

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES May 9, 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

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1. **INVOCATION**

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

2. **PROCLAMATIONS**

2.1 **North American Occupational Safety and Health Week (May 15-21)**

Mayor Fitzgerald proclaimed the week of May 15 - 21 as North American Occupational Safety and Health Week.

ACKNOWLEDGEMENT

Mayor Fitzgerald noted that Shakespeare by the Sea is in operation again this year from July 1 - October 22, 2000, and the group will also be making a trip to Cornwall, England, this year.

3. **APPROVAL OF MINUTES - April 25 & May 2, 2000**

- Revised April 25, 2000 Regional Council minutes were circulated to Council.

MOVED by Councillors Hetherington and Blumenthal that the revised April 25, 2000 and the May 2, 2000 minutes, be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were deleted from the agenda:

Item 10.4.5 - Additional Crosswalk Guard - Corner of Lacewood, Bayview and Clayton Park Drive - Request for deferral to May 16 - Councillor Walker

Item 9.3.2 Presentation - Commuter Rail, Tim Doyle

The following item was deferred to May 16, 2000:

10.2.1 North West Community Council - 2000/01 District Capital Projects

The following items were added to the agenda:

12.1 Mayor Fitzgerald - CBC Cuts

- 12.2 Councillor McInroy - Unauthorized Vending (Flea Market and Used Car Sales) - Main Road Right-of-Way - Eastern Passage
- 12.3 Councillors Walker & Kelly - Request to move Info Item #2 Federal and Provincial Compliance with Land Use By-Law to Regular Council Agenda
- 12.4 Staff report - Public Hearings - Pesticide By-Law
- 12.5 Councillor Uteck - Supplementary Education Funding
- 12.6 Lease - Reduction of Rent for Titans Gymnastics Club
- 12.7 Contract - Building Management Services

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

5. BUSINESS ARISING FROM THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Firefighters Recruitment Process (Info Report)

- An Information Report prepared for William H. Mosher, Deputy Chief Director, Fire & Emergency Service, regarding the above was before Council for its information.

Mr. Mike Eddy, Chief Director, Fire & Emergency Service, presented the Information Report to Council.

Although he supported the quality of what the new policy will bring in the future, Councillor Blumenthal expressed concerns with the timing of it. The Councillor stated applicants were only advised of the new hiring requirements on April 11, 2000, and many have been preparing and maintaining the prior necessary requirements with the hopes of eventually obtaining employment with Fire Services. The short notice did not give these people time to obtain the necessary training to meet the new requirements.

Responding to questions of Councillor Walker, Chief Eddy made the following comments:

- Approximately 160 applications were received this year. Of these applicants, it was not known how many were current volunteers.
- Only the successful applicants in the 1996 recruitment were provided with training.

Councillor Walker stated his concern with the policy is that residents of Halifax and Dartmouth were not aware that they could go to other HRM communities to join a volunteer fire service to become qualified for employment. In response, Chief Eddy stated a blueprint was developed in June 1999 which allowed for volunteers from all over Halifax and Dartmouth to be assigned to a station in Bedford, Sackville, Eastern Passage or Cole Harbour where they could acquire training. Therefore, the opportunity was available, but it may not have been properly communicated. Councillor Walker agreed that the lack of communication was a problem.

Councillor Fougere stated the main concern of residents with whom she spoke was with respect to communication of the qualification change. Other concerns expressed were in relation to the cash outlay required, short notice to book time off work, etc., and the residents hoped these would be addressed in future hiring processes. The Councillor stated that some qualified applicants may have been overlooked due to this lack of communication and timing. In response, Chief Eddy stated that due to the potential cost for overtime this summer, the hiring process was moved up, as it was originally planned to take place in the fall.

Responding to questions of Councillor Stone, Chief Eddy make the following points:

- There are currently 8 vacancies, but under the Local 268 contract, a minimum of 50 percent of these vacancies must be filled from the stations that are outside the metro area. Therefore, there were only 4 positions available for "off the street" hiring.
- There are four composite stations in the metro area which have volunteers, and there was never any intention to not include residents of Halifax and Dartmouth from being able to volunteer in those stations.

Councillor Stone also expressed concern regarding communication, stating he was aware of an individual who was advised at an HRM Fire Station that he was not eligible to become a volunteer as he did not live in the volunteer firefighter area. Councillor Stone stated the volunteer process has not been properly communicated to the public and the fire stations. At this time, the Councillor submitted a formal application to Chief Eddy from a District 16 citizen wishing to become a volunteer firefighter.

In response to questions of Councillor Hetherington, Chief Eddy stated the following:

- Most people from the 1996 recruitment who had Level 1 certification have probably already been hired in the smaller departments where new hires had to be immediately operational.
- Level 1 certification training is available at several fire academies, Nova Scotia Firefighters School in Waverley, some federal schools for DND and the military, as well as several programs in the United States.
- Being a volunteer does not automatically guarantee training for Level 1 certification, as the training is expensive. It may take an individual 2-4 years to complete all the necessary training.
- Another recruitment process will be held in the winter 2001 to establish a hiring list for several years.
- It is hoped that in September or October of this year, a partnership will be announced for pre-employment training will be available to those who do not want to become volunteers.
- The applicants who qualify in this recruitment will have to submit another application in 2001 to be considered in that hiring process.

Councillor Hetherington also expressed concern with communication regarding the volunteer application process, stating the policy should have been made public a long time ago.

Responding to questions of Councillor Uteck, Chief Eddy made the following points:

- The fees for the application process will only be applied as an applicant successfully moves through the process.
- Approximately 50 people from the top of the 1996 list have been hired over the past four years.
- Interest in firefighting positions regularly comes from many qualified people from other Canadian jurisdictions as well as the USA. Career days are also held in the schools.
- The report did not come to Council last week as Chief Eddy was out of town and wanted to be present to address it.

In response to questions of Councillor Greenough, Chief Eddy explained the following applicant costs:

- Initial application form - \$0
- Challenge test for those with certification over five years old, to verify that they are up to standard - \$0
- Pre-screening interview, conducted by an outside agency - \$100 to cover the fee
- Physical fitness test - \$55
- Job-related testing - \$0

- Medical testing - \$240
- Polygraph testing - \$300
- Psychological Assessment - \$550

Councillor Greenough stated it is important that discussion of this new policy has taken place to clear up some of the misunderstanding. However, the Councillor suggested it may have been beneficial to have a one year lead notice on the change in the requirements to allow potential applicants the opportunity to prepare.

Responding to questions of Councillor Colwell, Chief Eddy made the following points:

- Level 1 is the minimum requirement, but there are applicants who have higher qualifications.
- The psychological assessment is the last step before a job offer, and applicants will not be put through this test unless it is intended to offer them a position.
- The current contract has a wage disparity of approximately 15 percent at the last level between a core firefighter and those from the composite departments.

Councillor Colwell expressed concern with the hardship the application fees may create for some people, and stated any way to adjust the fees to prevent this would be appropriate. The Councillor noted that the minimum of four firefighters that are required to come from the composite stations will already be full-time trained firefighters who will just now receive the regular rate of pay.

Councillor Merrigan spoke in support of the policy stating it may lead to community colleges offering training for fire services. The Councillor stated he did not agree with utilizing volunteer fire services training budgets to train individuals from other areas only wanting to receive the necessary training to become a professional firefighter.

Councillor Adams stated that joining a volunteer fire department to become a career firefighter is not the right reason to become a volunteer. In response, Chief Eddy stated the possibility of receiving training that may assist in obtaining a full-time job is an incentive to become a volunteer.

Responding to further questions of Councillor Blumenthal, Chief Eddy made the following comments:

- If applicants meet the pre-requisites they will not have to go through additional training.
- HRM Human Resources does not have the resources to accommodate the number of interviews that would be required at the pre-screening stage, which is not a typical interview.

Councillor Hetherington stated fairness for all residents of HRM has to be provided in the recruitment process, and the public needs to be made aware of the process.

Responding to questions of Mayor Fitzgerald, Mr. Eddy made the following comments:

- All Fire Chiefs outside the core service area are volunteers.
- Staff is attempting to develop pre-employment training programs with the local firefighting school and community college to provide additional opportunity for applicants to receive the necessary training to meet the pre-requisites.
- 50 percent of the 160 applications received are from HRM. Mayor Fitzgerald suggested a breakdown of the areas from which these 80 applications came from could be developed.

Councillor Harvey stated the Chief is working within constraints, such as the union contract, the amount of money available, summer vacations and the potential for overtime. The Councillor stated this process only involves four positions and it is the best way to get through this rough period until next fall.

Mayor Fitzgerald thanked Chief Director Eddy for responding to the questions and concerns raised by Council.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Petitions

9.1.1 Councillor Cooper - Properties Behind 10-30 Linden Court

Councillor Cooper served a petition from residents of Linden Court expressing concerns with the properties running behind civic addresses 10 to 30 Linden Court. The Councillor requested that the petition be forwarded to the appropriate departments.

9.2 Presentations

9.2.1 Issues Affecting Downtown Revitalization - Ms. Kate Carmichael

Ms. Kate Carmichael, Executive Director, Downtown Halifax Business Commission, made a presentation to Council regarding the issues affecting downtown revitalization. In her presentation, Ms. Carmichael made the following points:

- Council's commitment to the parking garage project has, for the first time in a number of years, given a real commitment to downtown Halifax.

- The commercial tax revenue from downtown Halifax in the last fiscal year was \$38 million.
- Creation of parking spaces downtown is infrastructure, and the parking facility is the first step.
- The Downtown Halifax Business Commission will be playing close attention to the design of the facility. The building treatment at street level is critical to the on-going success of the area (retail, commercial, coffee shop, a pocket park, but not cars to the sidewalk).
- A committee has been set up to make recommendations to Council that will create an integrated parking strategy for downtown.
- Staff has provided the Commission with a proposal for 40 parking meters and four loading zones on Barrington Street, which currently do not exist. The proposal will be shown to the abutting property owners for their overall consent and then the meters will be a reality.
- As a result of Council's support, FRED (Free Rides Everywhere Downtown) will be back in service commencing on June 5th.
- The Commission has struck a task force of business members, and appropriate municipal and provincial staff, with the mandate to review the challenges within the building code and the possibility of creating development incentives to allow people to live on Barrington Street above the existing shops.
- Over the next two months, the Commission will develop a business plan for the creation of a special district on Barrington Street, within which pilot work can be tweaked and monitored, where a comfort level for innovation, change and challenge can be created, where incentive programs can be created, and a climate where the rebuilding of the area can begin.
- This special district designation will come with some financial consequences for the Municipality. \$1 million will leverage \$3 million from the private sector, with a long term view of multiple millions in future tax dollars. Perhaps some partners can be found in the public sector share.
- Before what is left on Barrington Street is completely eroded, Council and businesses must work together to take care of what is left.
- \$368 million was spent by tourists in downtown Halifax last year.
- Graffiti is vandalism, not art, and is a problem in downtown Halifax creating costs for business owners.
- On Tuesday, May 16th, the Commission will be providing information to businesses on reporting and removing vandalism, and will be working on increased arresting and charging. HRM staff have been exceptionally helpful in this regard.

In closing, Ms. Carmichael stated she believes the Municipality is on the crest of some real action downtown, but the on-going commitment and interest of Council is key to its success.

Mayor Fitzgerald thanked Ms. Carmichael for her comments.

9.2.2 Commuter Rail - Mr. Tim Doyle

This item was deleted during Approval of the Order of Business.

10. REPORTS

10.1 MEMBERS OF COUNCIL

10.1.1 Councillor Blumenthal - Request to Move Information Item #2 (May 2/00) (Lane Between Bilby and Almon Streets) to Regular Council Agenda

- An Information Report prepared for Kulvinder Dhillon, Director, Public Works and Transportation, was previously circulated to Council on May 2, 2000.

Councillor Blumenthal stated the Information Report does not address the safety factor of the residents who live on these streets due to the problems in the area associated with derelict cars, lack of lighting, prostitution and drug activity. The Councillor asked that he and the residents be advised what the process and the costs would be to take it over. Councillor Blumenthal requested Public Works and Transportation send letters to the residents on either side of the lane informing them of costs to have this road taken over by HRM. Council agreed to the request.

10.1.2 Councillor Kelly - Request to Move Information Item #4 (May 2/00) (Background Security Checks) to Regular Council Agenda

- An Information Report prepared for David P. McKinnon, Chief of Police, regarding the above, was previously circulated to Council on May 2, 2000.

MOVED by Councillors Kelly and Greenough that this matter be referred to the Board of Police Commissioners to determine if a standardized policy and procedure can be brought forward to possibly lower the cost to HRM and to create fairness across the board.

Councillor Walker requested that the report also consider the possibility of HRM providing this service for free, as is done by the RCMP. The Councillor asked that the possibility of this service being taken over by another department also be considered. In response to questions of the Councillor, Chief McKinnon made the following points:

- The computer systems used to maintain this information are established on a national basis for the exclusive access of bona fide police agencies.

- On average, approximately four to six security checks can be completed in an hour.
- When the \$10 fee for volunteer groups was implemented, the number of requests decreased dramatically.
- To provide this service for free, it would cost HRM approximately \$90,000 in the Operating Budget which would increase over the years.
- Only a police service can provide a criminal records clearance in Canada.
- The indication from the RCMP is that they are prepared to enter into discussion to implement a fee for this service.

(Mayor Fitzgerald left the meeting at 7:35 p.m. and Deputy Mayor Cunningham assumed the Chair.)

Responding to a question of Councillor Adams, Chief McKinnon stated, due to the Freedom of Information and Protection of Privacy Act, the background check information is not provided to a third party, and only given to the applicant who can then pass it on if they so wish.

For the record, Councillor Adams stated that, as Chair of the Regional Taxi and Limousine Committee, he intends to go back to the Committee to have something come forward to Council which will require new taxi drivers to have a criminal records check, but for existing drivers, a signed affidavit stating they have not had a criminal conviction in the past year will suffice. Failure to divulge information could result in losing both a driver's and a vehicle license forever.

Responding to a question of Councillor Cooper, Chief McKinnon stated a national survey was conducted and HRM's fees for this service are relatively similar to others across the country, and these fees cover the cost for the service.

Councillor Cooper spoke in support of a fee for this service for both HRM Police Services and the RCMP in such a manner to cover the costs of the service.

Closing the debate, Councillor Kelly stated he is only requesting that a consistent equal policy, that applies to all, be brought forward to Council for further consideration.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Councillor Fougere - Permits to Alterations to Properties

Councillor Fougere stated this matter relates mainly to some of the older parts of the Municipality where there are a number of non-conforming operations, such as corner stores, in a residential area. Under current regulations, if these property owners wish to

conduct a minor alteration, such as a deck or a dormer, to the property, they are required to pay a \$1500 advertising fee to alert the public of the change in the non-conforming use. Due to the costs, many of these property enhancements are not done. Councillor Fougere stated it is her understanding there is an option to change the Land Use By-Law to allow reasonable alterations to be permitted, and requested that the matter be referred to Planning and Development Services for a report with recommendations to be further discussed by Council.

MOVED by Councillors Fougere and Walker that the matter be referred to Development and Planning Services for a report, to be brought back to Council for discussion, detailing the possibility of a more simple way to address alterations to properties that have a non-conforming use.

Councillor Hetherington requested that the report also address consolidation of undersized lots, stating he would like owners of two undersized lots to be able to consolidate their property at no cost. It was agreed that this would also be considered in the staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Councillor Schofield

i) Street Lights, Approaches to MacKay Bridge - Dartmouth Side

Councillor Schofield stated a response was received from the Province of Nova Scotia approximately two years ago indicating the street lights on the approaches to the MacKay Bridge would be completed in two phases. The Councillor noted the first phase has been completed, but he has received a number of calls regarding the number of lights that are out in this area. Councillor Schofield advised Council that some of the signs on the approaches have fallen down, and asked that this be addressed as well.

MOVED by Councillors Schofield and Greenough that the matter be referred to staff to follow up with the Province regarding a schedule to complete the street lights on the approaches to the MacKay Bridge and to address the issue of fallen down signs in this area. MOTION PUT AND PASSED UNANIMOUSLY.

ii) Staff Driven HRM Vehicles

Responding to questions of Councillor Schofield, Mr. Meech stated the policy has been developed and adopted, and, in some cases, there is a transitional period up to a maximum of two months. A copy of the policy will be provided to individual Councillors. Councillor Schofield spoke in support of the policy.

In response to a question of Councillor Hetherington regarding passengers, Mr. Meech stated there are provisions for exceptions under the policy.

Councillor Streach reported on a particular incident where a Recreation staff person was not permitted to access an HRM vehicle on a weekend to visit Moser River on HRM business. Mr. Meech stated he would follow up on this particular incident when more details are provided, but stated if it was for work-related purposes, and travel was part of the job requirement, there should not have been a problem.

Responding to a question of Councillor Stone regarding on-call employees, Mr. Meech stated it is his understanding that, in certain cases, employees on duty would be permitted to take a vehicle home on the weekends. Mr. Meech noted that part of the purpose of the policy was to comply with Revenue Canada rules. The decision to implement such a policy was to provide the least difficult manner to manage the use of HRM vehicles. In response to further questions of the Councillor, Mr. Meech stated he did not anticipate this policy having any significant impacts on HRM costs or employee's ability to perform their jobs.

(Mayor Fitzgerald returned to the meeting at 7:55 p.m. and took the Chair.)

Councillors McInroy also spoke in support of the policy.

iii) **Construction to Pedway Across Highway 111 - Highfield Park to Burnside**

Councillor Schofield expressed concern with the safety of residents crossing Highway 111 from Highfield Park to Burnside. The Councillor stated there should be a pedway to cross this stretch of road to prevent further accidents. Councillor Schofield suggested there may be funding available in the account for new roads in Burnside, and requested that the matter be referred to staff to determine if a cost-sharing arrangement would be possible to install this pedway.

Councillor Stone suggested a fence may be more appropriate to prevent people from crossing this highway. The Councillor also expressed concern with the Municipality cost-sharing on a project for a Provincial road.

Councillors Fougere and McInroy supported Councillor Stone's comments.

Councillor Schofield stated a sidewalk should have been installed when the roadway was put in from Highfield Park to Burnside Industrial Park, due to the number of people who walk back and forth to work along this stretch of road.

It was the general consensus that this matter be referred to staff for a report.

10.2 NORTH WEST COMMUNITY COUNCIL

10.2.1 2000/01 District Capital Projects

This item was deferred until May 16, 2000 during Approval of the Order of Business.

Council agreed to deal with Item 10.4.4 at this time.

10.4.4 Case 00185: Application to Rezone a Portion of Lot 6A-2X on Winwick Road

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

MOVED by Councillors Uteck and Fougere that Halifax Regional Council give First Reading to the proposed rezoning of a portion of lot 6A-2X on Winwick Road from P (Park and Institutional) to R-1 (Single Family Dwelling), and schedule the Public Hearing for June 13, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 REGIONAL HERITAGE ADVISORY COMMITTEE

10.3.1 Heritage Case 00017 - Review of Proposed Addition and Alterations to 5721 Inglis Street, Halifax

- A report from the Regional Heritage Advisory Committee dated May 4, 2000, regarding the above, was before Council for its consideration.

Councillor Uteck advised Council that the applicant has agreed to all of the changes in the proposal as set forth by the Regional Heritage Advisory Committee.

MOVED by Councillors Uteck and Downey that Council:

- 1. Approve the addition to 5721 Inglis Street, as proposed in the staff report to the Heritage Advisory Committee dated April 17, 2000, with hardi-plank siding or cedar shakes on the east elevation.**
- 2. Not Approve the proposed changes to the bay window on the south elevation and the stairway window on the east elevation.**

Responding to questions of Councillor Walker, Mr. Kevin Barrett, Planner, stated the heritage status of this property was accidentally overlooked by staff when the original

application was submitted to Development Services. Once it was determined that this was a registered heritage property, a Stop Work Order was issued on the development. Since that time, discussions have taken place between staff, the proponents, and the Heritage Advisory Committee, and the revised plan is now before Council. Both staff and the applicant are in agreement with the changes proposed by the Heritage Advisory Committee. The owner has withdrawn the component of the bay window and the stairway window as they believe they are not necessary.

In response to questions of Councillor Read, Mr. Barrett stated the current owner is a new owner of this property and was told at the time of purchase that this property was not a registered heritage property, when in fact it was. With regards to the concerns expressed by the Councillor with respect to lot coverage requirements, Mr. Barrett stated he was not in a position to address this aspect as it was a Development Services issue.

MOTION PUT AND PASSED.

10.4 CHIEF ADMINISTRATIVE OFFICER

10.4.1 Tender 00-209 New Paving, Concrete Curb and Gutter at Marriott Street

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

MOVED by Councillors Mitchell and Adams that Council:

- 1. Approve the recovery of Local Improvement Charges for the New Paving, Concrete Curb and Gutter on Marriott Street as per Local Improvement Charges Policy through a frontage charge.**
- 2. Award Tender No. 00-209, New Paving Concrete Curb and Gutter, Marriott Street, Spryfield to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$133,377.00 and a Total Project Cost of \$153,384.00, with funding authorized as per the Budget Implications Section of the staff report dated April 27, 2000.**
MOTION PUT AND PASSED UNANIMOUSLY.

10.4.2 Tender 00-220 Paving Renewal, New Concrete Curb and Gutter at Hampton Green

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

MOVED by Councillors McInroy and Cooper that Council:

1. **Approve the recovery of Local Improvement Charges for the replacement of asphalt curb with concrete curb and gutter by an area rate applied to the entire area of District 5.**
2. **Award Tender No. 00-220, Paving Renewal, New Concrete Curb and Gutter, Hampton Green to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$106,030.00 and a Total Project Cost of \$121,935.00, with funding authorized as per the Budget Implications Section of the staff report dated April 27, 2000. MOTION PUT AND PASSED UNANIMOUSLY.**

10.4.3 PLC Upgrade - Mill Cove WPCP

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

MOVED by Councillors Kelly and Sarto that Council:

1. **Award the bid of \$54,860.75 (HST included) to Lynk Electric for the upgrade and re-programming of the Mill Cove Water Pollution Control Plant PLC-WEB computer control system.**
2. **Approve funding from the 1999-2000 Capital Budget Project #CSR00507 - Mill Cove Improvements. MOTION PUT AND PASSED UNANIMOUSLY.**

10.4.4 Case 00185: Application to Rezone a Portion of Lot 6A-2X on Winwick Road

This item was addressed earlier in the meeting.

10.4.5 Additional Crosswalk Guard - Corner of Lacewood, Bayview and Clayton Park Drive

This item was deferred to May 16, 2000 during Approval of the Order of Business.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Mayor Fitzgerald - CBC Cuts

MOVED by Deputy Mayor Cunningham and Councillor Blumenthal that the Mayor send a letter to the President of the CBC, with a copy to the Honourable Sheila Copps, Minister of Canadian Heritage, expressing Council's concerns regarding the proposed cuts to the CBC, in particular, the elimination and/or down scaling of the local supper hour news show *First Edition*. **MOTION PUT AND PASSED UNANIMOUSLY.**

12.2 Councillor McInroy - Unauthorized Vending (Flea Market and Used Car Sales) - Main Road Right-of-Way - Eastern Passage

Councillor McInroy expressed concern with problems generated by flea market and used car sales, primarily on the weekends, on Main Road, Eastern Passage. The Councillor stated this is an issue that has created a considerable amount of concern in the community in terms of appearance and safety issues. Councillor McInroy requested a staff report involving Traffic Services, RCMP and By-Law Enforcement to examine the situation and suggest remedies.

MOVED by Councillors McInroy and Cooper that the matter be referred to staff for a report. **MOTION PUT AND PASSED UNANIMOUSLY.**

12.3 Councillors Walker & Kelly - Request to move Info Item #2 Federal and Provincial Compliance with Land Use By-Law to Regular Council Agenda

- An Information Report prepared for Paul Dunphy, Director, Planning and Development Services, regarding the above, was before Council for its information.

MOVED by Councillors Walker and Kelly that the following phrase be placed at the beginning of each of the 18 Land Use By-Laws administered by HRM as soon as possible, preferably by next week: "The provision of the zones described in this bylaw do not apply to property owned or occupied by Her Majesty the Queen in right of the Province of Nova Scotia or Canada in respect of a use of the property made by the Crown. Where a privately owned or occupied property is to be used for a federally regulated activity, the federal jurisdiction may, depending on the particular circumstances, override the requirements of this bylaw.

Councillor Kelly suggested there should be a notwithstanding clause in the document as well, stating it is the expectation of Council that both the provincial and federal governments conform to the Land Use By-Law and Municipal Planning Strategies of the respective communities. If they do not, they should be made responsible to bear the costs. In particular, the Councillor referred to the allocation of school sites, where the Municipality

has to pick up the costs to bring sidewalks to several of these sites. In response, Mr. Wayne Anstey, Municipal Solicitor, stated such a clause may be unrealistic as it may never be brought to fruition. The purpose of the proposed statement on the By-Law is to pass on factual information to the public, whereas the clause proposed by Councillor Kelly is to advocate a position that the Municipality may never be able to fulfill. Mr. Anstey suggested perhaps a position paper should be sent to the provincial and federal governments indicating Council's position of the matter, but including it in the by-law could potentially create more misunderstanding than it clears up.

Councillor Adams stated his only concern with adding the statement was that it was not put in a year ago, when the World Wide Fibre plant was built in Herring Cove, as it would have resolved some of the concerns that were raised at that time.

Councillor Read proposed an amendment to reword the motion, but it was ruled out of order as the law states the by-law does not apply to property owned or occupied by Her Majesty the Queen in right of the Province of Nova Scotia or Canada.

MOTION PUT AND PASSED.

12.4 Staff Report - Public Hearings - Pesticide By-Law

Mr. Ken Meech, Chief Administrative Officer, stated this issue arose from a request of a resident to a Councillor regarding the possibility of conducting Public Hearings regarding the Pesticide By-Law in various locations throughout the Municipality.

Councillor Streach stated this is a very big issue that affects a lot of people in HRM, and everyone should be given the opportunity to provide input. The Councillor stated he has received more than one suggestion that more than one public hearing should be held throughout the Municipality.

In response to a question of Councillor Streach regarding the Pesticide By-Law Committee, Mr. Ken Meech, Chief Administrative Officer, stated information regarding representation on the Committee can be provided to anyone wishing that information. Mr. Wayne Anstey, Municipal Solicitor, stated the issue of the exception list of pesticides that would be permitted to be used arose, and a decision was made to arrange a final meeting of the Committee to deal with this one issue. All members of the original Committee have been invited to attend this meeting.

MOVED by Councillor Streach that Council approve the alternative in the staff report dated May 9, 2000 which states "Council could conduct Public Hearings through the Municipality at various locations", with a provision that at least one of

the Public Hearings be held in the former County, and possibly one in the Sackville/Beaver Bank area.

There was no seconder to this motion.

Mayor Fitzgerald suggested there should be four Public Hearings, one in Halifax, one in Dartmouth, one on the Eastern Shore and one in Sackville. The Mayor stated this could be examined by staff with a report brought back to Council next week for its consideration. Councillor Streach agreed with the Mayor's suggestion and put forth the following motion:

MOVED by Councillor Streach and Deputy Mayor Cunningham that Council refer the matter to staff for a report for May 16, 2000 regarding the possibility of conducting four Public Hearings respecting By-Law P-800, the Pesticide By-Law, to be held in Halifax, Dartmouth, Eastern Shore and Sackville.

Councillor Read expressed concern with the logistics of holding a number of Public Hearings in various locations, and noted that each Councillor would have to attend all of the Public Hearings in order to vote on Second Reading.

Councillor Walker expressed concern with the precedent holding Public Hearings in various locations would set, noting this has never occurred in the past with other Public Hearings.

Mayor Fitzgerald suggested Council should wait for the report next week before making a decision.

Councillor Greenough suggested the May 23 Public Hearing should be held first, and then the situation be assessed before any decision is made regarding additional hearings. Councillor Rankin spoke in support of conducting Public Hearings in other areas to ensure accessibility to both the urban and rural areas.

Councillor McInroy spoke in opposition of holding Public Hearing in other locations, stating it is an exception to what has taken place in the past with other controversial By-Laws such as the Dog By-Law and the Smoking By-Law. The Councillor stated it could be decided following the May 23, 2000 Public Hearing if additional hearings are required.

Councillor Cooper stated it is important to hold the Public Hearings in one central location, suggesting City Hall may not be large enough. The Councillor suggested the regular Council meeting could be held in the afternoon, and the Public Hearing commence at 6:00 p.m. in a large facility with the hopes of completing the hearing in not more than two days and in one location.

MOTION PUT AND PASSED.

Councillor Stone noted there is another Public Hearing scheduled for May 23 regarding Douglas Avenue, and requested that this Public Hearing be held before the Pesticide By-Law Public Hearing.

12.5 Councillor Uteck - Supplementary Education Funding

Councillor Uteck referenced correspondence she received from Richard Tilley, Chairperson, Halifax District PTA, which stated the Regional School Board plans to keep more than \$3 million of supplementary funding from the general revenue pool for fiscal year 2000-2001. The Councillor requested that the Mayor bring this forward at his upcoming meeting with the School Board.

12.6 Lease - Reduction of Rent for Titans Gymnastics Club

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

MOVED by Councillors Greenough and Sarto that Council approve the reduction in the Dartmouth Titans Gymnastics Club's rent from \$2,500 per month to \$1,900 per month for the period April 1, 1996 to August 31, 2000, and that the rent remain at \$1,900 per month until the expiry of the existing lease. MOTION PUT AND PASSED UNANIMOUSLY.

12.7 Contract - Building Management Services

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

MOVED by Councillors Greenough and Mitchell that Council authorize the loan of funds in the amount of \$252,600 as set out in the April 28, 2000 staff report from Account #Q310 (Service Improvement Reserve) for funding of its contract commitment with Vestar Facility Management for the Building Management Services Start-up and Verification Phase of the contract. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

13.1 Councillor Harvey - Administrative Order 22

TAKE NOTICE that at the next regular Regional Council meeting to be held on Tuesday, the 16th day of May 2000, I propose to introduce for adoption by Council as a policy pursuant to Section 48 of the Municipal Government Act, Administrative Order 22, attached as Appendix "A" to the Notice of Motion, the purpose of which is to adopt a new official corporate seal bearing an imprint of the Corporate Coat of Arms.

13.2 Councillor Cooper - Administrative Order Number 21 Respecting

TAKE NOTICE that at the regular meeting of the Halifax Regional Council to be held on Tuesday, May 16, 2000, I intend to introduce a motion to approve Administrative Order Number 21 Respecting the Appointment of the Taxi and Limousine Inspector.

13.3 Councillor Greenough - Amendment to Administrative Order Number One

TAKE NOTICE that at the next meeting of Halifax Regional Council to be held on Tuesday, the 16th day of May 2000, I propose to introduce a motion to amend Section 9 (8) of Administrative Order Number One in accordance with the staff report dated April 26, 2000, as amended and approved in principle by Council on May 2, 2000.

14. ADJOURNMENT

MOVED by Deputy Mayor Cunningham and Councillor Blumenthal that the meeting adjourn at 9:00 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk