

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES SEPTEMBER 8, 1998

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

REGRETS: Councillor Bill Stone

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 the Invocation.

OFFER OF CONDOLENCES

Mayor Fitzgerald offered his condolences on behalf of Halifax Regional Council and the residents of the municipality, to the family members and friends of those who perished on Swissair Flight 111. Further, volunteers involved with the search and recovery efforts were to be commended. Other Members of Council also offered sincere condolences.

It was noted that the Halifax Foundation is currently determining the possibility of a plaque being placed in the area of Peggy's Cove, as a memoriam to those who perished.

2. PROCLAMATIONS

Mayor Fitzgerald proclaimed September 14 - 20, 1998 as National Payroll Week; September 8, 1998 as International Literacy Day, and September 11-12, 1998, as Merchant Navy Day.

3. APPROVAL OF MINUTES - September 1, 1998

MOVED by Councillors Harvey and Hetherington to adopt the minutes of September 1, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Harvey requested, for the record, that this evening's minute reflect his comments stated during the July 14, 1998 Council Session, on the matter of "HRM Pension Plan and Governance Structure." The comments are as follows:

"Councillor Harvey enquired if decisions of the Pension Committee have to be ratified by Council, particularly ones with a financial implication. In response, Ms. Karen Henderson, William M. Mercer Ltd., advised any amendment to the plan that effectively increases benefits or changes the contribution, must be approved by Council. The only exception is in areas where the Pension Benefits Act forces an increase in contributions to fund a deficiency in the plan.

In response to a further enquiry from Councillor Harvey if this would also include the disposition of any surplus, Ms. Henderson advised to the extent that the disposition of

surplus was in respect to a change in benefits or an improvement in benefits.

Councillor Harvey enquired if there was any estimated amount of anticipated surplus when the plans are amalgamated. Ms. Henderson advised the plans are being valued at the moment, based on the effective date of April 1. The valuation results should be available within the next few weeks.

In response to an enquiry from Councillor Harvey if the various pension committees have discussed numbers in terms of surplus, Ms. Henderson advised there have been some extrapolations of the surplus to the effective date, however, these figures are estimates only. Ms. Henderson further noted there is a surplus policy which states that the new plan surplus needs to build to a threshold of 10 percent before any of the amalgamation surplus can be utilized to improve benefits (or for any other purpose).

There has been no purposes established yet for the amalgamation surplus although each of the existing pension committees is currently making recommendation with respect to the ultimate allocation of that surplus. The indirect benefit would be that ultimately if changes or improvements were made to the plan, they would be the responsibility of the plan through the use of the existing surplus, and not through the increase of contribution rates, which ultimately would be the responsibility of the tax payer."

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

The Municipal Clerk requested the addition of the following items to the agenda:

- 13.1 Councillor Adams - Water Main Breaks - Leiblin Park
- 13.2 Proposed Paving Projects for Subdivision Streets - NSDOT&PW / HRM - 50/50 Cost Sharing.

Councillor Schofield requested the addition of the following item to the agenda:

- 13.3 Vicious Dogs.

Councillor Barnet requested that Information Item #3 be moved to the Regular Agenda:

- 13.4 "Appointment to Committees" (Info Item #3).

MOVED by Councillors Greenough and Hetherington to adopt the Order of Business, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

5. BUSINESS ARISING OUT OF THE MINUTES

5.1 Councillor Kelly requested the matter of 2510 Barrington Street be discussed during the next Regular Session of Council; further that the proponent be permitted to address Council.

5.2 Councillor Barnet requested that correspondence be forwarded to the Regional School Board acknowledging the cooperation and assistance given by the board in assisting with the school busing issue at Monarch Elementary School.

6. **MOTIONS OF RECONSIDERATION** - NONE

7. **MOTIONS OF RESCISSION** - NONE

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

9. PUBLIC HEARING

9.1 Case 7595 - St. Margaret's Bay Plan Amendment

- A memorandum prepared for Mr. Dan English, Deputy Chief Administrative Officer, dated July 27, 1998, on the above-noted, was before Council.
- Copies of correspondence from the following were also before Council: Karl and Shelley Webb, Wayne Sutherland, Deborah Wolfe-Fisher, Jennifer & Leslie Isnor, Cynthia Driskill, Ian and Debbie Bruce, Reid Langille, Charles Irving, Eric Cormier, petition opposing the amendment, Norma Mae Irving, Beverley Oulton, Keith Oulton, Karen George, Cathy Coolen, Larry Coolen, Robert Covill, John and Ann Dauphinee Shirley Rolston, David Higgens, Anne Melloy, Ted Scharien, Donald Rolston, Joan and R.D. Delamar, Janet Simpson, Linda and Phyllis Scharien, Dennis Covill, Susan Rolston, Ann Rodger, Joan Irving, Gary Irving, Ann-Marie Williams.

Staff was recommending that amendments to the Municipal Planning Strategy and Land Use By-Law for the St. Margaret's Plan Area (Planning Districts 2 and 3), presented as Attachment II to the staff report dated July 27, 1998, be approved to implement the June 16, 1998 resolution of Council.

On June 16, 1998, Council passed a Motion directing staff to prepare the required amendments to rezone the properties of David Morash and William Jollimore at Hacketts Cove from R-A (Residential) to MU-1 (Mixed Use 1).

Councillor Mitchell advised it was never his intention to change the zoning of the area in question. Accordingly, the Councillor put the following Motion on the floor:

MOVED by Councillors Mitchell and Cunningham that this matter be referred back to staff to develop another proposed amendment to authorize a Development Agreement.

To clarify Councillor Mitchell's Motion, Mr. Wayne Anstey, Municipal Solicitor, advised the purpose of this process was to permit mixed use development in the area. Councillor Mitchell is suggesting that Council direct staff to bring forward a more restrictive amendment. This is simply a continuation of the process. Further, if this Motion is adopted, there would be no purpose in holding the public hearing this evening.

Councillor Cooper expressed concern with the Motion, noting it may be detrimental to the community.

In response to an enquiry from Councillor Kelly as to the time frame involved to draft the amendments, Mr. Paul Morgan, Planner, advised approximately two months.

Councillor Walker suggested it would be prudent to hear from the public this evening prior to voting on the Motion.

Councillor Cunningham stated as it would appear the community is divided on this matter, Councillor Mitchell's Motion could be a win/win situation.

MOTION PUT AND PASSED.

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Petitions - NONE

11. REPORTS

11.1 NORTHWEST COMMUNITY COUNCIL

11.1.1 1999/2000 Capital Budget

- A memorandum prepared for Councillor Barnet, Chair, North West Community Council, on the above-noted, was before Council.

Councillor Barnet reviewed the following recommendation of the North West Community Council.

WHEREAS Glendale Drive is a high volume street surrounded on both sides by residential neighbourhoods; and

WHEREAS numerous school children must cross Glendale Drive to access the schools, most notable Caudle Park Elementary School on McGee Drive; and

WHEREAS there have been 120 reported accidents on Glendale Drive in the past five years; and

WHEREAS there have been a significant number of accidents at the intersection of Glendale Drive and McGee Drive, including two fatalities in recent years; and

WHEREAS this is the only four-way intersection on Glendale Drive without traffic lights; and

WHEREAS this intersection is the first intersection west of Cobequid Road with a pedestrian crosswalk; and

WHEREAS the RCMP have recommended greater controls at the intersection of Glendale Drive and McGee Drive;

THEREFORE, BE IT RESOLVED that in the interest of public safety, the North West Community Council requests that traffic lights be installed at the intersection of Glendale Drive and McGee Drive as part of the 1999/2000 Capital Budget.

MOVED by Councillors Harvey and Hetherington to refer this matter to staff, to be discussed during the 1999/2000 Capital Budget deliberations. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 CHIEF ADMINISTRATIVE OFFICER

11.2.1 Tender 98-185 Lawrencetown Fire Station Addition

- A memorandum prepared for Mr. Dan English, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Hendsbee and Cooper to authorize the award of Tender #98-185 to the lowest bidder - Bunden Construction (1995) Limited at a cost of

\$93,131 plus HST. MOTION PUT AND PASSED UNANIMOUSLY.

11.2.2 Tender 98-230 Sidewalk Renewals and New Sidewalks

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Greenough and Sarto that Council:

- a) waive the abutter's right to petition against the installation of concrete sidewalk on Avenue du Portage and approve the project with the recovery of Local Improvement Charges by an area rate applied to District #6; and**
- b) award Tender No. 98-230 - Sidewalk Renewals and New Sidewalks to Ocean Contractors Limited for materials and services specified at the unit prices quoted for a Total Tender Price of \$202,983.63 and a Total Project Cost of \$233,432, with funding authorized from the Capital Account Numbers noted in the Budget Implications section of the staff report dated September 1, 1998. MOTION PUT AND PASSED UNANIMOUSLY.**

11.2.3 Tender 98-274 Curb and Sidewalk, St. Margaret's Bay Road

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillor Hanson and Deputy Mayor Rankin that Council:

- a) waive the abutters' right to petition against the installation of concrete curb and sidewalk and approve the project with the recovery of Local Improvement Charges by an area rate applied to a portion of District #22; and**
- b) award Tender No. 98-274, Curb and Sidewalk, St. Margaret's Bay Road to Ocean Contractors Limited for materials and services specified at the unit prices quoted at a Tender price of \$132,079.80 and a Total project cost of \$151,891 with funding provided as outlined in the Budget Implications section of the staff report dated September 2, 1998; and**
- c) authorize the transfer of funds in the amount of \$1,891 from Capital Account No., 97460, Albert Street (Richmond to Hanover) Sidewalk to Capital Account No. 97461, St. Margaret's Bay Road. MOTION PUT AND**

PASSED UNANIMOUSLY.

11.2.4 Amendment to Halifax County Subdivision By-Law

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

Staff's recommendation was to set a date for a Public Hearing to consider amending the Halifax County Subdivision By-Law as contained in Appendix 'A' of the staff report dated September 2, 1998.

Mr. Wayne Anstey, Municipal Solicitor, suggested the words "consider amending" be replaced with "amend."

MOVED by Councillors Hendsbee and Mitchell to set a date for a Public Hearing to amend the Halifax County Subdivision By-Law as contained in Appendix 'A' of the staff report dated September 2, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Dooks requested staff seek input from groups within the development industry, who work in the rural areas.

11.2.5 Farm Acreage Grant In Lieu Program

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Dooks and Snow to authorize the Mayor and Clerk to execute the Agreement between the Halifax Regional Municipality and Her Majesty the Queen in Right of the Province of Nova Scotia as attached to the staff report dated August 26, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

CONFLICT OF INTEREST

Councillor McInroy advised as it was his general practice to emphasize the distinct separation between his two roles, the Councillor declared a Conflict of Interest with respect to item 11.2.6 - Proposed Assessment Act Review - as he was an employee of the Assessment Department, and removed himself from discussions.

11.2.6 Proposed Assessment Act Review

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

The Department of Housing and Municipal Affairs had circulated a draft of the new proposed Assessment Act and have requested comments from the various municipalities.

Staff was recommending that Council:

- 1) consider and indicate its position with respect to the issues identified in the review attached as Appendix 'A' of the staff report dated September 2, 1998, specifically whether:
 - a) Council wishes the legislation provisions respecting the taxation of university property to be strengthened to provide for the taxation of university property when it is used for commercial purposes;
 - b) The Province should be required to pay grants in lieu of taxes on properties occupied by businesses in incubator malls; and
 - c) Consider on whether the suggested provisions prohibiting assessment officials from participating in political activity is necessary (Section 15);
- 2) approve the review attached as Appendix 'A' to the staff report dated September 2, 1998, and direct staff to submit it to the Department of Housing and Municipal Affairs as the Municipality's submission on the proposed Legislation.

MOVED by Councillors Barnet and Sarto to support 1(a) and (b) such that Council:

- 1(a) wishes the legislation provisions respecting the taxation of university property to be strengthened to provide for the taxation of university property when it is used for commercial purposes [Section 5(1)(f)]; and**
 - 1(b) The Province should be required to pay grants in lieu of taxes on properties occupied by businesses in incubator malls {Section 5(2)}.**
- MOTION PUT AND PASSED.**

Another Motion dealing with 1(c) was put on the floor. Clause 1(c) of the staff

recommendation states:

“The suggested provisions prohibiting assessment officials from participating in political activity is necessary [Section 15].”

MOVED by Councillors Barnet and Sarto to eliminate Clause 1(c) - Section 15 of the proposed amendment) of the staff recommendation. MOTION PUT AND PASSED.

MOVED by Councillors Cooper and Snow to continue these discussions in Committee of the Whole. MOTION DEFEATED.

Various sections of Appendix ‘A’ were discussed.

√Sections 8 - 11 - Business Occupancy Taxes

It was agreed that the Province be requested to begin the process of the eventual elimination of business occupancy taxes.

√Various Provisions

It was agreed this Section be eliminated as this could have an adverse effect on the ability of lawmen to launch an appropriate appeal.

√Additional Section

Council recommended that the taxation provisions of the Natural Gas Act be included in this legislation.

MOVED by Councillors Adams and Kelly to support the following revisions of the Review of the Proposed Assessment Act:

Sections 8 - 11 - Business Occupancy Taxes

- the Province be requested to begin the process of the eventual elimination of business occupancy taxes.

Various Provisions

- this Section to be eliminated as this could have an adverse effect on the ability of lawmen to launch an appropriate appeal (*maintain the status*

quo).

Additional Section

- the taxation provisions of the Natural Gas Act to be included in this legislation; further,

that the remaining comments from staff remain as is. **MOTION PUT AND PASSED.**

Deputy Mayor Rankin assumed the Chair (7:15 p.m.).

A copy of Council's position, as amended, on the proposed Assessment Act, will be forwarded to the Department of Housing and Municipal Affairs.

Councillor McInroy resumed his place at the meeting.

11.2.7 1649 Brunswick Street: Old Halifax Academy - Proposed Heritage Agreement

- A memorandum prepared for Mr. Dan English, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Downey and Hetherington that Council enter into a Heritage Agreement, as enabled through Section 20 of the Heritage Property Act, for the purpose of preserving and protecting the registered heritage property located at 1649 Brunswick Street, historically known as the Old Halifax Academy. MOTION PUT AND PASSED UNANIMOUSLY.

In response to an enquiry from Councillor Schofield as to the status of a report on the possibility of portion of the funds from the sale of heritage property being distributed to other properties, Ms. Dan Norris, Heritage Co-ordinator, advised a report was currently being jointly prepared by Finance and Tourism/Culture/Heritage staff and that the report will be brought before Council within an eight week period.

11.2.8 Alderney Landing - Establishment of Board of Directors

- A memorandum prepared for Mr. Dan English, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Cunningham and Schofield that Council:

- a) **approve the establishment of a Board of Directors for the Alderney Landing project as outlined in the staff report dated August 27, 1998 and appoint the individuals listed as members of the inaugural board;**
- b) **request the Board to adopt the operating principles outlined in the letter attached to the staff report dated August 27, 1998, from the Alderney Landing Citizen's Advisory Committee;**
- c) **request the Board to immediately prepare a detailed terms of reference and annual work plan to be forwarded to Council for approval;**
- d) **forward the fund raising assessment to the Board for review and implementation.**

Councillor Schofield expressed concern on the formation of corporations to manage facilities such as this, noting with elected officials sitting on the boards, this could in effect, put them in a conflict of interest position.

Mr. Wayne Anstey, Municipal Solicitor, clarified the situation by noting that at the time of HRM's incorporation, it was the desire to have these facilities run independent of Council - at an arm's length - on more of a business relationship.

In response to an enquiry from Councillor Cooper on the feasibility study, Mr. Ken Meech, Chief Administrative Officer, advised a final report on the financial implications of the project will be provided at a later date.

Mayor Fitzgerald assumed the Chair (7:40 p.m.).

A brief discussion ensued as to the process by which individuals are to be appointed to this board.

MOVED by Councillors Walker and Barnet to refer the Alderney Landing Board appointments to the Membership Selection Committee. MOTION DEFEATED.

A vote on the Main Motion took place.

MOTION PUT AND PASSED UNANIMOUSLY.

12. MOTIONS

12.1 Councillor Kelly - Amendment to Administrative Order No. 1

During the September 1, 1998 Council Session, Councillor Kelly served the following Motion:

“That Administrative Order No. 1, the Procedure of Council Administrative Order be amended by adding thereto immediately following Section 23, the following section:

23A A motion made in respect of a matter which was the subject of a public hearing under the Planning Act, shall not be debated or voted on at the meeting at which the public hearing was held, but shall be deferred to the meeting of Council next following that meeting, unless Council, by unanimous consent, determines to debate and vote on the motion at the meeting at which the public hearing was held.”

Councillor Barnet expressed concern with the term “unanimous” suggesting it be replaced with “two-thirds.”

MOVED by Councillors Barnet and Hendsbee to amend the Motion to replace the term “unanimous” with “two-thirds.” MOTION PUT AND PASSED UNANIMOUSLY.

A vote on the Main Motion, as amended, took place. The amended Motion now reads:

MOVED by Councillors Kelly and Blumenthal that Administrative Order No. 1, the Procedure of Council Administrative Order be amended by adding thereto immediately following Section 23, the following section:

23A A motion made in respect of a matter which was the subject of a public hearing under the Planning Act, shall not be debated or voted on at the meeting at which the public hearing was held, but shall be deferred to the meeting of Council next following that meeting, unless Council, by two-thirds consent, determines to debate and vote on the motion at the meeting at which the public hearing was held.” MOTION PUT AND PASSED.

MOTION OF RECONSIDERATION

Deputy Mayor Rankin and Councillor Mitchell served a Motion of Reconsideration for the next Session of Council, on the above-noted Motion.

13. ADDED ITEMS

13.1 Councillor Adams - Water Main Breaks - Lieblin Park

Councillor Adams requested a report from the Regional Water Commission as to the reasoning behind water breaks in the Lieblin Park area, over the past three weeks.

13.2 Proposed Paving Projects for Subdivision Streets - NSDOT&PW / HRM - 50/50 Cost Sharing

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Hendsbee and Barnet that Council:

- 1) **approve the revised list of paving projects for subdivision streets as proposed by NSDOT&PW, letter dated September 3, 1998 attached to the staff report dated September 8, 1998;**
- 2) **enter into an agreement with NSDOT&PW for 50/50 cost sharing to proceed with the paving;**
- 3) **pre-approve \$287,050 in the 1999/2000 HRM Capital Budget as noted in the Budget Implications section of the staff report dated September 8, 1998;**
- 4) **approve Local Improvement Charges to abutting property owners on these streets on a frontage basis to recover total HRM share of \$603,350.**
MOTION PUT AND PASSED UNANIMOUSLY.

13.3 Councillor Schofield - Vicious Dogs

Councillor Schofield referenced vicious dog attacks in his District, and requested a report on the following:

- a) how will the Dog By-Law be enforced as it pertains to vicious dog attacks;
- b) what is the number of vicious dog attacks, and the breed involved, since amalgamation.

13.4 Councillor Barnet - Appointment to Committees (Info Item #3)

- An information report prepared for Mr. Wayne Anstey, Municipal Solicitor, on the above-noted, was moved forward to the Regular Agenda, for discussion.

Councillor Barnet expressed concern with the fact that Council was not following the procedures for the appointments of individuals to Committees, Commissions, and Boards.

MOVED by Deputy Mayor Rankin and Councillor Snow to refer the current process of appointments to staff to determine if the current procedure is in conflict with Section 63 of Administrative Order Number One. MOTION PUT AND PASSED.

14. NOTICES OF MOTION - NONE

15. ADJOURNMENT

MOVED by Councillors Blumenthal and Hetherington to adjourn the meeting at 8 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
MUNICIPAL CLERK