only received band-aid solutions forcing residents to live with unnecessary pressures.
- ! Residents cannot get out of their mortgages due to the problem and are experiencing difficulty obtaining sewer backup insurance.
- ! The residents are demanding a solution to the problem and are withholding property taxes to cover their legal costs.
- ! The residents want compensation for purchasing gate valves and the inconvenience they have experienced.
- ! The residents want written guarantees that the problem will be solved and that work will begin in September. They also want, in writing, what compensation will be negotiated.
- ! The residents want a debriefing meeting by Friday of this week with Councillor McInroy, Mayor Fitzgerald and Mr. Dhillon.

**MOVED by Councillors McInroy and Greenough that the Engineering Department be requested to table a report with Council, at the August 27, 1996 meeting, focusing on remedial action and the most immediate remedy, and, to whatever extent possible, deals with a long term solution to the sanitary sewer backup problem. MOTION PUT AND PASSED.**

Councillor Cooper noted the problem is not exclusive to the Carlisle Drive area, and the other residents affected will want the same commitment from the HRM to solve this problem.

## **9.2 PETITIONS**

### **9.2.1 PETITION REGARDING ENVIRONMENTAL CONCERNS ASSOCIATED WITH ULTRAMAR DISMANTLING AND REMOVING EQUIPMENT**

! A petition regarding environmental concerns associated with Ultramar dismantling and removing equipment and a letter from the Mayor to the Minister of the Environment was before Council.

Councillor McInroy tabled the balance, approximately 56 signatures, of the petition as stated above.

**MOVED by Councillors McInroy and Cooper that Council endorse the action already taken on this matter (letter dated 14 August 1996 from Mayor Walter R. Fitzgerald to Hon. Wayne Adams, Minister of Environment) and any follow up necessary to get immediate results. MOTION PUT AND PASSED.**

## **9.3 CORRESPONDENCE:**

### **9.3.1 HALIFAX REGIONAL VOLUNTEER FIREFIGHTERS ASSOCIATION**

! A letter from the Halifax Regional Volunteer Firefighters Association dated July 17, 1996 regarding the loss of area rates pertaining to commercial properties in the Municipality, was before Council.

Mayor Fitzgerald stated he has responded to this request to the satisfaction of the Halifax Regional Volunteer Firefighters Association.

**MOVED by Councillors Hendsbee and Greenough that the letter dated 17 July 1996 from the Halifax Regional Volunteer Firefighters Association be received and filed. MOTION PUT AND PASSED.**

### **9.3.2 MUNICIPALITY OF PICTOU COUNTY**

- ! A letter dated 9 August 1996 from the Municipality of Pictou County regarding their concern over the strike by MT&T unionized technicians, was before Council.

**MOVED by Councillors Hendsbee and Greenough that the letter dated 9 August 1996 from the Municipality of Pictou County regarding the strike by MT&T unionized technicians be received and filed. MOTION PUT AND PASSED.**

## **10. REPORTS**

### **10.1 COUNCILLOR SCHOFIELD**

#### **10.1.1 LAKE BANOOK BRIDGE - NEW TRAIL SYSTEM**

- ! A memo dated 15 August 1996 from Councillor Schofield addressed to Mayor Fitzgerald and Members of Council, regarding the Lake Banook Bridge was before Council. Also, a memo dated 13 September 1995, from Ms. Audrey Manzer, Chairperson of the Dartmouth Lakes Advisory Board, regarding Lake Banook Crossing options, was before Council.

Councillor Schofield noted the Department of Transportation is now in agreement with allowing the trail to proceed alongside the ParkLo, which previously had not been the case.

**MOVED by Councillors Schofield and Kelly that the decision made by Dartmouth City Council on 16 January 1996, regarding the Lake Banook Bridge, be put on hold until Regional Operations can arrange to finalize a detailed design of Option B (the trail along the ParkLo) and submit it to the Department of Transportation and Public Works for evaluation; and, the HRM holds a public meeting, if necessary, to finalize the matter.**

Concerns were expressed regarding the possible legal ramifications that may be involved with the contract awarded for the bridge, subject to approval of the Department of Environment and the Coast Guard.

**MOVED by Councillors Hetherington and Greenough that the motion on the floor be deferred for one week to enable the Municipal Solicitor the opportunity to review the contract to determine if there are any legal ramifications; further, that the status of the Coast Guard approvals be determined. MOTION PUT AND PASSED.**

### **10.2 THE GRANT COMMITTEE**

**10.2.1 GRANT COMMITTEE RECOMMENDATIONS REPORT 3**

! Grant Recommendations Report #3, prepared for Councillor David Hendsbee, Chairman, Grant Committee, was before Council for approval.

**MOVED by Councillors Hendsbee and Sarto that Council:**

- 1) approve Grant Committee Selection Criteria for Non Profits as presented in Appendix 1 of the report;**
- 2) approve Councillor Activity fund in the amount of \$5,000 for each Councillor for a total value of \$115,000;**
- 3) approve the grants as found in Appendix 4 of the report, for a total value of \$90,000.**

Councillor Barnet expressed concern with the overall savings stated for the grant program. He noted that some activities previously funded by grants are now coming out of a departmental budget. He also expressed concern with making long term grant commitments. He suggested money for groups such as the Art Gallery of Nova Scotia and Symphony Nova Scotia should be cost recoverable with gate charges, memberships, etc.

Concerns from several Councillors followed regarding the Councillor Activity fund, and whether or not the amount was appropriate. As a result, the following motion was made:

**MOVED by Councillors Harvey and Kelly that the Councillor Activity fund be reduced to \$3,000 for each Councillor for a total of \$69,000. MOTION PUT AND PASSED.**

Councillor Rankin inquired about the application from Lakeside Relief Fund for a grant. Councillor Hendsbee replied this application will be discussed at the next Grant Committee meeting to be held on September 4, 1996 to which all members of Council are welcome to attend. Councillor Hendsbee also noted there are still a couple reports from the Grant Committee to come before Council in the near future.

Councillor Harvey expressed concern with the process followed this year of issuing grants before the budget process was complete.

**MOVED by Councillors Hetherington and Sarto that the Grant Committee Recommendations Report 3, as amended, be adopted. MOTION PUT AND PASSED.**

**10.3 CHIEF ADMINISTRATIVE OFFICER**

### **10.3.1 INVOCATION**

! A report prepared by Valerie Spencer, Commissioner of Policy and Planning, regarding the invocation, was before Council.

**MOVED by Councillors Greenough and Sarto that the Invocation submitted by the Multicultural Association of Nova Scotia be adopted.**

Councillor Cooper stated he felt the current invocation met all the needs, wishes and aspirations of the general municipality. Councillor Harvey agreed with a moment of silence with no spoken word. Councillor Epstein spoke against the motion stating prayer as part of civic activity is inappropriate.

Mayor Fitzgerald suggested the Multicultural Association of Nova Scotia's Invocation be used for three out of four Council sessions, and that the fourth week be given to other groups or individual Councillors alternately.

**MOTION PUT AND PASSED.**

### **RECESS**

A 10 minute recess was taken at 8:05 p.m. The meeting reconvened at 8:10 p.m.

### **10.3.2 RESIDENT TAX EXEMPTION/DEFERRALS**

! A report prepared by Larry Corrigan, Commissioner of Corporate Services, as a result of staff being directed by Council to draft a consolidated Resident Tax Exemption/Deferral policy more appropriate to the amalgamated municipality, was before Council.

**MOVED by Councillors Walker and Epstein that the tax exemption and deferral program, as approved by the previous Municipal Councils, be maintained for fiscal 1996/97; and, that staff be instructed to prepare a comprehensive report with the objective of recommending a single tax exemption, tax deferral and tax grant structure for the fiscal year 1997/98.**

Mr. Ron Singer, Director of Finance, reviewed the report that was before Council. Councillor Greenough stated he was not in favour of tax exemptions but was in favour of tax deferral. With tax deferral, the money will eventually be received by the municipality. Councillor Barnet suggested Alternative #3 should be chosen and implemented immediately.

**MOVED by Councillors Barnet and Cooper that Council reject staff's recommendation and proceed with Alternative #3 to eliminate all tax rebates and only provide a tax deferral program based on household income of \$20,000, which results in operating budget savings.**

No vote was taken on this motion.

Councillor Hendsbee stated Policy and Planning is preparing a tax exemption report for the Grant Committee which will be circulated to Council when it is complete.

Councillor Cooper stated there is an opportunity here to demonstrate the intentions to treat residents from all areas of the HRM equally and that a common policy should be implemented immediately.

Councillors speaking in favour of staff's recommendations made the following points:

- ! The status quo will allow people with fixed incomes, seniors and the disabled to remain in their homes.
- ! People have budgeted their lifestyles based on receiving a tax exemption.

**MOVED by Councillors Rankin and Greenough that the tax exemption/deferral issue be deferred for two weeks to allow staff the opportunity to prepare a full report on the alternatives. MOTION PUT AND DEFEATED.**

The following motion was then placed on the floor.

**MOVED by Councillors Hendsbee and Sarto the main motion be amended to set the income level at \$20,000 with an exemption of \$300. MOTION PUT AND DEFEATED.**

The vote was then taken on the main motion to accept staff's recommendation.

**MOTION PUT AND PASSED.**

**10.3.3 WILLOW PARK TRAIL: PROTECTIVE MEASURES ON ROBIE STREET OVERPASS**

- ! A report prepared by Dan English, Commissioner of Community Services, regarding Willow Park Trail: Protective Measures on Robie Street Overpass, was before Council.

**MOVED by Councillors Downey and Blumenthal that Halifax Regional Council approve the re-allocation of \$20,000 from Bi Hi Greenspace - Project #912166530 to "Willow Park Trail - Robie Street Overpass - Protective Measures" for 50% cost sharing with the Halifax-Dartmouth Bridge Commission. MOTION PUT AND PASSED.**

**10.3.4 ACQUISITION, PORTION 10-12 ACORN ROAD**

! A report prepared by George McLellan, Commissioner of Regional Operations, recommending the acquisition of a portion of 10-12 Acorn Road, was before Council.

**MOVED by Councillors Adams and Hanson that the portion of 10-12 Acorn Road comprising of approximately 756 square feet be acquired for street purposes from Mr. Ian Ruitenbergh for a unit value of \$7.50 with the final settlement amount subject to survey full plus any adjustments, GST and other taxes that may be applicable.**

Councillor Kelly asked if land must be appraised before its disposal. Mr. Meech replied he was not aware of any formal policy that requires an appraisal as long as means are utilized to ensure the value is reasonable.

**MOTION PUT AND PASSED.**

**10.3.5 SALE OF LAND: DUTCH VILLAGE ROAD**

! A report prepared by George McLellan, Commissioner of Regional Operations, regarding a request to purchase HRM owned property on Dutch Village Road, was before Council.

**MOVED by Councillors Walker and Mitchell that the remaining portion of Lot B and abutting lands to the northwest comprising of approximately 24,143 square feet as shown in the sketch attached to the report be sold to Antiochian Maronite Church (Our Lady of Lebanon Parish) for \$90,000, subject to HRM retaining required easement interested. Funds to be deposited in the Sale Of Land Account. MOTION PUT AND PASSED.**

**10.3.6 PURCHASE OF 9 MM SEMI-AUTOMATIC PISTOLS**

! A report prepared by V. J. MacDonald, Commissioner, Police Services, recommending the purchase of 142 Sig Sauer, Model 226, 9mm Semi-Automatic Pistols.

**MOVED by Councillors Stone and Greenough that Council authorize staff to award R. Nicolls Inc. the contract for the purchase of 142 Sig Sauer, Model P226 Semi-Automatic Pistols for a total cost of \$109,908 (\$774.00 each), plus GST. MOTION PUT AND PASSED.**

**10.3.7 (NO AGENDA ITEM WITH THIS NUMBER)**

**10.3.8 RECYCLING OF WHITE GOODS - PROPOSAL NO. 96-150**

- ! A report prepared by George McLellan, Commissioner, Regional Operations, recommending the authorization of an award of a contract for the Recycling of White Goods to Cyclomet, was before Council.

**MOVED by Councillors Sarto and Epstein that Council authorize the award of a tender contract for the Recycling of White Goods to Cyclomet. MOTION PUT AND PASSED.**

**10.3.9 PROHIBITION OF MOTORIZED CRAFT IN SMALL LAKES**

- ! A report prepared by Vincent J. MacDonald, Commissioner, Police Services, responding to questions raised at the Council meeting of April 9, 1996, regarding the prohibition of motorized craft in small lakes, was before Council.

**MOVED by Councillors Sarto and Greenough that the Halifax Regional Municipality enact legislation respecting the "Use of Lakes" drawing on the spirit and intent of City of Halifax Ordinance 158 and its 1995 Amendment.**

Concerns were raised by Councillor Stone regarding Kearney Lake. He noted that, through public input, a compromise was reached which would allow jet skis in the wider part of Kearney Lake. The fact that Kearney Lake is located in three of the previous municipalities makes it a complicated issue.

**MOVED by Councillors Stone and Hanson that the recommendation be amended to add the phrase "with the exception of Kearney Lake, current regulations will continue to apply" to the phrase on Page 2 of the report regarding bodies of fresh water within the areas formerly known as the County of Halifax and the Town of Bedford; further, that the phrase "the exception of one lake, Kearney Lake" be removed from the General Principles section on Page 1 of the report.**

**No vote was taken on this motion.**

Questions were raised regarding which lakes should and should not be included.

**MOVED by Councillors Kelly and Greenough that the report be referred back to staff to return next week with further clarification.**

Councillor Cunningham stated the report should be referred to the Dartmouth Lakes Advisory Board as well as he has concerns with Lake Banook being included in the lakes in which motorized craft are being permitted. Mayor Fitzgerald stated any other Councillors who have concerns should raise them with staff to be addressed in their clarification report.

**MOTION PUT AND PASSED.**

**10.3.10 COUNCIL AGENDA AND PROCEDURES**

! A report prepared by Wayne Anstey, Municipal Solicitor, regarding Council Agenda and Procedures, was before Council for consideration.

**MOVED by Councillors Adams and Sarto that Council approve the amendment to the Administrative Order Number One as recommended by staff.**

Councillor Barnet suggested a more appropriate way to deal with an added item would be to have two-thirds majority rather than unanimous consent.

**MOVED by Councillors Barnet and Hendsbee to amend Appendix "B", Section 1 (7), of the amendment to the Administrative Order, by changing the phrase "unanimous vote" to "two-thirds majority." MOTION PUT AND PASSED.**

Several Councillors suggested the idea of having community council meetings on the fourth Tuesday of the month. However, Mr. Anstey noted there may not be sufficient recording equipment available to accommodate this.

The vote was then taken on the main motion.

**MOTION PUT AND PASSED.**

**10.3.11 LEASE OF PARCEL 1 OF LOT 36A, MACDONALD AVENUE, BURNSIDE BUSINESS PARK TO S. NORMAN SANCTON AND SON LIMITED**

! A report prepared by Tom Rath, General Manager, Business Parks Office, recommending the lease of Parcel 1 of Lot 36A, MacDonald Avenue, Burnside Business Park, to S. Norman Sancton and Son Limited, was before Council.

**MOVED by Councillors Sarto and Schofield that Council authorize the Mayor and the Municipal Clerk to execute a lease agreement with S. Norman Sancton and Son Limited (the Company) for the lease of Parcel 1 of Lot L-36A, on MacDonald Avenue, Burnside Business Park, subject to the following terms and conditions:**

- 1. An area of 30,000 square feet (0.69 acre) as illustrated on Attachment "A".**
- 2. As necessary, the area and dimensions of the property to be leased are to be confirmed by plan of survey and legal description to be prepared by the Municipality at its expense.**

3. **A one-year lease term commencing on July 1, 1996.**
4. **Following the initial three (3) months, either party may cancel the lease agreement on a one (1) month written notice to the other party.**
5. **A monthly lease rate of \$400 to be paid on or before the first day of each month for each month or part thereof of the lease agreement.**
6. **The Company at its option may elect to extend the lease agreement for a further one year term with the lease rate to be \$2,500 for the first six (6) months of the option year; and \$2,500 for the second six (6) months or any portion thereof. The cancellation notice for the option year is six (6) months written notice by one party to the other party.**
7. **The company is to pay the rent promptly, as provided for in Clause 5. If the rent is not paid promptly, the Company shall pay interest at the rate of 2% per annum over the prime rate charged to the Municipality by its bank of record on any rent overdue.**
8. **The property is to be used solely for storage of equipment as related to the operation of the Company's business. Written approval for a change in use under the terms of the lease agreement may be granted by the General Manager, Business Parks, provided the proposed change in use is in full compliance with municipal land use policies and regulations and the Park's Site Development and Building Standards.**
9. **The land is being leased on an 'as is' basis, with all lot improvements to be the responsibility of and at the expense of the Company.**
10. **The Company will not do or permit anything to be done on or about the property or bring anything thereon which will in any way conflict with the regulations of the Fire, Police, or Health Departments, or with the rules, regulations, by-laws, or ordinances of any governmental authority having jurisdiction over the property, all of which the Company undertakes to abide by and conform to.**
11. **The Company may, at its expense, make improvements to the property as will in the reasonable judgment of the Company better adapt the property for the purposes of its business; provided, however, that no improvements shall be made without the prior written consent of the Municipality, which shall be in the discretion of**

**the General Manager, Business Parks.**

- 12. The Company will not do or permit anything to be done on or about the premises which may injure or obstruct the rights of the Municipality; or the owners or occupants of adjacent or contiguous property to the quiet enjoyment of their property. The Municipality acknowledges that it is familiar with the Company's business and that the Company's normal conduct of its business does not constitute a violation of this provision.**
- 13. The Company shall maintain the property in a clean, neat, tidy, and safe condition at its own expense.**
- 14. The Company shall not erect or install any signs without the prior written consent of the Municipality. Such sign erection or installation shall be subject to the normal sign permit application process. The Company shall indemnify and save harmless the Municipality from all claims, demands, loss, or damage to any person or property arising out of or in any way caused by the erection, maintenance, or removal of any such sign.**
- 15. The Company shall indemnify the Municipality against all liabilities, costs, fines, suits, claims, demands, and actions and causes of action of any kind for which the Municipality may become liable by reason of any breach, violation, or nonperformance by the Company of any covenant, term, or provision of this Lease; or any injury, death, or damage to property occasioned to or suffered by any person or any property by reason of any act, neglect, or default by the Company or its servants, employees, agents, sublessees, licensees, or invitees on the premises.**
- 16. Without limiting the generality of the Company's responsibility in Clause 15 above, the Company shall maintain and pay all premiums for general public liability insurance with a minimum coverage of \$1,000,000. The Company shall furnish to the Municipality satisfactory evidence that such insurance is in full force and effect.**
- 17. The Company shall not assign, sublet, or part with possession of the property or any part thereof or part with or share possession or the occupation of the property without the consent of the Municipality in writing; such consent not to be unreasonably withheld. This decision is to be made by the General Manager of Business Parks on behalf of the Municipality.**

- 18. The Company is required to pay as and when they fall due all taxes and rates charged, assessed, or levied in respect of any business or other activity carried on, upon, or in connection with the property.**
- 19. The Company is required to permit the Municipality, its servants, or agents, upon receipt by the Company of twenty-four (24) hours' written notice, to visit and inspect the leased premises at all reasonable times for the following reasons, provided the Municipality does not interfere with the conduct of the Company's business:**

  - (a) to view the state of the premises; or**
  - (b) to exhibit the premises to prospective tenants or purchasers.**
- 20. The Municipality gives permission to the Company, at the Company's own risk and expense to take early possession of the property provided the Company:**

  - (a) pays the monthly rent in advance of going on the property;**
  - (b) indemnifies the Municipality as provided for in Clauses 15 and 16 from the date of early possession; and**
  - © executes the lease agreement within twenty-one (21) consecutive days of it being couriered to the Company.**
- 21. Time is of the essence. Notwithstanding the provisions of Clause 20, if the lease agreement is not executed by the Company within twenty-one (21) days of it being couriered to the Company, the Municipality may terminate its approval and agreement to lease the property without penalty or obligation. This action may be taken by the Municipality by written notice to the Company upon expiry of the above-mentioned twenty-one (21) days.**
- 22. Notwithstanding Clause 21, if the Company breaches any warranty or fails to perform any covenant required to be performed by the Company under the terms of the lease and such breach or failure continues for a period of thirty (30) days after receipt by the Company from the Municipality, then the Municipality may declare this lease to be terminated, in which event the Municipality shall have no penalty**

or obligation.

- 23. If the Municipality breaches any warranty or fails to perform any covenant required to be performed by Municipality under the terms of the Lease and such breach or failure continues for a period of thirty (30) days after receipt by the Municipality of written notice from the Company, then the Company may declare the lease to be terminated, in which event the Company shall have no penalty or obligation.**

Councillor Kelly raised a question regarding Terms and Conditions #15 and #16 respecting liability. He asked if the HRM would be responsible to pick up the shortfall if a claim were to extend beyond the \$1,000,000 coverage. Mr. Meech agreed to get clarification on this.

**MOTION PUT AND PASSED.**

**10.3.12 SALE OF PARCEL Q-2, WADDELL AVENUE TO AD OUTDOOR SIGNS**

! A report prepared by Tom Rath, General Manager, Business Parks Office, recommending the sale of Parcel Q-2, Waddell Avenue to Ad Outdoor Signs, was before Council.

**MOVED by Councillors Greenough and Schofield that Council approve the sale of Parcel Q-2 to the rear of 4 Waddell Avenue to Ad Outdoor Signs Limited, subject to the following terms and conditions:**

- 1. Sale of property on an "as is" basis;**
- 2. The purchase price of \$2.60 per square foot for a total area of 3,375 square feet which, subject to the preparation of a survey plan and legal description, results in a purchase price of \$8,775;**
- 3. The survey plan and legal description would be prepared by the Municipality at its expense.**

Councillor Kelly asked if the abutters have been informed that there is a sign going up and, if so, have they expressed any concerns with this. If they have not been approached, he suggested that this should be done. As Mr. Rath was not present, Mr. Meech stated that he would check into this to see if it has been done. If not, he will request that they be contacted.

Councillor Schofield noted about two months ago, Mr. Rath indicated he would be faxing Councillors information on the sale of land prior to the meeting at which it would be

discussed. Councillor Schofield felt this may have been an oversight this time as it did not occur. He asked that Mr. Rath be reminded.

Councillor Hendsbee questioned why there was not a leasing alternative attached to the report.

The report was deferred until Council's concerns could be addressed by Mr. Rath.

**MOVED by Councillors Hendsbee and Kelly that the report be deferred until the questions raised can be answered by Mr. Rath. MOTION PUT AND PASSED.**

**10.3.13 NOVA SCOTIA DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS COST-SHARING - VICTORIA ROAD PAVING, DARTMOUTH**

! A report prepared by George McLellan, Commissioner, Regional Operations, recommending the authorization of Construction Agreement No. HRM-02 for cost sharing by the Nova Scotia Department of Transportation and Public Works on the asphalt paving of Victoria Road from Albro Lake Road to Highway 111 in Dartmouth.

**MOVED by Councilors Schofield and Sarto that Council authorize the Mayor and the Municipal Clerk to sign Construction Agreement No. HRM-02 for cost sharing by the Nova Scotia Department of Transportation and Public Works on the asphalt paving of Victoria Road from Albro Lake Road to Highway 111 in Dartmouth. MOTION PUT AND PASSED.**

**11. MOTIONS**

**11.1 WASTEWATER DISCHARGE BY-LAW - FIRST READING (COUNCILLOR EPSTEIN)**

! A report prepared by George McLellan, Commissioner, Regional Operations, recommending Council give First Reading to By-Law W-100 "Respecting Wastewater Discharge."

**MOVED by Councillors Walker and Stone that First Reading be given to By-Law W-100 "Respecting Wastewater Discharge" and that Second Reading be scheduled for September 3, 1996. MOTION PUT AND PASSED.**

**11.2 RETAIL SHOP CLOSING - FIRST READING (COUNCILLOR SCHOFIELD)**

**MOVED by Councillors Schofield and Ranking that First Reading be given to a by-law which will:**

- (1) amend former City of Halifax Ordinance 121, the Retail Shop Closing Ordinance to gradually phase in extended store hours in the former City of Halifax, specifically, effective on the adoption of the amendments and thereafter, to permit retail stores to remain open on Tuesday evenings and effective January 1, 1997 and thereafter, to permit stores to remain open on Saturday evenings; and,
- (2) effective July 1, 1997 to repeal said Ordinance; further,

that Second Reading be scheduled for September 3, 1996. **MOTION PUT AND PASSED.**

## 12. ADDED ITEMS

### 12.1 FORMER DARTMOUTH CITY HALL - FUTURE USE

- ! A report prepared by George McLellan, Commissioner, Regional Operations, regarding the future use of the Former Dartmouth City Hall, was before Council.

**MOVED by Councillors Greenough and Schofield that Council authorize the Mayor and Municipal Clerk to execute a lease agreement for the former Dartmouth City Hall with the Halifax Regional School Board, on the following terms and conditions:**

- ! a five (5) year term;
- ! rent to cover the operating and maintenance costs of the property, plus recovery of any refurbishing and upgrade costs required by the Board;
- ! provision of twenty-five (25) parking spaces for the Board's use;
- ! retention of appropriate space in the building by the Halifax Regional Municipality to accommodate Councillors serving the Dartmouth area;
- ! agreement on the use of the Council Chambers and immediately adjacent area by both parties.

Councillor Cooper requested information on the loss of revenue for the 25 parking spaces.

Mr. McLellan noted that a preliminary report has been completed on air quality and the results indicate there is a problem. However, these results are preliminary and staff are in the process of evaluating the report and are awaiting specific numbers associated with the findings. When further information is known, Council will be updated. However, Council agreed that negotiations with the School Board can continue until more concrete information is known.

**MOTION PUT AND PASSED.**

## **12.2 MERKEL HOUSE**

- ! An information report prepared by George McLellan, Commissioner of Regional Operations regarding Merkel House, was before Council.

Councillor Epstein reviewed the status of the land exchange proposal noting staff has explored other properties. However, Mr. Rusch, the owner of Merkel House, is not interested in other properties or a cash exchange.

Councillor Epstein noted Mr. Rusch is concerned with the amount of time it is taking to settle this issue and is raising the possibility of demolition. Councillor Epstein stated the proposed use of the Alexandra Centre site is in accordance with the zoning by-law.

Councillor Downey raised concerns expressed by the residents of the Alexandra Centre site with the fact they were told they would have input as to what was going to be built on that site but have not been given that opportunity. He also expressed concern with the cost of restoring Merkel House.

Several Councillors questioned the budgetary impact of the land exchange (including the cost to restore Merkel House), the use of the Alexandra Centre site, the current condition of Merkel House and the validity of its historic aspect.

**MOVED by Councillors Hendsbee and Adams to extend beyond 11:00 p.m.  
MOTION PUT AND PASSED.**

In response to a question from Councillor Kelly, Mr. French stated that they have not had a response from the Royal Bank seeking their interest in helping with the restoration of Merkel House.

**MOVED by Councillors Epstein and Uteck that a public consultation meeting be held as soon as possible for the residents of the Alexandra Centre site with respect to the proposed use of the site.**

Council also requested a staff report on what the full costs of the land exchange would be if it took place as well as potential uses of Merkel House.

Councillor Hendsbee suggested the CEO of the Royal Bank be contacted to determine whether or not they are interested in participating in the efforts to maintain Merkel House. Mayor Fitzgerald agreed to prepare and send this letter.

**MOTION PUT AND PASSED.**

### **12.3 BY-LAW ENFORCEMENT OFFICER**

Councillor Blumenthal requested a staff report determining how long it will take to get special constable status for the by-law enforcement officer.

### **12.4 SCHOOL BUS DRIVERS**

A brief presentation was made by Mr. Ron Stockton and Ms. A. Briggs regarding the former City of Dartmouth school bus drivers' request for a severance package making the following points:

- ! The bus drivers want a fair hearing based on the fact they feel they should be treated like any other employees displaced by amalgamation.
- ! The new positions they have been offered by the private operator consist of a 10-20% decrease in salary, no charter work, 50% cost benefit package, union dues of 1.25% with no maximum and no pay for Christmas or March break.

As it was late in the evening, Council agreed that this item should be deferred to next week to be discussed in more detail.

**MOVED by Councillors Epstein and Kelly that a staff report be prepared regarding the severance package issue for the former City of Dartmouth School Bus Drivers and that this issue be put on next week's agenda for further information. MOTION PUT AND PASSED.**

## **13. NOTICES OF MOTION**

### **13.1 COUNCILLOR HENDSBEE**

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on August 27, 1996, I intend to introduce a motion to accept a petition in accordance to the Nova Scotia Legislature "Private Ways Act" in order to grant permission for Naugle Sand and Gravel to gain access via a right of way easement to a parcel of property along the Provincial Highway Route 207 in the Three Fathom Harbour/Porter's Lake area.

### **13.2 COUNCILLOR ADAMS**

Take Notice that at the regular meeting of the Halifax Regional Council to be held on September 3, 1996, I intend to introduce a motion to amend Ordinance 116, the Taxi and Limousine Ordinance, Section 10 b(4)

## **14. ADJOURNMENT**

**MOVED by Councillors Hendsbee and Greenough that the meeting adjourn at 11:30 p.m. MOTION PUT AND PASSED.**

Jane Nauss  
Acting Municipal Clerk