

# **HALIFAX REGIONAL MUNICIPALITY**

---

## **HALIFAX REGIONAL COUNCIL MINUTES June 13 & 14, 2000**

### **Members of Council Present June 13, 2000 2:30 p.m.**

**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  
Russell Walker  
Bill Stone  
Graham Read  
Stephen D. Adams  
David Merrigan  
Bob Harvey  
Peter Kelly  
Reg Rankin  
Jack Mitchell

**ABSENT:**

Councillor Sheila Fougere (Regrets)

**STAFF MEMBERS:**

Mr. Ken Meech, Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Patti Halliday, Assistant Municipal Clerk  
Ms. Julia Horncastle, Assistant Municipal Clerk

Table of Contents

1.	INVOCATION .....	5
2.	PROCLAMATIONS .....	5
	2.1 Senior Citizens' Week .....	5
	ACKNOWLEDGEMENT .....	5
3.	APPROVAL OF MINUTES - MAY 16 & 23, 2000 .....	5
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS .....	5
5.	BUSINESS ARISING OUT OF THE MINUTES - NONE .....	6
6.	MOTIONS OF RECONSIDERATION - NONE .....	6
7.	MOTIONS OF RESCISSION - NONE .....	6
8.	CONSIDERATION OF DEFERRED BUSINESS .....	9
	8.1 Supplementary Education Funding (deferred from May 23rd) .....	9
9.	PUBLIC HEARINGS .....	20
	9.1 Case 00185 - Application to Rezone a Portion of Lot 6A-2X on Winwick Road from P (Park and Institution) to R-1 (Single Family Dwelling) . . . .	20
	9.2 Street Closure and Sale of Land - Corner of Forest Hills Parkway, Highway #7 and Panavista Drive .....	29
	9.3 Continuation of Public Hearing - Second Reading By-Law P-800 Respecting the Regulation of Pesticides, Herbicides and Insecticides .....	30
10.	CORRESPONDENCE, PETITIONS AND DELEGATIONS .....	40
	10.1 Petitions .....	40
	10.1.1 Councillor Mitchell .....	40
	(a) St. Margaret's Village .....	40
	(b) Terence Bay School .....	40
	10.1.2 Councillor Read - Pesticides .....	40
	10.1.3 Councillor Walker - Pesticides .....	40
	10.1.4 Councillor Kelly - Pesticides .....	40
	10.1.5 Councillor Sarto - Towers on Mount Edward Road .....	40

10.2 Presentations .....	9
10.2.1 Interim Education Tax - Mr. Larry Power .....	9
11. REPORTS .....	41
11.1 MEMBERS OF COUNCIL .....	41
11.1.1 Councillor Mitchell - Approval of Capital Projects .....	41
11.1.2 Councillor Hetherington - Harbour Solutions Project .....	20
11.1.3 Councillor Adams: .....	41
i) Private Roads .....	41
ii) Capital Request .....	41
11.1.4 Councillor Rankin .....	55
i) MTT Communication Tower - Glengarry Gardens .....	55
ii) Sylvania Terrace .....	56
11.2 HRM PENSION COMMITTEE .....	41
11.2.1 Repeal of Current By-Laws Pertaining to Former City of Dartmouth Employees' Retirement Pension Plan .....	41
11.2.2 Funding of Cost-of-Living Adjustments to Retired Employees of the Halifax Regional Municipality .....	42
11.3 WESTERN REGION ADVISORY COMMITTEE .....	42
11.3.1 Project 00112 - Western Common .....	42
11.4 CHIEF ADMINISTRATIVE OFFICER .....	43
11.4.1 By-Law S-405 Respecting Charges for Street Improvements	19
11.4.2 Tenders .....	43
11.4.3 Fence Permit - 6446 Coburg Road .....	19
11.4.4 Case 00229 Rezoning of 21 Longburn Drive, Hammonds Plains (First Reading and set for Public Hearing) .....	20
11.4.5 Case 00167 Application for Development Agreement to Permit a Four Unit Condominium at 184 Shore Club Road, Hubbards (set date for Public Hearing) .....	20
11.4.6 Case 00220: Request for an Amendment to the Halifax Municipal Planning Strategy - Area 8 (Gottingen Street Area) of Peninsula North .....	50
11.4.7 Dog Registration Program - April 1, 2000 to March 31, 2001 Deputy Registrar Fees - Dog Registration .....	52
11.4.8 Summerfest Grant .....	52
11.4.9 Telus Mobility Cellular Municipal Cess Agreement .....	53
11.4.10 Sign Encroachment - Halifax County Condominium Corporation #165, Rutledge Street, Bedford .....	53
11.4.11 Regional Trails .....	54

11.4.12	Application by Rockingham Historical Society for Design and Construction Assistance . . . . .	55
12.	MOTIONS . . . . .	55
13.	ADDED ITEMS . . . . .	55
13.1	Councillor Stone - Point Pleasant Park . . . . .	55
13.2	Councillor Walker . . . . .	57
i)	Alderney Landing Update . . . . .	57
ii)	Cigar Bars/Restaurants . . . . .	57
iii)	Enforcement of Smoking By-Law re: Casino . . . . .	57
13.3	Councillor Sarto - Mt. Edward Road Reservoir Site - Telecommunication Towers . . . . .	57
13.4	Property Matter - St. Margaret's Bay Arena . . . . .	6
13.5	Property Matter - Sale of 2156 Brunswick Street, Former Alexandra School Site . . . . .	7
13.6	Legal Matter - Telecommunication Collection Equipment . . . . .	7
13.7	Legal Matter - Mirror Contract - Otter Lake . . . . .	7
14.	NOTICES OF MOTION . . . . .	57
14.1	Councillor Read . . . . .	57
14.2	Councillor Greenough . . . . .	57
14.3	Councillor Cunningham . . . . .	58
14.4	Councillor Rankin . . . . .	58
15.	ADJOURNMENT . . . . .	58

**1. INVOCATION**

Mayor Fitzgerald called the meeting to order at 2:30 p.m. with the Invocation.

**2. PROCLAMATIONS**

**2.1 Senior Citizens' Week**

Mayor Fitzgerald proclaimed the week of June 18-24th as Senior Citizens Week.

**ACKNOWLEDGEMENT**

Councillor Uteck recognized the following students who will be taking part in the G-8 Youth Summit to be held June 20 - 27, 2000 in Okinawa, Japan:

- Katherine Diana Hughes, Queen Elizabeth High School
- Tung Thanh Nguyen, Queen Elizabeth High School
- Robyn Marie Hutchinson, Sackville High School

On behalf of Regional Council, Councillor Uteck extended best wishes to the students participating in the Summit.

**3. APPROVAL OF MINUTES - MAY 16 & 23, 2000**

**MOVED by Councillors Blumenthal and Hetherington that the minutes of May 16 & 23, 2000 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 11.1.1 - Councillor Mitchell - Approval of Capital Projects
- Item 11.1.3 (ii) Councillor Adams - Capital Request

The following items were added to the agenda:

- 13.1 Councillor Stone - Point Pleasant Park
- 13.2 Councillor Walker:
  - i) Alderney Landing Update
  - ii) Cigar Bars/Restaurants
  - iii) Enforcement of Smoking By-Law re: Casino

- 13.3 Councillor Sarto - Mount Edward Road Reservoir Site - Telecommunication Towers
- 13.4 Property Matter - St. Margaret's Bay Arena
- 13.5 Property Matter - Sale of 2156 Brunswick Street, Former Alexandra School Site
- 13.6 Legal Matter - Telecommunication Collection Equipment
- 13.7 Legal Matter - Mirror Contract - Otter Lake

It was agreed to deal with Items 13.4 - 13.7, followed by Item 10.2.1 - Interim Education Tax - Presentation - Mr. Larry Power, after Item 7 - Motions of Rescission.

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

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

**6. MOTIONS OF RECONSIDERATION - NONE**

**7. MOTIONS OF RESCISSION - NONE**

As agreed to during Approval of the Order of Business, Council dealt with Items 13.4 - 13.7 at this time.

**13.4 Property Matter - St. Margaret's Bay Arena**

- 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 Rankin and Mitchell that:**

- 1. Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the St. Margaret's Arena Association for the St. Margaret's Bay Arena for the purchase price of \$457,000.00 which represents the principal amount remaining on the mortgage effective April 1, 1999.**
- 2. Halifax Regional Council direct staff to enter into a Management Agreement with the St. Margaret's Bay Arena Association for that association to manage and operate the St. Margaret's Arena.**
- 3. The contents of the May 17, 2000 staff report can be released to the public. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.5 Property Matter - Sale of 2156 Brunswick Street, Former Alexandra School Site**

- 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 Downey and Uteck that Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale whereby approximately 65,765 square feet of HRM land known as 2156 Brunswick Street (former Alexandra School Site), as shown on Attachment "A" of the June 1, 2000 staff report, be conveyed to Romanza Custom Homes Inc. for the amount of \$6.35 per square foot, for a total value of \$417,607.00, subject to final survey, plus any additional taxes and adjustments that may be applicable at Closing. Further, that the contents of the June 1, 2000 staff report not be released to the public. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.6 Legal Matter - Telecommunication Collection Equipment**

- 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 Stone and Greenough that Regional Council authorize the purchase of additional telecommunications collection equipment from JSI Telecom at a cost of \$219,449.75 (HST included). Further, that the contents of the June 2, 2000 staff report not be released to the public. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.7 Legal Matter - Mirror Contract - Otter Lake**

- 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 Rankin and Mitchell that WHEREAS:**

- 1. Mirror entered into an agreement with Halifax Regional Municipality ("HRM") dated July 25, 1997 (the "Operating Agreement" to design, construct, finance and operate a solid waste processing and disposal facility at Otter Lake (the "Facility") which agreement includes a license (the "Site License") to enter, occupy and use lands and premises at Otter Lake Drive, Lakeside, Halifax Regional Municipality (the "Premises") for the construction and operation of the Facility by Mirror;**

2. The shareholders of Mirror were, at the time the Operating Agreement was entered, Browning-Ferris Industries Ltd. ("BFI") and Municipal Enterprises Limited ("Municipal");
3. 3044627 Nova Scotia Limited (the "Company") is a wholly owned subsidiary of Municipal and has acquired from Municipal all of the shares in the capital stock of Mirror owned by Municipal;
4. The Bank of Montreal (the "Bank") has agreed to finance the acquisition by the Company from BFI of the remaining shares of Mirror not already owned by the Company;
5. Municipal and the Company are proposing that immediately following the acquisition by the Company of the remaining shares of Mirror not already owned by the Company and, immediately prior to the financing being provided to the Company by the Bank, Mirror will transfer all of its assets and undertaking to the Company, including an assignment of the Operating Agreement and the Site License and the Company will assume all of the liabilities and obligations of Mirror, following which Mirror will surrender its Certificate of Incorporation pursuant to the *Companies Act* of Nova Scotia;
6. As security for the Company's obligations to the Bank, the Company is proposing to assign to the Bank all its rights, interest and benefits arising under the Operating Agreement and the Site License (collectively the "Contract").
7. Under the Contract, an assignment by Mirror is permitted only with the consent of HRM;
8. Municipal and the Company have requested that HRM consent to the assignment of the Contract by Mirror to the Company and by the Company to the Bank as security; and
9. Municipal has agreed to guarantee the performance of the Contract by the Company and has further agreed to undertake not to allow a change of control of the Company during the term of the Operating Agreement.

**NOW THEREFORE BE IT RESOLVED as follows:**

1. Subject to the approval and execution by the Municipality's Chief Administrative Officer of formal consent, assignment and assumption

documentation, HRM consents to the assignment and transfer by Mirror of the Contract and all of Mirror's other assets and undertaking to the Company.

2. Subject to the approval and execution by the Municipality's Chief Administrative Officer of consent and assignment documentation, HRM hereby consents to the assignment by the Company of the Contract to the Bank as general and continuing collateral security.
3. The Chief Administrative Officer of the Municipality is hereby authorized and directed for and on behalf of HRM to do all such acts and things as may be necessary to give effect to the foregoing resolutions and, in particular, to execute and deliver, for and on behalf of HRM, consents to the assignments of the Contract by Mirror to the Company and by the Company to the Bank as security and all such other instruments, agreements and other documents in such form as may be approved by the Chief Administrative Officer in his discretion and any such consents, instruments, agreements or other documents as may be executed by the Chief Administrative Officer shall be deemed to be that which is approved by this resolution;

FURTHER, that the contents of the June 8, 2000 staff report not be released to the public. MOTION PUT AND PASSED UNANIMOUSLY.

As agreed to during the Approval of the Order of Business, Council dealt with Item 10.2 as this time.

## **10.2 Presentations**

### **10.2.1 Interim Education Tax - Mr. Larry Power**

Mr. Larry Power, Canadian Union of Public Employees National Representative, made a presentation to Council regarding the Interim Education Tax. A copy of his presentation was submitted for the record.

Mayor Fitzgerald thanked Mr. Power for his comments.

## **8. CONSIDERATION OF DEFERRED BUSINESS**

### **8.1 Supplementary Education Funding (deferred from May 23rd)**

- Correspondence from Cindy Mombourquette, dated June 13, 2000, in support of education tax and supplementary funding, was circulated to Council.

- Correspondence from a student support worker, dated June 13, 2000, regarding the above was circulated to Council.

Councillor Colwell spoke in support of spending as much money as possible in the classrooms, but expressed serious concerns with the information presented to Council by the Halifax Regional School Board. The Councillor stated that the School Board has laid off some critical people in the schools, and expressed concern with where the School Board spends its money and its level of accountability. Councillor Colwell requested that someone from the Department of Education be requested to appear before Council, to discuss what funding cuts have actually taken place in the area of education, before Council makes any decision regarding supplementary funding. Councillor Colwell stated a lot of people in the community are in support of additional help in the classrooms, but there is a lack of trust in the School Board. The Councillor stated it is his intention to put forth a motion to recommend to the Province that the Halifax Regional School Board be eliminated and that its funding be invested directly into the classrooms. In closing, Councillor Colwell stated supplementary funding is a serious issue and requires a lot of consideration by Council.

Councillor Blumenthal stated the children are the future of HRM, and he would support the \$3.3 million being spread across the board to help students of the former Halifax County Municipality and the former Town of Bedford.

In response to a question of Councillor Streach, Mr. Wayne Anstey, Municipal Solicitor, stated it is legal under the Municipal Government Act for the Municipality to implement an area rate for the former Halifax County Municipality and former Town of Bedford for supplementary education funding.

Councillor Streach stated for the Municipality to enter into the realm of education is going into an area where it does not belong. The Councillor noted there are many residents in District 1 that simply cannot afford to pay any more taxes. Councillor Streach echoed Councillor Colwell's comment that the HRM is unique in providing educational funding to the Province. The Councillor stated, by doing so, the Municipality is supplementing the Province of Nova Scotia and not the Halifax Regional School Board. Councillor Streach advised Council that the Eastern Shore High School Advisory Council, the largest high school in District 1, is opposed to a municipal tax increase to supplement education.

Deputy Mayor Cunningham expressed disappointment with some of the criticisms being expressed towards the Halifax Regional School Board, and stated he believes it is working hard and doing the best it possibly can for all students of the HRM. The Deputy Mayor stated the focus has to be on all the students, in terms of quality and equity. In addition to the \$17 million of supplementary funding, the Deputy Mayor noted the Municipality is spending \$60 million in mandatory funding for education, and it is an investment that

should be used to the very best ability throughout the Municipality. On a per capita basis, Deputy Mayor Cunningham stated HRM is receiving approximately \$17 million less than it should in comparison with other municipalities, and suggested that these are issues that need to be discussed with the Province. The Deputy Mayor stated education needs to be the number one priority, certainly for the children, if not for the entire Municipality, and noted that education also plays an important factor in economic development. Deputy Mayor Cunningham stated the time has come for Council, as a whole, to decide what it wants for the education of children throughout HRM, and not just one particular area or District. There needs to be one educational system for all children, and no one child should be treated differently than another. The Deputy Mayor spoke in support of an area rate of 5 cents per \$100 of assessment for the former Halifax County Municipality and the former Town of Bedford, as it will bring in \$3.375 million to bring these areas up to the same standard as the former cities of Halifax and Dartmouth. Deputy Mayor Cunningham stated that next year the funding can be included in the general tax rate and spread equally across the board.

Councillor Kelly advised Council that he has met with school principals in District 21, and has been told that the impact is six positions in the high school and two positions in the junior high schools. The Councillor stated the School Board has changed the standards for EPAs and inquired if an area rate is approved, will it meet the old or new standards. In response, Mr. Ken Meech, Chief Administrative Officer, stated this is a question that the School Board would need to answer. Mayor Fitzgerald stated it is his understanding that the funding would maintain the present system.

Responding to a further question of the Councillor, Mr. Meech stated it is his understanding, based on advice from Mr. Anstey, that the only option available is an area rate as the general tax rate has already been set. The area rate would be one standard rate for both residential and commercial. Mr. Anstey stated the area can be defined as all of the former County of Halifax Municipality and the former Town of Bedford and the funding generated from the area rate would stay within this defined area.

(Mayor Fitzgerald left the meeting at 3:25 p.m. and Deputy Mayor Cunningham assumed the Chair.)

In closing, Councillor Kelly expressed concern that the funding will come from a increased tax rate which is being implemented without the concurrence of the affected communities. The Councillor stated he would like to see only those communities wishing to bring forth the area rate being permitted to do so.

Councillor Mitchell stated Council needs to deal with all issues affecting its communities and assist where it can, regardless of which level of government is responsible for the

matter. The Councillor spoke in support of Councillor Kelly's suggestion that the area rate only be implemented in the communities that are in favour of it.

Councillor Stone spoke in support of supplementary funding for Halifax and Dartmouth. With respect to the rural areas, the Councillor expressed concern with the process, stating he does not approve of the School Board playing the urban area against the rural area. Councillor Stone spoke in support of the rural Councillors making the decision as to whether or not an area rate should be implemented for supplementary education funding. However, the Councillor cautioned the rural Councillors that they will not be making the decisions as to where the funding will be spent, as this will be decided by the School Board. Councillor Stone stated that Council needs to be clear on this issue before making its decision.

Councillor Sarto stated he believes the rural area is generally prepared to accept a reasonable area rate for supplementary education funding. With respect to accountability of the School Board, the Councillor stated he believes the current administration has shown financial responsibility and now has its finances in order. Councillor Sarto stated if supplementary funding does not come to fruition, the School Board will still be operating in a two-tiered system, which creates unfairness and inequity. In closing, the Councillor urged Council to support this temporary source of funding.

Councillor Snow stated the residents of District 2 will not tolerate any more tax increases, noting assessments have increased from 1 to 18 percent in the area. The Councillor stated there is no doubt that the schools are in trouble, but he does not agree with forcing any additional taxes on the residents before the public is consulted. Councillor Snow noted area rates are to only be used for the provision of services within the municipal mandate, and education is not a mandate of the HRM.

Councillor Schofield stated there should be equal education for every student in the HRM, and it is important to raise money this year for the rural area. The Councillor spoke in support of holding a plebiscite which will provide more information at that time. Councillor Schofield inquired about the supplementary education funding being returned to Halifax and Dartmouth from the County and questioned why it was necessary to layoff the entire Library staff in the Dartmouth area.

Councillor Rankin stated Council has an accountability to the taxpayers and the Province has accountability for education. The Councillor further stated a discretionary tax should not be imposed on residents without first obtaining their consent, and he will not support such a tax until that is obtained. Councillor Rankin noted the Deputy Minister of Education has stated that municipal rates are not permitted to raise education funding. With respect to provincial responsibility, Councillor Rankin stated the property taxpayer

should not be required to buy basic education. In closing, the Councillor stated 5 cents is a substantial increase which he will not support.

(Mayor Fitzgerald returned to the meeting at 3:50 p.m. and assumed the Chair.)

Councillor Hetherington questioned what the impact was during the last three years when the \$4.3 million of supplementary funding from Halifax and Dartmouth was put towards the rural area. The Councillor stated he has not seen any dramatic decrease in programs. Also, Councillor Hetherington questioned why layoff notices are being given to staff in the Halifax/Dartmouth area when this money is being returned to the area. In response, Mayor Fitzgerald stated it is his understanding that everyone needs to be laid off and then staff brought back according to the seniority list. Councillor Hetherington spoke against this process stating it shows disrespect for employees. With respect to the \$3.3 million, the Councillor questioned what this will buy, and stated before a motion is passed, he would like confirmation from the School Board, in writing, to show where this money will be spent, to ensure it is done properly. Mayor Fitzgerald stated a motion can be subject to the School Board providing a list of what staff and what programs will be returned. Councillor Hetherington asked if this request could be made for immediate action, and Mayor Fitzgerald responded that he would contact the School Board following this meeting. Councillor Rankin stated he would like the information provided to be school specific as to what programs will be reinstated, and to also include what level of support can be provided with a 3 cent area rate.

Councillor Greenough stated there are two levels of education funding in the Municipality, and Council is responsible for these two levels as it is raising supplementary funding in Halifax and Dartmouth. The Municipal Government Act requires that these monies be spent in Halifax and Dartmouth, and for the School Board not to do this puts it in non-compliance with the legislation. Councillor Greenough stated Council has a responsibility to eliminate this two-tier level of education, and suggested that supplementary education funding be phased in the rural areas at a rate of 2.5 cents in each of the next four years, which would achieve a 10 cent supplementary funding rate throughout the region, and Halifax and Dartmouth would be reduced to 10 cents. In closing, Councillor Greenough stated he would support a temporary area rate for one year subject to the results of the plebiscite.

Councillor Uteck noted there is a \$339,000 charge for administering the supplementary education funding in Halifax and Dartmouth and there is \$625,000 of supplementary funding in general reserves. The Councillor questioned if this area rate is implemented in the rural areas, will the School Board charge a 2 percent administrative fee for it. Councillor Uteck noted that supplementary funding is now supporting core programs in the school system and this fact needs to be addressed. With respect to the plebiscite vote,

Councillor Uteck stated she is concerned with it, as it is dealing with the future of education in HRM.

Councillor Adams stated that regardless of whose responsibility education is, it is the same taxpayers and the only difference is who collects the tax. The Councillor stated there will be an area rate in the former County area of District 18 regardless of what decision is made by Council. With respect to the plebiscite, Councillor Adams stated a decision was made at Committee-of-the-Whole to hold a plebiscite, but the actual question has never been brought forward to Council for approval. The Councillor shared Councillor Uteck's concern regarding the effect on education if there is a negative result from the plebiscite.

Councillor Walker stated there has been accountability from the School Board during the last two years, and noted it was the Councils of the former cities of Halifax and Dartmouth that directed the money to go to the schools to be spent by the schools. The Councillor further noted that based on increased assessments, mandatory education funding will also increase next year. Councillor Walker stated that in the past, when tax rates have been set, the urban area has been hit ½ cent to save the rural areas 5 cents on three different occasions. Therefore, he questioned why the rural Councillors would oppose a 5 cent increase at this time.

Councillor Cooper stated it is time for Council to tell the School Board to wipe out the current system and rebuild a decent education system across the Municipality. The Councillor stated he can support an amount that will attempt to restore what has been taken out of the individual schools. Councillor Cooper also suggested that municipal funding should be provided to the School Board based on the school year and not the fiscal year. In closing, Councillor Cooper stated the commercial rate needs to be shared throughout the entire Municipality.

Councillor Harvey stated the schools in the rural areas have taken two hits, one from the Province in cuts and one from the withdrawal of supplementary funding, which is the one that Council has the ability to deal with. The Councillor stated he has no problem supporting a 5 cent rate for education in the rural area, but it needs to be done collectively by Regional Council, and there cannot be a patchwork of area rates.

Councillor Downey spoke in support of Councillor Harvey's comments, stating he supports supplementary funding for the rural area as presented to Council.

Councillor Merrigan stated the plebiscite should be for a 2.5 cent increase for "x" number of years as suggested by Councillor Greenough. However, the Councillor stated he could not support a 5 cent tax increase at this time, as many residents cannot afford such an increase.

Councillor Rankin stated he is prepared to support a 2-3 cent modest increase, but will not support a 5 cent increase. The Councillor stated, if this tax increase is approved, he will be stating his position to the Province, that this is an inappropriate expenditure of municipal tax to pay for core education, as this is a provincial responsibility. Councillor Rankin stated he is greatly opposed to implementing a discretionary tax for a core program, and suggested, as an alternative, Council should explore a middle ground, such as 2.5 - 3 cents.

Responding to a question of Councillor Greenough, Mayor Fitzgerald stated the proposed area rate of 5 cents would be for the year 2000-01 only, and would provide \$3,300,000. The Mayor suggested the rate could be adjusted pending the assessment increases.

Councillor Cooper stated Council needs to have confirmation of the distribution of the funds, in writing, before any final decision is made. In response, Mayor Fitzgerald stated very specific instructions can be given, and the School Board can be requested to provide a list of where this funding will be allocated, and receipt of the funds can be dependent upon Council's approval of this list.

Councillor Hetherington stated Council needs to have an answer from the School Board detailing how this money will be spent, before any cheque is issued. The Councillor stated there are employees and their families waiting to find out whether or not they have jobs, and this issue needs to be settled as soon as possible.

Councillor Adams suggested a rate of 3.5 cents, stating the School Board can work with this amount and it is more likely to be accepted by a majority of Council than a rate of 5 cents.

**MOVED by Councillors Colwell and Cooper that before further consideration of any funding requests from the Halifax Regional School Board is given, that Council request the Department of Education to appear before Council to provide a complete briefing on how much money it gave to the School Board and how much money was cut, so Council can be assured that the funding request is legitimate. MOTION PUT AND DEFEATED.**

**MOVED by Councillors Hetherington and Blumenthal that a letter be sent to the Halifax Regional School Board, with a response in one week, requesting information detailing where the money will be spent so a proper motion can be passed to provide the funding.**

Mayor Fitzgerald stated he will contact the School Board following this meeting, and the information can be provided detailing where the \$3.3 million will be spent. If Council does not agree with the list, it can be debated further tomorrow.

Based on the Mayor's response, there was no vote taken on the motion.

**MOVED by Councillor Adams and Walker that Council approve a 3.5 cent (per \$100 of assessment) area rate for the former Halifax County Municipality and the former Town of Bedford for 2000-2001 for supplementary education funding.**

Deputy Mayor Cunningham expressed concern with the motion stating it may not be enough to generate the \$3.3 million required.

**MOVED by Deputy Mayor Cunningham and Councillor Blumenthal that the motion on the floor be deferred until tomorrow, pending receipt of the requested information from the School Board.**

Councillor Cooper expressed concern with the motion proposing the rate, and requested that the Mover amend the motion to make it more specific, in that the intent is to replace the services lost by the \$3.3 million, and not just for general supplementary funding. Mayor Fitzgerald stated this will be addressed tomorrow, if the motion to defer is adopted.

Councillor Mitchell stated some concern has been expressed by the schools in the former Halifax County Municipality that the \$3.3 million was never put into the schools, and they believe that 2-2.5 cents would be adequate.

Mayor Fitzgerald suggested another Council meeting be held tomorrow at 1:00 p.m. to further debate the issue.

As suggested by Councillor Cooper, Councillor Adams agreed his motion was quite broad in scope and agreed to narrow it down to the instructional support staff, stating this will help the children who most need the help. The Councillor spoke against deferring the motion, stating the matter needs to be addressed as soon as possible.

Speaking in support of the deferral, Councillor Greenough stressed the importance of knowing if the proposed rate of 3.5 cent will be adequate before voting on the issue.

The vote was then taken on the motion to defer.

**MOTION PUT AND DEFEATED.**

As agreed to by the Mover and Seconder of the motion, the motion on the floor now read as follows:

**MOVED by Councillors Adams and Walker that Council approve a 3.5¢ (per \$100 of assessment) area rate for the former Halifax County Municipality and the former**

**Town of Bedford for 2000-2001 for supplementary education funding to be used specifically for instructional support staff.**

Councillor Hetherington spoke in support of the motion as long as a written response is received from the School Board before the cheque is written.

Responding to a question of Councillor Mitchell requesting clarification of the amount, Councillor Adams stated it is 3.5 cents to reinstate instructional support staff.

**MOTION PUT AND PASSED.**

Discussion took place regarding when the remainder of the agenda will be addressed.

**MOVED by Councillors Hetherington and Cooper that Council recess until 6:00 p.m. at which time the scheduled Public Hearings will be held, and that Council reconvene tomorrow at 1:00 p.m. to deal with the remaining items on the regular agenda.**

Councillor Uteck requested that the Harbour Solutions item not be addressed tomorrow as she will not be able to attend.

**MOTION PUT AND PASSED.**

The meeting recessed at 5:00 p.m. and reconvened at 6:00 p.m. for the Public Hearings.

---

---

**Members of Council Present**  
**June 13, 2000**  
**6:00 p.m.**

PRESENT:

Mayor Walter Fitzgerald  
Deputy Mayor John Cunningham  
Councillors: Stephen Streach  
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

ABSENT:

Councillor Gordon R. Snow (Conflict of Interest)

Following the recess, Council reconvened at 6:00 p.m. Prior to the commencement of the Public Hearings, Council agreed to deal with the following items: Item 11.4.1, 11.4.3, 11.4.4, 11.4.5 and 11.1.2.

**11.4 CHIEF ADMINISTRATIVE OFFICER**

**11.4.1 By-Law S-405 Respecting Charges for Street Improvements**

- A report prepared for Mr. Ken Meech, Chief Administrative Officer, dated May 29, 2000, on the above noted, was before Council.

**MOVED by Councillors Rankin and Mitchell that Halifax Regional Council:**

- 1. approve the new Local Improvement standard costs as per Schedule "B" attached to the staff report dated May 29, 2000;**
- 2. and apply the new standard costs to all 2000/01 capital projects, including those projects that Council had previously awarded tender;**
- 3. approve in principle the adoption of By-Law Number S-405, Respecting Charges for Street Improvements, attached to the staff report dated May 29, 2000, and give notice of motion to being the formal adoption process.**

**MOTION PUT AND PASSED.**

Subsequently, Councillor Rankin gave the following notice of motion:

Take notice that at the next regular Council Session to be held on Tuesday, June 20, 2000, I propose to introduce for first reading By-Law Number S-405, Respecting Charges for Street Improvements, the purpose of which is to amend By-Law Number S-400, Respecting Charges for Street Improvements by imposing local improvement charges for the projects within the 2000/01 capital budget.

**11.4.3 Fence Permit - 6446 Coburg Road**

- A report prepared for Mr. Ken Meech, Chief Administrative Officer, dated June 6, 2000, on the above noted, was before Council.

Mayor Fitzgerald stated it his understanding that there has been no objections expressed regarding the construction of this fence.

**MOVED** by Councillors Blumenthal and Hetherington that Council approve building permit application #021868 to construct a privacy fence at 6446 Coburg Road. **MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.4      Case 00229 - Rezoning of 21 Longburn Drive, Hammonds Plains (First Reading and set date for public hearing)**

- A report prepared for Mr. Ken Meech, Chief Administrative Officer, dated June 5, 2000, on the above noted, was before Council.

**MOVED** by Councillors Hetherington and Schofield that Regional Council move First Reading to consider the proposed rezoning of 21 Longburn Drive, Hammonds Plains, from R-1 (Single Unit Dwelling) to R-1A (Auxiliary Dwelling Unit) and to schedule the public hearing for July 4, 2000. **MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.5      Case 00167 - Application for a Development Agreement to Permit a Four Unit Condominium at 184 Shore Club Road, Hubbards (Give Notice of Motion and set date for public hearing)**

- A report prepared for Mr. Ken Meech, Chief Administrative Officer, dated June 2, 2000, on the above noted, was before Council.

**MOVED** by Councillors Hetherington and Schofield that Regional Council give Notice of Motion to consider an application by Phyllis Hind Holdings for a development agreement and schedule the public hearing for July 4, 2000. **MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.2      Councillor Hetherington - Harbour Solutions Project**

Council agreed to defer this item to the June 20, 2000 Regional Council Session.

**9.            PUBLIC HEARINGS**

**9.1          Case 00185 - Application to Rezone a Portion of Lot 6A-2X on Winwick Road from P (Park and Institution) to R-1 (Single Family Dwelling)**

- First Reading was given and date set for public hearing at the May 9, 2000 Regional Council meeting.
- A staff report prepared for Mr. Ken Meech, Chief Administrative Officer, dated April 28, 2000 was before Council.

- Correspondence from Mr. Steve Tsimiklis and letters of reference were circulated to Council.
- Correspondence from Janet Doyle, 1031 Beaufort Avenue, Halifax, dated June 06, 2000, was before Council.
- A copy of presentation by Mr. Mark Poirer was submitted to Council.
- Correspondence from Nina Kostopoulos, 1011 Beaufort Avenue, Halifax, dated June 8, 2000, was before Council.
- Correspondence from Dr. Umesh Jha, 960 Winwick Rd., Halifax, dated June 9, 2000, was before Council.

Mr. Bernard Moe, Planner, with the aid of overheads, presented the staff report advising staff is recommending approval of the application, noting the proposal meets the following criteria:

- it meets the future land use, low density residential;
- it is compatible with the neighbourhood;
- R-1 standards will be met;
- it fits in with the South End Secondary Plan;
- it provides infill housing;
- it does not place a fiscal burden on HRM, the developer will pay for all improvements;
- it meets all the planning strategy requirements and other policies which would have a bearing on this, including parkland and open space policies as well as traffic and other issues.

In response to Councillor Blumenthal, Mr. Moe, with the aid of the map, indicated the HRM right-of-way.

Mayor Fitzgerald called for those wishing to speak either in favour of or against the proposal.

**Mr. Steve Tsimiklis**

Mr. Tsimiklis, applicant, speaking in favour of the application advised:

- it is his intention to live in one of the houses he proposes to construct on the property;
- it is his intention to maintain as much vegetation on the property as possible as well as protect the large mature trees located on adjacent lands;
- it is his intention to supplement the existing vegetation by planting mature evergreens in the area where the bridge meets Winwick Road;

- he was willing to grant a 50 foot wide easement to provide access by pedestrian traffic accessing Winwick Road from the railway cut;
- the approval of the application will not restrict pedestrian traffic nor will it result in the construction of more than two homes;
- the purpose of the rezoning application is to permit him to construct two larger homes with elongated foundations evenly spaced on the lands which will allow for larger sideyard clearances between each house;
- the application is consistent with the planning strategy.

At the request of Councillor Blumenthal, Mr. Tsimiklis read his letter into the record.

**Mr. Roy Willward**

Mr. Roy Willward, 957 Marlborough Avenue, spoke in favour of the application and encouraged Council to approve the application, noting it meets the requirements of the land use policies and the applicant has indicated he will be residing in one of the houses.

**Mr. Alan Ruffman**

Mr. Ruffman, 202 Fergusons Cove Road, stated policy should not be developed in incremental ways and suggested a policy be developed for the entire railway right-of-way for use as parkland and bicycle trails. He noted the public right-of-way from Beaufort Avenue to Quinpool Road has been blocked as a result of these lands being privately owned, suggesting the Municipality has an obligation, under the Planning Act, to buy a piece of land which has been zoned park and institutional. He suggested this application be deferred until a policy is established regarding rights-of-way.

**Mr. Bill Burton**

Mr. Bill Burton, 900 Marlborough Woods, spoke in opposition to the application, noting:

- this is an historic area and includes a public park which stretches from the subject rail lands down to the Northwest Arm;
- the subject property forms part of the entrance to this public park;
- the neighbourhood is opposing the rezoning and advised the applicant can build two smaller houses under the current zoning;
- the applicant will need to cut down trees and larger houses and driveways would blind the corner to the bridge;
- there have been several subdivisions in the area but the neighbourhood believes this rezoning is not necessary;

- it will make an existing traffic hazard worse and diminish the approach to Marlborough Woods Public Park as well as setting a precedent for developers wishing to rezone on all CN greenway lands throughout the city.

The resident of 910 Marlborough Woods spoke in opposition to the application stating that she has concern for the loss of trees which currently screen and mask a CN tower. She stated the neighbours are not objecting to two new houses but to the rezoning of the portion designated as park and institutional.

**Mr. David Fennel**

Mr. David Fennel, 930 Winwick Road, speaking in opposition to the application, advised:

- the residents are not against development but rather the rezoning;
- there is a concern of traffic hazards as the road is very narrow and was built at a time when there was only nine homes in Marlborough Woods;
- seventeen additional homes have been added over the years;
- three of the four entry points to this area are on blind corners;
- the walls of the bridge obscures vision of drivers entering the subdivision;
- street parking during the day aggravates the situation and, as there are no sidewalks, the neighbourhood children use the street;
- if the rezoning is approved, the safety hazard will be increased.

**Ms. Sue Tucker**

Ms. Sue Tucker, 880 Marlborough Woods, speaking against the application, stated:

- she did not agree with the traffic engineers who feel there is no danger to pedestrians;
- cars speed across the bridge and trucks making deliveries do not know to expect cars and pedestrians on this narrow road;
- oncoming traffic cannot be seen until the last moment;
- the buffer zones are needed at the end of the bridge both to mark the entrance to Marlborough Woods and for the safety of the children;
- she urged Council to take her concerns into consideration in making it's decision.

**Mr. Mark Porier**

Mr. Mark Porier, 890 Marlborough Woods, speaking against the rezoning, stated:

- the MPS has to stand on it's own, noting the document has no preamble text to set the context and aid in interpretation;

- staff interpretation is only one interpretation and differing views of what the policies mean are possible;
- policy 781 required a detailed study prior to any change in the use of CN lands;
- the railway yards run through a number of planning districts and any rezoning would have an effect on these;
- the CN study has not been done and this rezoning would be contrary to policy;
- there is no specific policy allowing for rezonings from park and institutional to any other zone;
- the low density residential designation on the generalized future land use map is being used as a justification;
- there is no policy support for this rezoning;
- rezoning without compatibility with the neighbourhood contravenes policy;
- traffic problems have to be fixed before a rezoning, not after.

**Dr. Guy McLean**

Dr. Guy McLean, 915 Marlborough Woods, speaking against the application, stated this application is directly linked to the future of the CN greenway which is a continuous green space running from the Armdale Rotary to the foot of Young Avenue for a length of 2.5 miles. With the aid of photographs he described the area and expressed concern that if this rezoning goes through it may set a precedent which may be applied to the whole greenway.

**Ms. Karen McAskill**

Ms. Karen McAskill, 895 Marlborough Woods, speaking against the application, stated:

- the property in question is across the street from Marlborough Woods;
- the MPS recognizes the importance of neighbourhoods and the neighbourhood in question opposes this application and believes that if the rezoning were granted it would change the existing character of what is a predominantly stable neighbourhood;
- Council should not undermine the objection of long established neighbourhoods and the objections of all the residents of the neighbourhood;
- this is not in keeping with section 2.4 of the planning strategy;
- Council should not relinquish green space that contributes to the enjoyment of life and property on the part of so many residents who use this green space to access the park and beyond;
- the applicant has lost nothing if his application is turned down;
- Council should be looking at the broader issues of making decisions that are contrary to the interests of the neighbourhoods which are affected by those decisions.

**Mr. Hugh Pullen**

Mr. Hugh Pullen, 6262 Oakland Road, speaking against the application, stating it is precedent setting and recommended the greenway be saved as a bicycle and walking trail.

**Mr. Gerald Rodgers**

Mr. Gerald Rodgers stated the railway cut would make a good bicycle trail.

**Mr. Michael Moore**

Mr. Michael Moore, solicitor for the applicant, recommended approval of this application, noting:

- the application does not affect future applications to rezone CN lands which have to be consistent with the Municipal Planning Strategy;
- there is thirty feet of greenway between the back of the subject property and the railway cut;
- this is privately owned land;
- the applicant will grant an easement for people to maintain access across his property to Winwick Road;
- the applicant has stated he will supplement the existing vegetation with evergreen trees which will provide better buffering of the power pylon;
- there will be no increase in the number of homes nor will there be an increase in traffic;
- this is to enable the construction of two homes;
- this application will not affect the applicant's ability to cut the trees on the property;
- this proposal is consistent with the MPS.

**Dr. Sangalang**

Dr. Sangalang, Winwick Avenue, spoke in favour of the application stating this would be beneficial to the area. He advised he was the previous owner of the property, noting there are only small shrubs and trees on the property and any trees planted by the applicant will enhance the area. He indicated the development of this corner and the development of a curb on that side of the street will better define the road.

**Ms. Gloria Sangalang**

Ms. Gloria Sangalang spoke in favour of the application and stated the rezoning of the property will in no way affect access to the Marlborough Woods Park area. She noted the

large trees shown are not on the subject property but across the street. She stated parking on the street is having the effect of narrowing the roadway and is causing the serious traffic hazard alluded to. She stated the developer has gone beyond the requirements of the Municipal Planning Strategy at his own expense and noted the rezoning will not affect the quality of life in the neighbourhood.

**Ms. Candice Malcolm**

Ms. Candice Malcolm, 832 Robie Street, stated there is no guarantee that the CN land will be obtained by the Municipality and, if the land is made available by CN at some future date, it may be bought by developers who will rezone from park and institutional to residential. She stated there is no guarantee that the east side of the railway cut will be kept for the Municipality and, if this application goes ahead, it will give developers a hook on which to rest further cases for further encroachment on that area.

**Mr. Calvin Wadden**

Mr. Calvin Wadden spoke in support of the application and expressed confidence that the proposed development will be a quality development and an enhancement to the neighbourhood.

**Mr. Hal Greenwood**

Mr. Hal Greenwood spoke in support of the application stating that the applicant has always been forthright in all his business dealings. He expressed confidence that the applicant will undertake a quality development, noting the applicant has met all the requirements and conditions of the Municipal Planning Strategy.

Mayor Fitzgerald called three time for any additional speakers. Hearing none, the following motion was placed before Council.

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

**Decision of Council**

**MOVED by Councillors Hetherington and Blumenthal that Halifax Regional Council approve the rezoning of a portion of lot 6A-2X on Winwick Road from P (Park and Institutional) to R-1 (Single Family Dwelling), as shown on Map 1 of the staff report dated April 28, 2000.**

Councillor Uteck stated she would not be supporting the motion, noting the developer has the legal right to build two houses. The Councillor advised an application on this particular piece of land has previously been denied as a result of neighbourhood objections and there is no new information and nothing has changed with the neighbourhood.

Councillor Read stated he would not be supporting the application as the entire question of the CN lands has not been dealt with under the Municipal Planning Strategy. He noted there has never been a comprehensive review of the MPS for the former City of Halifax since its adoption in 1983. The Councillor suggested nothing be done at the present time to change the status of any of the CN lands along the railway cut until there is a policy adopted and a review of the entire issue of the CN lands along the right-of-way. The Councillor stated the adjacent lands in Peninsula South need to be reviewed before any changes are made to any further CN lands on the Peninsula.

Councillor Adams, speaking in support of the motion, noted the applicant could cut the trees if he so wished but has chosen not to. The Councillor stated it appears that individuals against this development suggest that a park and institutional zoning is some inherent protection for that piece of property, noting this is not the case as Mr. Tsimiklis can do as he wishes regardless of the zoning. He noted the argument appears to be the size of the homes and what perceived benefits there are to park and institutional lands.

Councillor Sarto, speaking in support of the motion, noted the developer has the right to construct two R-1 properties as-of-right and staff has made that recommendation in accordance with existing MPS policy. He referenced the letters of recommendation and stated he has no reason to doubt that the applicant's commitment will be followed through.

Councillor Blumenthal, speaking in support of the motion, referenced the letters of recommendation and stated the developer, in his opinion, will do an excellent job.

Councillor Schofield, speaking against the motion, stated traffic concerns and those of the residents have to be taken into consideration as there is no real advantage to the community with the rezoning.

Councillor Hetherington stated his moving of the motion was based on the staff recommendation. He noted it is assumed by residents that a piece of property zoned park is for that purpose but the applicant has bought this property and has the legal right to fence it or cut down the trees. The Councillor noted the applicant's intention is to build two homes as is allowed, but a little larger. The Councillor noted Council has to refuse an application on solid grounds not just because someone says it is park and wants it left that way. He further noted traffic management have said traffic is not a major problem.

Deputy Mayor Cunningham stated a request to rezone from parkland is a serious matter and expressed his reluctance in doing this. He queried whether the 2.5 miles of greenway has been kept in tact or been compromised and whether it is considered parkland. In response, Mr. Moe advised the trail for the greenway is only a concept, noting parts of it are in tact but could not confirm that the entire greenway is in tact.

Deputy Mayor Cunningham stated that this cannot be addressed in complete isolation if it is part of a greenway belt.

Councillor Fougere, speaking against the motion, stated if this was as simple as meeting all the requirements of the MPS it would not have to come before Council. She noted the surrounding community has stated it is more than happy to have two houses on that portion of the property currently zoned residential but would like to have the parkland retained. The Councillor reaffirmed that this is more than an issue of a small piece of property and may be a very dangerous precedent to set.

Councillor Streach stated he was in support of the motion as the application has met all the requirements of the planning strategy and is privately owned land.

Councillor Read stated this is not a question of personal character but rather a question of what is good planning for the future and needs to be looked at in the broader picture. The question is "what is the best decision to make for the Municipality in the long term?".

Councillor McInroy stated what is being proposed is advantageous to the Municipality and noted the parcel of land is privately owned and the owner can fence it. The Councillor indicated the applicant is proposing to deed a right of way to the Municipality so that people will have legal access to the CN lands, noting there is no proper legal access across this property at the present time. He stated the owner is accommodating the wishes of the planners and residents with regards to any long term planning in connection with the property. He advised the traffic situation would not be affected by the size of the dwelling units.

In response to Councillor Cooper, Mr. Moe advised the minimum square footage required in an R-1 lot is 4,000 with 40 foot frontage.

Councillor Uteck stated the developer wants to build two homes and legally, in the orange block on the map, he has a right to build two homes, noting he needs a part of the green space to build two bigger homes which is the issue with the neighbourhood.

Councillor Uteck stated she is exceeding to the wishes of the residents who are not saying you cannot come in here and build but are saying if we start to downzone the park and

institutional to single family where does it end. She implored Council to listen to the neighbourhood of Marlborough Woods and reject the application.

Councillor Blumenthal requested a recorded vote.

Those voting in favour were: Mayor Fitzgerald, Councillors: Streach, McInroy, Greenough, Sarto, Hetherington, Blumenthal, Downey, Walker, Adams, Merrigan, Harvey, Kelly, Rankin and Mitchell.

Those voting against the motion were: Deputy Mayor Cunningham, Councillors: Colwell, Cooper, Schofield, Uteck, Fougere, Stone and Read.

Councillor Snow was absent.

**MOTION PUT AND PASSED. (15 in favour, 8 against, 1 absent)**

(Council recessed for 10 minutes at 8:15 p.m.)

(Council reconvened at 8:25 p.m. and agreed to adjourn at 10:00 p.m.)

**9.2            Street Closure and Sale of Land - Corner of Forest Hills Parkway, Highway #7 and Panavista Drive**

- A report prepared for Mr. Ken Meech, Chief Administrative Officer, dated June 5, 2000, on the above noted, was before Council.

Mayor Fitzgerald called for members of the public wishing to speak either in favour of or against the street closure and sale of land. Hearing none, the following motion was placed before Council.

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

**Decision of Council**

**MOVED by Councillors Cooper and McInroy that Regional Council approve Administrative Order SC-16, concerning the closure of a portion of Forest Hills Parkway, Highway #7, and Panavista Drive. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillors Cooper and McInroy that Regional Council approve the conveyance of Parcel A, comprised of approximately 20,152.7 square feet is**

conveyed to Sobeys Land Holdings Ltd. (Attachment B of the staff report dated June 5, 2000) and Parcel B, comprised of approximately 7,043.9 square feet, is purchased from Sobeys Land Holdings Ltd., for street purposes, with funds to be deducted from the final settlement of the sale of Parcel A, and the balance to be deposited in the Sale of Land Account (Attachment B of the staff report dated June 5, 2000).  
**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.3            Continuation of Public Hearing - Second Reading By-Law P-800  
Respecting the Regulation of Pesticides, Herbicides and Insecticides**

- A copy of the 1998-99 membership listing of the Urban Pest Management Council of Canada was submitted to Council.
- Presentation by Mary Jane O'Halloran was submitted to Council.
- Correspondence from Lisa, Stephen, Sarah, Ashley and Chiara Ziegler was submitted to Council.
- Correspondence from Mr. Peter Mancini, M.P., dated June 13, 2000, was submitted to Council.
- Presentation by Dr. Pianosi was submitted to Council.
- Correspondence from Dr. Robert Strang, Medical Officer of Health, Central Health Region, was circulated to Council.
- An article from the Medical Post regarding pesticide use was circulated to Council.
- Correspondence from Mr. Doug Conrad, President of Landscape Nova Scotia, was circulated to Council.
- Correspondence from Paul Maloney, Coordinator of CO-OP ECO was circulated to Council.
- Correspondence from Dr. R.K. Ferrie, was circulated to Council.
- Correspondence from Helke Ferrie, was circulated to Council.
- Correspondence from Dawn Walker, Executive Director, Canadian Institute of Child Health, was circulated to Council.
- A copy of a press release entitled "Pesticide By-Law validated by Federal Report" was circulated to Council.
- Correspondence from Dr. Jim Hollingworth, Canadian Association of Physicians for the Environment, was circulated to Council.
- Correspondence from Michael Baker, Acting Minister of the Environment, was circulated to Council.
- Correspondence from Rachel Carson Council, Inc. was circulated to Council.
- Correspondence from Judith Grant, Mayor, Chelsea, Quebec, was circulated to Council.
- Correspondence from Julia Langer, Director of Toxicology, WWF Canada, was circulated to Council.
- Correspondence from Arnold and Pauline Dauphinee, was circulated to Council.
- Correspondence from Monique Levesque was circulated to Council.

- Presentation from the Sierra Club of Canada was circulated to Council.
- Correspondence from Dr. Rosalle Bartell, The International Institute of Cancer was circulated to Council.
- Correspondence from the Hon. Allan Rock, Minister of Health, dated May 16, 2000 was submitted to Council.

**Mr. Vance Crowe**

Mr. Vance Crowe, Robie Street, stated:

- pesticides are impacting on the environment and banning sprays is not a simple solution;
- there are alternatives to pesticides and methods of lawn care;
- one way to rejuvenate a lawn is to top dress it with loam and overseed it;
- there are economics and benefits to sprays;
- a balance needs to be struck and often laws are not the right tools to receive that balance point;
- the use of the right tool in the correct way achieves the proper benefit;
- bans are not an answer;
- spraying is a matter of economics;
- this proposal is bad science;
- lawns must be a healthy environment as there is a population explosion of starlings, robins, etc.;
- sprays should be low risk;
- farmers have been spraying for centuries;
- this ban will result in significant costs to both residents and the Municipality;
- a ban is not education.

**Dr. Paul Pianosi**

Dr. Pianosi, Pediatric Respirologist, IWK Grace, stated:

- a physician must first ensure that any treatment does not leave the patient worse off;
- children's health should be the focal indicator of what constitutes unacceptable risks in the regulation of pesticides;
- members of Council should not think that children are scaled down versions of adults, noting acceptable levels of exposure in adults are meaningless when one considers the risk to the fetus;
- the process of development continues after birth and internal pathways for detoxifying chemicals are changing as a child grows;

- there is evidence of adverse health effects of pesticide exposure more prominent in children;
- the mere possibility of increased rates of cancer as well as other health effects makes it imperative that we exercise the precautionary principle;
- Council not to take the position that more scientific study is needed;
- he was refuting that pesticides are important to allergy sufferers as the leading allergens in Canada are house dust mites, pollens and animal dander.

**Ms. Tanya Bilsbury**

Ms. Tanya Bilsbury, speaking in favour of the By-Law, stated bugs and flowers share this world with us and we cannot exterminate them for the pleasure of a perfect lawn. She stated pesticides cause health problems and people should have the freedom to choose whether or not they want pesticides used around them.

**Mr. John Bilsbury**

Mr. John Bilsbury, speaking in favour of the By-Law, stated:

- it is hard to believe that people believe that any chemical capable of exterminating weeds or any small little biological organisms can be considered safe to humans or pets;
- over a long period of time these chemicals will cause harmful health effects;
- the numbers of people requiring medical service in the future will be higher;
- just because a chemical has a sign stating it is safe to use does not mean that this is so;
- traces of pesticides has been found in drinking water;
- a registration system leads to rivalry among neighbours and perhaps being uncomfortable in their own neighbourhood;
- those who spray their lawns be the ones required to register their properties.

**Dr. Cathy McLean**

Dr. Cathy McLean, President - Elect, NS College of Family Physicians, stated:

- Canadian people expect all levels of government to put into place regulations that will protect and keep people safe based on the common good and in the best interests of children;
- the surface has only been scratched in understanding how detrimental toxic environmental exposures during childhood can be to long term health;
- the outdoors is the stuff of children but they are now the concern of family doctors;
- this is an opportunity to show leadership by putting the By-Law in place;

- environmental concerns cannot be ignored;
- children are exposed to pesticides in a far different way than adults and they have more exposure to pesticides than any other age group;
- the main routes of exposure are through the skin, by ingestion or swallowing and through breathing;
- the cumulative effects of being exposed to many different pesticides over a lifetime represents an unqualified and unacceptable risk to all Canadian children.;
- pesticides can affect how we safely make babies and how we grow healthy babies both in chromosomal and behavioural effects;
- there may be higher risks for childhood cancers such as leukemia and brain cancers when prenatal and early exposure to certain pesticides;
- there is an association between lawn treatments and soft tissue sarcomas which is another form of childhood cancer;
- there are adults and children that just get sick when spraying is done;
- pesticides are poisons and they do make children sick;
- the Nova Scotia College of Family Physicians supports the work done by the Ontario Colleges and Health Committee;
- Council not expose patients, especially the children, to pesticides, recognizing there are health risks and environmental concerns.

**Ms. Valerie Wagner**

Ms. Valerie Wagner, Bedford, stated:

- people want a phase out of the use of pesticides while looking at the concerns of both sides;
- people are in support of the ban not specifically because they were touched by it but rather concerned about prevention;
- when there is evidence that strongly suggests link, you do not wait until you have people getting sick and then looking back and saying spraying lawns is what caused it, you stop when you have evidence that suggests it;
- there is a need for more public education;
- the issue is there but people feel they are not getting clear messages from the different levels of government;
- people would like to hear more about the dangers as well as receive facts and information on alternatives;
- businesses need to have more honest information;
- she was not in favour of a fee for registration as people who are affected are on limited budgets and to ask them to pay is offensive.

**Mr. Brian Pierce**

Mr. Brian Pierce, technical director for New Grow Corp., stated:

- he has worked in the pesticide industry for over ten years and had five years in the pharmaceutical industry prior to that;
- he is responsible for the research of new products as well as the health, safety and environmental programs and policies at all of their sites;
- he referenced some of the products produced by his company and noted they sell both to homeowners and professional applicators;
- they are strongly opposed to the pesticide by-law that prohibits the use of Federally approved pesticides on public and privately owned land;
- the Crop Protection Institute, through the manufacturing and warehousing standards, have certified all of their pesticide products as being approved by Health Canada and are made in factories and facilities that meet the Crop Protection Institute high standards;
- the review processes of Health Canada are designed to protect the end users, bystanders and the environment;
- all the studies they have submitted as well as those out in the general fields are available for review;
- the Crop Protection Institute ensures that all manufacturing and distribution sites involved in pesticides meet the highest health, safety and environmental standards through onsite inspection and certification;
- the by-law exemption list is not employing any scientific processes or criteria;
- all products with PCP numbers are safe for homeowners and professional applicators;
- labels clearly outline how and when products should be used;
- the products on the permissible list could cause harm if not properly followed just as any of the products that have been excluded are safe if they are used properly;
- the risk of products is eliminated when label instructions are followed;
- New Grow is strongly opposed to the By-Law as it is currently written.

**Mr. Howard Epstein, MLA**

Mr. Howard Epstein, MLA, stated:

- the Halifax Regional Municipality does have the power to enact this By-Law as per the Municipal Government Act
- the Environment Act of the Province of Nova Scotia encourages Municipalities to adopt a by-law that may be more stringent than the provincial regulations in place;

- he quoted from a letter written by Alan Rock, Minister of Health, which states that Municipalities may impose restrictions on the use of pesticides and prohibit the use of pesticides, including those considered by some, to be non essential;
- it is within the contemplation of the Federal Government that Municipalities would not only engage in the possibility of regulating pesticides but also that very stringent regulations might be put in place;
- under the Municipal Government Act, Section 171(1)(c), the word regulate includes prohibit;
- the words “for a medical reason” are not included in the HRM Act and it was not intended for HRM to attach a medical reason to a registration system;
- a By-Law is desired and lawn and garden companies will adjust.

**Ms. Debbie Darrah**

Ms. Debbie Darrah, speaking against the By-Law, stated:

- she has two children and during her pregnancies her lawns were treated for both weeds and insects;
- her family has used pesticides when non chemical methods have been ineffective;
- chemicals can be harmful if instructions on their usage are not followed;
- she sees her lawn as a health benefit from the oxygen it produces to the soothing cooling benefits on a hot day;
- respectable lawn care companies have moved forward incorporating lawn care programs and education of customers;
- it is irresponsible to hold off treatment until it has become a severe infestation;
- this By-Law has no stable enforcement policy and it will be reactive to complaints;
- if the budget has been set where will the funding come from for enforcement and regulation of this By-Law;
- there no current organic alternative to severe infestations;
- Council make its decision based on common sense and not emotion.

**Ms. Suzanne Beatty**

Ms. Suzanne Beatty, New Grow Corp., stated:

- she is a registration officer responsible for the registration of the products that are sold as well as ensuring the company meets federal and provincial requirements with regards to the use and sale of these products;
- Canada can boast one of the most modern and up to date regulatory systems in the world;
- the Pest Management Regulatory Agency (PMRA) is a branch of Health Canada and is responsible for registration of pest control products in Canada. The agency

reviews an extensive data package for each active ingredient such as data on such issues as it's effect on the environment, short and long term human health and food quality;

- scientific data from all sources is used in the evaluation of pesticides;
- pesticides registered by PMRA meet very stringent standards and are safe when used according to label instructions;
- it is not necessary for Halifax Regional Municipality to add another level of regulatory view to the current process.

**Ms. Mary Jane O'Hallaran**

Ms. Mary Jane O'Hallaran, Biologist, Dalhousie University, spoke in favour of the By-Law stating:

- there are major flaws in the testing and regulation of pesticides;
- many of the pesticides for sale in Canada were not rigorously tested because they came on the market prior to the existence of testing requirements;
- only 3.5% of all pesticide products sold had been properly tested by 1990;
- there is not a strong monitoring program in Canada and many pesticides have been in the re-evaluation process for more than twenty years;
- Health Canada does not do any testing of the chemicals themselves but review the test data submitted by the manufacturer;
- there is a complete lack of testing in many hundreds of chemicals known as inerts included in the product which helps dissolve, emulsify or add adhesive properties;
- the inerts can make up to 99% of the commercial product but there is no requirement in Canada for the manufacturers to list them on the product label;
- testing of inerts is minimal and little is known of their health effects;
- Council vote in favour of the By-Law

**Mr. Peter McLeod**

Mr. Peter McLeod stated:

- he works for a chemical company based outside Toronto and compiles the health and safety regulations for the company;
- the PMRA regulates the use of pesticides in Canada and they use risk management principles accepted by Canada, United States, and all the developed countries in the world as well as the world health organization of United Nations;
- studies are done over a ten year period to test these products;
- PMRA evaluates toxicity with both long and short term studies over all population groups;
- testing to see what transfer factors come from grass once it is dried is carried out;

- birds, fish, bees, butterflies, etc. are tested;
- the PMRA uses drift modelling to say what amount of product will drift or be exposed to surrounding areas;
- the entire product including the active ingredient are tested;
- PMRA has been looking at older products and the data base is being updated.

**Mr. Bill Ernst**

Mr. Bill Ernst, Environment Canada, stated:

- he has conducted studies on the effects on pesticides in the environment primarily in the forestry and agriculture area and the results of most of those studies have been published in scientific literature;
- it must be recognized that the federal registration system is a risk management system which means the intent of the controls put in place is to reduce the level of risk to people and the environment when pesticides are used. It is not intended to nor could it ever totally eliminate that risk;
- pesticides by their very nature are toxic chemicals
- pesticides are designed to harm some living organism;
- all pesticide use involves some level of risk;
- the regulatory system in Canada is supposed to be based on a risk benefit system which means that the combined benefits of a pesticide use should outweigh the risks before it is registered for use;
- when pesticides are used for urban or cosmetic use those benefits are not easy to quantify because they are aesthetic only;
- the level of risk should be small if the benefits are to be accepted as overwhelming the risk;
- there is no criteria for making judgements on urban and domestic use;
- decision made on the results of science have a certain level of uncertainty;
- no one can assure you that pesticides, if used according to directions, are safe to 100% of the people 100% of the time or 100% of the environment.

**Ms. Linda Davis**

Ms. Linda Davis submitted a list of the members of the Urban Pest Management Council of Canada. She stated the interests of the companies listed are indifferent to and inherently at odds with the interests of the community, environment and health.

Mayor Fitzgerald acknowledged a letter from Stefan and Lisa Zeigler.

**MOVED by Deputy Mayor Cunningham and Councillor Schofield that the public hearing be recessed to a time to be determined. MOTION PUT AND PASSED.**

During the June 14<sup>th</sup> Council session, the following motion regarding the continuation of the Public Hearing was passed:

**MOVED by Deputy Mayor Cunningham and Councillor Greenough that the Public Hearing regarding the proposed Pesticide By-Law reconvene on Thursday, June 29, 2000 at 1:00 p.m.**

Responding to a question of Councillor Greenough, Mr. Anstey recommended that Councillors attend all the Public Hearing sessions if possible.

**MOTION PUT AND PASSED.**

The meeting recessed at 10:00 p.m. and reconvened at 1:00 p.m. on June 14, 2000 to address the remaining agenda items.

---

---

**Members of Council Present**  
**June 14, 2000**  
**1:00 p.m.**

PRESENT:

Mayor Walter Fitzgerald  
Deputy Mayor John Cunningham  
Councillors: Keith Colwell  
Ron Cooper  
Harry McInroy  
Jack Greenough  
Condo Sarto  
Bruce Hetherington  
Clint Schofield  
Jerry Blumenthal  
Graham L. Downey  
Russell Walker  
Bill Stone  
Graham Read  
David Merrigan  
Peter Kelly  
Reg Rankin  
Jack Mitchell

ABSENT  
WITH REGRETS:

Councillors: Stephen Streach  
Gordon R. Snow  
Sue Uteck  
Sheila Fougere  
Stephen D. Adams  
Bob Harvey

The meeting reconvened at 1:00 p.m. on June 14, 2000.

**10. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**10.1 Petitions**

**10.1.1 Councillor Mitchell**

**(a) St. Margaret's Village**

Councillor Mitchell served a petition containing approximately 58 signatures of residents in support of having the following roads paved: Fox Hollow Drive (to bridge), Fox Ridge, Magnolia Court and Ashford Close.

**(b) Terence Bay School**

Councillor Mitchell served a petition containing approximately 275 signatures of residents in support of reinstating the recently cut teaching positions at Terence Bay School.

**10.1.2 Councillor Read - Pesticides**

Councillor Read served 99 letters and a petition containing approximately 1,156 signatures of residents in support of a by-law that greatly restricts or prohibits the use of pesticides in residential and public areas of HRM and requests that education about safer organic methods be made available to the public.

**10.1.3 Councillor Walker - Pesticides**

Councillor Walker served a petition containing approximately 60 signatures of residents in support of a by-law prohibiting the use of landscape pesticides.

**10.1.4 Councillor Kelly - Pesticides**

Councillor Kelly served a petition containing approximately 135 signatures of residents in support of a by-law banning the use of outdoor residential pesticides.

**10.1.5 Councillor Sarto - Towers on Mount Edward Road**

Councillor Sarto submitted correspondence from a resident of Mount Edward Road in Dartmouth expressing concern regarding the recent construction of towers on Mount Edward Road, and asked that it be forwarded to staff for a response.

**10.2 Presentations**

**10.2.1 Interim Education Tax - Mr. Larry Power**

This item was addressed during the June 13, 2000 afternoon session (See Page 9).

**11. REPORTS**

**11.1 MEMBERS OF COUNCIL**

**11.1.1 Councillor Mitchell - Approval of Capital Projects**

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

**11.1.2 Councillor Hetherington - Harbour Solutions Project**

This item was addressed during the June 13, 2000 evening session (See Page 20).

**11.1.3 Councillor Adams:**

**i) Private Roads**

On behalf of Councillor Adams, Councillor Walker requested that this item be deferred for two weeks. Council agreed to the request.

**ii) Capital Request**

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

**11.1.4 Councillor Rankin**

**i) MTT Communication Tower - Glengarry Gardens**

**ii) Sylvania Terrace**

As Councillor Rankin was not present at this time, it was agreed to defer this items until his arrival (See Pages 55 & 56).

**11.2 HRM PENSION COMMITTEE**

**11.2.1 Repeal of Current By-Laws Pertaining to Former City of Dartmouth Employees' Retirement Pension Plan**

- A report from the HRM Pension Committee, regarding the above, was before Council for its consideration.

**MOVED by Councillors Greenough and Sarto that Halifax Regional Council approve, in principle, By-Law R-103, attached to the HRM Pension Committee report dated June 6, 2000, and direct staff to arrange for its introduction at First Reading. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.2 Funding of Cost-of-Living Adjustments to Retired Employees of the Halifax Regional Municipality**

- A report from the HRM Pension Committee, regarding the above, was before Council for its consideration. The report recommended that the Amalgamation Surplus Policy be revised to allow for the funding of ad hoc cost-of-living adjustments to pensioners from Amalgamation Surplus before the “10% of Liabilities” new plan surplus threshold is reached, if such adjustments were recommended as a use of Amalgamation Surplus by the respective prior plan committee. For greater certainty, no ad hoc adjustment is being recommended at this time, only that the policy be amended to allow for such recommendation.

Mr. Wayne Anstey, Municipal Solicitor, noted there are financial implications involved with this matter, and suggested the proper course of action would be to refer the matter to Finance staff for a report.

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

**11.3 WESTERN REGION ADVISORY COMMITTEE**

**11.3.1 Project 00112 - Western Common**

**i) Report from Committee**

- A report from the Western Region Advisory Committee, recommending that Council approve the proposed staff recommendations regarding the above, was before Council for its consideration.

**ii) Report from staff (First Reading & set date for Public Hearing)**

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

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

- 1. First Reading be given to the By-Law, presented as Attachment IV to the staff report dated May 31, 2000, to amend the Municipal Planning Strategies and Land Use By-Laws for Mainland Halifax, Timberlea/Lakeside/Beechville and Planning District 4;**
- 2. A Public Hearing be scheduled for July 4, 2000 to consider submissions regarding the proposed amendments.**

(Councillor Colwell took his place at the meeting at 1:10 p.m.)

Councillor Mitchell responded to questions of Councillor Stone regarding the wilderness area and the parkland.

(Councillor Rankin took his place at the meeting at 1:15 p.m.)

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4 CHIEF ADMINISTRATIVE OFFICER**

**11.4.1 By-Law S-405 Respecting Charges for Street Improvements**

This item was addressed during the June 13<sup>th</sup> evening session (See Page 19).

**11.4.2 Tenders**

- A staff report prepared for K. R. Meech, Chief Administrative Officer, regarding the above, was before Council for its consideration.

With respect to Tender 00-032, Traffic Loop Maintenance and Installation - Pricing Agreement, Councillor Kelly requested a report from staff as to what other projects will be done with the remaining funds. Mr. Meech responded it would depend on whether or not there were additional projects identified in the budget. If not, the remaining funds would be put in the CRESPOOL account. However, he stated that staff could provide a report.

Councillor Hetherington requested that staff provide Councillors with information, via e-mail or fax, regarding the "various locations" indicated in several of the Tender reports. In response, Mr. Phil Cochrane, Manager, Streets and Roads, stated a number of locations were identified for asphalt patching and sidewalk maintenance for the purpose of calling tenders. However, the actual unit prices and amount of asphalt or concrete required at each location will determine how many locations actually get completed. Mr. Cochrane agreed to send Council the list of proposed locations.

Responding to a question of Councillor Kelly, Mr. Cochrane stated the time frame regarding the completion of these projects is four to eight weeks, pending weather conditions.

With regards to Tender 00-230, Councillor Blumenthal requested that the \$31,275 savings that was moved to CRESPOOL be used to resurface two more Hydrostone lanes to continue the phase in of this project. Mr. Meech stated staff will review this request and report back to Council with a recommendation.

Mr. Tam responded to questions of Councillor Stone regarding the resurfacing of Castle Hill Drive, stating this is only the first phase of the project.

**MOVED by Councillors Hetherington and Greenough:**

**Tender 00-032 Traffic Loop Maintenance and Installation - Pricing Agreement**

**THAT Council award Tender No. 00-032, Traffic Loop Maintenance and Installation - Pricing Agreement to Black & McDonald Limited based on the unit prices quoted for a total price of \$261,625.00 with funding provided as outlined in the Budget Implications Section of the staff report dated June 5, 2000.**

**Tender 00-047 Asphalt Patching of Street, West Region**

**THAT Council authorize the award of Tender #00-047 to the lowest bidder, Ocean Contractors Ltd., at a cost of \$176,000.00, HST extra.**

**Tender 00-048 Concrete Sidewalk & Curb Repairs, West Region**

**THAT Council authorize the award of Tender #00-048 to the lowest bidder, B & L Contracting Ltd., at a cost of \$124,565.15, HST extra.**

**Tender 00-050 Asphalt Patching of Street, East Region**

**THAT Council authorize the award of Tender #00-050 to the lowest bidder, Ocean Contractors Ltd., at a cost of \$99,000.00, HST extra.**

**Tender 00-051 Concrete Sidewalk & Curb Repairs, East Region**

**THAT Council authorize the award of Tender 00-051 to the lowest bidder, B & L Contracting Ltd., at a cost of \$92,400.00, HST extra.**

**Tender 00-052 Asphalt Patching of Street, Central Region**

THAT Council authorize the award of Tender #00-052 to the lowest bidder, Lafarge Canada Inc., at a cost of \$104,200.00, HST extra.

**Tender 00-053 Concrete Sidewalk & Curb Repairs, Central Region**

THAT Council authorize the award of Tender #00-053 to the lowest bidder, B & L Contracting Ltd., at a cost of \$37,225.00, HST extra.

**Tender 00-204 Highway No. 3 Realignment, Timberlea**

THAT Council:

1. Award Tender No. 00-204, Highway No. 3 Realignment, Timberlea to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$442,750.00 and a Total Project Cost of \$509,163.00 with funding authorized as per the Budget Implications Section of the staff report dated June 5, 2000.
2. Approve the addition of 420 metres length of concrete curb & gutter and concrete sidewalk to Tender No. 00-204 for an addition to the Tender Price of \$68,545.75 and an addition to the Total Project Cost of \$78,828.00, with funding authorized as per the Budget Implications Section of the staff report dated June 5, 2000.
3. Approve the recovery of Local Improvement Charges for the installation of concrete curb and gutter and concrete sidewalk along the north side of Highway No. 3 by an area rate applied to a portion of District 22 (as shown on the sketch attached to the staff report dated June 5, 2000.)

**Tender 00-205 New Sidewalk and Storm Sewer, Holland Road, Lake Fletcher**

THAT Regional Council:

1. Approve the recovery of Local Improvement Charges for the placement of new concrete curb and gutter and new concrete sidewalk on Holland Road in Lake Fletcher by an area rate applied to the entire area of District 2.
2. Authorize the transfer of funds from Capital Account CRESPOOL in the amount of \$27,286.00 to Capital Account Number CJR00533 Holland Road.

3. Award Tender No. 00-205, New Sidewalk and Storm Sewer, Holland Road to Northstar Construction Limited for materials and services listed at the unit prices quoted for a Tender Price of \$162,857.34, and a Total Project Cost of \$187,286.00, with funding authorized as per the Budget Implications Section of the staff report dated June 5, 2000.

Tender 00-214 Cherry Brook Storm Drainage Upgrade, Phase 2

THAT Regional Council award Tender 00-214, Cherry Brook Storm Drainage Upgrade, Phase 2 to Dexter Construction Company Limited for materials and services listed at unit prices quoted for a Tender Price of \$491,066.10, and a Total Project Cost of \$564,800.00, with funding authorized as per the Budget Implications Section of the staff report dated May 25, 2000.

Tender 00-215 Fenerty Road - Culvert Renewal, Halifax

THAT Council:

1. Authorize the transfer of funds in the amount of \$20,000.00 from Account No. Q104, Sewer Redevelopment Reserve, to Capital Account No. CGR00787, Fenerty Road - Culvert Renewal.
2. Award Tender No. 00-215, Fenerty Road - Culvert Renewal to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$61,111.00 and a Total Project Cost of \$70,000.00, with funding authorized as per the Budget Implications Section of the staff report dated May 25, 2000.

Tender 00-225 Sidewalk Renewals - East Region

That Council:

1. Authorize the transfer of funds in the amount of \$22,778.00 from Account No. CRESPOOL, the Capital Pool to the Capital Accounts as summarized in the Budget Implications Section of the staff report dated May 22, 2000.
2. Award Tender No. 00-225, Sidewalk Renewals - East Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$135,562.00 and a Total Project Cost of \$155,898.00, with funding authorized as per the Budget Implications Section of the staff report dated May 22, 2000.

**Tender 00-230 Resurfacing - West Street, Hydrostone Lanes and Armdale Rotary Improvements, West Region**

**THAT Council:**

- 1. Authorize the transfer of funds in the amount of \$31,629.00 from Account No. CRESPOOL, the Capital Pool, to the Capital Accounts as summarized in the Budget Implications Section of the staff report dated May 31, 2000.**
- 2. Award Tender No. 00-230 Resurfacing - West Street, Hydrostone Lanes and Armdale Rotary Improvements - West Region to Lafarge Canada Inc. for materials and services listed at the unit prices quoted for a Tender Price of \$141,565.00, and a Total Project Cost of \$162,800.00 with funding authorized as per the Budget Implications Section of the staff report dated May 31, 2000.**

**Tender 00-234 Street Widening, Curb, Sidewalk and Storm Sewer, St. Margaret's Bay Road Phase 2, Lakeside**

**THAT Council:**

- 1. Approve the recovery of Local Improvement Charges for the installation of concrete curb and gutter, sidewalk along the north side of St. Margarets Bay Road by an area rated applied to a portion of District 22 (as shown on the sketch attached to the staff report dated May 23, 2000).**
- 2. Award Tender No. 00-234, Street Widening, Curb, Sidewalk and Storm Sewer, St. Margarets Bay Road to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$198,835.00 and a Total Project Cost of \$228,661.00, with funding authorized as per the Budget Implications Section of the staff report dated May 23, 2000.**

**Tender 00-236 Paving Renewal and New Concrete Curb and Gutter, Dalkeith Drive and Ashgrove Avenue, Cole Harbour**

**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 4 for Dalkeith Drive and the entire area of District 5 for Ashgrove Avenue.

2. Award Tender No. 00-236, Paving Renewal and New Concrete Curb and Gutter, Dalkeith Drive and Ashgrove Avenue, Cole Harbour to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$334,190.00, and a Total Project Cost of \$384,319.00, with funding authorized as per the Budget Implications Section of the staff report dated May 23, 2000.

Tender 00-238 New Sidewalk, Beaver Bank Cross Road, and Sycamore Lane, Sackville

THAT Council:

1. Approve the recovery of Local Improvement Charges for the replacement of asphalt curb with concrete curb and gutter and the placement of new concrete sidewalk on Sycamore Lane in Sackville by an area rate applied to the entire are of District 20.
2. Authorize the transfer of funds from Capital Account CRESPOOL in the amount of \$34,506.00 to Capital Account Number CJR00970 Sycamore Lane.
3. Award Tender No. 00-238, New Sidewalk, Beaver Bank Cross Road and Sycamore Lane to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$91,885.00, and a Total Project Cost of \$105,668.00, with funding authorized as per the Budget Implications Section of the staff report dated June 5, 2000.

Tender 00-242 Resurfacing Projects - Delta Drive, Flying Cloud Drive and Perron Drive, Cole Harbour

THAT Council:

1. Approve the recovery of Local Improvement Charges for the replacement of asphalt curb on Delta Drive in Cole Harbour with concrete curb and gutter by an area rate applied to the entire area of District 5.
2. Council award Tender No. 00-242, Resurfacing Projects - Delta Drive, Flying Cloud Drive and Perron Drive, Cole Harbour, to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price

of \$220,578.05, and a Total Project Cost of \$253,665.00, with funding authorized as per the Budget Implications Section of the staff report dated May 23, 2000.

**Tender 00-255 Resurfacing Projects - Nictaux Drive and Grennan Drive, Sackville**

**THAT Council:**

- 1. Approve the recovery of Local Improvement Charges for the replacement of asphalt curb on Nictaux Drive and Grennan Drive in Sackville, with concrete curb and gutter by an area rate applied to the entire area of District 19.**
- 2. Award Tender No. 00-255, Resurfacing Projects - Nictaux Drive and Grennan Drive, Sackville, to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$125,350.00 and a Total Project Cost of \$144,153.00, with funding authorized as per the Budget Implications Section of the staff report dated June 1, 2000.**

**Tender 00-256 Kinsac Road, Paving Renewal, Beaver Bank**

**THAT Council award Tender No. 00-256, Kinsac Road, Paving Renewal, Beaver Bank, to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$197,800.00 and a Total Project Cost of \$227,470.00, with funding authorized as per the Budget Implications Section of the staff report dated May 30, 2000.**

**Tender 00-258 Street Upgrading, Resurfacing Part IV, Western Region**

**THAT Council award Tender No. 00-258, Street Upgrading, Resurfacing Part IV, Western Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$247,250.00 and a Total Project Cost of \$284,338.00, with funding authorized as per the Budget Implications Section of the staff report dated May 29, 2000.**

**Tender 00-260 Main Artery Patching, West, East and Central**

**THAT Council award Tender No. 00-260, Main Artery Patching, West, East and Central Regions, to Basin Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$256,358.58, and a Total Project Cost of \$297,813.00, with funding authorized as per the Budget Implications Section of the staff report dated June 2, 2000.**

**Tender 00-266 Resurfacing, Beaver Bank Road, Sackville**

**THAT Council:**

1. **Approve the recovery of Local Improvement Charges for the replacement of asphalt curb on Beaver Bank Road in Sackville with concrete curb and gutter by an area rate applied to the entire area of District 19.**
2. **Award Tender No. 00-266, Resurfacing - Beaver Bank Road, Sackville, to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for Tender Price of \$173,650.00 and a Total Project Cost of \$199,698.00, with funding authorized as per the Budget Implications Section of the staff report dated May 31, 2000.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.3 Fence Permit - 6446 Coburg Road**

This item was addressed during the June 13<sup>th</sup> evening session (See Page 19).

**11.4.4 Case 00229 Rezoning of 21 Longburn Drive, Hammonds Plains (First Reading and set for Public Hearing)**

This item was addressed during the June 13<sup>th</sup> evening session (See Page 20).

**11.4.5 Case 00167 Application for Development Agreement to Permit a Four Unit Condominium at 184 Shore Club Road, Hubbards (set date for Public Hearing)**

This item was addressed during the June 13<sup>th</sup> evening session (See Page 20).

**11.4.6 Case 00220: Request for an Amendment to the Halifax Municipal Planning Strategy - Area 8 (Gottingen Street Area) of Peninsula North**

- A supplementary report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration. The report recommended that no further action be taken on the request to amend the Halifax Municipal Planning Strategy and Land Use By-law for the property located on the corner of Maitland Street and Prince William Street within Area 8 of Peninsula North.

### CONFLICT OF INTEREST

Councillor Downey declared a Conflict of Interest as he owns a property in a similar situation, and, therefore, removed himself from the discussion.

Councillor Mitchell spoke in support of setting a Public Hearing to consider rezoning the area back to C-2, as indicated in Attachment C of the supplementary staff report dated June 7, 2000.

Councillor Read spoke in support of the staff recommendation, stating there were numerous meetings and ample notification provided to the business owners on Gottingen Street during this process, and the staff recommendation was based on input obtained through this process.

In response to a question of Councillor Walker, Mr. Angus Schaffenburg, Planner, presented the supplementary staff report and the options available to Regional Council. Responding to a question of the Councillor, Mr. Schaffenburg stated staff is still recommending no action be taken, but if Council decides to do so, staff would recommend Alternative 2, Attachment C of the supplementary report.

Councillor Greenough stated Council should not proceed with a Public Hearing unless there is some real intention of re-designating the zoning.

Councillor Cooper suggested the public should first be consulted to determine if they want Council to undo what was previously approved for the Secondary Planning Strategy for Area 8 less than one year ago.

Councillor Read noted there was more public notification for this issue than most other rezoning situation, and stated the residential component should be maintained all along Maitland Street.

Councillor Merrigan stated Council should listen to the public's opinion on this matter through the Public Hearing process.

**MOVED by Councillors Mitchell and Merrigan that Council set the date of July 4, 2000 for a Public Hearing to consider Alternative 2 - Commercial Re-designation (Attachment C of the supplementary staff report dated June 7, 2000) with respect to Case 00220: Request for an Amendment to the Halifax Municipal Planning Strategy - Area 8 (Gottingen Street Area) of Peninsula North. MOTION PUT AND PASSED.**

**11.4.7 Dog Registration Program - April 1, 2000 to March 31, 2001 Deputy Registrar Fees - Dog Registration**

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

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

**In the 2000/2001 Dog Registration Program and on-going year to year basis, Halifax Regional Council adopt the fee schedule for payment to Deputy Registrars as follows:**

**Pursuant to By-Law D-100, Section 9(3) the following fee schedule applies:**

- 1. Door-to-door canvassing - \$6.00 per tag - includes \$3/tag, plus an additional \$3/tag for mileage and incidental costs (preparation of deposit slips, reports, follow up cards);**
- 2. Registration through corner stores, parent/teacher associations and other associations acceptable to the Halifax Regional School Board, and volunteer fire associations - \$3.00 per tag.**

Ms. Cathie Osborne, Team Leader, General Revenue, responded to questions of Councillor Kelly regarding the number of deputy registrars.

Councillor Walker requested an Information Report from staff examining why the HRM is in the business of dog registrations, and stated the Municipality may be losing money through this process.

(Mayor Fitzgerald left the meeting at 2:00 p.m. and Deputy Mayor Cunningham assumed the Chair.)

Ms. Osborne responded to questions of Councillors McNroy and Blumenthal regarding the registration process.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.8 Summerfest Grant**

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

**MOVED by Councillors Mitchell and Walker that Halifax Regional Council, for one year only, approve a change to the Summerfest Grant process to allow the Summerfest Grant Selection Committee to grant funds to multiple Summerfest Grant applicants from within the boundaries of the former Halifax County area. This recommended modification to the Summerfest Grant selection process calls for the Tourism, Culture and Heritage Business Unit to review applications and present recommendations to the Summerfest Grant Selection Committee for its consideration.**

Responding to a question of Councillor Stone, Mr. Lew Rogers, Director, Tourism, Culture & Heritage, stated that given the significant number of major events taking place in the urban area this year, opportunity should be given to support smaller rural events. Councillor Stone stated he would like to have list of where this money is spent.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.9 Telus Mobility Cellular Municipal Cess Agreement**

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

Responding to questions of Councillor Kelly, Mr. Wayne Anstey, Municipal Solicitor, stated HRM had some agreements in place with respect to other issues, such as natural gas, and staff is now examining the electronic medium. The City of Toronto has done some work in this area and HRM is requesting that they share their information, which they have agreed to do, pending a confidentiality agreement.

(Councillor Blumenthal left the meeting at 2:10 p.m.)

**MOVED by Councillors Stone and Greenough that the Mayor and Municipal Clerk be authorized to execute a confidentiality agreement with the City of Toronto regarding the disclosure of Telus/City of Toronto Settlement/Term Letter Agreement. MOTION PUT AND PASSED UNANIMOUSLY.**

(Mayor Fitzgerald returned to the meeting at 2:15 p.m. and assumed the Chair.)

**11.4.10 Sign Encroachment - Halifax County Condominium Corporation #165, Rutledge Street, Bedford**

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration. The report recommended that Council not approve the sign permit application made by

Halifax Condominium Corporation #165 to construct two encroaching signs measuring 0.63m long and 0.84m wide x 1.85m in height.

Councillor Kelly requested that this matter be referred back to staff to explore, with the applicant and 911 Emergency staff, the suggestion of posting signs at each driveway identifying the civic numbers along with a directional arrow, as well as any other possible options, such as assigning names.

**MOVED by Councillors Kelly and Hetherington that this matter be referred back to staff to explore, with the applicant and 911 Emergency staff, the suggestion of posting signs at each driveway identifying the civic numbers along with a directional arrow, as well as any other possible options, such as assigning names. MOTION PUT AND PASSED UNANIMOUSLY.**

#### **11.4.11 Regional Trails**

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

Mr. Blair Blakeney, Regional Coordinator, Park Planning and Development, presented the staff report.

**MOVED by Councillors Deputy Mayor Cunningham and Councillor Sarto that:**

- 1. Council recognize the Regional Trails Task Team as the official advisory body to HRM regarding the planning and development of our regional trail system.**
- 2. Council support, in principle, the concept of a regional trail system across the entire municipality based on the 1997 report prepared by the Regional Trails Task Team.**
- 3. Council direct staff to enter into either a joint use or lease agreement with the Department of Natural Resources, with regard to the abandoned rail lines.**

Responding to questions of members of Council, Mr. Blakeney made the following points:

- Staff is recommending that \$50,000 of the approved allocation of \$250,000 for regional trails development be redirected from the Dartmouth Multi-use Trail in the current fiscal year for this project. Future funding will depend on the budget.

- If the motion is adopted, staff will come back with a report regarding the reallocation of the funding.
- Next year, a full plan will be put in place for the complete implementation of the bridge and the remainder of the Dartmouth Multi-use trail.
- A sidewalk will be part of the McCulloch development on the Dartmouth trail.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.12 Application by Rockingham Historical Society for Design and Construction Assistance**

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

**MOVED by Councillors Stone and Walker that Halifax Regional Council:**

1. **Approve the application by the Rockingham Historical Society to erect a marker on city owned land at the corner of Kent Street and Bedford Highway, in the community of Prince's Lodge, to commemorate the historical association with Prince Edward from 1794 to 1800;**
2. **Approve a grant of \$1925 which represents 45% of the project costs. The Rockingham Historical Society and the IODE are partnering with HRM to provide the resources required to complete this project. MOTION PUT AND PASSED UNANIMOUSLY.**

**12. MOTIONS**

**13. ADDED ITEMS**

**13.1 Councillor Stone - Point Pleasant Park**

Councillor Stone requested that information provided to him by a resident regarding the brown spruce longhorn beetle problem at Point Pleasant Park be passed on to the appropriate people. It was agreed that this would be done.

Council agreed to deal with Item 11.1.4 - Councillor Rankin at this time.

**11.1.4 Councillor Rankin**

**i) MTT Communication Tower - Glengarry Gardens**

Councillor Rankin expressed concern with regard to an MTT Communication Tower recently installed in Glengarry Gardens, stating this appears to have been done in violation of the guidelines provided by Industry Canada, in particular, the requirement for consultation. Councillor Rankin stated it is his understanding that MTT applied for a permit after the fact. The Councillor requested that a letter be sent, under the signature of the Mayor, to MTT.

**MOVED by Councillors Rankin and Mitchell that a letter be sent, under the signature of the Mayor, to MTT stating this action is unacceptable and that, at the very minimum, they follow through with the consultative process, as directed by Industry Canada, which would include, but not be limited to, a public meeting held in the community to address the concerns of the community.**

Responding to a question of Councillor Walker, Mr. Kurt Pyle, Planner, stated in terms of the consultation process, if the tower is to be erected on a piece of property in a zone where it is not permitted, which is the case in this situation, a public process, similar to a re-zoning, needs to be followed. Following this, Council would make a recommendation to Industry Canada stating its concerns, and Industry Canada would make the final decision.

Councillor Kelly stated he hopes staff will come forward soon with a plan to deal with these increased requests for towers throughout HRM. The Councillor noted he previously requested such a report.

Councillor Greenough spoke in support of the motion, noting there is a great deal of apprehension in communities when these communication towers are installed.

**MOTION PUT AND PASSED UNANIMOUSLY.**

ii) **Sylvania Terrace**

Councillor Rankin asked that the Minister of Transportation be requested to review, with favourable consideration, the priority assigned to the paving of Sylvania Terrace.

On a **Point of Privilege**, Councillor Rankin expressed concern with a recent newspaper article regarding the confidential agreement with BFI, and stated the article did not mention all the considerations that were evaluated by Council. The Councillor stated this is unfortunate as it is misleading the public.

On a further **Point of Privilege**, with respect to the supplementary education funding, Councillor Rankin stated it was clear that Council will not be releasing any funding until it approves how this money will be spent.

**13.2 Councillor Walker**

**i) Alderney Landing Update**

Councillor Walker requested a staff report explaining why the request for additional funding for Alderney Landing (Information Report - May 23/00) was made and what the money will be used for. Council agreed to the request for a staff report.

**ii) Cigar Bars/Restaurants**

Councillor Walker requested a staff report to determine if the number of cigar bars/restaurants in HRM is increasing and to include a recommendation from staff as to whether or not these establishments should be included in the Smoking By-law. Council agreed to the request for a staff report.

**iii) Enforcement of Smoking By-Law re: Casino**

Councillor Walker requested a staff report to respond to concerns raised by a resident that the Sheraton Casino is not in compliance with the Smoking By-Law and to include recommendations as to what can be done to resolve this matter.

**13.3 Councillor Sarto - Mt. Edward Road Reservoir Site - Telecommunication Towers**

Councillor Sarto advised Council that a meeting will be held on Monday, June 19th at Mount Edward School at 7:00 p.m. regarding this matter, and extended an invitation to Council to attend this meeting. The Councillor stated that he will bring this matter back to Council following this meeting, if necessary.

**14. NOTICES OF MOTION**

**14.1 Councillor Read**

**TAKE NOTICE** that at the next regular meeting of the Halifax Regional Council, to be held on June 20, 2000, I intend to introduce a motion to amend the subdivision by-laws of the former Cities of Halifax and Dartmouth to bring them into conformance with the Municipal Government Act, Section 271, with respect to minimum lot dimensions.

**14.2 Councillor Greenough**

**TAKE NOTICE** that at the next regular meeting of Halifax Regional Council to be held on Tuesday, June 20, 2000, I propose to move First Reading of By-Law R-103 to repeal by-

laws now or formerly in place respecting any Pension Plan of the former City of Dartmouth with the exception of former Dartmouth By-Law P-600.

**14.3 Councillor Cunningham**

**TAKE NOTICE** that at the next regular meeting of Halifax Regional Council to be held on Tuesday, June 20, 2000, I propose to introduce as a Policy pursuant to Section 315 of the Municipal Government Act, Administrative Order SC-22. The purpose of which is to effect closure of Braemar Drive.

**14.4 Councillor Rankin**

**TAKE NOTICE** that at the next regular Council Session to be held on Tuesday, June 20, 2000, I propose to introduce for first reading By-Law Number S-405, Respecting Charges for Street Improvements, the purpose of which is to amend By-Law Number S-400, Respecting Charges for Street Improvements by imposing local improvement charges for the projects within the 2000/01 capital budget.

**15. ADJOURNMENT**

**MOVED by Councillors Hetherington and Greenough that the meeting adjourn at 3:10 p.m. on Wednesday, June 14, 2000. MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael  
Municipal Clerk