

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL MINUTES September 15, 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  
Bill Stone  
Ron Hanson  
Stephen D. Adams  
Bob Harvey  
Peter Kelly  
Jack Mitchell

ABSENT:

Councillor Barry Barnet

STAFF MEMBERS:

Mr. Dan English, Acting Chief Administrative Officer  
Mr. Barry Allen, Acting Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Patti Halliday, Assistant Municipal Clerk

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1. **INVOCATION**

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

**Acknowledgement**

At a later point in the meeting, Mayor Fitzgerald welcomed members of Local 108 who were present in the gallery.

2. **PROCLAMATIONS**

2.1 **Taoist Tai Chi Awareness Day - September 19th**

Mayor Fitzgerald proclaimed September 19, 1998 as Taoist Tai Chi Awareness Day.

3. **APPROVAL OF MINUTES - September 8, 1998**

Councillor Kelly requested the following amendments to the September 8, 1998 Regional Council minutes:

Page 12: The Motion of Councillors Barnet and Sarto was amended to read "MOVED by Councillors Barnet and Sarto to eliminate Clause 1(c) (**Section 15 of the proposed amendment**) of the staff recommendation.

Page 12 : The words "**Consider on whether**" should be added to the staff recommendation at the top of the page. The staff recommendation now reads as follows: "Consider on whether the suggested provisions prohibiting assessment officials from participating in political activity is necessary (Section 15)."

**MOVED by Councillors Hetherington and Cunningham that the minutes of September 8, 1998 be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.**

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

The following items were requested to be added to the agenda.

- 13.1 Councillor Downey - Old Halifax Infirmary Building
- 13.2 Councillor Cooper - Street Reconstruction

- 13.3 Councillor Uteck - Waste Collection By-Laws
- 13.4 Councillor Mitchell - District 23 Boundary Clarification

The following item was added as Item #4 to the Information Agenda:

“Memorandum from Municipal Solicitor re: Remuneration for Trade Centre Appointees”

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

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

**6. MOTIONS OF RECONSIDERATION**

**6.1 Deputy Mayor Rankin - Motion to Amend Administrative Order No. 1 with respect to Public Hearings under the Planning Act**

- This matter was discussed at the September 8, 1998 Regional Council meeting. At that time, a Motion of Reconsideration was moved by Deputy Mayor Rankin and Councillor Mitchell.

**MOVED by Deputy Mayor Rankin and Councillor Mitchell that the following motion passed on September 8, 1998 be reconsidered:**

*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.*

Deputy Mayor Rankin questioned the necessity for the amendment to Administrative Order No. 1. The Deputy Mayor noted if Council deems there is a need to defer a decision at a public hearing or to refer to staff, there is opportunity to do so, and Council has done so in the past. Further, Council has quite an extensive process for public input, more extensive than the Provincial and Federal governments. Therefore,

Deputy Mayor Rankin questioned the need for this amendment and requested Council's support for the Motion of Reconsideration.

The vote was taken on the Motion of Reconsideration.

**MOTION PUT AND PASSED.**

The original motion from the September 8, 1998 meeting was now back on the floor for reconsideration. The motion read as follows:

**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.**

Councillor Kelly spoke in support of the amendment, stating making a decision on the same night as the Public Hearing may appear to be rushing decisions. The Councillor stated the public wants some reassurance that when issues are brought forward their comments will be considered before Council makes its decision.

Councillor Blumenthal spoke in support of the motion stating he does not believe it is appropriate to vote on a matter on the same night of the Public Hearing.

In speaking in favour of the motion, Councillor Walker stated the amendment will allow Council the opportunity to review information presented at the Public Hearing. The Councillor stated he had no opposition to making a decision on the same night of the Public Hearing if no one speaks in opposition to the recommendation.

Councillor Adams spoke against the motion stating mandating a one week deferral can be construed as misleading people and giving false hope. The Councillor stated he would expect Council to recognize a need for a deferral if it is brought forward.

Mayor Fitzgerald noted a Motion of Reconsideration could also defer a decision for one week.

Deputy Mayor Rankin stated Council is expected to deal with issues expeditiously when possible. The Deputy Mayor noted there have been no problems identified with the current process.

Councillor Hetherington spoke in support of the motion, noting a lot of cases will be still be approved on the night of the Public Hearing. The Councillor requested clarification of "two-thirds of Council" as stated in the amendment. Mr. Barry Allen, Acting Municipal Solicitor, replied it means two-thirds of those Council members present at the meeting.

Councillor Cunningham spoke in opposition of the motion, stating it is his understanding once a Public Hearing is closed, Council cannot consider any new evidence. Mr. Allen stated the Supreme Court of Canada made a decision a few years ago which recognizes that, politically, there will be submissions made to members of Council. Therefore, the rule today would be that Council should not act on a completely new piece of information provided after the Public Hearing, where a party at the original hearing would not have the opportunity to comment. This information should be raised at the next meeting to allow other parties to comment.

Councillor Hendsbee expressed concern with the amendment, noting it will slow down the process; further, the public expects to have a decision right away. The Councillor noted members of Council not present at the Public Hearing are not permitted to vote on the decision, and this may create problems if the matter is deferred to the next meeting. Further, Councillor Hendsbee noted there is also an appeal process for the public to pursue if they disagree with Council's decision.

Councillor Greenough spoke against the motion, stating the public has a certain expectation of Council to make a decision at a Public Hearing unless there is a very good reason not to make the decision at that time. The Councillor stated the amendment would put unnecessary restrictions on Council and the process.

Speaking against the motion, Councillor Cooper stated there is more than ample opportunity to have items assessed and questions answered during the Public Hearing process; and, he sees no value in having a decision deferred for a week, unless there is a major amendment proposed.

Councillor Sarto spoke against the motion stating staff is available during the Public Hearing to answer Council's questions.

In closing the debate, Councillor Kelly stated this amendment would ensure that issues will not be voted on the same evening as the Public Hearing, and the public's comments will be taken through the process. It will also provide staff the opportunity to

review the information provided at the Public Hearing and to provide a report to Council.

**MOTION DEFEATED.**

**7. MOTIONS OF RESCISSION - None**

**8. CONSIDERATION OF DEFERRED BUSINESS**

**8.1 Montague Road - Suburban Area Boundary**

- This matter was deferred from the August 25, 1998 Regional Council meeting, to permit presentations to Council.

**CONFLICT OF INTEREST**

Councillor Greenough declared a Conflict of Interest with respect to this matter, as one of the presenters is his brother-in-law, and removed himself from the discussion.

- (i) **Presentations - Milt Bursey and Don Uhrich**
- (ii) **Report from Harbour East Community Council**

- A report from the Harbour East Community Council, regarding the above, was before Council for consideration.

**Mr. Milt Bursey**

Mr. Milt Bursey, 616 Montague Road, in making a presentation to Council regarding the suburban area boundary, made the following points:

- 3701 residents completed and submitted to HRM a status review form which was included in the 1997 tax bill. Over 76 percent of the objections concerned charges for sidewalk and transit.
- The summary of the complaints received and the intended action to address them were contained in a staff information report to Council dated October 6, 1997. The issue of transit was only addressed by reference to improper assignment of transit charges to properties in District 3. The staff report recommended that no changes be made to sidewalk charges; however, it did indicate residents of District 22 were to be credited for sidewalk snowploughing charges.



- A map was shown to illustrate the Montague Road area and the distance to sidewalks and transit service.
- The term “reasonable access” has not be defined.

In closing, Mr. Burseley stated he believes the Montague Road area was overlooked when the tax restructuring took place, and it should have been included in the suburban zone along with similar areas.

**Mr. Don Uhrich**

Mr. Don Uhrich, 25 Burnhope Drive, addressed Council regarding this matter, making the following points:

- The residents' main concern is with the manner in which their request to be changed to suburban was turned down by HRM.
- The residents object to the current tax structure as they do not have reasonable access to the services, nor do they believe they will likely ever obtain them.
- Staff has advised the 1998 tax bills will be bereft of any breakdown of charges. There is also an intention to phase out the suburban zone in the next couple of years. Mr. Uhrich urged Council to overturn both of these actions.
- Even if suburban assessments are lower than those in the urban areas, the cost to build the home is the same, and the selling price will be lower than the urban equivalent.
- Lower assessments do not justify charging for services not received.
- The only logical definition to distinguish suburban areas from urban areas is disparity in services.
- Council has a duty to right injustices wherever and whenever they occur.

In closing, Mr. Uhrich requested Council to weigh the request in the light of fairness and to extend the suburban area boundary to include the Montague Road area.

**MOVED by Councillors Cooper and Hendsbee that Halifax Regional Council include the area of Montague Road, including Gold Lane, Montague Gold Mines and Burnhope Drive in the Suburban Area Boundary.**

Councillor Hendsbee spoke in support of the motion, noting one tax rate will not work until the citizens are assured of uniformity in services. Therefore, due to the disparity in services, the three tier tax structure is currently needed.

Councillor Walker spoke against the motion, stating some residents who live in the urban area do not have sidewalks or transit service. The Councillor noted businesses are also paying taxes for a service they no longer receive. Councillor Walker stated there should be one tax rate, and the assessment will determine how much tax will be paid. The Councillor also noted if all districts are classified as suburban, the tax rate will have to increase.

Mr. Allen noted if a change in the boundary was approved, it would not be in effect until the next taxation year.

Councillor Kelly noted there are areas in his District in the same situation as Montague Road. The Councillor stated a policy needs to be determined, with respect to setbacks from sidewalks and transit, to determine who pays for these services. He stated until this policy is formulated, residents will always be treated unfairly.

Councillor Stone stated he would like to request a staff report on the presentation made this evening. The Councillor noted there are many areas in his District that do not have municipal water, sidewalks or fire hydrants, and are paying the highest tax rate. Councillor Stone stated if one area is going to be reviewed, then all areas should be reviewed. He suggested there should not be any more than two tax rates. Further, the Councillor suggested the matter should be deferred until a staff report can be prepared to determine the ramifications of considering this for every district in the Municipality.

**MOVED by Councillors Stone and Walker that the matter be deferred pending a staff report in three weeks to allow Council to collectively examine the ramifications of this boundary change request for all of HRM. MOTION PUT AND PASSED.**

**9. PUBLIC HEARING**

**9.1 Second Reading By-Law H-301 Respecting the Halifax County Rehabilitation Centre**

- By-Law H-301 Respecting the Halifax County Rehabilitation Centre was given First Reading on August 18, 1998. The By-Law was now before Council for Second Reading.

Mayor Fitzgerald called for members of the public wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was placed before Council.

**MOVED by Councillors Hetherington and Blumenthal that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillors McInroy and Cooper that By-Law H-301 Respecting the Halifax County Rehabilitation Centre be given Second Reading.**

In response to a question from Councillor Schofield, Mr. Allen stated it is his understanding that this Board is set up under the Provincial Social Assistance Act. Councillor McInroy, Chair, Board of Management, Halifax County Rehabilitation Centre, stated the main reason for removing the term limitations for the Chair and Vice Chair was to provide stability at the Board level for the on-going downsizing of the Centre.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillors McInroy and Snow that By-Law H-301 Respecting the Halifax County Rehabilitation Centre be given Third Reading. MOTION PUT AND PASSED UNANIMOUSLY.**

**10. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**10.1 Petitions**

**10.1.1 Councillor Cunningham - Crosswalk at Hawthorne Street and Prince Albert Road, Dartmouth**

Councillor Cunningham submitted a petition from residents of Dartmouth expressing concern regarding the crosswalk at the intersection of Hawthorne Street and Prince Albert Road. The petition recommended the following:

1. A re-evaluation of the need for a crossing guard to be returned to this intersection.
2. The installation of a pedestrian signal be reconsidered at this intersection.
3. The primary students have additional discussion(s) of traffic safety for the next few weeks.

It was agreed that this petition be forwarded to staff for consideration.

**10.1.2 Councillor Cunningham - Downtown Dartmouth Safety Concerns**

Councillor Cunningham submitted two letters from residents of downtown Dartmouth expressing safety concerns in this area and requesting assistance from HRM to deal with these problems as soon as possible. It was agreed that the correspondence be forwarded to the Chief of Police and the HRM Board of Police Commissioners requesting an update as to the status of this situation.

## **10.2 Presentations**

### **10.2.1 Noise Pollution Behind the Bedford Place Mall - Fred Hall**

- A report prepared by Mr. Fred Hall, Resident, regarding Noise Pollution Behind the Bedford Place Mall, was before Council for consideration.
- Copies of City of Halifax Ordinance Number 113, Respecting the Control of Noise; and, Town of Bedford By-Law 22106, Respecting the Prohibition and Regulation of Certain Noises in the Town of Bedford, were before Council for its consideration.

With the use of overheads, Mr. Fred Hall, presented his report regarding noise pollution behind the Bedford Place Mall.

Mr. Hall's report recommended the following:

- Changes need to be made to the noise by-law that will ensure residents' health is not affected and that they will be able to have the right to appreciate their property.
- Trucks entering the back of the Bedford Place Mall need to turn off their engines along with their refrigeration units.
- Only one truck should be allowed to enter the back of the Bedford Place Mall at any one time to unload their products.

If the above is not possible, Mr. Hall recommended the following:

- The unloading area at Zellers should be relocated.
- A proper noise barrier should be built.
- HRM should request a review of scientific literature regarding stress-related health effects of noise to be done by the Central Regional Health Board.

In closing, Mr. Hall read into the record a letter from Ms. Ann Awalt, Resident, expressing concerns regarding the amount of noise behind her home located directly behind the loading dock of the Bedford IGA.

Mayor Fitzgerald suggested if the houses were purchased after the mall was built, some noise problems should have been anticipated. However, he suggested the matter should be examined to obtain the full details and to determine if something can be done to correct the problem.

**MOVED by Councillor Kelly and Deputy Mayor Rankin that this matter be referred to staff for review and comment.**

Councillor Adams suggested if Mr. Hall could provide the journal references supporting the health facts stated in his report to staff, it would help expedite the review.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2.2 2510 Barrington Street - Colin D. Bryson**

- Correspondence from Colin D. Bryson, Blois, Nickerson and Bryson, regarding the above, was before Council for consideration.

Mr. Colin Bryson, Legal Counsel for Ms. Kelly Atkins, reviewed his correspondence to Council dated September 10, 1998, which was before Council for consideration. On behalf of Ms. Atkins, Mr. Bryson requested that the Municipality enter into negotiations to purchase the property belonging to Ms. Atkins, at 2510 Barrington Street, at fair value, presumably based on appraisals.

In response to a question from Mayor Fitzgerald, Ms. Atkins stated her property is assessed for \$70,000 without a driveway. Ms. Atkins noted the property has been in her family since 1947, and she has lived there since 1970. She stated the property has been devalued since the development of North Mews at which time the road leading to the property was closed.

Councillor Schofield stated when the relocation of the Hugo Cottage was before the Heritage Advisory Committee, he was not aware of the access problems it would create for 2510 Barrington Street.

Councillor Blumenthal expressed concern with the access problem being created for Ms. Atkins' husband.

**MOVED by Councillors Downey and Hetherington that this matter be referred to staff for a report within two weeks. MOTION PUT AND PASSED UNANIMOUSLY.**

**11. REPORTS**

**11.1 CHIEF ADMINISTRATIVE OFFICER**

**11.1.1 Tender #98-018, One (1) Heavy Duty Rescue Unit for Oyster Pond & Area Fire Department**

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

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

1. **Regional Council authorize the award of Tender #98-018 to the lowest bidder, Tibotrac International at a cost of \$164,500.00 plus applicable taxes.**
2. **The \$140,000 previously approved by Council for this project as part of the 1997/98 Capital Budget be increased to \$177,000.00 to cover this tender. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.2 Creighton-Gerrish Development Association Proposal**

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

**MOVED by Councillors Downey and Uteck that Halifax Regional Council, as a preliminary step in the consideration of the proposal by the CGDA, refer the matter of assessing the heritage value of the building at 2330-2334 Gottingen Street (Club 55) to the Regional Heritage Advisory Committee for advice and recommendation. MOTION PUT AND PASSED UNANIMOUSLY.**

**12. MOTIONS - None**

**13. ADDED ITEMS**

**13.1 Councillor Downey - Old Infirmary Building**

Councillor Downey advised that it is his understanding that proposed plans for the Old Infirmary Building may not be going ahead, and residents have suggested the Province should be requested to reconsider the plans for this building and possibly use it as a seniors' centre.

**MOVED by Councillors Downey and Blumenthal that a letter to be sent to the Province requesting that reconsideration be given to the plans for the Old Halifax Infirmary Building, and that the possibility of turning it into a seniors centre or complex be examined. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.2 Councillor Cooper - Street Reconstruction**

Councillor Cooper stated it was his understanding that it is HRM's position that concrete curbs and gutters are to be the standard throughout HRM. It has come to the Councillor's attention that, for some areas, HRM would consider replacing asphalt with asphalt. Councillor Cooper stated he did not think this was an option, and requested that this matter be referred to staff for a report as soon as possible to clarify the matter. Council agreed to the request.

**13.3 Councillor Uteck - Waste Collection By-Laws**

Councillor Uteck stated it was his understanding that staff is already working on a report regarding this issue, and requested that, in this report, staff address the issue of curb side garbage being left on the curb for days, and sometimes weeks, on end.

Council agreed to the request.

**13.4 Councillor Mitchell - District 23 Boundary Clarification**

In response to a newspaper article regarding HRM boundaries, a general discussion took place regarding this issue. Mayor Fitzgerald stated the public's opinion needs to be obtained regarding any possible boundary changes. Some members of Council stated this process should be initiated by the District Councillors.

**14. NOTICES OF MOTION - None**

**15. ADJOURNMENT**

**MOVED by Councillors Blumenthal and Greenough that the meeting adjourn at 8:20 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael  
Municipal Clerk