

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL COUNCIL MINUTES October 21, 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  
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. Vi Carmichael, Municipal Clerk  
Ms. Patti Halliday, Assistant Municipal Clerk

TABLE OF CONTENTS

1.	INVOCATION .....	5
2.	PROCLAMATIONS .....	5
2.1	Insurance Information Week 1997 .....	5
2.2	Technicians and Technologists Week .....	5
3.	APPROVAL OF MINUTES - October 7, 1997 .....	5
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS .....	5
5.	BUSINESS ARISING OUT OF THE MINUTES .....	5
6.	MOTIONS OF RECONSIDERATION - NONE .....	5
7.	MOTIONS OF RESCISSION - NONE .....	6
8.	CONSIDERATION OF DEFERRED BUSINESS .....	6
8.1	Case 7156 - Canada Land Company Limited .....	6
9.	REPORTS .....	6
9.1	MEMBERS OF COUNCIL .....	6
9.1.1	Closed Captioning of Televised Council Meetings - Councillor Blumenthal .....	7
9.1.2	Tenders vs Proposals - Councillor Dooks .....	7
9.1.3	Internal Smoking Policies for Staff - Councillor Harvey ....	7
9.2	GRANT COMMITTEE .....	7
9.2.1	Grant Committee Report #3 - Tax Exemptions for Non-Profits Recommendations and Grant Recommendations .....	7
i)	First Reading By-Law T-201 Respecting Tax Exemptions Motion - Councillor Hendsbee - Move First Reading .....	8
ii)	First Reading By-Law T-300 Respecting Tax Deferrals Motion - Councillor Hendsbee - Move First Reading .....	8
iii)	Administrative Order Number Ten Respecting Partial Exemption for Residential Taxation Motion - Councillor Hendsbee .....	9
9.3	REGIONAL HERITAGE ADVISORY COMMITTEE .....	9
9.3.1	Ford Centre: 1580 Barrington Street: Application for Signage on a Registered Heritage Property .....	9
9.4	CHIEF ADMINISTRATIVE OFFICER .....	10

9.4.1	Tender 97-074 - Five (5) 1998 Model 3/4 Ton Passenger Vans for the Halifax Regional Police Service .....	10
9.4.2	Tender 97-260 - Mailman Subdivision Sewers, Bedford ...	10
9.4.3	Tender 97-230 - Esdaile Avenue Paving Renewal and Pleasant Street Sidewalk Renewal .....	11
9.4.4	Tender 97-259 - Dorothea Drive Street Reconstruction ...	11
9.4.5	Tender 97-203 - Traffic Signals, Wright Avenue at Ilsley Avenue .....	11
9.4.6	Tender 97-366 - New Paving - East, West and Central Districts .....	12
9.4.7	Tender 97-270 - Gloria McCluskey Avenue, Burnside ....	13
9.4.8	Information Memo from Commissioner of Community Services re: School Board Facility Rentals .....	15
9.4.9	Housing for Tomorrow - New Directions for Social Housing (NSDHMA) .....	15
9.4.10	Revised Structure for Smoking By-Law Work Group .....	16
9.4.11	Final Report - Source Control Implementation Strategy ..	17
9.4.12	Halifax Regional Water Commission - Payment in Lieu of Taxes .....	18
9.4.13	Area Service Loan, Beaver Bank Fire Apparatus .....	18
9.4.14	Sackville Heritage Park Lease Agreement .....	18
9.4.15	Possible Acquisition - Lands of Mary Thibeault (Lot T) ...	19
9.4.16	Request to Amend MPS for Eastern Passage/Cow Bay - Development of a Beverage Room at the Sandpiper Centre in Eastern Passage .....	19
10.	PUBLIC HEARINGS - NONE .....	19
11.	CORRESPONDENCE, PETITIONS AND DELEGATIONS .....	19
11.1	Correspondence .....	19
11.1.1	Letter from Jack Layton, Co-Chair, White Ribbon Campaign, re: 1997 Campaign .....	20
11.2	Presentations .....	20
11.2.1	Noise and Environmental Pollution - Karen McIntyre .....	20
11.2.2	Regional Trails System for Halifax Regional Municipality - Greg Brown, General Manager (oral) .....	20
12.	MOTIONS - NONE .....	21
13.	ADDED ITEMS .....	21
13.1	Request to address Halifax Regional Council - David Fountain, President, Neptune Theatre Foundation regarding Sign Approval for the Ford Centre (Item 9.3.1) .....	22
13.2	Councillor Mitchell - Hubbard's Fish Plant .....	22

13.3	Mayor Fitzgerald - Smoking By-Law Grace Period .....	22
13.4	Councillor Barnet - Notice to Hold Public Hearing re: Street Closure (Stokil Drive) .....	22
14.	NOTICES OF MOTION .....	23
14.1	Councillor Harvey - Amendment to By-Law S-200 Respecting Smoking .....	23
15.	ADJOURNMENT .....	23

1. **INVOCATION**

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

2. **PROCLAMATIONS**

2.1 **Insurance Information Week 1997**

Mayor Fitzgerald proclaimed the week of October 20-25, 1997, Insurance Information Week 1997.

2.2 **Technicians and Technologists Week**

Mayor Fitzgerald proclaimed the week of October 19-26, 1997, Technicians and Technologists Week. A framed picture was presented to Mayor Fitzgerald from the Technician and Technologist Society of Nova Scotia in appreciation of recognition.

3. **APPROVAL OF MINUTES - October 7, 1997**

**MOVED by Councillor Blumenthal and Deputy Mayor Greenough that the minutes of October 7, 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 be added to the agenda:

- 13.1 Request to address Halifax Regional Council - David Fountain, President, Neptune Theatre Foundation regarding Sign Approval for the Ford Centre (Item 9.3.1)
- 13.2 Councillor Mitchell - Hubbard's Fish Plant
- 13.3 Mayor Fitzgerald - Smoking By-Law Grace Period
- 13.4 Councillor Barnet - Notice to Hold Public Hearing re: Street Closure (Stokil Drive)

As requested by Councillor Dooks, the following item was deleted from the agenda:

- 9.1.2 Tenders vs Proposals - Councillor Dooks

**MOVED by Councillors Hetherington and Schofield that the Order of Business 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

8.1 Case 7156 - Canada Land Company Limited

- This matter was previously discussed on October 14, 1997, at which time a motion was passed to defer a decision for one week.
- A supplementary report prepared for Dan English, Commissioner of Community Services, recommending that the plan and by-law amendments recommended by the Peninsula Planning Advisory Committee and Halifax Peninsula Community Council, presented as Attachment I of the August 27, 1997, staff report, be approved, was circulated to Council for consideration.

Mr. Paul Morgan presented the supplementary report.

Councillor Uteck stated this has been a very open and thorough process involving both residents and businesses in the area. The Councillor stated the zoning of these properties is more than generous, and staff has addressed the concerns raised previously.

**MOVED by Councillors Uteck and Blumenthal that the plan and by-law amendments recommended by the Peninsula Planning Advisory Committee and Halifax Peninsula Community Council, presented as Attachment I of the August 27, 1997 staff report, be approved.**

Councillor Adams stated he could not support down zoning as would be case with in the Ace Towing property. Councillor Downey also spoke against down zoning.

Councillor Sarto inquired if the possibility of a land swap between HRM and Ace Towing had been explored. Mr. Morgan replied efforts were made by the former City of Halifax to have Ace Towing relocate, but the owner did not wish to do so.

In response to a question from Councillor Uteck, Mr. Anstey stated he did not recall a time frame being placed on negotiations by the former City of Halifax. Currently, there are not any active negotiations occurring. Councillor Uteck noted this can be reinitiated at any time.

**MOTION PUT AND PASSED.**

*At this point in the meeting, Mayor Fitzgerald acknowledged the presence in the gallery of Councillor Atwater from Kings County.*

**9. REPORTS**

**9.1 MEMBERS OF COUNCIL**

**9.1.1 Closed Captioning of Televised Council Meetings - Councillor Blumenthal**

- A memorandum from Councillor Blumenthal regarding the above was before Council for consideration.

On behalf of the Committee for Persons with Disabilities, Councillor Blumenthal requested a staff report regarding the possibility of using signing for the hearing impaired, rather than closed captioning as originally requested, during televised Council meetings.

On another related matter, the Councillor also requested a report regarding accessibility signage in the Bayers Lake Industrial Park, particularly in the area where the craft shops are located. Council agreed to the request.

**9.1.2 Tenders vs Proposals - Councillor Dooks**

- A memorandum from Councillor Bill Dooks regarding the above item was before Council for consideration.

Earlier in the meeting, Councillor Dooks requested that this item be deleted from the agenda.

**9.1.3 Internal Smoking Policies for Staff - Councillor Harvey**

- A memorandum from Councillor Harvey regarding the above item was before Council for consideration.

Councillor Harvey requested a staff report on the status of amalgamating polices to create a smoke free work environment for Halifax Regional Municipality. Council agreed to the request.

**9.2 GRANT COMMITTEE**

**9.2.1 Grant Committee Report #3 - Tax Exemptions for Non-Profits Recommendations and Grant Recommendations**

- A report from the Grant Committee regarding Tax Exemptions for Non Profits By-Law T-201 Respecting Tax Exemptions for Non Profit Organizations, was before Council for consideration.

**MOVED by Councillors Hendsbee and Walker that Council approve the following grant recommendations:**

- a) Coverdale Court Work Services - \$4,000
- b) Parade of Lights, Downtown Business Improvement Commission - \$2,500

**MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillors Hendsbee and Sarto that Council approve the appointment of the Metro United Way representative, Peter Mortimer, Director of Agency and Community Services, and, alternative representative, Joanne Linzey, CEO. MOTION PUT AND PASSED UNANIMOUSLY.**

**(i) First Reading By-Law T-201 Respecting Tax Exemptions  
Motion - Councillor Hendsbee - Move First Reading**

With respect to By-Law T-201 Respecting Tax Exemptions, Councillor Hendsbee noted the following omissions:

- 1) Bedford Yacht Club - Recommendation that it be taxed at the commercial rate and the change from residential to commercial be phased in over a four year period
- 2) Cole Harbour Heritage Farm - Recommendation that it be given a 100 percent tax exemption
- 3) Fultz House - Recommendation that it be given a 100 percent tax exemption

It was agreed these amendments will be made for Second Reading.

Councillor Hendsbee asked members of Council to make contact with staff of the Grant Committee if there are other properties that should be added to the tax exemption list.

**MOVED by Councillors Hendsbee and Blumenthal that First Reading be given to By-Law T-201 Respecting Tax Exemptions. MOTION PUT AND PASSED.**

- By-Law T-300 Respecting Tax Deferrals was before Council for First Reading.

**(ii) First Reading By-Law T-300 Respecting Tax Deferrals  
Motion - Councillor Hendsbee - Move First Reading**

- At the August 19, 1997 meeting of Regional Council, First Reading of By-Law T-300 Respecting Tax Deferrals was deferred until such time as the new by-law comes forward. A staff report prepared for Valerie Spencer, Commissioner, Priority and Policy Group, recommending approval of First Reading of By-Law T-300 Respecting Tax Deferrals, was now before Council for consideration.

Councillor Hendsbee noted some errors in the By-Law. In Section 3 - Deferral and Section 4 - Limited Time Deferral, of By-Law T-300, the phrase "of the pay out of fifty percent of the taxes rated by the Municipality" should read "the pay out of the taxes".

**MOVED** by Councillors Hendsbee and Sarto that First Reading be given to By-Law T-300 Respecting Tax Deferrals. **MOTION PUT AND PASSED UNANIMOUSLY.**

**(iii) Administrative Order Number Ten Respecting Partial Exemption for Residential Taxation  
Motion - Councillor Hendsbee**

- At the August 19, 1997 meeting of Regional Council, this item was deferred until such time as the new by-law comes forward. A staff report prepared for Valerie Spencer, Commissioner, Priority and Policy Group, recommending approval of Administrative Order Number Ten respecting Partial Tax Exemption, was now before Council for consideration.

In Section 3 of the Administrative Order, Councillor Hendsbee noted the income amount should read \$26,000 and not \$20,000 as stated in the report. Also, information stating the tax exemption cannot allow the tax bill to be lowered below a \$200 threshold needs to be added.

**MOVED by Councillors Hendsbee and Sarto that this be deferred for one week to allow amendments to be made. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.3 REGIONAL HERITAGE ADVISORY COMMITTEE**

**9.3.1 Ford Centre: 1580 Barrington Street: Application for Signage on a Registered Heritage Property**

- A report from Turney Manzer, Chairman, Regional Heritage Advisory Committee, recommending that Council refuse the proposal from Neptune Theatre for the Ford Centre Exterior Signage, presented to the HAC on October 15, 1997, was before Council for consideration.
- Correspondence from Ms. Kate Carmichael, Executive Director, requesting that this matter be deferred for one month, was before Council for consideration.

As approved by Council in the Approval of the Order of Business, Mr. David Fountain, President, Neptune Theatre Foundation, made a presentation recommending approval of the proposed Ford Centre signage. In his presentation, Mr. Fountain made the following points:

- Ford Motors of Canada made a \$250,000 contribution to Neptune Theatre
- The nature of the exterior sign must accomplish the following goals: it must carry the Neptune name and logo, it must identify the section of the building, it must acknowledge Ford Motors of Canada, and, it must be noticeable to both motorists and pedestrians.
- The proposed sign meets the expressed guidelines for materials and lighting.
- The logo is no larger than the heritage plaques passed on registered heritage properties.
- There are a number of historic buildings in the same area that carry larger corporate signs.

**MOVED by Councillors Downey and Cunningham that the proposal from Neptune Theatre for the Ford Centre Exterior Signage, presented to the Heritage Advisory Committee on October 15, 1997 be approved.**

Councillor Downey expressed concern with the name "City of Halifax" being removed from the building. The Councillor suggested part of the building or a room could be named after the former City of Halifax in recognition of its support to this project. Mr. Fountain agreed to take this suggestion back to the Board.

Councillor Cunningham stated the logo is satisfactorily done, noting the importance of recognizing Ford's contribution to Neptune Theatre.

Councillor Epstein, a member of the Regional Heritage Advisory Committee, noted the heritage guidelines for signage are only guidelines and can be departed from if appropriate. However, the Councillor believed this proposal follows those guidelines.

Councillor Harvey, also a member of the Regional Heritage Advisory Committee, spoke in support of the motion stating the logo is indirect advertising. In response to concerns expressed by Councillor Harvey regarding the sign being made of glass, Mr. Fountain stated it is laminated safety glass and does not create a safety hazard.

**MOTION PUT AND PASSED UNANIMOUSLY.**

#### **9.4 CHIEF ADMINISTRATIVE OFFICER**

##### **9.4.1 Tender 97-074 - Five (5) 1998 Model 3/4 Ton Passenger Vans for the Halifax Regional Police Service**

- A report prepared for Vincent J. MacDonald, Commissioner of Police Services, recommending the award of the above tender, was before Council for consideration.

**MOVED by Councillors Sarto and Snow that Council authorize the award of Tender 97-074 for Five (5) 1998 Model 3/4 Ton Passenger Vans for the Halifax Regional Police Service, to the lowest bidder, Carroll Pontiac Buick GMC at a cost of \$127,822.00 plus H.S.T. MOTION PUT AND PASSED UNANIMOUSLY.**

##### **9.4.2 Award of Tender No. 97-260, Mailman Subdivision Sewers, Bedford**

- A report prepared for George McLellan, Commissioner of Regional Operations, recommending the award of the above tender, was before Council for consideration.

**MOVED by Councillors Kelly and Mitchell that Council authorize the award of Tender 97-260, Mailman Subdivision Sewers, Bedford, to Silco Contracting**

Limited, for materials and services listed at the unit prices quoted, for a Total Tender Price of \$66,067.50 and a Total Project Cost of \$75,978.00 with funding authorized from Capital Account Numbers as noted in the report. **MOTION PUT AND PASSED UNANIMOUSLY.**

**9.4.3 Award of Tender No. 97-230, Esdaile Avenue Paving Renewal and Pleasant Street Sidewalk Renewal**

- A staff report prepared for George McLellan, Commissioner of Regional Operations, recommending the award of the above tender, was before Council for consideration.

**MOVED by Councillor Hetherington and Deputy Mayor Greenough that Council award Tender No. 97-230, Esdaile Avenue Paving Renewal and Pleasant Street Sidewalk Renewal to B & L Contracting Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$242,736.25 and a Total Project Cost of \$279,147.00 with funding authorized as per the Budget Implications Sections in the staff report. **MOTION PUT AND PASSED UNANIMOUSLY.****

**9.4.4 Award of Tender No. 97-259, Dorothea Drive Street Reconstruction**

- A staff report prepared for George McLellan, Commissioner of Regional Operations, recommending award of the above tender, was before Council for consideration.

**MOVED by Councillors Sarto and Uteck that Council award Tender No. 97-259, Dorothea Drive Street Reconstruction to LaFarge Canada Inc. for materials and services listed at the unit prices quoted for a Total Tender Price of \$175,260.00 and a Total Project Cost of \$201,549.00, with funding authorized as per the Budget Implications Section in this report. **MOTION PUT AND PASSED UNANIMOUSLY.****

**9.4.5 Tender 97-203 - Traffic Signals, Wright Avenue at Ilsley Avenue**

- A staff report prepared for George McLellan, Commissioner of Regional Operations, recommending award of the above tender, was before Council for consideration.

**MOVED by Councillors Schofield and Hetherington that Council:**

- 1) **Authorize the approval of an increase in funds from \$110,000.00 to \$141,563.00 from the Sale of Industrial Park Land Account to Capital Account No. 80221 - Traffic Improvements: Wright Avenue.**

- 2) **Award Tender No. 97-203, Traffic Signals, Wright Avenue at Ilsley Avenue for materials and services listed at the unit prices quoted for a Total Tender Price of \$123,098.30 and a Total Project Cost of \$141,563.00 to Black and McDonald Ltd.**
- 3) **Authorize funding in the amount of \$141,563.00 from Capital Account No. 80221 - Traffic Improvements: Wright Avenue.**

Councillor Stone reiterated a request he made previously regarding the Sale of Industrial Park Land Account, in particular, with respect to the balance in the Bayers Lake Industrial Park account. The Councillor noted there was a second set of traffic lights approved in the Capital Budget for Chain Lake Drive. He questioned why this has not come forward for a tender as of yet. Councilor Stone stated he requested a report a couple of months ago on how much money was available in the business parks accounts. He asked that this information come forward as soon as possible.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.4.6 Award of Tender No. 97-366 - New Paving - East, West and Central Districts**

- A staff report prepared for George McLellan, Commissioner of Regional Operations, recommending award of the above tender, was before Council for consideration.

**MOVED by Councillors Rankin and Blumenthal that Council:**

- 1) **Approve the local improvement rate of \$14.00 per foot per side for this 1997/98 New Paving Program as outlined in the staff report dated October 15, 1997.**
- 2) **Approve proceeding with this program as tendered, without the right of petition by the abutting property owners, given the timing of the year and the favourable unit rate derived from the tendered program.**
- 3) **Award Tender 97-366, New Paving for the East, West and Central Districts of the Regional Municipality, to Dexter Construction Company Limited at a tender price of \$632,040.00 and a total project cost of \$726,850.00 with funding authorized from Capital Account No. 95517, Paving and Chipsealing of Streets inside the Core Area.**

Councillor Barnet expressed concern with proceeding with this project without petitioning the residents affected. He asked if it would be detrimental to the project if it were delayed to allow this to be done. Mr. Dhillon replied the concern with delaying this project is the short period of time left in the construction season. The projects may not be completed this year if they are delayed.

Deputy Mayor Greenough suggested the street Councillor Barnet is concerned about, Jamie Drive, could be deferred for one week and the rest of the project could go forward. Councillor Harvey requested that Bridgeview Avenue also be deferred.

Councillor Stone stated this is an example of why the tendering process must be followed as there is a considerable savings. The Councillor also requested that there is more fair and equitable distribution of paving projects in the future.

Councillor Cooper also expressed concern with not petitioning residents. He stressed the importance of following the procedure approved by Council. Mayor Fitzgerald agreed the proper procedures should be followed.

Councillor Rankin noted the importance of completing this project as soon as possible due to the safety factors. As the Councillor believed the price of \$14 is affordable, the project should proceed as proposed by staff. Councillor Epstein indicated he would like Project #11, George Dauphinee Avenue, to proceed. Councillor Kelly indicated he would like Project #5, Topsail Court, to proceed.

With the agreement of the Mover and Secunder the motion on the floor was amended. The amended motion now reads as follows:

**MOVED by Councillors Rankin and Blumenthal that Council:**

- 1. Approve the local improvement rate of \$14.00 per foot per side for Projects #1 (Kingswood Drive), #2 (Jullin Court), #5 (Topsail Court), and # 11 (George Dauphinee Ave.), as outlined in the staff report dated October 15, 1997.**
- 2. Approve proceeding with the projects stated above, as tendered, without the right of petition by the abutting property owners, given the timing of the year and the favourable unit rate derived from the tendered program.**
- 3. Award Tender 97-366 for the approved projects, to Dexter Construction Company Limited at the prorated tender price and total project cost with funding authorized from Capital Account No. 95517, Paving and Chipsealing of Streets inside the Core Area.**
- 4. Defer the remainder of the projects listed in the staff report dated October 15, 1997 to October 28, 1997 to allow the residents to be petitioned.**

Councillor Snow stated the residents have the right to be petitioned.

Councillor Hanson expressed concern with putting these projects in jeopardy approving a delay. He stated Council is putting an unfair onus on staff to petition the residents and have the responses returned in due time to complete the projects in this year's

construction season. The Councillor stated the projects should proceed as proposed by staff.

**MOTION PUT AND PASSED.**

**9.4.7 Award of Tender No. 97-270, Gloria McCluskey Avenue, Burnside**

- A staff report prepared for George McLellan, Commissioner of Regional Operations, and Tom Rath, General Manager, Business Parks Office, recommending award of the above tender, was before Council for consideration.

**MOVED by Deputy Mayor Greenough and Councillor McInroy that Council:**

- 1) **Award Tender No. 97-270, Gloria McCluskey Avenue, Burnside, to Dexter Construction Company Limited, for materials and services listed at the unit prices quoted, for a Total Tender Price of \$724,410.30 and a Total Project Cost of \$833,072.00.**
- 2) **Approve a withdrawal from the Sale of Land Reserve Account in the amount of \$875,000.00 to fund the Total Project Cost of \$833,072.00; the cost of surveying and engineering design for the Project (\$21,758.00); the real estate commission on the lease of Lot 900 to Miller Composting Corporation (\$16,560.00) and other Project expenses (\$3,610.00).**

In response to questions from Councillor Schofield, Mr. Rath explained the derivation of real estate fee. With respect to the \$72,000 rental income, Mr. Rath stated it is his understanding it would go back into the Sale of Land Account. Mr. Meech indicated this was correct. Mr. Rath stated the extension of the roadway for the composting facility will create new lots that can be sold near the facility.

Mr. Rath noted the detailed language in the agreements with Miller Composting Corporation is just about finalized, and recommended Council add the phrase "subject to the final language of the agreements with Miller Composting Corporation being satisfactorily completed."

**MOVED by Deputy Mayor Greenough and Councillor Stone that the motion be amended by adding the phrase "subject to the final language of the agreements with Miller Composting Corporation being satisfactorily completed." MOTION PUT AND PASSED.**

The main motion, as amended, now reads:

**MOVED by Deputy Mayor Greenough and Councillor McInroy that Council:**

- 1) **Award Tender No. 97-270, Gloria McCluskey Avenue, Burnside, to Dexter Construction Company Limited, for materials and services listed at the unit**

prices quoted, for a Total Tender Price of \$724,410.30 and a Total Project Cost of \$833,072.00.

- 2) Approve a withdrawal from the Sale of Land Reserve Account in the amount of \$875,000.00 to fund the Total Project Cost of \$833,072.00; the cost of surveying and engineering design for the Project (\$21,758.00); the real estate commission on the lease of Lot 900 to Miller Composting Corporation (\$16,560.00) and other Project expenses (\$3,610.00), subject to the final language of the agreements with Miller Composting Corporation being satisfactorily completed.

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

**MOTION PUT AND PASSED.**

**9.4.8 Information Memo from Commissioner of Community Services re: School Board Facility Rentals**

- At the October 7, 1997 meeting of Regional Council, Councillor Blumenthal requested that the Information Memo from the Commissioner of Community Services re: School Board Facility Rentals, be added to the October 21, 1997 Regional Council Agenda.

Councillor Blumenthal stated rental costs need to be lowered to allow all residents to access the School Board facilities for recreational programs. The Councillor suggested HRM needs to conduct further negotiations with the School Board to work a more acceptable arrangement. Councillor Barnet stated the School Board is not receiving additional revenue from this as the price is driving groups and organizations out of the schools.

Councillor Hendsbee suggested conditions should be attached to the supplementary funding to ensure access to these facilities.

Deputy Mayor Greenough stated it is important to establish a reciprocal agreement with the School Board to provide a cost/revenue neutral position.

Councillor Cunningham stated HRM needs to work with the School Board to try to provide residents with the recreation facilities they have had access to in the past, and at a cost the School Board can afford. He urged the CAO to meet with the Superintendent of Schools, and, if necessary, form a committee of Council to deal with this.

Council agreed that this should be referred to staff for a report.

**9.4.9 Nova Scotia Department of Housing and Municipal Affairs - Discussion Paper "Housing for Tomorrow: New Directions for Social Housing"**

- A staff report prepared for Valerie Spencer, Commissioner, Priority and Policy, regarding the above, was before Council for consideration.

**CONFLICT OF INTEREST**

Councillor McInroy declared a Conflict of Interest, as he is an employee of the Nova Scotia Department of Municipal Affairs, and removed himself from the discussion.

**MOVED by Councillors Stone and Uteck that:**

1. Council forward the report as approved, which provides for comments and suggestions on the Nova Scotia Department of Housing and Municipal Affairs-Discussion Paper, "Housing for Tomorrow: New Directions for Social Housing."
2. Council make a formal request to the Province for an opportunity to be consulted and informed on the implementation strategies of the Report.
3. Council establish a small working group, comprised of 2 Councillors and 2 senior staff, if available:
  - to consult with the Province and act as liaison;
  - monitor the Province's follow up on the Report's recommendations;
  - to keep Council informed about possible impact on the Municipality.

Councillor Rankin stressed the importance of striking a committee in the near future given the provincial time lines.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillors Hendsbee and Sarto that Councillors Rankin and Schofield be appointed to serve on the working group. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor McInroy resumed his place at the meeting.

Councillor Schofield noted he requested information on the \$35,000 going to Recreation and asked that this be provided at a later date.

At this point, Councillor Schofield raised Information Item #5 - Albro Lake Lands (Lot G-3R) Dartmouth, noting the extension to hold the land expires on October 20, 1997. However, there are a few outstanding issues for the Federal Government to resolve before HRM can deal with this issue.

**MOVED by Councillors Schofield and Cunningham that a letter be written to the Federal Government requesting a further extension be granted to hold this land until the Federal government has completed its investigation on the outstanding issues still incumbering the land. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.4.10 Revised Structure for Smoking By-Law Work Group**

- A staff report prepared for Valerie Spencer, Commissioner, Priority & Policy Group, recommending the establishment of a Smoking By-Law Work Group, was before Council for consideration.

**MOVED by Councillors Harvey and Hetherington that Council:**

1. **Approve the establishment of a Smoking By-law Work Group along with the mandate and structure proposed in the staff report dated October 14, 1997.**
2. **Approve the time table for a report by April 30, 1998.**

Councillor Adams questioned the mandate for this work group and proposed a revised mandate which states the mandate of this group would be to determine the practicality, feasibility and enforceability, and, to weigh the benefits and drawbacks, of implementing a strategy to effectively move Halifax Regional Municipality to a goal of smoke free public places and to identify the time table required. Council agreed to this revised mandate.

The motion, as amended, now reads:

**MOVED by Councillors Harvey and Hetherington that Council:**

1. **Approve the establishment of a Smoking By-law Work Group along with the structure proposed in the staff report dated October 14, 1997, and the following mandate: to determine the practicality, feasibility and enforceability, and, to weigh the benefits and drawbacks, of implementing a strategy to effectively move Halifax Regional Municipality to a goal of smoke free public places and to identify the time table required.**
2. **Approve the time table for a report by April 30, 1998.**

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

**MOTION PUT AND PASSED.**

#### **9.4.11 Final Report - Source Control Implementation Strategy**

- A staff report prepared for George McLellan, Commissioner of Regional Operations, regarding the above, was before Council for consideration.

Councillor Epstein proposed approval of the staff recommendation with the following phase added to the end "of the final report of the Source Control Implementation Strategy."

**MOVED by Councillors Epstein and Uteck that Council authorize staff to proceed with the implementation of the key recommendations of the final report of the Source Control Implementation Strategy.**

On Page 3 of the staff report, under Program Implementation, Councillor Epstein noted staff indicates perhaps a longer implementation period than three years may be needed as the funding may be difficult to obtain. The Councillor asked if the \$43 million fund

set aside for harbour projects could be used for this implementation project, to which Mr. Kulvinder Dhillon, Director of Engineering Services, replied it could.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.4.12 Halifax Regional Water Commission - Payments in Lieu of Taxes**

- A staff report prepared for Larry Corrigan, Commissioner of Corporate Services, regarding the above was before Council for consideration.

**MOVED by Councillor Hetherington and Deputy Mayor Greenough that Council:**

- 1) formally endorse the arrangement concluded between the Halifax Regional Water Commission and the Halifax Regional Municipality, namely, that**
  - (a) a total of \$2.5 million will be paid annually by the Commission to the Municipality for a five-year period, commencing in 1997/98 and concluding with the fiscal year 2001/2002;**
  - (b) in the interim, this arrangement will be reviewed by HRM and a recommendation formulated on the feasibility of its continuance after the initial five-year term has expired;**
- 2) direct staff to arrange for the introduction before the Nova Scotia Legislature of the proposed amendments to the *Halifax Regional Municipality Act*, attached to the staff report as Appendix "A", which will give the Municipality the jurisdiction to enter into the foregoing arrangement. MOTION PUT AND PASSED.**

**9.4.13 Area Service Loan, Beaver Bank Fire Apparatus**

- A staff report prepared for Gary Greene, Commissioner of Fire Services, regarding the above, was before Council for consideration.

**MOVED by Councillors Barnet and McInroy that the tanker purchased by the Beaver Bank Fire Department be financed by an area service loan over ten years, at an interest rate of prime plus one percent; and, payments on the area service loan would commence in fiscal year 1998-99. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.4.14 Sackville Heritage Park Lease Agreement**

- A staff report prepared for Larry Corrigan, Commissioner of Corporate Services, regarding the above, was before Council for consideration.

Councillor Harvey noted the first phase of this project is almost finished. The Sackville Legion has constructed a cenotaph on the site which is being maintained by HRM Parks Department. This project is in partnership with the Fultz House Museum property which is located next door. Councillor Harvey noted the Sackville Heritage Park recently won an international award for excellence in maintenance.

**MOVED by Councillors Harvey and Hendsbee that the Mayor and Municipal Clerk be authorized to execute a lease on behalf of the Halifax Regional Municipality with the Province of Nova Scotia for a community park known as the "Sackville Heritage Park", on Memory Lane, Sackville, containing terms and conditions as discussed in the staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.4.15 Possible Acquisition - Lands of Mary Thibeault (Lot T)**

- A staff report prepared for Larry Corrigan, Commissioner of Corporate Services, recommending the purchase of the above, was before Council for consideration.

Councillor Kelly noted he appeared before the former City of Halifax Council in 1995 regarding this property, and removed himself from the discussion and abstained from voting on the issue.

**MOVED by Councillors Stone and Hetherington that the Halifax Regional Municipality purchase Lot T from Mary E. Thibeault, for the sum of \$23,304.90 plus applicable taxes and reimburse the owner \$500 for the cost of a critique by Kempton Appraisals, as well as costs incurred for legal and surveying. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.4.16 Request to Amend MPS for Eastern Passage/Cow Bay - Development of a Beverage Room at the Sandpiper Centre in Eastern Passage**

- A staff report prepared for Dan English, Commissioner of Community Services, regarding the above, was before Council for consideration.

**MOVED by Councillors McInroy and Hendsbee that staff initiate a process to amend the Municipal Planning Strategy for Eastern Passage/Cow Bay for the purposes of enabling the consideration of a request to develop a beverage room at the Sandpiper Centre in Eastern Passage; further, that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Kelly resumed his place at the meeting.

**10. PUBLIC HEARINGS - NONE**

**11. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**11.1 Correspondence**

**11.1.1 Letter from Jack Layton, Co-Chair, White Ribbon Campaign, re: 1997 Campaign**

- Correspondence from Jack Layton, Co-Chair, White Ribbon Campaign, seeking Council's support for the 1997 White Ribbon Campaign: *Men Working to End Violence Against Women*, was before Council for consideration.

**MOVED by Councillors Stone and Walker that Council support the White Ribbon Campaign.**

Councillor Cunningham questioned if there would be a cost to the Municipality for this to which Mayor Fitzgerald replied there was not.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2 Presentations**

**11.2.1 Noise and Environmental Pollution - Karen McIntyre**

- A request from Karen McIntyre to address Council regarding Noise and Environmental Pollution, was before Council for consideration.

On behalf of the residents of McKeen Towers, Scotia Towers and 1881 Plaza, Ms. Karen McIntyre made a presentation to Council regarding noise and environmental pollution in the down town area, in particular, in relation to the construction work being performed in Scotia Square over the next three years.

Ms. McIntyre proposed the following solutions:

- 1) That the hours of construction be shortened from 8 a.m. to 6 p.m., and exclude weekends and holidays
- 2) That the equipment be encased so as to absorb the noise.
- 3) That white noise is used to bury the sound of the generators, compressors and jackhammers.
- 4) That the area is wet down to prevent the concrete dust from coming into the apartments, or coverings be used to enclose the dust in one area.

A petition containing over 100 signatures was submitted by Ms. McIntyre in support of the proposed solutions.

**MOVED by Councillors Downey and Blumenthal that this matter be referred to staff for a report next week. MOTION PUT AND PASSED UNANIMOUSLY.**

**RECESS**

A five minute recess was taken at 8:10 p.m. The meeting reconvened at 8:15 p.m.

**11.2.2 Regional Trails System for Halifax Regional Municipality - Greg Brown, General Manager, RDA**

- A letter from Mr. Arthur Irwin, President, Nova Scotia Equestrian Federation, regarding the Regional Trails System for Halifax Regional Municipality, was before Council for consideration.
- Copies of the Halifax Regional Development Agency Fall 1997 newsletter as well as conceptual maps of the Regional Trails System were circulated to Council.

Mr. Greg Brown, Halifax Regional Development Agency; Mr. Jim Tudor, Cole Harbour/Eastern Passage LDA; and, Ms. Sue Mathieu, St. Margarets Bay Rails to Trails, made a presentation to Council regarding the Regional Trails System for Halifax Regional Municipality. A copy of the presentation was submitted for the record.

**MOVED by Councillors McInroy and Hendsbee that Council endorse the Regional Trails System for Halifax Regional Municipality in principle, and that staff be requested to prepare a report on the plan. In particular, the report should examine the following requests: that staff enter into negotiations with the Department of Natural Resources regarding a partnership management agreement for trail lands identified in the plan; and, the request for capital funding for trail development in the Parks and Playground Capital Budget.**

Mayor Fitzgerald expressed concern with the potential costs and suggested it should be forwarded to staff for a report. Some Councillors expressed concern with adopting the plan in principle. With the agreement of the Mover and Seconder the motion was amended as follows:

**MOVED by Councillors McInroy and Hendsbee that staff be requested to prepare a report on the Regional Trails System for Halifax Regional Municipality. In particular, the report should examine the following requests: that staff enter into negotiations with the Department of Natural Resources regarding a partnership management agreement for trail lands identified in the plan; and, the request for capital funding for trail development in the Parks and Playground Capital Budget.**

In response to a question from Councillor Hendsbee regarding cost sharing with other levels of government, Mr. Brown stated the Provincial and Federal governments are looking at a trails development program and this will probably have a budget of \$2-5 million. He stated it is not unreasonable to consider that this project could access up to \$600,000 of the \$900,000 required.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12. MOTIONS - NONE**

**13. ADDED ITEMS**

**13.1 Request to address Halifax Regional Council - David Fountain, President, Neptune Theatre Foundation regarding Sign Approval for the Ford Centre (Item 9.3.1)**

This item was addressed under Item 9.3.1 - Ford Centre: 1580 Barrington Street: Application for Signage on a Registered Heritage Property.

**13.2 Councillor Mitchell - Hubbards Fish Plant**

- A memo from Councillor Mitchell requesting the above item be added to the agenda, was circulated to Council for consideration.

Councillor Mitchell requested this matter be referred to staff for a status update report on October 28 regarding the Hubbards Cove Development. Council agreed to his request.

**13.3 Mayor Fitzgerald - Smoking By-Law Grace Period**

Mayor Fitzgerald recommended that Council request approval of a grace period to January 1, 1998 during which no prosecutions be made with respect to the Smoking By-Law dealing with food courts and related issues.

**MOVED by Councillors Blumenthal and Rankin that Council approve a grace period to January 1, 1998 in which no prosecutions be made with respect to the Smoking By-Law dealing with food courts and related issues.**

Councillor Harvey expressed concern that this may appear to be a step backwards with respect to this issue. If the motion implies that businesses currently not able to comply with the by-law are to be moving towards compliance during the grace period, he has no problem with it.

**MOTION PUT AND PASSED.**

**13.4 Councillor Barnet - Notice to Hold Public Hearing re: Street Closure (Stokil Drive)**

- A memo from Councillor Barnet requesting the above item be added to the agenda, was circulated to Council for consideration.

**MOVED by Councillors Barnet and Uteck that:**

**Whereas HRM has the opportunity to facilitate the alleviation of significant flooding problems on Boxwood Crescent without incurring capital, operating or administrative costs,**

Be it resolved that Council set November 18, 1997, as the date for a public hearing to consider Administrative Order 8, concerning a possible closure of a portion of Stokil Drive measuring approximately 10,500 square feet, and;

Subject to Approval of Administrative Order Sc-8, authorize the Mayor and Municipal Clerk to execute a Purchase and Sale Agreement transferring ownership of the surplus road lands noted above to the Armoyan Group Ltd., for nominal consideration on the condition that the company:

- construct a drainage system, acceptable to the Boxwood Drive residents and HRM on the rear portion of its Stokil Drive land holdings at a cost of approximately \$6,500; and,
- transfers ownership of lands measuring approximately 5,000 square feet to the owners of Boxwood Crescent Lot Numbers 21 through 26 inclusive; and,
- carry out all legal, survey and other administrative costs associated with the above noted land transactions at the expense of the Armoyan Group Ltd.

Councillor Barnet noted the solution to this matter appears to be relatively easy and at no loss or expense to the Municipality. He noted in order to set the public hearing date of November 18, 1997, the motion needs to be approved at this meeting.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**14. NOTICES OF MOTION**

**14.1 Councillor Harvey**

TAKE NOTICE that at a meeting of Halifax Regional Council to be held on Tuesday, November 4, 1997, I propose to place before Council a motion to introduce First Reading for an amendment to By-Law S-200 Respecting Smoking with said amendment intended to close the existing loopholes in the by-law as is pertains to eating areas in malls that have no physical barriers to the remaining common/assembly areas and which under the provisions of the current by-law are interpreted as restaurants; and furthermore, that staff be requested to prepare a report addressing if there are any other loopholes in the current by-law that should be addressed in the same amendment.

**15. ADJOURNMENT**

**MOVED by Councillors Blumenthal and Dooks that the meeting adjourn at 9:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael  
Municipal Clerk