

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES June 17, 1997

PRESENT:

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

REGRETS:

Councillor Larry Uteck

STAFF MEMBERS:

Mr. Ken Meech, 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.

2. **PROCLAMATIONS**

2.1 **Pride Week**

Mayor Fitzgerald proclaimed June 21 - 29, 1997, as Pride Week.

2.2 **National Aboriginal Day**

Mayor Fitzgerald proclaimed June 21, 1997, as National Aboriginal Day.

2.3 **Senior Citizens' Week**

Mayor Fitzgerald proclaimed June 15 - 21, 1997, as Senior Citizens' Week.

3. **APPROVAL OF MINUTES - May 27, June 3, 1997**

MOVED by Councillor Blumenthal and Deputy Mayor Greenough that the minutes of May 27 & June 3, 1997, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

The Municipal Clerk requested the following items to be added to the agenda:

Requests to address Halifax Regional Council with respect to Item 9.5.8 - Source Separated Composting Facility:

Dale Dunlop
Betty Stacey for Doug Campbell
Paul Taylor
Rev. Darryl Gray

- 13.1 Appointment of Councillor Howard Epstein to Halifax-Dartmouth Bridge Commission

The Municipal Clerk requested the following item be deleted from the agenda:

- 11.1.1 Presentation: Proposal, Lake Major Water Treatment - George Armoyan
(request withdrawn)

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

5. **BUSINESS ARISING OUT OF THE MINUTES - None**

6. **MOTIONS OF RECONSIDERATION - None**

7. **MOTIONS OF RESCISSION - None**

8. **CONSIDERATION OF DEFERRED BUSINESS - None**

8.1 **Infrastructure Program - Bedford Waterfront Development (deferred from May 27/97)**

- An Information Report regarding this matter was circulated to Council on May 27, 1997. At that time, the issue was deferred pending a response from the Province on the final infrastructure program priorities list, and that a follow-up be made with the Minister of Housing and Municipal Affairs and the MPs and MLAs involved.

MOVED by Councillors Barnet and Hetherington that this item be deferred for two weeks to allow time for a response from the Provincial Government regarding its list of infrastructure projects. MOTION PUT AND PASSED UNANIMOUSLY.

At this point, Mayor Fitzgerald acknowledged the presence in the gallery of Mr. Bill MacDonald, MLA, Sackville-Beaver Bank, and Mr. Jerry Pye, former Dartmouth Alderman.

9. **REPORTS**

9.1 **MEMBERS OF COUNCIL**

9.1.1 **Area Rate/Grants - Councillor Hendsbee**

- A memorandum from Councillor Hendsbee, requesting information on area rates and grants for the 1997/98 budget year, was before Council for consideration.

Councillor Hendsbee asked for clarification from staff regarding terminology with respect to area rates. Mr. Bruce Fisher, Budget Coordinator, agreed to provide the Councillor with this information at the June 18, 1997, Committee of the Whole meeting.

9.1.2 Mainland South Municipal Planning Strategy Review - Councillor Adams

- A memorandum from Councillor Adams, requesting information on the status of the Mainland South Municipal Planning Strategy Review, was before Council for consideration.

MOVED by Councillors Adams and Hetherington that staff be requested to prepare a report regarding the status of the Mainland South Municipal Planning Strategy Review. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.3 Disposal of Surplus Properties - Albro Lake, Dartmouth - Councillor Schofield

- A memorandum from Councillor Schofield was before Council for consideration, expressing concern about the future of the parcel of land on Albro Lake Road being offered for sale by the Federal Government.

Councillor Schofield noted there are three parcels of DND property in Dartmouth adjacent to Lancaster Ridge, each consisting of 10-15 acres, which DND has indicated would be offered to the Municipality. The letter from DND indicates HRM has until July 1, 1997, to indicate an interest in the land. Councillor Schofield stated he is not suggesting HRM should buy the land nor should the Province subsidize it. However, the center parcel of land contains 32 housing units of which the Department of Housing has completed an evaluation. The Councillor suggested Council should request an extension from the Federal Government on offering the center parcel of land only to allow the opportunity for HRM to review the evaluation report.

MOVED by Councillors Schofield and Hetherington that a letter be sent to the Federal Government requesting a 30 day extension on the offer of the center portion of the three DND properties being offered in Dartmouth, and that the Municipality obtain the evaluation report of this property prepared by the Department of Housing and Municipal Affairs.

In response to a question from Councillor Sarto, Mr. Meech advised there will be a report coming to Council in July that will make some recommendations on properties that are surplus and could be sold.

MOTION PUT AND PASSED UNANIMOUSLY.

On another issue, Councillor Schofield expressed concern with the cutting of a Provincial Senior/Student program due to lack of funding, and requested a letter be written to the Minister of Housing and Municipal Affairs asking that this issue be revisited.

9.1.4 Land Sales Account and Burnside Capital Works - Councillor Schofield

- A memorandum from Councillor Schofield, regarding examining capital works projects in Burnside which can now be funded through the Land Sales Account, was before Council for consideration.

Councillor Schofield requested that this item be deferred for one week until Operating Budget deliberations are complete.

MOVED by Councillors Schofield and Hetherington that this item be deferred for one week. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.5 Maritime Tel & Tel Property - Councillor Schofield

- A memorandum from Councillor Schofield, requesting that Council examine developing the Maritime Tel & Tel Property - Woodland Avenue, was before Council for consideration.

Councillor Schofield expressed concern with the current unsightly condition of the Maritime Tel & Tel property located on Woodland Avenue, Dartmouth. He noted this parcel of land is landlocked, and Maritime Tel & Tel may need some help from HRM to market this land. He requested that a letter be sent to Maritime Tel & Tel offering assistance, possibly by offering to sell a piece of HRM land to resolve the landlock situation.

MOVED by Councillors Schofield and Hetherington that a letter be sent to Maritime Tel & Tel regarding its property on Woodland Avenue, Dartmouth, with respect of possibly offering to sell a piece of HRM land to resolve the landlock situation. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 PENINSULA COMMUNITY COUNCIL

9.2.1 Case 7424: 2614/16 and 2618/20 Windsor Street, Halifax

- A report from the Halifax Peninsula Community Council recommending that the plan amendment and rezoning not proceed at this time pending a review, by staff, of the setback requirements, provisions for parking and size of billboards in a C-1 and a C2-A zone in Peninsula North, was before Council for consideration. The minutes of the March 17, 1997, Peninsula Planning Advisory Committee meeting, were also before Council.

Councillor Epstein reviewed the unanimous recommendation arising from the Peninsula Community Council with respect to this issue.

MOVED by Councillors Epstein and Blumenthal that the plan amendment and rezoning not proceed at this time pending a review by staff of the setback requirements, provisions for parking and size of billboards in a C-1 and a C2-A zone in Peninsula North. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 HALIFAX PENINSULA AND CHEBUCTO COMMUNITY COUNCILS AND PENINSULA PAC FOR DISTRICT 12

9.3.1 Case 7404: Child Care Centres in Residential Areas by Development Agreement (set date for public hearing)

- A report from the Halifax Peninsula and CHEBUCTO Community Councils and the Peninsula PAC for District 12, recommending a public hearing date for Case 7404: Child Care Centres in Residential Areas by Development Agreement, was before Council for consideration.

MOVED by Councillors Stone and Epstein that a public hearing be held on July 15, 1997, by Regional Council to consider the recommended amendments to the Municipal Development Plan and Land Use Bylaw for Halifax concerning child care centres as contained in Appendix A of the staff report dated May 22, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

9.4 METROPOLITAN AUTHORITY PENSION PLAN & RETIREMENT COMMITTEE

9.4.1 Pension Plan Amendments - Metropolitan Authority Employees Pension Plan

- A report from the Metropolitan Authority Pension Plan & Retirement Committee recommending approval of an amendment to the Metropolitan Authority Employees Pension Plan, was before Council for consideration. The amendment provides for an ad hoc pension increase effective January 1, 1997, for pensions in the course of payment at December 31, 1996, and provides for a future basis for indexation similar to the current basis but based on the return of the main balanced fund of the Plan rather than a sub-fund for pensioners. The amendment also combines the pensioners sub-fund with the main pension fund to allow for investment of the combined funds.

Councillor Rankin, Chairman, Metropolitan Authority Pension Plan & Retirement Committee, reviewed the proposed amendment for Council noting that it creates no cost to the employee or the employer.

MOVED by Councillors Rankin and Mitchell that Council approve Amendment No. 7 to the Metropolitan Authority Employees' Pension Plan. MOTION PUT AND PASSED UNANIMOUSLY.

9.5 CHIEF ADMINISTRATIVE OFFICER

9.5.1 Tender 97-012 - Hi-Cube Van with Mounted Aerial Lift

Tender 97-013 - Cargo Van with Mounted Aerial Lift

- A staff report prepared for Larry Corrigan, Commissioner of Corporate Services, regarding the award of Tender 97-012 - One 1997 Hi-Cube Van, 14,000 G.V.W. with Mounted Aerial Lift, and Tender 97-013 - Cargo Van with Mounted Aerial Lift, was before Council for consideration.

MOVED by Councillors Schofield and Sarto that Council authorize the award of Tender 97-012 One 1997 Hi-Cube Van, 14,000 G.V.W. with Mounted Aerial Lift to Taylor Lincoln Mercury for a total price of \$73,939.25; and, the award of Tender 97-013 - One 1997 Cargo Van 9600 G.V.W. with Mounted Aerial Lift to Wood Motors Ford for a total price of \$63,591.55. MOTION PUT AND PASSED UNANIMOUSLY.

9.5.2 Tender 97-302 - Chiller Unit, Halifax Police Headquarters

- A staff report prepared for George McLellan, Commissioner of Regional Operations, regarding the award of Tender 97-302 - Chiller Unit, Halifax Police Headquarters, was before Council for consideration.

MOVED by Deputy Mayor Greenough and Councillor Stone that Council authorize the award of Tender 97-302 - Chiller Unit, Halifax Police Headquarters, for one (1) liquid heat transfer chiller unit from Conrad Trane in the amount of \$63,500.00 plus 15 percent HST to total \$73,025.00. MOTION PUT AND PASSED UNANIMOUSLY.

9.5.3 Tender 97-333 - Resurfacing, Various Locations, Central District

- A staff report prepared for George McLellan, Commissioner of Regional Operations, regarding the award of Tender 97-333, Resurfacing, Various Locations, Central District, was before Council for consideration.

MOVED by Councillors Downey and Walker that Council award Tender 97-333, Resurfacing, Various Locations, Central District, to LaFarge Canada Inc., at a Tender Price of \$499,008.00 and a Total Project Cost of \$573,860.00 with funding authorized from Capital Account No. 95470, Resurfacing, Various Locations. MOTION PUT AND PASSED UNANIMOUSLY.

9.5.4 Tender 97-335 - Cracksealing, Various Locations, East District

- A staff report prepared for George McLellan, Commissioner of Regional Operations, regarding the award of Tender 97-335, Cracksealing, Various Locations, East District, was before Council for consideration.

MOVED by Councillor Hetherington and Deputy Mayor Greenough that Council award Tender 97-335, Cracksealing, Various Locations, East District, to Road Savers Maritime Limited, at a Tender Price of \$82,512.50 and a Total Project Cost of \$94,890.00 with funding authorized from Capital Account No. 95445, Cracksealing, Various Locations. MOTION PUT AND PASSED UNANIMOUSLY.

9.5.5 Tender 97-351 - Resurfacing, Sackville Drive, Florence Street to Pinehill Drive, Central District

- A staff report prepared for George McLellan, Commissioner of Regional Operations, regarding the award of Tender 97-351 - Resurfacing, Sackville Drive, Florence Street to Pinehill Drive, Central District, was before Council for consideration.

MOVED by Councillors Schofield and Barnet that Council award Tender 97-351 - Resurfacing, Sackville Drive, Florence Street to Pinehill Drive, Central District, to Dexter Construction Company Limited, at a Tender Price of \$257,220.50 and a Total Project Cost of \$295,804.00 with funding authorized from Capital Account No. 95470, Resurfacing, Various Locations.

In response to a question from Councillor Harvey, Mr. Rick Paynter, Manager, Construction Services, advised the small extension of road which Councillor Harvey had requested to be included has been incorporated into the contract.

MOTION PUT AND PASSED UNANIMOUSLY.

9.5.6 Tender 97-051 - Eleven (11) New 1996 or 1997 4-Door Sedans

- A staff report prepared for Vincent MacDonald, Chief of Police, Commissioner of Police Services, regarding the award of Tender 97-051 - Eleven (11) New 1996 or 1997 4-Door Sedans, was before Council for consideration.

MOVED by Councillor Hetherington and Deputy Mayor Greenough that Council authorize the award of Tender 97-051 - Eleven (11) new 1996 or 1997 4-door sedans, to the lowest bidder, Forbes Chev Olds Cadillac, at a cost of \$276,287.00 plus HST.

As a result of this tender, Councillor Hetherington requested that staff examine the possibility of providing Crime Stoppers with one of the surplus cars at no expense to the Municipality.

MOTION PUT AND PASSED UNANIMOUSLY.

9.5.7 Halifax Regional Water Commission Interim and Permanent Borrowing Guarantee

- A staff report prepared for Larry Corrigan, Commissioner of Corporate Services, regarding the Halifax Regional Water Commission Interim and Permanent Borrowing Guarantee, was before Council for consideration.

MOVED by Councillor Hetherington and Deputy Mayor Greenough that Council approve the resolution attached to the staff report as Appendix A, which authorizes the Mayor and Municipal Clerk to sign the temporary and permanent guarantee on loans of the Halifax Regional Water Commission to finance the Lake Major Treatment Plant Project in an amount not to exceed \$57,000,000.

Responding to a question from Councillor Stone, Councillor Hetherington advised the treatment plant project is 100 percent user pay.

MOTION PUT AND PASSED UNANIMOUSLY.

9.5.8 Source Separated Composting Facility

Council agreed to deal with this item at the end of Section 9.5 Chief Administrative Officer.

- A staff report prepared for George McLellan, Commissioner of Regional Operations reaffirming staff's recommendation of May 20, 1997, regarding the Source Separated Composting Facilities - RFP #96-184, was before Council for consideration. In accordance with Council's instructions, staff carried out a

search for alternative sites and having reviewed these sites, reaffirmed its recommendation of May 20, 1997.

- Letters from Natalie McLeod, Barbara Ross, Kaylah Marie Campbell and Barbara Verge, opposing the selection of Hammonds Plains as the site for the Source Separated Composting facility was circulated to Council.

CONFLICT OF INTEREST

Councillor McInroy declared a Conflict of Interest stating his brother is legal counsel for one of the proponents, and removed himself from the discussion.

Council agreed to hear from members of the public requesting to speak during the Approval of the Order of Business, Additions and Deletions.

Mr. Dale Dunlop

Mr. Dale Dunlop, representing the Maplewood Subdivision Homeowners' Association, spoke against the selection of Hammonds Plains as the site for the Source Separated Composting facility, making the following points:

- The twenty concerns raised in his 40-page letter to the Hon. Wayne Adams, Minister of the Environment, have not yet been addressed.
- He does not believe the proponent has any legal ground to file suit against Council based on the standard clause in all HRM tenders and proposals that reserves the right to reject any or all proposals, not necessarily accept the lowest proposal, and not accept any proposal which it may consider is not in the Municipality's best interest to accept.
- Council needs to take community issues into account.

Mr. Doug Curren

Mr. Doug Curren, resident of Hammonds Plains, spoke against the selection of Hammonds Plains as the site for the Source Separated Composting facility, making the following points:

- Site location should have been taken into consideration as part of the tendering criteria.
- The Hammonds Plains community should be treated with the same respect as the Dartmouth community.
- Homes are located 500 meters from the site.
- Environmental concerns expressed by the Hammonds Plains are not the same for all alternative sites.
- The composting site should be located in an industrial park.

Mr. Bill Ellis

With the use of an overhead depicting the community impacts and the environmental impacts of the compost facility, Mr. Bill Ellis, resident of Maplewood, spoke against the selection of Hammonds Plains as the site for the Source Separated Composting facility.

Some of these community impacts included the following: heavy truck traffic, quality of life effects and property values. The environmental impacts include site runoff, ground water, air quality and bird and rodent pests.

Ms. Pam Streeter

Ms. Pam Streeter, resident of Maplewood, reviewed the history of crises faced by the community of Hammonds Plains including overcrowding at schools, the quarry issue, taxes, education and the composting issue.

Mr. Paul Taylor

Mr. Paul Taylor, New Era Farms, spoke in support of the Hammonds Plains site, making the following points:

- Of the eleven proposals received, New Era Farms was rated number one, and they have successfully operated more of these facilities than any other company in North America.
- Staff and some Councillors have visited New Ear Farms facilities and as a result are supporting the proposal. However, Hammonds Plains residents have not visited any of their sites even though Mr. Taylor has offered to pay their expenses.
- New Era Farms has obtained a development permit issued by HRM signifying they are in full and complete compliance with all zoning by-laws.
- Local septic systems are much more likely to affect water quality than the composting facility which would be monitored daily.
- With respect to property values, the new residential development at Glen Arbor was completely oversubscribed this spring which indicates the market in Hammonds Plains remains more than healthy.
- New Era Farms will never seek an amendment for more than the 45,000 tonnes of capacity.

In closing, Mr. Taylor requested Council to approve the contract, contingent upon Department of Environment approval, as was done for Miller Composting in Dartmouth.

Rev. Darryl Gray

Rev. Darryl Gray spoke against the selection of Hammonds Plains as the site for the Source Separated Composting facility making the following points:

- The community issues are relevant and have not been taken into consideration.

- Concerns were raised by staff regarding outdoor facilities due to the unknown.
- The Hammonds Plains community believes the facility belongs in an industrial park.
- The residents saw no point in visiting a site that they believed did not represent the proposed site.

In closing, he requested that Council look at alternatives and correct this issue this evening.

RECESS

A 20 minute recess was taken at 7:55 p.m. The meeting reconvened at 8:15 p.m.

Councillor Rankin reviewed the steps and background of the strategy for the landfill to be free of organics, stating he no longer supports the staff recommendation of the Hammonds Plains site, nor will he support the alternative of 40,000 tonnes in one location. Councillor Rankin stated the tendering procedure was taken from the strategy which meant community considerations would not be involved due to the time frame. It would be left to the Department of Environment to solve the difficulties. However, Council introduced a public process and this signalled to the community that its considerations would be examined. Councillor Rankin disagreed with this procedure, as it did not follow the rules given to the bidders in the tendering process. For this reason, he could no longer support the recommendation.

MOVED by Councillors Rankin and Schofield that the Hammonds Plains site be removed from further consideration and that staff proceed with Site A as the alternative location and in conjunction with New Era Farms submit an application to the Department of Environment for a permit and negotiate a contract.

Commissioner McLellan noted no evaluation work has been completed on Site A, noting there will be additional costs for the access road and this will need to be factored in the bid. He also noted Council will hear from the community adjacent to this site as the case with Hammonds Plains. Commissioner McLellan noted the entire prospects for this site may be put in jeopardy by including the composting site.

Councillor Mitchell spoke against the motion as both the landfill and composting facility would be located in District 23.

Councillor Cooper expressed concern with the opportunity for public process not being extended to other communities being considered as a possible site. He also stated costs have to be considered.

MOVED by Councillors Cooper and Hendsbee that the motion be amended to

ensure that other communities will have the opportunity to come before Council to state their case on any other site other than Hammonds Plains, and, in addition to the Department of Environment, that costs be a consideration.

Councillor Harvey stated answers to the environmental questions will not be obtained until the Department of Environment is given the opportunity to rule.

Deputy Mayor Greenough proposed another amendment if Site A fails in negotiations, that staff be further instructed to negotiate with the proponent and/or Miller Composting for the construction of an in-vessel composting facility, similar to that approved for Dartmouth, to be constructed on an appropriate site within the Ragged Lake Industrial Park, and report back to Council. Mayor Fitzgerald ruled this amendment out of order.

Commissioner McLellan requested that staff be given consideration to look at other alternative sites in which New Era Farms could be involved, rather than limiting it to Site A.

The vote was taken on the amendment. **MOTION PUT AND PASSED.**

On the agreement of the Mover and Seconder, the motion was amended to include Site A, or other sites, as negotiated with staff.

The Main Motion, as amended, now reads as follows:

MOVED by Councillors Rankin and Schofield that the Hammonds Plains site be removed from further discussion and that staff proceed with Site A, or other sites as negotiated by staff, as the alternative location, and, in conjunction with New Era Farms submit an application to the Department of Environment for a permit and negotiate a contract. Further, to ensure that other communities will have the opportunity to come before Council to state their case on any other site, other than Hammonds Plains, and, in addition to the Department of Environment, that costs be a consideration. MOTION PUT AND PASSED.

Councillor McInroy resumed his place at the meeting.

9.5.9 Establishment of Animal Registration Committee

- A staff report prepared for Larry Corrigan, Commissioner of Corporate Services, recommending the establishment of an Animal Registration Committee, was before Council for consideration.

MOVED by Councillors Sarto and Hendsbee that:

- 1) an Ad Hoc Animal Registration Committee be created whose mandate is to recommend to Council a registration process and By-law for animals kept as pets;
- 2) that the Committee be comprised of a member from Treasury staff, a member from Legal Services staff, chairperson from the Cat Committee, a representative from each of the Provincial SPCA, Taking Action to Protect Animals (TAPA), NS Veterinarian Association, Pet Industry Joint Advisory Council (PIJAC);
- 3) That a member of Council be selected as Chairman.

MOTION PUT AND PASSED UNANIMOUSLY.

9.5.10 First Reading - Amendments to Former City of Halifax Ordinance 173 and Former Dartmouth By-law S-1401

- A staff report prepared for George McLellan, Commissioner of Regional Operations, recommending amendments to Former City of Halifax Ordinance 173 and Former Dartmouth By-law S-1401, was before Council for consideration. Notices of Motion were given by Councillor Downey on May 27, 1997.

MOVED by Councillors Downey and Mitchell that Council approve First Reading of amendments to Section 6(2)(a) of former City of Halifax Ordinance Number 173, Respecting Granville Mall, to read: "For Class A licenses, \$2.50 per square foot of occupied space per season." MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Downey and Mitchell that Council approve First Reading of amendments to Section 23A(4) of former City of Dartmouth By-law S-1401, Respecting Streets, to read: "The fee for a permit pursuant to Subsection (1) shall be a rental charge of \$0.75 per square foot of space occupied per season." MOTION PUT AND PASSED UNANIMOUSLY.

9.5.11 Case 7504: Request for an Amendment to the Halifax Municipal Development Plan

- A staff report prepared for Dan English, Commissioner of Community Services, regarding Case 7504: Request for an Amendment to the Halifax Municipal Development Plan, was before Council for consideration.

MOVED by Councillors Hanson and Hetherington that:

1. **Staff be instructed to initiate the process to amend the Halifax Municipal Development Plan to enable a development agreement to permit a residential care and retirement facility in the Melville Ridge Senior Citizens retirement community.**
2. **Public participation be undertaken in accordance with the Public Participation Resolution adopted by Halifax Regional Council on February 25, 1997.**

Councillor Hanson stressed the importance of public participation.

MOTION PUT AND PASSED UNANIMOUSLY.

9.5.12 1260 Blenheim Terrace, Halifax: Application to Amend an Existing Heritage Agreement

- A staff report prepared for Dan English, Commissioner of Community Services, regarding an application to amend an existing heritage agreement for 1260 Blenheim Terrace, was before Council for consideration.

MOVED by Councillors Downey (on behalf of Councillor Uteck) and Mitchell that Council:

1. **Amend the existing Heritage Agreement to allow for the re-subdivision of the registered heritage property located at 1260 Blenheim Terrace into seven single family lots in accordance with the Plan of Subdivision, shown as Case 7463 as Plan P200-21128 (see Attachment #2 of the staff report dated June 9, 1997); and,**
2. **Enter into the revised Heritage Agreement within 120 days (see Attachment #3 of the staff report), or any extension thereof granted by Council on the request of the applicant, from the date of approval by Halifax Regional Council and any other bodies as necessary whichever approval is later, including any applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Epstein spoke against the motion stating the request by the new owner for an additional two lots would result in a total of six new homes surrounding the heritage designated Sir Sandford Fleming Lodge, which he believed would be overcrowding.

Councillor Cooper also spoke against the motion expressing concerns with the lack of protection for the registered property. Mr. Dan Norris, Coordinator, Heritage Policy, advised when the development agreement was approved last year, it made allowance for the land consisting of the proposed two lots not to be part of the registration. Therefore, it was seen there would be a further application coming forward for the subdivision of this land.

Councillor Harvey noted the owner's willingness to waive the right of demolition is still included in the agreement.

MOTION PUT AND PASSED.

9.5.13 Agreement to Provide Student Transportation to Halifax Regional School Board for the 1997/98 School Year

A staff report prepared for George McLellan, Commissioner of Regional Operations, regarding an agreement to provide student transportation to Halifax Regional School Board for the 1997/98 School Year, was before Council for consideration.

MOVED by Councillors Cunningham and Stone that Council authorize the Mayor and Municipal Clerk to execute an Agreement concerning the transportation of students for the Halifax Regional School Board.

Councillor Schofield expressed concern with the transportation for students in Dartmouth, and stated he would bring this up at another date.

MOTION PUT AND PASSED UNANIMOUSLY.

9.5.14 MPS Amendment for Musquodoboit Valley - Dutch Settlement Area and Subdivision By-law for Former Halifax County Municipality

- A staff report prepared for Dan English, Commissioner of Community Services, regarding a request from Councillor Dooks to amend the MPS for Musquodoboit Valley - Dutch Settlement Area and the Subdivision By-law for the Former Halifax County Municipality to permit an increase in the number of lots that can be created without road frontage within the Plan Area, was before Council for consideration. Staff was recommending that Council not proceed with the requested amendments.

Councillor Dooks spoke against staff's recommendation and requested Council's support for Alternative #2.

MOVED by Councillor Dooks and Schofield that Council proceed with the public participation process for the requested amendments, in which case staff would begin to look at alternative ways to accomplish the intent of the motion.

In response to a question from Councillor Stone, Mr. Kurt Pyle, Planner, Planning Services, Eastern Region, advised lots can currently be created without road frontage in the former Halifax County with either an easement or a driveway. Mr. Pyle explained this is usually done to provide housing for a family member or for a woodlot, and Councillor Dooks' request is for an expansion of this provision to allow for two lots without road frontage. However, staff is not recommending this as it could potentially allow for increased sub-division off driveways with which the Department of Transportation has concerns. Councillor Dooks noted the lots are not small and this amendment will not create overcrowding in the community.

Councillor Cooper expressed concern with private roads and driveways and the possibility of HRM being pressured to assume responsibility of them, and he asked Council to take this into consideration when voting on this issue.

Councillor Cunningham spoke in support of the motion and suggested the Planning Department should attempt to standardize planning policies for the entire of HRM and asked if this would be dealt with in the near future. Mr. Meech replied staff will come back with a report as to when they see this taking place. Councillor Cunningham further stated rationalization of by-laws across the Municipality is something Council will need to address in the very near future.

MOTION PUT AND PASSED.

9.5.15 Amendments to the Defined Benefit Pension Plans Sponsored by HRM and Voluntary Early Retirement Incentive Program

- A staff report prepared for Larry Corrigan, Commissioner of Corporate Services, regarding amendments to the Defined benefit Pension Plan sponsored by HRM and Voluntary Early Retirement Program, was before Council for consideration.

MOVED by Councillors Hetherington and Sarto that Council approve an amendment to the City of Halifax Superannuation Plan, The City of Dartmouth Employees' Retirement Pension Plan, and The Halifax County Municipality Full-time Retirement Pension Plan to provide for early retirement with no reduction when a member's age (minimum age 50) plus continuous service equals 80 or more points (Rule of 80, minimum age 50). The Metropolitan Authority plan already contains a Rule of 80; further, that Council approve the Early Retirement

program as outlined in Appendix A of the staff report. **MOTION PUT AND PASSED UNANIMOUSLY.**

10. PUBLIC HEARINGS

10.1 Proposal for a Senior's Housing Complex and Cultural Centre: St. Andrews Centre Site - Halifax

- A report from the Halifax Peninsula Community Council regarding a proposal for a Senior's Housing Complex and Cultural Centre: St. Andrews Centre Site, Halifax, was before Council on May 20, 1997, and was now before Council for a public hearing.

With the use of an overhead, Ms. Shelly Dickey, Planner, reviewed the development agreement for Council.

Mayor Fitzgerald called for speakers from the public wishing to speak on this issue.

Mr. Peter Whalen, spoke in favour of the proposal.

Mayor Fitzgerald called three times for additional speakers. No one came forward.

MOVED by Councillors Hetherington and Blumenthal that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Blumenthal and Sarto that the amendments to the Municipal Planning Strategy and Land Use Bylaw for Halifax, as outlined in the memorandum from Shelly Dickey, Planner, entitled "Case 7479: St. Andrews Centre Site - Halifax - Legal Resolution," be approved. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Second Reading of By-Law P-301 to Amend By-law P-300 (Dartmouth Employees' Retirement Pension Plan - Police & Fire Bargaining Units)

- First Reading of By-Law P-301 to Amend By-law P-300 (Dartmouth Employees' Retirement Pension Plan - Police & Fire Bargaining Units) was approved on June 3, 1997. The By-law was now before Council for Second Reading.

Mayor Fitzgerald called three times for members of the public wishing to speak. No one came forward.

MOVED by Councillors Hetherington and Sarto that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Deputy Mayor Greenough and Councillor Hetherington that **Second Reading** be approved for **By-Law P-301 to Amend By-law P-300 (Dartmouth Employees' Retirement Pension Plan - Police & Fire Bargaining Units)**. **MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Deputy Mayor Greenough and Councillor Snow that **Third Reading** be approved for **By-Law P-301 to Amend By-law P-300 (Dartmouth Employees' Retirement Pension Plan - Police & Fire Bargaining Units)**. **MOTION PUT AND PASSED UNANIMOUSLY.**

11. CORRESPONDENCE, PETITIONS AND DELEGATIONS

11.1 Presentations

11.1.1 Proposal, Lake Major Water Treatment - George Armoyan

This item was deleted from the agenda as the request to address Council was withdrawn.

11.1.2 Carlisle Drive Sanitary Sewage Problem - Annette Kehoe

- Letters from Ms. Annette Kehoe and Ms. Michele Bernard, McInnes Cooper & Robertson, regarding sanitary sewage problems on Carlisle Drive, were before Council for consideration.

Ms. Annette Kehoe, resident, reiterated her concerns expressed to Council ten months ago, regarding the sanitary sewer problems experienced for years by the residents of Carlisle Drive. Ms. Kehoe stressed the mental and monetary difficulties the residents have suffered due to this on-going problem. Ms. Kehoe requested that the Municipal Solicitor be requested to reject the adjuster's decision for compensation to the residents of Carlisle Drive for their losses, as they believe it was not fair or reasonable.

MOVED by Councillors McInroy and Hetherington that **this issue be referred to staff for reconsideration.**

Councillor McInroy, as representative of the area, agreed with Ms. Kehoe that the basis on which the decision was made was weak. Councillor Hetherington suggested the Municipality should pursue the engineers involved in the problems in Cole Harbour with respect to insurance claims rather than pass the cost on to the taxpayers.

Councillor Cooper spoke in support of the motion stating solutions applied in this particular situation should be applied to all areas of Cole Harbour that are experiencing similar difficulties.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.3 Street Connection - Commercial-Exempt Status - Sandra Pattison, Bread of Life Ministries

- A letter from Street Connection, Bread of Life Ministries, requesting commercial exempt status, was before Council for consideration.

Capt. Andrew J. Rae representing Street Connection, spoke on behalf of Mr. Robert Pattison, Founder, who was unable to be present. Capt. Rae requested that Council give consideration to a request for commercial exempt status for the garage built on the personal property of Rob and Sandra Pattison used for food storage and to prepare the Street Connection bus for service in winter, and that this be retroactive to the commencement of the 1996 taxation year.

MOVED by Councillor Hetherington and Deputy Mayor Greenough that this request be referred to the Grants Committee. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.4 Expropriation (Highway 103) - Wade White

- Copies of an extract from Chapter 55 of the Expropriation Act were circulated to Council.

Mr. Wade White reviewed the history of the expropriation of the property and provided an update on meetings held with the Solid Waste Resource Advisory Committee and other related correspondence with the Provincial Government. Mr. Wade was asking Council for direction and suggestions that would assist in the process to help address and resolve the outstanding issue of the expropriation. Mr. Wade asked that Council consider the following:

- 1) HRM has the right to the compensation set aside for the expropriation.
- 2) HRM has the land in its possession.
- 3) The corporate body, Halifax Regional Water Commission, the land, future interests and developments, and the compensation funds all relate to the HRM.

Mr. Wade noted Site A, as referred to in the motion under Item 9.5.8 Source Separated Composting Facility, is included in this parcel of land.

MOVED by Councillors Hetherington and Blumenthal that this issue be referred to the Municipal Solicitor for a report.

Councillor Hendsbee stated this matter has been left unresolved for many years and fair and equitable compensation should be paid.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Petitions

11.2.1 Councillor Epstein

Councillor Epstein submitted a petition from approximately 300 residents objecting to the proposed destruction of the houses at 5845, 5847, 5849, 5851 West Street, Halifax.

11.2.2 Councillor Walker

Councillor Walker submitted a petition from 50 residents protesting the proposed cutbacks to both police and fire protection.

11.2.3 Councillor Cunningham

Councillor Cunningham submitted two petitions. The first petition was from over 1700 residents protesting the proposed cut of the Dartmouth Heritage Museum from the 1997-98 Operating Budget and future fiscal years. Councillor Cunningham read a letter of support for the museum from the Hon. Jim Smith.

The second petition was from over 5,000 residents protesting the proposed closure of the Woodlawn Library. Councillor Mitchell requested that the Library Board be permitted to keep the petition as it contains valuable name and address information.

11.2.4 Deputy Mayor Greenough

Deputy Mayor Greenough submitted a second and third petition containing 644 and 470 signatures, respectively, protesting the proposed closure of the Crichton Avenue Community Centre.

11.2.5 Councillor Harvey

Councillor Harvey submitted a petition from 9 residents requesting that a ditch be dug behind the properties on Riverside Drive, Lr. Sackville, to drain water that causes flooding to the properties.

12. MOTIONS

12.1 Councillor Epstein

- Correspondence expressing concern regarding the intentions of O'Regans GM dealership to tear down four occupied houses on West Street, Halifax, in order to build and operate a car body shop, received from Bob O'Neill, Alisa Snyder, Doug Taylor, Noreen Battaglia, David Redwood, Kristen McAllister, P. E. Cameron, Linda Weeks, Thomas Creighton, John Blair, was before Council for consideration.
- Correspondence in support of the rezoning from Kevin MacPherson, Ken Martin, Michael Aucoin and Michael Crowe, was before Council for consideration.
- Correspondence from Paul O'Regan, President, O'Regan Chevrolet Oldsmobile Ltd., regarding their plans to remove four houses along West Street, Halifax, was before Council for consideration.

Councillor Epstein requested that both his motions be amended to add the following "initiate a process" and that the second motion be amended to also add the words "and in sub-areas 5 and 6 of the Peninsula North area" after District 12. Council agreed to these amendments.

MOVED by Councillors Epstein and Walker that Council initiate a process to rezone from C-2 to R-2, all of the area on the North side of West Street, and consisting of lots known as civic numbers 5835 through 5853 West Street.

Councillor Hetherington expressed concern with rezoning a property when the owner has not requested it.

Councillor Downey stated he does not support down zoning of any property. With respect to this particular issue, Councillor Downey voted against it in 1989 and stated he would not support it now. He did not agree with a Councillor proposing rezoning in another Councillor's District.

In response to a question from Councillor Cunningham, Mr. Anstey advised Council has the right to rezone property as long as it is consistent with the MPS in place. There have been instances when moves have been made to change the zoning in the face of a pending application in which there have been serious financial consequences to the Municipality.

MOVED by Deputy Mayor Greenough and Councillor Cunningham that the meeting continue past 10:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Deputy Mayor Greenough, Councillors Stone, Schofield and Sarto spoke against the motion. Although Councillor Blumenthal believed the motion was wrong, he stated the heart of the Councillor was looking after the residents of the area. He suggested the owner should meet with the residents to try to find a way to fit the body shop in with the neighbourhood background.

Councillor Epstein stated these buildings have not been paying commercial taxes and have always been used as residential buildings, and this motion will keep this solid residential neighbourhood from being eroded. Councillor Epstein stated this motion will just begin the process and the matter will come back for a public hearing.

MOTION DEFEATED.

MOVED by Councillors Epstein and Walker that Council initiate a process to exclude from the list of allowable uses for land in the C-2 zone, in District 12 and in sub-areas 5 and 6 of the Peninsula North area, auto body repair shops, and/or to restrict the operation of such shops by size, area, level of noise and/or dust, or in any other reasonable way so as to minimize or eliminate nuisances to nearby residential areas. MOTION DEFEATED.

13. ADDED ITEMS

13.1 Appointment of Councillor Epstein to the Halifax-Dartmouth Bridge Commission

MOVED by Councillor Hetherington and Deputy Mayor Greenough that Councillor Epstein be appointed to the Halifax-Dartmouth Bridge Commission for a term to expire April 2, 1999, replacing Councillor Jerry Blumenthal who resigned on May 22, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

14. NOTICES OF MOTION

14.1 Councillor Hetherington

Take notice that at the next meeting of the Halifax Regional Council to be held on July 8, 1997, I intend to introduce the following motion:

“That the Council for the Halifax Regional Municipality give First Reading to Proposed By-law F-200: A By-law Respecting permit fees for land developments within Halifax Regional Municipality (to include By-Law B-200, which repeals sections of building by-laws of all four former units.)”

14.2 Deputy Mayor Greenough

Take notice that at the July 15, 1997, meeting of the Halifax Regional Council, I intend to introduce a motion to give first reading to Amend B-Law P-408 "City of Dartmouth Employees' Retirement Pension Plan." The purpose of this amendment is to allow certain "Plan B Members" to elect optional Early Retirement when the member attains a minimum age of 50 and the member's age plus continuous service equals or exceeds 80.

15. ADJOURNMENT

MOVED by Councillors Hetherington and Blumenthal that the meeting adjourn at 10:25 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
MUNICIPAL CLERK