

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL MINUTES DECEMBER 2, 1997

PRESENT: Mayor Walter Fitzgerald  
Deputy Mayor Reg Rankin  
Councillors: Bill Dooks  
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  
Jack Mitchell

REGRETS: Councillor Gordon R. Snow

STAFF MEMBERS: Mr. Ken Meech, Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Jane Nauss, Assistant Municipal Clerk

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**1. INVOCATION**

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

**2. PROCLAMATIONS - None**

**Hakodate, Japan Representation**

*At this point in the meeting, Mayor Fitzgerald introduced individuals from the Hakodate, Japan, Junior Chamber of Commerce who were visiting the Halifax area as part of the Hakodate Christmas Fantasy Project. It was the Chamber of Commerce's goal to make arrangements to have the largest Christmas Tree in Hakodate, brought into their city from Halifax Regional Municipality, for Christmas 1998. Mayor Fitzgerald and Council wished them well on their trip back to Japan.*

**3. APPROVAL OF MINUTES -November 18, 1997**

Councillor Rankin referenced item 9.4.4 - Tender 97-102 - Janitorial Services - 2750 & 2776 Dutch Village Road - and requested that an amendment be made to the minutes to include his statement that the contract was being let on or about December 1, 1997.

**MOVED by Councillors Greenough and Hetherington to adopt the minutes of November 18, 1997, as amended. 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 Councillor Uteck - Crossing Guards - Problems and Contract Update
- 13.2 Councillor Adams - Power Outages - Herring Cove
- 13.3 Report - Tender 97-063R Brine Chiller Replacement (Halifax Metro Centre)
- 13.4 Report - Local Improvement Charges - 90 Bedford Highway
- 13.5 RCMP Review - Allegations by Councillor Epstein
- 13.6 Ratification - Appointments to Halifax-Dartmouth Port Commission

Councillor Hendsbee requested that item 11.1.1 - Circuses with Animals - Angela Miller - be discussed prior to agenda item # 9.1 to which Council agreed. Mayor Fitzgerald apologized to Ms. Miller for the fact that Council had adjourned early the week before, therefore, Ms. Miller had not been able to address Council at that time.

Councillor Hetherington requested that added item #3 - Tender 97-063R Brine Chiller Replacement (Metro Centre) be deferred to next week, pending a legal report.

Councillor Walker requested that added item #4 - Report - Local Improvement Charges - 90 Bedford Highway - be deferred for one week.

**MOVED by Councillors Hetherington and Adams to approve the Order of Business, 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

At this point in the meeting, It had been agreed that Ms. Angela Miller would make a presentation to Council on Circuses with Animals.

**11. CORRESPONDENCE, PETITIONS, DELEGATIONS**

**11.1 Presentation**

**11.1.1 Circuses with Animals - Angela Miller**

- Circulated with this item was correspondence from Zoo Check Canada; Canadian Horse Protection Society; Nova Scotia Humane Society; Atlantic Cat Hospital Ltd.; SPCYarmouth; People for Animal Welfare; Jessica Vihvelin; and Dalhousie University.

Ms. Miller, through the use of pictures and a video, addressed the issue of mistreatment of animals who perform in circuses. Ms. Miller noted the spirit of the animals was broken in order to make them "trainable." Further, circus animals lived in cramped quarters, had no social life and were made to withstand heat and humidity.

Ms. Miller requested Council implement a by-law to prohibit circuses with animals. The City of Saint John was currently drafting a by-law and three Nova Scotia municipalities (Argyle, Digby and Yarmouth) had legislation currently in place.

A "Petition" signed by 1165 residents opposing the treatment of animals in circuses and a video were filed with the Municipal Clerk.

**MOVED by Councillors Hendsbee and Blumenthal to refer this matter to the Animal Registration Committee. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Hendsbee stated that Councillor Snow's request regarding a report on the same issue, will be dealt with by the Animal Registration Committee as well.

**9. REPORTS**

**9.1 MAYOR**

**9.1.1 Changes to Administrative Order Number One Respecting the Procedures of Council**

- A memorandum prepared for Mayor Fitzgerald, on the above-noted, was before Council.

**MOVED by Councillors Sarto and Greenough that:**

- 1. Regional Council adopt the recommendations of the AdHoc Committee as attached to the report dated November 27, 1997;**
- 2. Approve the amendments to Administrative Order One attached as Appendix 'A' to the report dated November 27, 1997; and**
- 3. Approve the Regional Council Meeting Schedule for 1998 attached to the November 27, 1997 report. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.2 MEMBERS OF COUNCIL**

**9.2.1 Councillor Walker - Cat By-Law**

- A memorandum prepared for Councillor Walker, on the above-noted, was before Council.

Councillor Walker requested an update on the status of a Cat By-Law. Councillor Hendsbee advised a draft by-law would be tabled with Council early in the new year.

**9.2.2 Councillor Walker - Fine Option Program**

- A memorandum prepared for Councillor Walker on the above-noted, was before Council.

Councillor Walker requested an update on the status of the above-noted program. Mr. Ken Meech, Chief Administrative Officer, advised that staff would prepare a report for the next meeting of Council.

**9.3 MARINE DRIVE, VALLEY AND CANAL COMMUNITY COUNCIL**

**9.3.1 Set Public Hearing date to Amend the MPS for Musquodoboit Valley - Dutch Settlement and the Subdivision By-Law for the former Halifax County Municipality**

- A memorandum prepared for Councillor Hendsbee, Chair, Marine Drive, Valley and Canal Community Council, on the above-noted, was before Council.

**MOVED by Councillors Hendsbee and Dooks that:**

**Regional Council amend the Municipal Planning Strategy for the Musquodoboit Valley - Dutch Settlement Area and the Subdivision By-Law to change the "Area of Land" date for the Plan Area. The proposed amendments would provide more flexibility to the existing lot frontage exemptions while limiting its application to approximately 400 lots. This objective could be achieved by adopting the amendments attached to the staff report dated November 10, 1997, as attachments 2 and 3. Further, that a public hearing date be scheduled for January 6, 1998. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.4 GRANT COMMITTEE**

**9.4.1 Grant Committee Report #4**

- A memorandum prepared for Councillor Hendsbee, Chair, Grant Committee, on the above-noted, was before Council.

**MOVED by Councillors Hendsbee and Schofield to approve the recommendations of the Grant Committee so that grants are awarded to the following organizations: Black Heritage Month Society - \$3,000; The Terry Simons Black Basketball Tournament - \$1,000; and, Capital Area Special Olympics - \$600.**

A brief discussion ensued on the amount of grants made available each year and the fact that they should be decreased. Further, it was noted that Councillor McInroy requested additional information for each grant request.

Mr. Ken Meech, Chief Administrative Officer, noted (in response to an enquiry from Councillor Barnet if it was appropriate for Grant reports to come directly from the Committee as opposed to staff) that staff are involved with the Grant Committee and therefore, have input into discussions. Accordingly, it was his opinion that due process was taking place as to Grant Committee reports being prepared by the Grant Committee itself.

**MOTION PUT AND PASSED.**

**9.5 ANIMAL REGISTRATION COMMITTEE**

**9.5.1(i) Committee Interim Report**

- A memorandum prepared for Councillor Hendsbee, Chair, Animal Registration Committee, on the above-noted, was before Council.

The Animal Registration Committee was recommending that:

1. First Reading of By-Law D-100, the Dog Control By-Law, be given;
2. Council enact Administrative Order #11 Respecting Fees for the Registration of Dogs; and
3. Council authorize the continuation of the Committee and request that it recommend a registration process which utilizes micro chipping technology; and
4. Council request the Committee to recommend to it, a By-Law for cats and a By-Law for other animals kept as pets.

Councillor Hendsbee suggested an amendment to By-Law D-100 by deleting Section 24 (“... *this by-law shall come into force and take effect on April 1, 1998.*”). Councillor Hendsbee stated the registration process should commence in January, 1998.

With respect to Administrative Order #11, Councillor Hendsbee suggested an amendment by inserting another clause - “#2 - *The registration fees payable by the owners of dogs for any period starting after the 1st of October, 1998 and continuing to the 31st of March, 1999 shall be the amounts indicated in Section 1 reduced by 33.3*”

*percent.”*

**MOVED by Councillors Hendsbee and Schofield that:**

- 1. First Reading of By-Law D-100, the Dog Control By-Law, as amended (deleting Section 24 “... *this by-law shall come into force and take effect on April 1, 1998.*”) be given;**
- 2. Council enact Administrative Order #11 Respecting Fees for the Registration of Dogs, as amended ( inserting another clause - “#2 - *The registration fees payable by the owners of dogs for any period starting after the 1st of October, 1998 and continuing to the 31st of March, 1999 shall be the amounts indicated in Section 1 reduced by 33.3 percent.*”); and**
- 3. Council authorize the continuation of the Committee and request that it recommend a registration process which utilizes micro chipping technology; and**
- 4. the Committee recommend a By-Law for cats and a By-Law for other animals kept as pets. MOTION PUT AND PASSED.**

**9.6 CHIEF ADMINISTRATIVE OFFICER**

**9.6.1 Award of Quotation Q-97M401 - Millwood Common - Asphaltting and Fencing**

- A memorandum prepared for Mr. George McLellan, Commissioner, Regional Operations, on the above-noted, was before Council.

**MOVED by Councillors Barnet and Mitchell to award Quotation Q-97M401 for Millwood Common - Asphaltting and Fencing to the low bidder, Dexter Construction Company Limited for a grand total of \$77,970 including taxes from the Sackville Landfill Trust Fund. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.6.2 Tender No. 97-341, Street Resurfacing, Part 2, East District**

- A memorandum prepared for Mr. George McLellan, Commissioner, Regional Operations, on the above-noted, was before Council.

**MOVED by Councillors Hetherington and Cunningham to award Tender No. 97-341, Street Resurfacing, Part 2, Eastern District to Dexter Construction Co. Ltd., at a tender price of \$434,930 and a total project cost of \$500,170 with funding authorized from Capital Account No. 95470, Resurfacing Various Areas and as outlined in the Budget Implications Section of the staff report dated November**

**26, 1997. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.6.3 Tender 97-128 - Refurbish Unit Rescue 50 for the Hammonds Plains Volunteer Fire Department**

- A memorandum prepared for Mr. Gary Greene, Commissioner, Fire Services, on the above-noted, was before Council.

**MOVED by Councillors Rankin and Mitchell to authorize the award of the tender to the lowest bidder, Metalfab Ltd. At a cost of \$48,700 plus HST.**

Councillor Barnet requested a staff report for the next meeting of Council, on the municipality's refurbishing policy as it pertains to older fire trucks.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.6.4 Potential Acquisition: Mossman Lands**

- A memorandum prepared for Mr. Larry Corrigan, Commissioner, Corporate Services, on the above-noted, was before Council.

**MOVED by Councillors Greenough and Cunningham that:**

- 1. HRM Council authorize acquisition of the Mossman Lands as identified in the sketch attached to the November 28, 1997 staff report, subject to the terms and conditions indicated in the report, for the purchase price of \$759,000 plus applicable taxes and subject to closing adjustments.**
- 2. Council authorize payment of a deposit of \$10,000 to Mr. Gerald Mossman to be deducted from the final purchase price at the time of closing with these funds to be drawn from the Sundry Land Acquisition Capital Account. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.6.5 Heritage Incentive Program Review**

- A memorandum prepared for Mr. Dan English, Commissioner, Community Services, on the above-noted, was before Council.
- Correspondence from the Heritage Trust of Nova Scotia, opposing staff's recommendation, was distributed to Council.

Staff was recommending that funding for heritage projects be considered by Council solely through the Tax and Grants Committee in accordance with the procedures and guidelines contained in Attachment #1 attached to the November 24, 1997 staff report.

The Heritage Trust of Nova Scotia was recommending that the executive of the Heritage Trust of Nova Scotia did not support staff recommendations regarding the Heritage Incentive Program, therefore, that Halifax Regional Council should not decide on this matter until the Heritage Advisory Committee has had an opportunity to consider the matter at a regularly scheduled meeting and until interested parties have had an opportunity to present their views on this matter either before the Heritage Advisory Committee or before the Halifax Regional Council.

**MOVED by Councilors Epstein and Downey to refer this matter to the Heritage Advisory Committee. MOTION PUT AND PASSED UNANIMOUSLY.**

**10. PUBLIC HEARINGS**

**10.1 Second Reading By-Law P-500 Respecting Parking Meters**

- A memorandum prepared for Mr. Larry Corrigan, Commissioner, Corporate Services, on the above-noted, was re-distributed to Council.
- Copies of former Cities of Halifax and Dartmouth by-laws pertaining to parking meters was distributed to Council.

First Reading was given to By-Law P-500 on November 18, 1997 and the matter was before Council for Second Reading.

**MOVED by Councillors Blumenthal and Hetherington that Second Reading be given to By-Law P-500 Respecting Parking Meters.**

Mayor Fitzgerald called for comments from the floor.

**MR. TIM OLIVE, OWNER/OPERATOR - JAMES F. LAHEY HARDWARE STORE,  
OCHTERLONEY STREET, DARTMOUTH**

Mr. Olive addressed Council noting this proposal is a tax on the consumer who wishes to shop downtown Dartmouth, an area which, in his opinion, has been abandoned by the Province. Further, this proposal inhibits local downtown businesses from competing with malls where parking is available at no cost.

Mr. Olive was pleased with the recent announcement of the waterfront project and the relocation of School Board administration downtown as both will help downtown Dartmouth. In his presentation, Mr. Olive stressed the following points:

- The size of Portland Street has been reduced through the installation of brick laybys which has created parking problems.
- The end of Portland Street at Alderney Drive has been closed which has eliminated traffic flow that the businesses needed to create the awareness of their existence.
- Recent zoning decisions in favour of malls in Dartmouth will add to the exodus of shoppers from the downtown area.
- Reduced policing in the area due to budget cutbacks has also had a negative affect on the public's confidence that they can walk the streets in safety.
- The more people become upset with a higher minimum amount of fine, the less apt they will be to shop downtown. This creates less traffic and when there is less traffic this allows for the opening of doors to the issues that directly involve policing.
- Elimination of purchasing power by municipal departments (former Dartmouth Fire Station, former Police Department) which supported downtown Dartmouth businesses, resulted in a negative impact to downtown businesses as well.
- Mr. Olive suggested that 30 min parking meters be installed and let the Downtown Dartmouth Corporation monitor and manage the parking program.
- Monies being gained by this proposed increase in fines is not sufficient to cause further erosion in the spending habits of citizens.
- The potential recovery of 100% of the fines through the provincial action is an important issue.
- One hundred percent of what the municipality had may be more than the difference in increasing the fines.

Mr. Olive went on to state that the budget implications report states that the 1997/98 for parking and vehicle related fines is \$2.4 million. No where does it state that the amount of money collected in fines in Dartmouth is \$138,000/yr. To base an issue on whether you should raise the fines strictly for financial reasons on the fact that only \$138,000 is gained in parking ticket fines in Dartmouth is stretching the issue. Mr. Olive suggested that Council ask the question - "... of that \$2.4 million, how much is made up of fines in Dartmouth, Halifax and Bedford" and relate those issues to the real numbers of \$138,000 a year in Dartmouth.

In closing, Mr. Olive reiterated that he represents a small business which is the backbone of this country, and he will do whatever he can to keep his business going. In this case, Mr. Olive asked Council when making a decision to have compassion for

small businesses.

Mayor Fitzgerald called three times for further comments from the floor. There were none.

**MOVED by Councillors Hetherington and Greenough to close the public hearing.  
MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Hendsbee suggested that \$15 was not sufficient a fine and that perhaps \$20 would be more appropriate with a reduced fee if the fine is paid within seven days of issuance. The Councillor suggested electronic meters be investigated.

Mr. Reg Ridgley, Manager, Treasury, addressed Council noting that staff was attempting to enact legislation to permit parking ticket issuance through licenses, etc. Further, Mr. Ridgley advised there was approximately \$3 million in outstanding fines. The RCMP were interested in becoming involved with the issuance of parking tickets, however, this by-law will need to be in place to permit same.

Councillor Cunningham stated he had received numerous telephone calls from individuals opposing this by-law and that they would have addressed Council this evening if the weather had been more cooperative. The Councillor suggested this was a discriminatory by-law as it appears to be directed to downtown Dartmouth only. By implementing this by-law, this Council is encouraging residents to shop at malls as opposed to supporting small businesses in downtown Dartmouth. Councillor Cunningham stated the initial reason meters were installed in the downtown Dartmouth area was to deal with those individuals who parked their vehicles in Dartmouth and travelled to work in Halifax by ferry. Should this by-law be implemented, the Councillor suggested businesses in the downtown Dartmouth area may go out of business.

Councillor Cunningham suggested this by-law be defeated and that the fine schedules currently being implemented by the former Cities of Halifax and Dartmouth be maintained.

Councillor Greenough suggested that Council look at this proposal from an economic standpoint. We want to attract people to the downtown Dartmouth area to support commercial enterprises. If this by-law passes, Council is basically driving people away from this area; accordingly, businesses will close and commercial assessment will decrease. The Councillor suggested this by-law be passed, utilizing the existing fine structure.

Councillor Schofield stated he could not support the Motion on the floor.

Councillor Downey stated he could not support the Motion and enquired as to why the number of tickets decreased over the past year and a half.

Councillor Hetherington advised that members of the Nova Scotia Bikers Association have suggested that during the spring, summer and fall, three bikes be permitted in each parking space as opposed to one bike. The group also suggested that should the meters expire, all three bikes would be ticketed. The Councillor suggested this proposal could alleviate parking problems in downtown Halifax.

Councillor Hetherington supported a reduction in fines if paid within seven days.

Councillor Adams suggested that in the spirit of amalgamation, there should be the same fines across the board - \$15 and \$20.

Councillor Stone expressed concern that only one presentation from the public has been made this evening. Should the downtown Dartmouth merchants had concerns with this proposed by-law, the Councillor suggested that perhaps they should have collectively met with, or addressed, Council.

Councillor Stone was under the impression that the purpose of this by-laws was to move traffic. The merchants do not want people to stay at the meters all day as others may wish to use them. The Councillor suggested one by-law across the board should be implemented.

Mayor Fitzgerald stated that Halifax collects \$2.2 million in fines per year and Dartmouth collects \$138,000.

A lengthy discussion ensued on a fine schedule.

Mr. Ken Meech, Chief Administrative Officer, suggested this matter should be referred back to staff to review various scenarios.

**MOVED by Councillors Greenough and Uteck to defer Second Reading of By-Law P-500 Respecting Parking Meters, and refer this matter back to staff to analyse the impact on HRM's revenue; further, to clarify the following cost scenarios (with the lower cost reflecting early fine payment) :**

- \$15 - \$12
- \$15 - \$7.50
- \$15 - \$10
- \$20 - \$10. **MOTION PUT AND PASSED.**

Following a ten minute recess, Council reconvened at 8:15 p.m.

Deputy Mayor Rankin assumed the Chair.

**11. CORRESPONDENCE, PETITIONS AND DELEGATIONS CON'T**

**11.2. Correspondence**

**11.2.1 Private Entrepreneurs - David W. MacDonald, Owner/Manager, King Edward Inn**

- Correspondence from Mr. David W. MacDonald, King Edward Inn, was included in the Council package.
- Correspondence from the Manager of Travelers Motel was distributed to Council.
- Correspondence from Mr. Eric McKee, Dalhousie University, was distributed to Council.

Correspondence from the King Edward Inn and Travelers Motel expressed concern with the low rental rates Dalhousie University was charging students and the negative effect this was having on traditional hotel/motel/inns in the area. Correspondence from Dalhousie University addressing the concern brought to light by the aforementioned.

With the agreement of Council, Mr. MacDonald addressed Council on the matter. Universities are marketing a product that is affecting his bottom line (reference was made to approximately 300 rooms per night being available to students for rent). Accordingly, Mr. MacDonald enquired if Council would review the situation.

**MOVED by Councillors Greenough and Cunningham to refer this matter to staff, taking into consideration tax and zoning issues as requested by Mr. MacDonald. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3 Petitions**

**11.3.1 Ciau Cafe & Deli - Councillor Harvey**

Councillor Harvey submitted a petition from the Ciau Cafe & Deli enquiring if it was fair

that patrons of bowling alleys, A & W, bingo halls, and bars and restaurants are permitted to smoke but not the Ciao Cafe & Deli. Councillor Harvey requested this matter be referred to the Smoking By-Law Work Group.

**12. MOTIONS**

**12.1 Councillor Hetherington  
Dartmouth YMCA**

- (i) Notice of Motion was served November 4, 1997 - "that Halifax Regional Municipality ask the Province of Nova Scotia to exempt the property taxes under the Nova Scotia Assessment Act of the property of 26 Brookdale Court, known as the Dartmouth YMCA, to be exempt from all municipal taxes."
- (ii) Memorandum prepared for Mr. Larry Corrigan, Commissioner, Corporate Services, on the above-noted, was before Council.

Staff was recommending that Council not approve the creation of an Act to exempt from all municipal taxation, the property known as the Dartmouth YMCA; further, that the request for exemption from taxation of the property owned by the Dartmouth YMCA be forwarded to the Grants Committee for consideration.

**MOVED by Councillors Hetherington and Sarto to refer this matter to the public hearing taking place on December 9, 1997, at which time, consideration for exemption from municipal taxes will be given. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2 Councillor Schofield**

Notice of Motion was served Nov. 25 to instruct staff to undertake the amendments to the Municipal Planning Strategy for Dartmouth to deal with the matter of Adult Entertainment and Escort Services.

**MOVED by Councillors Schofield and Hetherington to instruct staff to undertake the amendments to the Municipal Planning Strategy for Dartmouth to deal with the matter of Adult Entertainment and Escort Services. MOTION PUT AND PASSED UNANIMOUSLY.**

**13. ADDED ITEMS**

**13.1 Councillor Uteck - Crossing Guards - Problems and Contract Update**

**MOVED by Councillors Uteck and Greenough requested a report (update) on possible increases in pay for crosswalk guards. MOTION PUT AND PASSED UNANIMOUSLY.**

### **13.2            Councillor Adams - Power Outages - Herring Cove**

Councillor Adams advised that as a result of the November 27 and 28, 1997 storm, there was no power in the Herring Cove area for approximately seventeen hours and forty minutes. Reference was made to the Churchill Estates area which has community wells. As a result of no power, residents in the area also had no water. Concern was expressed by Councillor Adams on the fact that Nova Scotia Power did not respond to this problem in a timely fashion. Councillor Adams enquired if contact could be made with Nova Scotia Power to enquire as to why the delay in putting the power back on in this area.

Councillor Harvey suggested that correspondence be forwarded to the Utility and Review Board instead of Nova Scotia Power, to request an investigation of the situation and to enquire if this was handled appropriately.

**MOVED by Councillors Adams and Hetherington that the Nova Scotia Utility and Review Board be requested to investigate the situation respecting long delays in restoring power after the storm of November 27th and 28th, and advise if Nova Scotia Power Inc. acted appropriately, taking into consideration the length of time it took to restore electricity. MOTION PUT AND PASSED UNANIMOUSLY.**

Council further requested an explanation from the Nova Scotia Power Inc. as to why the corporation did not see fit to have the necessary staff resources in place to respond in such instances.

### **Extension of Water Service to Herring Cove Area**

Councillor Adams enquired on costs to extend water to the Herring Cove area, particularly with respect to Churchill Estates and to the schools located on Heberdean Drive.

**MOVED by Councillors Adams and Blumenthal that correspondence be forwarded to the Halifax Regional Water Commission requesting costs associated with extending water services to the Herring Cove area, particularly with respect to the provision of water service to Churchill Estates and to the schools on the Heberdean Drive. MOTION PUT AND PASSED UNANIMOUSLY.**

### **Street Lighting Costs throughout HRM**

Councillor Hetherington requested a report from staff on costs for street lighting.

Mayor Fitzgerald assumed the Chair at this point in the meeting.

### **13.3            Report - Tender 97-063R Brine Chiller Replacement (Halifax Metro Centre)**

This matter was deferred at the commencement of the meeting.

**13.4 Report - Local Improvement Charges - 90 Bedford Highway**

This matter was deferred for one week at the commencement of the meeting.

**13.5 RCMP - Allegations by Councillor Epstein**

- This matter was initially brought to light as a result of Councillor Epstein's request for the RCMP to investigate a possible violation of the HRM Act.

Mr. Ken Meech, Chief Administrative Officer, reviewed the matter for Council noting the municipality has been advised by the RCMP that there was no basis for further investigation as it has been determined there was no known offence. Mr. Meech further advised this matter has impacted negatively on staff and Council and that this kind of approach on the part of Councillor Epstein was counter productive. He was pleased that this issue has been dealt with and that no indication of impropriety had taken place.

Councillor Harvey expressed concern over the "cloud" that now hangs over staff and that they should not have had to experience this situation. The Councillor suggested that an apology from Councillor Epstein would be in order. Further, Councillor Harvey stated that the funds in question have always been in the public domain.

Councillor Mitchell, on a **Point of Privilege**, stated he was upset that this matter took place and that the suggestion of impropriety should not have been made. Reading from a prepared statement, Councillor Mitchell asked Councillor Epstein to resign his seat as Councillor for District 14.

Councillor Hendsbee echoed Councillor Mitchell's comments, noting Councillor Epstein's act was unfounded. Further, the exercise undertaken by Council in team building has been shattered and that the integrity of Council and staff is now in question. The Councillor also suggested an apology was in order.

Councillor Cooper stated he was disappointed with the situation, particularly with the fact he had not been given the courtesy to respond to these allegations prior to Councillor Epstein taking his final step towards a police investigation. The Councillor stated that Councillor Epstein owes an apology to both former and existing staff members.

Councillor McInroy agreed with comments from Members of Council noting there was

now a “cloud” of suspicion over staff and now extends to former County Councillors. On a **Point of Privilege**, Councillor McInroy read from a prepared statement noting his concern with being unjustly accused. The Councillor stated that individuals who advance their own objectives unfairly are in the minority. Councillor Epstein’s allegations are an insult to the former County Councillors and staff. The conclusion of the RCMP that this is a non issue is of no surprise.

Councillor Epstein addressed Council noting he would not be resigning his seat as Councillor for District 14. The Councillor stated his actions were appropriate as he had received no adequate response, internally, to the issue at hand. For the record, Councillor Epstein stated that at no time was there any allegation made of personal gain by those affected. Councillor Epstein suggested that the central point was the responsibility of senior staff to manage the process in a proper manner. Each member of Council was requested to review the correspondence from the RCMP. The Councillor brought to Council’s attention the fact that it simply states there was nothing further the RCMP could do. As there was an Audit Committee meeting scheduled for later in the week, he would continue discussions on this matter, at that time.

Councillor Epstein stated he does not feel he owes an apology to Council. Further, he noted that perhaps “informant” has been taken wrongly and that no accusation was intended; it simply meant that individuals may have information. The Councillor mentioned that staff members Mr. Reg Ridgely, Mr. Claude Isaacs and Ms. Dawn MacKay have done nothing improper as far as he was concerned and that he would be forwarding correspondence to them advising of same. This courtesy did not extend to senior members of staff, however.

Councillor Greenough stated that the Audit Committee and the external auditors had looked at this situation and it was determined that it was handled appropriately. The Councillor stated this matter could be discussed again during the Audit Committee meeting to be held later this week, however, as the RCMP have made a ruling on the matter, direction from Council was required. Councillor Greenough suggested this matter be closed.

Mayor Fitzgerald agreed this matter should be closed but if Councillor Epstein wished to address the Audit Committee, then so be it. Councillor Greenough, Chair, Audit Committee, agreed.

Councillor Greenough reiterated his earlier comment that both the Audit Committee and the external auditors felt that due process had taken place.

Councillor Harvey referenced clause 36 of Administrative Order Number One (... speak disrespectfully ...) and suggested that Mayor Fitzgerald ask Councillor Epstein for an apology and if not, then to request he leave his seat until he is prepared to offer an apology.

Mayor Fitzgerald ruled that Councillor Epstein did not speak disrespectfully to Council, and subsequent to discussions with the Municipal Solicitor, confirmed same.

Councillor Mitchell, on a **Point of Order**, stated that Councillor Epstein should also apologize for the newspaper articles which dealt with the issue.

Mayor Fitzgerald reiterated that this matter should be closed.

**13.6            Ratification - Appointment of Margaret L. Landes to the Halifax-Dartmouth Port Commission**

**MOVED by Councillors Hetherington and Cunningham that the recommendation adopted In Camera, be ratified by Council. MOTION PUT AND PASSED UNANIMOUSLY.**

**14.            NOTICE OF MOTION - None**

**15.            ADJOURNMENT**

**MOVED by Councillors Hetherington and Blumenthal to adjourn the meeting at 9:05 p.m. MOTION PUT AND PASSED.**

Vi Carmichael  
MUNICIPAL CLERK

