

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL MINUTES March 21, 2000

PRESENT:

Mayor Walter Fitzgerald  
Deputy Mayor John Cunningham  
Councillors: Stephen Streach  
Gordon R. Snow  
Keith Colwell  
Ron Cooper  
Harry McInroy  
Jack Greenough  
Condo Sarto  
Bruce Hetherington  
Clint Schofield  
Jerry Blumenthal  
Graham L. Downey  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Bill Stone  
Graham Read  
Stephen D. Adams  
David Merrigan  
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.	PROCLAMATION .....	5
2.1	Hunger Awareness Week .....	5
3.	APPROVAL OF MINUTES - MARCH 7, 2000 .....	5
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS .....	5
5.	BUSINESS ARISING OUT OF THE MINUTES - None .....	9
6.	MOTIONS OF RECONSIDERATION - None .....	9
7.	MOTIONS OF RESCISSION - None .....	9
8.	CONSIDERATION OF DEFERRED BUSINESS .....	9
8.1	Pesticide Report - Staff Presentation .....	9
8.2	Council Decision on Second Reading By-Law S-404 Respecting Local Improvement Charges, New Paving Projects Outside the Core Area - 1998 .....	10
8.3	Council Decision on Second Reading By-Law T-109 Respecting the Halifax Regional Municipality Taxi and Limousine By-Law (Taxi Rates) .....	10
8.4	Council Decision on Second Reading By-Law T-202 Respecting Tax Exemptions .....	13
9.	CORRESPONDENCE, PETITIONS & DELEGATIONS .....	16
9.1	Petitions .....	16
9.1.1	Councillor Blumenthal - Use of Landscape Pesticides .....	16
9.1.2	Councillor Harvey - Use of Landscape Pesticides .....	16
9.1.3	Councillor Adams - Use of Landscape Pesticides .....	16
9.1.4	Councillor Uteck - Use of Landscape Pesticides .....	16
9.1.5	Councillor Sarto - Use of Landscape Pesticides .....	16
9.1.6	Residents - Use of Landscape Pesticides .....	16
9.2	Presentations .....	17
9.2.1	Importance of Fine Arts Education in the Regional School Board - Fine Arts Parents Association .....	17
9.2.2	Pesticides .....	17

10.	REPORTS .....	18
	10.1 MEMBERS OF COUNCIL .....	18
	10.1.1 Councillor Read .....	18
	i) Underground Wiring - Cowie Hill .....	18
	ii) Water Meters - Individual Townhouse Units .....	19
	iii) Crosswalks - Curbs Cuts for Wheelchairs .....	19
	10.1.2 Councillor Kelly - Portable Signs - By-Law Enforcement .....	19
	10.2 ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES .....	19
	10.2.1 Terms of Reference .....	19
	10.3 CHIEF ADMINISTRATIVE OFFICER .....	20
	10.3.1 Approval of 2000/2001 Operating and Capital Budgets and Reserves .....	20
	10.3.2 Tender 99-221 Ross Road Area - Storm Sewer .....	20
	10.3.3 Tender 99-248 Belleshire Drive Storm Sewer .....	20
	10.3.4 Amendments to By-Law T-400 (Truck Route By-Law) .....	21
	10.3.5 Municipal Service Systems .....	21
	10.3.6 Case 00071 - Request to Amend the MPS and LUB for Beaver Bank, Hammonds Plains and Upper Sackville (Glen Arbour Golf and Residential Community) .....	21
	10.3.7 Business Improvement Districts - Renewal of Service Agreements (Project 00102) .....	22
	10.3.8 Application for 'Capital Region' Mural by Downtown Halifax Business Commission .....	23
	10.3.9 Coat of Arms and Flag - Applications for Use .....	23
	10.3.10 Repeal of Outdated By-Laws .....	24
11.	MOTIONS .....	24
	11.1 Councillor Uteck - Sale of Municipally Owned Heritage Properties ...	24
	11.2 Councillor Schofield - Feeding of Ducks and Other Water Fowl .....	24
	11.3 Councillor Adams - Amendment to Municipal Government Act re: Supplementary Education Funding .....	25
12.	ADDED ITEMS .....	25
	12.1 Councillor Schofield - Shannon Park School .....	25
	12.2 Claim Settlement - Irving Steamships Limited .....	26
	12.3 Property Matter - Drolet - 2500 Barrington Street .....	<b>26</b>
	12.4 Property Matter - MacAskill's Restaurant (supp report) .....	26
	12.5 Property Matter - Acquisition of Walkway, Brian Drive and Hillsboro Drive, Westphal .....	27
	12.6 Councillor Snow - Paving of District 2 .....	27

13.	NOTICES OF MOTION .....	28
	13.1 Councillor Rankin - Amendment to Administrative Order 16, Respecting Fees for the Use of Solid Waste Management Facilities .....	28
	13.2 Councillor McInroy - First Reading of By-Law T-401 .....	28
14.	ADJOURNMENT .....	28

**1. INVOCATION**

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

**2. PROCLAMATION**

**2.1 Hunger Awareness Week**

Mayor Fitzgerald proclaimed March 20 - 25, 2000 to be Hunger Awareness Week.

**3. APPROVAL OF MINUTES - MARCH 7, 2000**

**MOVED by Deputy Mayor Cunningham and Councillor Hetherington that the minutes of March 7, 2000 be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

The following items were added to the agenda:

- 12.1 Councillor Schofield - Shannon Park School
- 12.2 Claim Settlement - Irving Steamships Limited
- 12.3 Property Matter - Drolet - 2500 Barrington Street
- 12.4 Property Matter - MacAskill's Restaurant (supp report)
- 12.5 Property Matter - Acquisition of Walkway, Brian Drive and Hillsboro Drive, Westphal

The following item was requested to be placed on the March 28<sup>th</sup> agenda:

- Councillor Colwell - Road Conditions on Range Road - District 3

After some discussion, it was agreed that Item 8.1 Pesticide Report - Staff presentation, would be deferred to a Committee of the Whole meeting to be held on Tuesday, March 28<sup>th</sup> at 1:30 p.m.

Item 10.3.1 Approval of the 2000/2001 Operating Budget and Capital Budgets was moved up on the agenda to follow Approval of the Order of Business. During discussion of this item the following item was added to the agenda:

- 12.6 Councillor Snow - Paving of Roads in District 2

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

**10.3.1 Approval of 2000/2001 Operating and Capital Budgets and Reserves**

- A proposed resolution for approval of the 2000/2001 Operating and Capital Budgets and Reserves was circulated to Council.

Mr. Ken Meech, Chief Administrative Officer, stated there is a recommendation from the Committee of the Whole to approve both the Capital and Operating Budgets for fiscal year 2000-2001. Mr. George McLellan, Deputy Chief Administrative Officer, stated that staff met earlier today with the Councillors who had concerns with some adjustments to the tax boundary, as a number of areas were identified throughout the year for examination, and it was agreed to make three minor boundary changes, which are reflected in the proposed resolution. Mr. McLellan noted another change is the elimination of the word "maximum" regarding the interest rate payable on reserves, and this amount has been formally changed to 4.5 percent in the resolution.

Councillor Greenough suggested the proposed resolution be accepted to approve the Capital, Operating and Reserve Budgets for 2000-2001, as recommended by the Committee of the Whole, with the exception of Section (e) regarding area rates.

**MOVED by Councillors Greenough and Hetherington that Council adopt the 2000/2001 Capital Budget & Reserve Budgets and the following resolution for Approval of the Operating Budget and Tax Rates for Fiscal 2000/2001:**

It is hereby resolved that:

- a) The Operating Budget in the amount of \$463,057,609 gross expenditures, \$308,284,243 property tax revenues, and \$154,773,446 non-tax revenues be approved, which reflects all adjustments approved by Council to the Budget tabled on February 29, 2000: and, further,
- b) that the general rates of taxation on commercial, machinery and equipment, and business occupancy be set at:
  - (i) \$3.440 for the urban rate
  - (ii) \$3.440 for the suburban area; and
  - (iii) \$2.856 for the rural area

applied to the full assessed value of the property.

- c) that the general rates of taxation be applied to the assessed value on residential and resource property be set at
  - (i) \$1.348 for the urban rate
  - (ii) \$1.238 for the suburban area; and
  - (iii) \$1.029 for the rural areaapplied to the full assessed value of the property.
  
- d) that the boundary of the urban, suburban and rural areas is as delineated in the attached "Tax Structure Map" except that any property
  - (i) within or bordering on Kinsac,
  - (ii) shaded blue on the "Hammonds Plains" Map (attached to the resolution)
  - (iii) shaded blue on the "Montague Road" Map (attached to the resolution)is to be classified as suburban.
  
- e) that Supplementary Education shall be set at the rate of \$.131 to the residential and resource; and set at \$.335 to the commercial assessment including business occupancy of the former City of Halifax; and \$.103 to the residential and resource assessment at \$.262 to the commercial assessment and business occupancy of the former City of Dartmouth. Total discretionary funding shall be set at \$16,942,100.
  
- f) that Fire Protection rates shall be set at \$.096 for all commercial assessable property, including business occupancy; and resulting in a rate applied at \$.038 for all residential and resource property;
  
- g) the provisions of Section 49(1) to (8) of the Assessment Act shall not apply to the Halifax Regional Municipality with the result there shall be no residential occupancy tax in the Halifax Regional Municipality for the 2000/2001 taxation year.
  
- h) that the final tax bills will become due on Friday, September 29, 2000.
  
- i) that the interest rate on the Special Reserve Funds, designated as requiring interest under Section 100(2) of the Municipal Government Act, be set at 4.5% for the period April 1, 2000 to March 31, 2001.

- j) that the interest rate on the Pollution Control Reserves be set at 4.5% for the period April 1, 2000 to March 31, 2001.
- k) that the interest rate on all reserves except for those identified in j) and k) will be set at 4.5% for the period April 1, 2000 to March 31, 2001.

Responding to questions of Councillor Kelly, Mr. McLellan stated that early in the upcoming fiscal year, staff will be recommending that a committee of Councillors be formed, supported by staff, to examine the entire issue of fairness of the current tax structure. With respect to policing issues, including operations and complement, Councillor Kelly inquired if there will be an opportunity next year for Council to have the input prior to the initiative of the budgetary process. In response, Mr. McLellan stated if Council would like to be briefed on what the budget will look like, that can be done. He also encouraged Councillors to attend the Program and Service Review Committee meetings where updates are provided as the budget sessions are approached. Councillor Kelly expressed concern that issues are fully debated at those Committee meetings, rather than at Regional Council.

Councillor Downey expressed concern with the closing of two fire stations that will not be projected to be replaced until 2001, and the problems that may occur as a result. The Councillor stated he cannot support the budget with this item included.

Councillor Blumenthal suggested an amendment should be made to the motion regarding the new library, and put forth the following motion:

**MOVED by Councillors Blumenthal and Hetherington that the motion be amended to defer the construction of the new Tantallon Library for one year, and that the property tax decrease be changed back to 1.2 percent, and that the remaining funds for the new library be put towards materials for all the other libraries in HRM. MOTION PUT AND DEFEATED.**

Councillor Hetherington requested a staff report regarding how often the plebiscite for the BIDCs is carried out. Mr. McLellan replied that it occurs annually. The Councillor requested that a staff report still come forward so Council will be clear as to how this is carried out.

In response to a question of Councillor Merrigan, Mr. Bruce Fisher, Budget Coordinator, stated a copy of the map, indicating the defined community boundary for the Kinsac area, used for the 911 emergency service, can be provided to the Councillor.

Councillors Streach, Mitchell and Greenough spoke in support of the resolution, and commended staff for their work during the budget process.

**MOTION PUT AND PASSED.**

Mayor Fitzgerald expressed gratitude to both Council and staff for their diligence and hard work during the budget deliberations.

**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 Pesticide Report - Staff Presentation**

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.
- The Pesticide By-Law Advisory Committee's December 7, 1999 report to Regional Council was re-circulated to Council.
- Correspondence regarding the proposed pesticide by-law from the following was received by Regional Council:
  - Dr. Robert Strang, Central Regional Health Board
  - Dr. Robert Rutledge, Radiation Oncologist, Nova Scotia Cancer Centre
  - E. J. (Ed) Patterson, Nitro Green Lawns
  - Marianne Morton
  - David Wimberley
  - Patricia A. Pearce
  - Sandy Robertson, President, Earth-Craft Landscape Ltd., & Integrated Lawncare Systems Inc.
  - Tim Tregunnon, President and General Manager, Halifax Seed Company, Inc.
  - Doug Conrad, Owner, Plantec Landscape Services
  - Carlo Weickert, Canadian Tire, Clayton Park
  - Wendy Road, Vice President and Executive Director, Urban Pest Management Council of Canada
  - Alan Ross, Owner, Ross Lawn Care
  - Vivien Blamire
  - Mary Stevenson
  - Heather Harroun
  - Matthew Lavers

During Approval of the Order of Business, this item was deferred to a Committee of the Whole meeting to be held on Tuesday, March 28<sup>th</sup> at 1:30 p.m.

**8.2 Council Decision on Second Reading By-Law S-404 Respecting Local Improvement Charges, New Paving Projects Outside the Core Area - 1998**

- A Public Hearing regarding By-Law S-404 was held and closed on February 22, 2000. A Council decision on Second Reading was deferred at that time.

**MOVED by Councillors Rankin and Mitchell that Council give Second Reading to By-Law S-404 Respecting Local Improvement Charges, New Paving Projects Outside the Core Area - 1998.**

Councillor Colwell submitted nine sworn affidavits from residents of Terry Court, copies of which were circulated to Council, regarding the paving of this street, sections of which he quoted to illustrate the concerns of the residents. The Councillor stated that in recent discussions with the residents of Terry Court, there was some indication that it in 1994-95 the cost was quoted with an 80/20 split between the Province and the residents. Councillor Colwell requested that more time given to the residents to investigate and research this information.

**MOVED by Councillors Colwell and Blumenthal that the motion be amended to remove Terry Court from the By-Law for a four month period to allow the residents the opportunity to follow through with the Province to see if the provincial government will pay for part of the costs for the paving. MOTION PUT AND PASSED UNANIMOUSLY.**

The vote was then taken on the Main Motion, as amended.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**8.3 Council Decision on Second Reading By-Law T-109 Respecting the Halifax Regional Municipality Taxi and Limousine By-Law (Taxi Rates)**

- A Public Hearing regarding By-Law T-109 was held and closed on March 7, 2000. A Council decision on Second Reading was deferred, pending a report from the Regional Taxi & Limousine Committee.
- A Supplementary Report from the Regional Taxi and Limousine Committee regarding Taxi Rates was circulated to Council.

Councillor Adams presented the Supplementary Report to Council which recommended the following: that taxi fares in Halifax Zone, Dartmouth Zone and County Zone, be increased to \$2.50 on the drop, \$2.00 on the mile (\$.10 each 1/20 mile), and \$20.00 per waiting time.

**MOVED by Councillors Adams and Councillor Cooper that Council give Second Reading to By-Law T-109 Respecting the Halifax Regional Municipality Taxi and Limousine By-Law (Taxi Rates) with the Fare Rate Schedule attached as Appendix A to the Taxi and Limousine Committee Supplementary Report dated March 21, 2000.**

Councillor Fougere expressed concern with the rates for seniors, stating most trips taken by seniors on the Peninsula are for distances of two or less miles. A two mile trip for a senior travelling alone will cost \$6.50, which will have a serious affect on their fixed budgets. Therefore, the Councillor stated she could not support the Seniors Shared-Ride Rate Schedule portion of the By-Law. Mr. Anstey, Municipal Solicitor, stated this schedule is a bit misleading, because in order to charge that rate, the taxi/accessible taxi/limousine has to register as a shared ride vehicle. To date, no driver has registered their vehicle as a shared ride vehicle. In response, Councillor Fougere stated Council needs to take a serious look at the transportation options available to seniors due to their fixed and limited incomes.

Councillor Blumenthal shared Councillor Fougere's concerns, and suggested the By-Law could be approved as proposed, with the exception of the Seniors Shared-Rate Schedule. The Councillor also expressed concern with the difficulty experienced by residents with obtaining a taxi, particularly in the evening.

**MOVED by Councillors Blumenthal and Fougere that the motion be amended to withdraw the Seniors Shared-Rate Schedule and send it back to the Regional Taxi and Limousine Committee to come back with in one month's time with an amendment.**

Councillor Stone agreed there should be something more done for the seniors. The Councillor inquired about the \$1.50 charge for each steamer trunk and the \$.50 charge for each piece of luggage, parcel, or bag of groceries handled by a driver. Councillor Stone inquired if this is an addition to the proposed By-Law. Mr. Anstey replied that those rates have always been included.

Speaking on the amendment, Councillor Adams stated the Committee has debated this issue in length and is at a standstill as to how it can accommodate a decrease in fares for seniors. Councillor Blumenthal suggested a flat rate for seniors within certain areas could be implemented. Councillor Adams stated one of the concerns of the Committee was what rate would be charged in cases where there would be multiple passengers in a vehicle,

with only one being a senior. In response to Councillor Fougere's comments, Councillor Adams stated the difference in a two-mile trip in Halifax would now be \$.90. The Councillor noted many of the drivers are seniors, and questioned why a senior passenger would request a discount from a senior driver. Councillor Adams suggested Council needs to provide the Committee with further specific direction as to how the senior citizen discount could be implemented.

Councillor Greenough inquired what fees would be charged in the interim if the amendment passes. Councillor Adams stated seniors would pay the regular rate until such time there is change made.

Mayor Fitzgerald suggested the By-Law could be approved, as proposed, and a group could be put together to work out a special senior fare. The Mayor inquired when the By-Law is to go into effect. Councillor Adams replied the Committee would like to have it go in effect as soon as possible. In response Mayor Fitzgerald stated the By-Law would go into effect April 1, 2000, and a special committee could work on a solution for seniors by April 30, 2000.

Councillor Greenough suggested the By-Law could be approved, as proposed, without the amendment, and the matter of a senior discount could be referred back to the Committee for a report back to Council. In response, Councillor Fougere stated that since the proposed Seniors Shared-Rate Schedule does not offer any significant savings, the inclusion of it in the By-Law solves nothing. The Councillor suggested perhaps representatives of some senior groups (ie. Canadian Pensioners Concerned, Senior Secretariats, etc.) who may have some information to offer, should be asked for some possible suggestions to be referred to the Committee.

Councillor Sarto suggested an option for a senior discount would be to drop the initial charge. In response, Councillor Adams reiterated the concern with multiple passengers, with only one being a senior. The Councillor suggested the By-Law could be approved, as currently proposed, if additional resources are provided, and the issue of a senior discount could be discussed further by the Committee.

Councillor Cooper stated there are other issues involved rather than just a senior fare, as the whole industry is based on distance travelled. The Councillor questioned how the drivers can accommodate the discounted fare on their Income Tax returns, and how the seniors will be identified. Councillor Cooper agreed with the suggestion that the By-Law be approved, as proposed, and the senior issue be referred back to the Committee to be handled in the best way it can.

Councillor Stone suggested consideration should be given to a frequent user program for seniors, administered by the taxi industry itself. The Councillor also suggested the \$1.50

charge for each steamer trunk, and the \$.50 charge for each piece of luggage or bag of groceries handled by the driver, could be waived for seniors.

Councillor Rankin stated the Taxi Committee has consulted with the industry and held open meetings regarding this complex issue. With respect to consideration of a discounted rate for seniors, the Councillor stated this will mean subsidization by either the non-senior passengers or the drivers. Councillor Rankin noted a fair subsidy is already offered to seniors in public transit, and the taxi industry should not be required to provide a subsidy. In closing, Councillor Rankin asked Council to approve the By-Law that was before Council previously at Second Reading, with the taxi fares recommended in the Supplementary Report.

Councillor Blumenthal noted, and spoke in support of, a suggestion of Councillor Uteck that an annual senior identification card could be provided for seniors for a nominal charge of \$.50 that would provide a 15 percent discount to seniors. The Councillor suggested the Committee could consider this idea.

Councillor Harvey stated there is a difference between transit service and the taxi industry, as one is public transportation and the other is private enterprise. The Councillor suggested if the taxi industry wants to offer a senior discount, it should be left to them to work out by themselves.

Councillor Hetherington noted the Municipality already offers a Residential Tax Exemption program to seniors with incomes under \$23,000. With respect to the charge for grocery bags, the Councillor noted a lot of drivers do not charge this fee for many of their customers.

Closing the debate, Councillor Adams proposed that the By-Law be approved as it currently stands. The Councillor reiterated his comment that many of the taxi drivers are seniors and they do not receive discounts on items they buy, such as gas. However, Councillor Adams agreed the senior discount issue could go back to the Committee, with input and assistance from other groups, to see what options are possible. Having received assurances that the Taxi and Limousine Committee would review the matter, Councillors Blumenthal and Fougere agreed to withdraw the amendment.

The vote was then taken on the Main Motion.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**8.4 Council Decision on Second Reading By-Law T-202 Respecting Tax Exemptions**

- A Public Hearing regarding By-Law T-202 was held and closed on December 7, 1999. A decision on Second Reading was deferred to March 7, 2000.
- On March 7, 2000, a decision on Second Reading was deferred to March 21, 2000, pending a report from the Grant Committee.
- Correspondence from Mr. Dan O'Halloran, The Waegwoltic Club, in support of 100 percent residential taxation, was before Council for its consideration.
- A Supplementary Report from the Grant Committee, regarding the above, was circulated to Council for its consideration.

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

1. **Council approve amendment By-Law T-202 respecting corrections, and additions to By-Law T-201, as found in Attachment 1 of the Grant Committee report dated March 14, 2000; and, in particular,**
2. **Council approve adding the Waegwoltic Club to the amendment T-202 to have 3/4 of the property, which includes the parkland and recreation uses, to be converted to the residential rate and included in Schedule 24 and Schedule 29.**

Responding to a question of Councillor Hetherington regarding the \$17,300 tax bill of the Portuguese Society, Ms. Barbara Nehiley, Coordinator, Special Projects, stated an amount is included in the budget to cover this, and it will be administered.

Councillor Uteck expressed concern with the recommendation regarding The Waegwoltic Club. The Councillor stated this club is no different than any of the similar organizations in HRM, as it is a family-oriented non-profit organization with an average membership fee of \$400 per year. Councillor Uteck stated this recreational seasonal facility does not hold a regular liquor license, such as the Mic Mac A.A.C., which was recently granted a 100 tax exemption. The Councillor noted that The Waegwoltic is only asking to be taxed at the residential tax rate, and is not requesting a full exemption such as is the case for the St. Mary's Boat Club which is located next to this property.

**MOVED by Councillors Uteck and Fougere that the motion be amended to reflect that The Waegwoltic Club be taxed at 100 percent of the residential tax rate.**

Speaking against the amendment, Councillor Schofield stated he believes the Grant Committee recommendation is reasonable, and noted that all tax exemptions will be under review in one year.

Also speaking against the amendment, Councillor Blumenthal stated St. Mary's Boat Club is owned by HRM, and that is why it receives a tax exemption.

Councillor Rankin spoke in support of the amendment, echoing Councillor Uteck's comments with respect to tax exemption granted to the Saint Mary's Boat Club.

Councillor Streach spoke in support of Councillor Schofield's comments, and stated he would not support the amendment.

Speaking in support of the amendment, Councillor Fougere stated there are approximately 6,000 HRM residents who belong to The Waegwoltic Club, which provides recreational services which HRM could not provide for the same price. The Councillor suggested the membership fees could be raised to cover the taxes, which would eliminate the opportunity for hundreds of residents to utilize the facility. Councillor Fougere stated that even at the residential rate, The Waegwoltic will still be paying a substantial amount in taxes due to the size and location of the property.

Responding to a question of Councillor Merrigan regarding what effect this amendment would have on the budget, Ms. Nehiley stated there were some opportunities to reduce the cost of the tax exemptions through Business Occupancy exemptions through the Provincial Act and the Municipal Government Act that may reduce the costs to HRM. Therefore, Ms. Nehiley stated this may allow the money required for this to be found within in the budget. The difference between the Grant Committee recommendation and the amendment regarding The Waegwoltic would be \$21,000.

Councillor Uteck stated she is only requesting equity and fairness across the board, and reiterated that the amendment is only for conversion to the residential rate and not tax exemption.

Responding to a question of Councillor Read, Ms. Nehiley stated the amendment, if adopted, would apply commencing fiscal year 2000-2001.

Closing the debate, Councillor Greenough stated that at the residential rate, the Waegwoltic Club will still be paying \$60,000 in property taxes.

**MOTION PUT AND PASSED.**

The vote was then taken on the Main Motion, as amended, which read as follows:

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

- 1. Council approve amendment By-Law T-202 respecting corrections, and additions to By-Law T-201, as found in Attachment 1 of the Grant Committee report dated March 14, 2000; and, in particular,**

2. Council approve adding the Waegwoltic Club to the amendment T-202 to have the property converted to the residential rate and included in Schedule 24 and Schedule 29.

**MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Petitions**

**9.1.1 Councillor Blumenthal - Use of Landscape Pesticides**

Councillor Blumenthal submitted 61 letters from residents in support of the total phasing out of landscape pesticides.

**9.1.2 Councillor Harvey - Use of Landscape Pesticides**

Councillor Harvey submitted a petition containing 509 names of residents in support of prohibiting the use of landscape pesticides.

**9.1.3 Councillor Adams - Use of Landscape Pesticides**

Councillor Adams submitted a petition containing 498 names of residents in support of prohibiting the use of landscape pesticides.

**9.1.4 Councillor Uteck - Use of Landscape Pesticides**

On behalf of Councillor Uteck, Councillor Fougere submitted 11 letters from residents in support of phasing out pesticides in HRM.

**9.1.5 Councillor Sarto - Use of Landscape Pesticides**

Councillor Sarto submitted a petition containing 5 names of residents in support of a pesticide by-law.

**9.1.6 Residents - Use of Landscape Pesticides**

A petition containing approximately 70 signatures was served by a member of the public in support of the total phasing out of the use of landscape pesticides.

## 9.2 Presentations

### 9.2.1 Importance of Fine Arts Education in the Regional School Board - Fine Arts Parents Association

- i) Randy Dewell, President
- ii) Sheila McGinn

Mr. Randy Dewell, President, Fine Arts Parents Association, gave an overview of the history of the Association, stating it provides support to students and teachers, and award financial prizes to deserving students. Mr. Dewell noted that a Fine Arts Program does not exist under the current Halifax Regional School Board.

Mr. Dewell stated the purpose of the presentation was to outline the reasons why the Association feels so strongly that a foundation in the Fine Arts is essential to the health of the community; and, with Council's support, the Association will approach the Department of Education and the Provincial Government for adequate funding in these areas.

Ms. Sheila McGinn made the presentation to Council, copies of which were circulated.

Mayor Fitzgerald thanked both Mr. Dewell and Ms. McGinn for their presentation.

**MOVED by Councillors Walker and Blumenthal that a letter be sent to the Province in support of Fine Arts Education. MOTION PUT AND PASSED UNANIMOUSLY.**

### 9.2.2 Pesticides

- i) David Thompson, Landscape Nova Scotia
- Copies of Landscape Nova Scotia's written submission, outlining its position regarding the proposed Pesticide By-Law, were circulated to Council.

Mr. David Thompson, Landscape Nova Scotia, made a presentation to Council with respect to the proposed Pesticide By-Law. In summary, Mr. Thompson stated that Landscape Nova Scotia:

- opposes the staff recommendation for a 100 metre ban on the use of pest control products;
- urges Council to carefully consider both the lack of proper scientific and medical basis for such an intrusive regulation, as well as its potential impact on businesses and thousands of homeowners;
- is prepared to support the establishment of a system of advance notifications under by-law

Mayor Fitzgerald thanked Mr. Thompson for his presentation.

ii) John Dillman, Nova Scotia Federation of Agriculture

Mr. John Dillman, Nova Scotia Federation of Agriculture, made a presentation to Council regarding the proposed Pesticide By-Law. In summary, Mr. Dillman made the following points:

- Pesticides are an important management tool for the agricultural industry.
- It is important for Council to understand how the agricultural industry in HRM uses pesticides.
- No farmer in Nova Scotia can purchase or use pesticide products unless they are licensed by the Nova Scotia Department of the Environment, a system which was requested by the farmers. Professional landscapers are also required to be licensed through the same process.
- The licensing process involves an intensive set of workshops and the successful completion of an exam by the Nova Scotia Department of the Environment.
- Farmers in Nova Scotia probably use less pesticides, and use them more carefully, than any other agricultural area in North America.
- Farmers have very accurate and professional pesticide programs that are developed with input from a number of sources.
- Homeowners can purchase and use almost all the same pesticide products that agriculturists and professional lawn care companies use, without any training.
- The agricultural community in HRM is always willing to support any initiative that will ensure the proper and safe use of pesticide products.

In closing, Mr. Dillman stated the Nova Scotia Federation of Agriculture would be pleased to provide Council and/or staff with any advice or information that is required to make a responsible decision on this issue.

Mayor Fitzgerald thanked Mr. Dillman for his presentation.

## **10. REPORTS**

### **10.1 MEMBERS OF COUNCIL**

#### **10.1.1 Councillor Read**

##### **i) Underground Wiring - Cowie Hill**

Councillor Read requested an information report regarding reports that Nova Scotia Power intends to replace the underground wiring in Cowie Hill with above ground wiring on the poles. Councillor Hetherington requested a staff report from Planning or Engineering to

determine if there is any way the HRM can persuade NSPC to run underground wiring for all new subdivisions, and what type of regulations would have to put in place to enforce this.

**ii) Water Meters - Individual Townhouse Units**

Councillor Read noted he has a meeting scheduled with the Halifax Regional Water Commission and will address this item with them at that time.

**iii) Crosswalks - Curbs Cuts for Wheelchairs**

Councillor Read requested that the Advisory Committee for Persons with Disabilities investigate the matter of crosswalks and curb cuts for wheelchairs to identify any that could be improved.

**10.1.2 Councillor Kelly - Portable Signs - By-Law Enforcement**

Councillor Kelly requested a staff report to clarify HRM enforcement of HRM By-laws pertaining to portable signage. The Councillor stated the issue of portable signs was raised at Council previously, and it was indicated that the Engineering Department would assist the By-Law Enforcement staff to remove signs that are on HRM owned property. Councillor Kelly stated that over the last few weeks there has been difficulty getting this back-up support. The Councillor requested a staff report to ensure that when the need is there to remove illegal signs, that there is staff support.

Council agreed to the request for a staff report.

**10.2 ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES**

**10.2.1 Terms of Reference**

- A report from the Advisory Committee for Persons with Disabilities, was before Council for its consideration.

**MOVED by Councillors Sarto and Hetherington that Council adopt the Terms of Reference for the Advisory Committee for Persons with Disabilities as attached to the report from the Committee dated March 10, 2000. MOTION PUT AND PASSED UNANIMOUSLY.**

(Mayor Fitzgerald left the meeting at 7:55 p.m. and Deputy Mayor Cunningham assumed the Chair.)

**10.3 CHIEF ADMINISTRATIVE OFFICER**

**10.3.1 Approval of 2000/2001 Operating and Capital Budgets and Reserves**

This item was addressed earlier in the meeting. (See Page 4)

**10.3.2 Tender 99-221 Ross Road Area - Storm Sewer**

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

**MOVED by Councillors Cooper and McInroy that Council award Tender No. 99-221, Ross Road Area - Storm Sewer to A.C.L. Construction Limited, for materials and services listed at the unit prices quoted for a Tender Price of \$165,268.80, and a Total Project Cost of \$190,000.00, with funding authorized as per the Budget Implications section of the staff report dated March 7, 2000. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3.3 Tender 99-248 Belleshire Drive Storm Sewer**

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

**MOVED by Councillors Harvey and Merrigan that:**

- 1. Council authorize the transfer of funds in the amount of \$39,149.00 from Account No. CRESPOOL, the Capital Pool to Capital Account No. CGR00494, Belleshire Drive (Kaye to Dead End) Storm Sewer.**
- 2. Council award Tender No. 99-248, Belleshire Drive (Kaye to Dead End) Storm Sewer to Sackville Trenching (1995) Limited, for materials and services listed at the unit prices quoted for a Tender Price of \$120,882.25, and a Total Project Cost of \$139,000.00 with funding authorized as per the Budget Implications Section of the staff report dated March 7, 2000.**

Councillor Harvey noted this issue has been around for a long time and is finally being resolved.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3.4 Amendments to By-Law T-400 (Truck Route By-Law)**

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

**MOVED by Councillors Sarto and Mitchell that Council approve in principle the adoption of By-Law Number T-401 Respecting the Truck Route By-Law, as attached to the staff report dated March 13, 2000.**

Responding to a question of Councillor Hetherington, Mr. David McCusker, Manager, Traffic Services, stated most of the signs in the jurisdiction of the Municipality are installed, and staff is continuing to work with the Province to have signs installed on roadways within its jurisdiction. It is anticipated that the signage related to the proposed amendments will be completed over the next few months. With respect to enforcement of the By-Law, Mr. McCusker stated this will be done by Police Services, and requested that any particular concerns of Councillors be brought to his attention, and they will be addressed. If this does not work, staff will be prepared to report back to Council.

Councillor Walker expressed thanks to staff for their work on these amendments.

**MOTION PUT AND PASSED UNANIMOUSLY.**

Later in the meeting, Councillor McInroy gave Notice of Motion for First Reading of By-Law T-401 Respecting the Truck Route By-Law. (See Page 26)

**10.3.5 Municipal Service Systems**

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

**MOVED by Councillors Greenough and Walker that Council adopt the proposed Municipal Service Systems as the standard for the design of municipal infrastructures to be owned and maintained by the Halifax Regional Municipality.**  
**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3.6 Case 00071 - Request to Amend the MPS and LUB for Beaver Bank, Hammonds Plains and Upper Sackville (Glen Arbour Golf and Residential Community)**

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

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

- 1. Request staff to initiate the process to consider amending the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-Law to permit townhouse and multiple unit dwellings within the Glen Arbour development.**
- 2. Public participation be undertaken in accordance with the public participation resolution adopted by Halifax Regional Council on February 25, 1997.**

Councillor Rankin spoke in support of the motion, stating the proposed density would be less than the yield in a single family zone. The Councillor stated this will come forward in the Public Participation Process, as stated in the recommendation.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3.7 Business Improvement Districts - Renewal of Service Agreements (Project 00102)**

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

**MOVED by Councillors Downey and Uteck that Halifax Regional Council approve a three-year extension to the Service Agreements with the Dartmouth Downtown Development Corporation, the Downtown Halifax Business Commission, and the Spring Garden Area Business Association. Council will annually approve the budget and work plan for each Business Improvement District.**

Responding to a question of Councillor Hetherington, Mr. Austin French, Regional Coordinator, Planning Services, stated that each year, under the terms of the agreement with HRM, each BIDC is required to establish its budget and area rate, and to hold a public meeting at which time there would be a vote to approve the budget with the associated area rate. This would then come back to HRM for final approval. Councillor Hetherington inquired if a regulation could be put in place to require the BIDCs to have a mail-out ballot, as is the case for Local Improvement Charges. Mr. Meech stated if this was made a requirement, the issue of how to measure the response will have to be determined. Mr. Meech suggested this is an issue that should probably be discussed with the Executives of the BIDCs.

**MOVED by Councillors Hetherington and Blumenthal that this matter be deferred for two weeks to allow the opportunity for input from the Dartmouth Downtown**

**Development Corporation, the Downtown Halifax Business Commission, and the Spring Garden Area Business Association. MOTION PUT AND PASSED.**

**10.3.8 Application for ‘Capital Region’ Mural by Downtown Halifax Business Commission**

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

**MOVED by Councillors Read and Stone:**

- 1. Council approve the application of the Downtown Halifax Business Commission to erect a mural depicting the visit of the Tall Ships to Halifax, on the North Wall of the building located at 1729 Barrington Street, Halifax, opposite Grand Parade.**
- 2. Council approve a grant of up to \$5,000 to a maximum of 33 percent of the total project costs for a “Capital Region” mural as recommended by the District Councillor and the Tourism, Culture and Heritage Business Unit.**

Mr. Dan Norris, Tourism Culture and Heritage, showed an illustration of the mural for Council’s information, and noted the work on the mural will commence in the very near future.

(Mayor Fitzgerald returned to the meeting at 8:10 p.m. and assumed the Chair.)

Councillors Stone and Mitchell spoke in support of the mural.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3.9 Coat of Arms and Flag - Applications for Use**

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

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

- 1. Council approve the proposed use of the HRM Coat of Arms by the Jewish Fund of Canada for the purpose of recognizing donors from HRM;**
- 2. Council approve the proposed use of the HRM Coat of Arms by the Royal Canadian Legion for the purpose of recognizing the new Province of Nunavut;**

3. Council approve the proposed use of the HRM Coat of Arms by the Royal Canadian Legion for the purpose of recognizing the new Province of Nunavut;
4. Council refer the proposed use of the former City of Halifax Coat of Arms by St. Mary's University, Recreation Soccer Program, to the Standing Committee for further review.

Councillor Harvey suggested that an official flag raising ceremony could take place on Tuesday, March 28<sup>th</sup> prior to the Committee of the Whole meeting. It was agreed that, if possible, such an event will take place at 1:00 p.m. on Tuesday, March 28, 2000.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3.10 Repeal of Outdated By-Laws**

- A staff report prepared for Wayne Anstey, Municipal Solicitor, regarding the above, was before Council for its consideration.

**MOVED by Councillors Uteck and Greenough that Council approve in principle the Repealing By-Law R-102, attached as Appendix A to the staff report dated March 8, 2000, and direct staff to arrange for the formal introduction of the By-Law for First Reading.**

Councillor Uteck requested clarification from staff with respect to the three different signs in District 13 regarding the Dog By-Law which give different regulations. It was agreed that this would be referred to staff for a report.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11. MOTIONS**

**11.1 Councillor Uteck - Sale of Municipally Owned Heritage Properties**

**MOVED by Councillors Uteck and Fougere that the Heritage Advisory Committee be apprised and allowed to comment on any municipally owned heritage building that is up for sale, including those covenants that are placed on it, before the building is sold. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2 Councillor Schofield - Feeding of Ducks and Other Water Fowl**

“To request staff to prepare a By-Law making it illegal to feed ducks and other water fowl, and pigeons in areas children use for swimming or their play area, and to have staff prepare a report respecting the above to deal with this problem.”

Councillor Schofield expressed concern with the problem the ducks create with the beaches. The Councillor noted that people continue to feed the ducks, even when there are signs posted. It was agreed to refer the matter to staff for a report.

**11.3 Councillor Adams - Amendment to Municipal Government Act re: Supplementary Education Funding**

**MOVED by Councillors Adams and Read that Halifax Regional Council put forward an amendment to the Municipal Government Act to provide that where the catchment area for a school in the former Halifax County Municipality or the former Town of Bedford is expanded to include students who reside in the former City of Halifax or the former City of Dartmouth, supplementary funding for these students may be expended by the Halifax Regional School Board notwithstanding that the expenditure of funds may incidentally benefit students who reside outside of the former City of Halifax and the former City of Dartmouth.**

There was no vote taken on the motion, as it was agreed to refer the matter to staff for a report.

**12. ADDED ITEMS**

**12.1 Councillor Schofield - Shannon Park School**

Councillor Schofield noted that Shannon Park School is being considered for closure by the School Board. The Councillor referred to a legal document found in the museum which indicated that part of the school was constructed by the former City of Dartmouth. Councillor Schofield stated there was an agreement and an order in Council that indicated the federal government would sign the agreement and deed the land for that part of the school to the former City of Dartmouth. When the original school was built in 1944, the former Municipality of the County of Halifax transferred the land to DND for \$1.00. Councillor Schofield stated he understood that there was an agreement that DND would return the school to the Municipality when it was no longer needed. The Councillor stated the problem is that Legal Services has been unable to locate the signed agreement or the deed. Councillor Schofield requested that Legal Services arrange a meeting with himself, DND, and possibly the MLA of the area, to try to clarify the ownership of this property.

**MOVED by Councillors Schofield and Hetherington that Legal Services be requested to arrange a meeting with the Department of National Defence to clarify the ownership of Shannon Park School. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2 Claim Settlement - Irving Steamships Limited**

- This item was discussed during an In Camera Session held prior to the Regular Session and was now before Council for ratification.

**CONFLICT OF INTEREST**

As he is an Irving Oil franchise owner, Councillor Rankin declared a **Conflict of Interest** on this matter and removed himself for the discussion and vote on this item.

**MOVED by Sarto and Hetherington that Halifax Regional Council approve compensation in the total amount of \$67,540.00 all inclusive, representing \$34,000.00 total compensation for value of the land and statutory interest at the rate of 6% simple interest in the amount of \$27,540.00 to Irving Steamship Limited together with legal fees and disbursements in the amount of \$6,000.00. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.3 Property Matter - Drolet - 2500 Barrington Street**

- This item was discussed during an In Camera Session held prior to the Regular Session and was now before Council for ratification.

**MOVED by Councillors Fougere and Blumenthal that HRM obtain an assignment of the first mortgage on 2500 Barrington Street and immediately proceed with the foreclosure sale, and that the Municipality attend at the foreclosure sale to enter a bid not exceeding \$78,000 in an attempt to acquire the property.**

Councillor Downey expressed concern with this item, and suggested the Municipality should receive financial compensation for the right-of-way. The Councillor also expressed concern with the bid amount. Mr. Meech stated it is more of a moral obligation than a legal one, as by entering into the agreement in the first place, HRM allowed this situation to occur. Councillor Downey stated he could not support the recommendation as it will cost the Municipality money, and it may create a precedent for other situations.

**MOTION PUT AND PASSED.**

**12.4 Property Matter - MacAskill's Restaurant (supp report)**

- This item was discussed during an In Camera Session held prior to the Regular Session and was now before Council for ratification.

**MOVED** by Deputy Mayor Cunningham and Councillor Greenough that Council approve the settlement to MacAskill's Restaurant as set out in the staff report dated February 16, 2000 in the amount of \$59,768 as an amicable settlement in full of the business interruption claims by the company for the Municipality's actions in building the Alderney Landing Complex.

Deputy Mayor Cunningham requested a **Recorded Vote**.

Members of Council voting **in favour** of the motion: Mayor Fitzgerald, Deputy Mayor Cunningham, Councillors: Streach, Snow, Colwell, Greenough, Sarto, Fougere, Walker, Stone, Read, Adams, Harvey, Rankin and Mitchell.

Members of Council voting **against** the motion: Councillors Cooper, McInroy, Hetherington, Schofield, Blumenthal, Downey, Uteck, Merrigan and Kelly.

**MOTION PUT AND PASSED (15 For, 9 Against).**

**12.5 Property Matter - Acquisition of Walkway, Brian Drive and Hillsboro Drive, Westphal**

- This item was discussed during an In Camera Session held prior to the Regular Session and was now before Council for ratification.

**MOVED** by Councillors Cooper and McInroy that Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale whereby PID #40396368, as shown on Attachment "A" of the staff report dated February 21, 2000, be acquired by HRM from Austin Real Estate Limited (Mr. G. W. Rae Austin) for the amount of \$1.00, with the following conditions:

- (1) HRM pay all survey costs and legals costs of the conveyance.
- (2) The area of PID #4039368, approximately 2808 square feet, be credited towards any 5% parkland dedication that Austin Real Estate Limited/Mr. G. W. Rae Austin, may incur in developing land in the area, location subject to approval of the Development Officer and Regional Council. **MOTION PUT AND PASSED UNANIMOUSLY.**

**12.6 Councillor Snow - Paving of District 2**

Councillor Snow requested a staff report to determine a method to have the gravel roads in District 2, that have been petitioned to be paved, to be paved within a reasonable block of time.

Council agreed with the request for a staff report.

**13. NOTICES OF MOTION**

**13.1 Councillor Rankin**

**TAKE NOTICE** that at the next regular Regional Council meeting, to be held on Tuesday, March 28<sup>th</sup>, 2000, I propose to introduce for adoption by Council an amendment to Administrative Order 16, Respecting Fees for the Use of Solid Waste Management Facilities, to implement fees increased and approved in the 2000/2001 Operating Budget to become effective May 1, 2000.

**13.2 Councillor McInroy**

**TAKE NOTICE** that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 28<sup>th</sup> day of March 2000, I intend to move First Reading of By-Law T-401 the purpose of which is to amend By-Law T-400 Respecting Truck Routes.

**14. ADJOURNMENT**

**MOVED by Councillors Blumenthal and Greenough that the meeting adjourn at 8:30 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael  
Municipal Clerk