

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL MINUTES August 22, 2000**

**PRESENT:**

Mayor Walter Fitzgerald  
Deputy Mayor John Cunningham  
Councillors: Stephen Streach  
Gordon R. Snow  
Keith Colwell  
Ron Cooper  
Harry McInroy  
Jack Greenough  
Condo Sarto  
Bruce Hetherington  
Clint Schofield  
Jerry Blumenthal  
Graham L. Downey  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Bill Stone  
Graham Read  
Stephen D. Adams  
David Merrigan  
Bob Harvey  
Peter Kelly  
Reg Rankin  
Jack Mitchell

**STAFF MEMBERS:**

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

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**1. INVOCATION**

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

**PRESENTATIONS:**

**Mrs. Hylde Naylor**

Mrs. Hylde Naylor, a survivor of the Halifax Explosion, now residing in Niagara Falls, was in attendance to donate some of her pictures of the Halifax Explosion to the Halifax Regional Municipality. On behalf of the Municipality, Mayor Fitzgerald presented Mrs. Naylor with a gift as a token of thanks and appreciation.

**Mr. Peter Majeau**

On behalf of Council and the residents of HRM, Mayor Fitzgerald expressed thanks and appreciation to Mr. Peter Majeau, Chair, Halifax/Dartmouth Natal Day Committee, for his work and accomplishments over the last four years while serving as the first Chair of the Halifax/Dartmouth Natal Day Committee. The Mayor also introduced and acknowledged the members of the Committee. Mr. Majeau thanked the Committee members, volunteers, Council and staff for their support over the last four years.

**2. PROCLAMATIONS - NONE**

**3. APPROVAL OF MINUTES - NONE**

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

The following items were added to the agenda:

12.1 Councillor Blumenthal:

- i) Former A. MacKay School, 5450 Russell Street
- ii) Shipyards

12.2 Councillor Kelly:

- i) Non Compliance of Grade Alteration By-Law
- ii) Sandy Lake Water Infiltration

12.3 Administrative Order Number 25 Respecting the Creation of the Peninsula and Western Region Community Council  
Motion - Councillor Uteck

- 12.4 Report - Application for 'International' Monument Assistance by Portugese Society of Nova Scotia
- 12.5 Property Matter - Purchase of Former Via Rail Maintenance Facility

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

**5. BUSINESS ARISING FROM THE MINUTES - NONE**

**6. MOTIONS OF RECONSIDERATION - NONE**

**7. MOTIONS OF RESCISSION - NONE**

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

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Petitions**

**9.1.1 Councillor McInroy - Crosswalks, Hampton Green and Hallmark Crescent**

Councillor McInroy served a petition containing approximately 37 signatures of residents requesting the reinstatement of the crosswalks on Hampton Green and Hallmark Crescent, Dartmouth.

**9.1.2 Councillor Sarto - Rental Properties, District 7**

Councillor Sarto served a petition from residents in his District expressing concerns about rental properties on a particular street in his District. Due to the sensitivity of the issue, the Councillor stated he did not wish to publicly state the name of the street. Councillor Sarto requested that the petition be forwarded to the Police Commission, Legal Services and any other appropriate departments to address the concerns detailed in the petition as quickly as possible. The Councillor also asked that copies of the petition be circulated to all members of Council.

**9.1.3 Councillor Sarto - Traffic Light, Portland Street/Dorothea Drive Intersection**

Councillor Sarto submitted correspondence from a resident of Muriel Drive, Dartmouth, requesting that the left turn arrow be reinstated on the traffic light at the Portland Street/Dorothea Drive intersection. Councillor Sarto requested that staff revisit this issue

to determine if there is something that can be done to allow traffic to make a left-hand turn at this intersection. As residents of a number of Districts use Portland Street, it was agreed that any response regarding this matter be circulated to all members of Council.

**10. REPORTS**

**10.1 MEMBERS OF COUNCIL**

**10.1.1 Councillor Adams**

**i) Update on Herring Cove Settlement Strategy**

- Copies of the following documents were circulated to Council:
  - 1) A staff report prepared for Dan English, Acting Chief Administrative Officer, dated April 19, 1999, regarding the Community Integration Funds - Herring Cover Area.
  - 2) A recommendation from Committee of the Whole, April 6, 1999, regarding Halifax Harbour Solutions Project - Next Steps.
  - 3) A staff report prepared for K. R. Meech, Chief Administrative Officer, dated November 9, 1999, regarding Project 00098: Public Participation Program for Herring Cove Area Settlement and Servicing Strategy.
  - 4) Regional Council minute extracts: April 6, 1999; April 29, 1999; May 4, 1999, and May 11, 1999
  - 5) A water bacteriological report from the QEII Heath Sciences Centre, Environmental Services, regarding St. Paul's Church, Herring Cove.

Councillor Adams reported that he attended a recent meeting with the Executive members of the Herring Cove Ratepayers Association, who have put forward a request for Council's consideration. As outlined in the material circulated, Councillor Adams stated Council adopted the following motion at its meeting of April 20, 1999:

*MOVED by Councillor Adams, seconded by Councillor Walker that Council:*

- (1) approve, in principle, that the \$5m community integration fund be moved to Phase 1 of the Halifax Harbour Solutions Project;*
- (2) direct the Director of Engineering and Transportation Services to begin discussions with the Halifax Regional Water Commission with respect to the design of the water extension;*

- (3) *direct the Project Manager for the Halifax Harbour Solutions Project to begin communication with the community with the view of establishing the location for the future wastewater treatment plant.* MOTION PUT AND PASSED.

Councillor Adams stated the Executive is requesting that Council reaffirm this motion to provide the residents with a level of comfort that they have not been forgotten and the process is continuing.

Councillor Adams noted the Executive and the residents of Herring Cove were advised that the research would be completed by February, but this has been delayed. The Councillor stated he would like to have some information as to why it was delayed and a time frame to determine how they can expect the process to proceed from this point forward.

Councillor Adams referred to the water test results for St. Paul's Church Hall, which indicate there is E. coli and Total Coliforms present. The Councillor expressed grave concern with these results.

**MOVED by Councillors Adams and Walker that Council reaffirm its April 20, 1999 motion to provide the residents with a level of comfort that they have not been forgotten and the process is continuing.**

Responding to a question of Councillor Blumenthal, Mr. Meech stated there was an allocation of approximately \$8 million in the total estimated cost of the Harbour Solutions Project that was to be available for community enhancements, and it is anticipated that part of that money would be accessed to assist with the installation of water in Herring Cove.

Councillor Read agreed there is a serious water problem in Herring Cove that needs to be resolved, but stated it should be done independently of the Harbour Solutions Project. Councillor Read stated he would prefer to view the full report on the Herring Cove Settlement and the proposals from the two proponents before reaffirming anything. The Councillor stated that part of his concern is that no matter what level of water supply or what planning strategy is implemented, it will increase the development pressures, and the \$5 million will do nothing to solve the additional traffic load on Herring Cove Road and Purcell's Cove Road.

Councillor Greenough stated if there is water contamination, as indicated in the water test report, it should be referred to the Halifax Regional Water Commission. Responding to a question of the Councillor, Mr. Meech stated Phase 1 of the project was directly tied to the \$210 million allocated by HRM, and Phase 2 was contingent upon HRM obtaining the additional \$105 million from the Federal and/or Provincial Governments. Mr. Meech stated once it is confirmed that the Harbour Solutions Project will proceed, including all the

phases, the water project could be advanced, noting this will be done separately and not as part of the Harbour Solutions Project.

Responding to a question of Councillor Schofield, Mr. Meech clarified there are property owners in the Herring Cove Road area that have been contributing towards the sewer charge. It is intended that a contribution from the Harbour Solutions budget is to be allocated towards the installation of water for the community. Councillor Schofield inquired if the other wells in the area will be tested, and Mayor Fitzgerald indicated in the affirmative.

Councillor Cooper suggested the Municipality should be developing a policy with respect to dealing with communities that come forward with this type of water problem.

Closing the debate, Councillor Adams stated the order of the construction of the treatment plants is independent of water being provided to Herring Cove. With respect to traffic concerns, Councillor Adams stated the recommendations from the Ratepayers Association call for larger lot sizes and frontages, which will result in lower density.

**MOTION PUT AND PASSED.**

**ii Recent Patching of HRM Streets**

Councillor Adams expressed concern with recent patching work done on HRM streets, in particular, on Quinpool Road, Herring Cove Road and Hebridean Drive, creating conditions similar to speed bumps. The Councillor requested information from staff explaining why the patching work completed this year is of such poor quality.

Councillor Hetherington also expressed concerns on this issue, and inquired who is responsible for inspecting this work and authorizing payment.

Councillor Blumenthal expressed satisfaction with the paving and patching work done in the North End of Halifax. In response to a question of the Councillor, Mr. Kulvinder Dhillon, Director, Public Works and Transportation, stated he is aware of the problem on Quinpool Road, but was not aware of the other streets, and agreed to look into them. Mr. Dhillon stated the majority of the patching work is done by outside contractors and it must be completed according to HRM's standards. If not, payment should not be made. With regards to inspection, Mr. Dhillon stated this is the responsibility of HRM staff.

Councillor Stone noted that the Bedford Highway was scheduled to be resurfaced this year, but this is yet to be done. The Councillor requested that staff provide an exact date when this work will be done.

Councillor Sarto expressed satisfaction with patching work done by HRM staff in his District.

Councillor Merrigan requested that staff also examine the patching work that was completed on Patton Road in District 19.

It was agreed that the matter be referred to staff for a report to address the concerns expressed by Council.

## **10.2 REGIONAL HERITAGE ADVISORY COMMITTEE**

### **10.2.1 Heritage Case H00019 - Review of Proposed Addition and Alterations to 5725 Inglis Street, Halifax, NS (Permit Application 021737)**

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

Councillor Uteck extended thanks to Kevin Barrett, Heritage Planner, for successfully guiding the Committee through a complicated development agreement. The Councillor also expressed thanks to the Committee and the developer for working together to reach an agreement on this issue.

**MOVED by Councillors Uteck and Downey that Regional Council approve the addition and alterations to 5725 Inglis Street, as proposed in the staff report to the Heritage Advisory Committee dated July 17, 2000, provided that:**

- 1. All balconies on the west elevation be French balconies as opposed to full size balconies. Depth of French balconies to be up to 18".**
- 2. The windows and doors of the ell be wood and conform to the windows and doors that exist in the Heritage property.**
- 3. The windows and doors of the new addition also conform to the wood requirements of the remainder of the property. MOTION PUT AND PASSED UNANIMOUSLY.**

## **10.3 CHIEF ADMINISTRATIVE OFFICER**

### **10.3.1 Administrative Order Number 23 Respecting Pesticides, Herbicides and Insecticides Excluded from the Pesticide By-Law**

- Administrative Order Number 23 Respecting Pesticides, Herbicides and Insecticides Excluded from the Pesticide By-Law, was before Council for its consideration.

### **CONFLICT OF INTEREST**

Councillor Snow declared a **Conflict of Interest**, as he owns a landscaping company, and removed himself from the discussion and vote.

**MOVED by Councillors Read and Schofield that Council adopt Administrative Order Number 23 Respecting Pesticides, Herbicides and Insecticides Excluded from the Pesticide By-Law. MOTION PUT AND PASSED.**

### **10.3.2 Port Authorities Operations Regulations**

- This matter was deferred from the August 15, 2000 meeting, pending a staff report.

Mr. Ken Meech, Chief Administrative Officer, reported that some information from the Port Authority was received late today, which Mr. Wayne Anstey, Municipal Solicitor, reviewed and will now share staff's recommendation on the issue. Mr. Anstey noted one of the advantages to the current practice of having both federal and provincial environmental regulations respecting water bodies, is that there is a quasi-judicial process to follow for approvals.

Mr. Anstey stated it appears that the new section put in the federal regulations has the potential, depending on interpretation, to create a third level of regulation and a second federal body that would be involved in the regulations. However, he further stated that it may have been the intent to only permit the Boards to regulate their own immediate properties, but it appears, at least in Vancouver, the provision is being used in a much more extensive manner. Mr. Anstey stated that this, along with the fact that there may be a tendency for the Boards, in order to protect themselves from potential civil liability, to be very strict with the application of this section.

In closing, Mr. Anstey recommended that it would be very wise for Council to take the same position as the Vancouver City Council and support the resolution which requests the Federal Minister of Transport to clarify the meaning of the section and to restrict it to a type of regulation on Port Commission property, as opposed to the receiving bodies themselves.

**MOVED by Councillors Rankin and Greenough that Council adopt the following resolution:**

**WHEREAS the Governor General in Council has on the recommendation of the Minister of Transport, pursuant to the Canada Marine Act, enacted the Port Authorities Operations Regulations;**

**AND WHEREAS local government was not consulted in the drafting of these Regulations;**

**AND WHEREAS the Regulations contain wording that prohibit anything that will or is likely to adversely affect soil, air or water quality without providing definitions of these terms;**

**AND WHEREAS various Port Authorities have reached different interpretations regarding their legal liability with respect to municipal stormwater and wastewater effluent discharges relative to the wording in the Regulations;**

**AND WHEREAS some interpretations of the Regulations would duplicate and/or conflict with the provisions of provincial and other federal legislation, creating confusion and increased legal and financial risk for local governments adjacent to ports;**

**BE IT RESOLVED that FCM urge the Federal Minister of Transport to amend the new Port Authorities Operations Regulations to recognize the role of provincial and federal environment ministries and agencies regarding the interpretation of “adversely affect soil, air or water quality” and to absolve the Port Authorities of any responsibility or legal liability regarding the authorization of municipal stormwater and wastewater effluent discharges.  
MOTION PUT AND PASSED UNANIMOUSLY.**

### **10.3.3 Position Paper - Aid to Municipalities for Pavement Upkeep**

- This matter was referred to staff for a report on August 15, 2000. An Information Report prepared for Kulvinder Dhillon, Director, Public Works and Transportation, regarding the above, was before Council for its consideration.

Mr. Meech advised Council that staff have commenced some actions to ensure the Province is aware of HRM's concerns with the service exchange agreement, and a position paper, as requested by Council on August 15<sup>th</sup>, will be forwarded to Council before the end of September 2000.

Councillor Rankin spoke about the inequity of the provincial program, noting there has been no paving completed since 1998 under this program, while paving has occurred in other areas of the Municipality on the streets for which HRM is responsible, creating inequity in the Municipality. The Councillor stated that solving this inequity is a priority of Council, and urged staff to apply their best efforts to resolve this problem.

It was agreed to defer the matter, pending a staff report before the end of September 2000.

**11. MOTIONS**

**11.1 Councillor Uteck**

*“To remove the ability to permit bed and breakfasts in the R-1 zone and allow them in the R-3 zone.”*

Councillor Uteck stated she will take this motion to the first meeting of the Peninsula and Western Region Community meeting to be held on August 30, 2000, rather than having it dealt with at Regional Council.

Councillor Walker noted this will also affect his District as some of the Peninsula By-Laws apply to parts of his area.

Responding to a question of Councillor Read, Councillor Uteck clarified that the motion refers to new commercial bed and breakfasts in R-1 zones.

**12. ADDED ITEMS**

**12.1 Councillor Blumenthal:**

**i) Former A. MacKay School, 5450 Russell Street**

Councillor Blumenthal expressed concern regarding the poor condition of the exterior of the former A. MacKay School, which was sold by HRM to the Shambala School for \$1.00. The Councillor stated there were conditions on this sale that the property be repaired to good condition. Councillor Blumenthal requested a staff report examining this matter. Councillor Stone also requested a staff report regarding the land sold by HRM for less than market value, and whether or not the conditions placed on these sales have been met.

Council agreed to the requests for staff reports.

**ii) Shipyards**

Councillor Blumenthal expressed concern regarding the lack of shipbuilding work being done in the Municipality, resulting in reductions of personnel at both the Halifax and

Dartmouth Shipyards. The Councillor suggested the Federal government should develop a shipbuilding policy, rather than sending the business to other countries.

**MOVED by Councillors Blumenthal and Hetherington that the Mayor write a letter to the Province requesting the Premier's support to write a letter to the Federal Government requesting that the ship building industry be examined, due to the lack of work being assigned to the Halifax and Dartmouth Shipyards resulting in the downsizing of personnel. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2 Councillor Kelly:**

**i) Non Compliance of Grade Alteration By-Law**

Councillor Kelly requested that the matter be referred to staff for a report to obtain clarity on staff's ability to stop work for non-compliance of the Town of Bedford By-Law 23290 - Grade Alternation By-Law and to address any inconsistencies that may occur in the application of the By-Law.

Council agreed to the request for a staff report.

**ii) Sandy Lake Water Infiltration**

Councillor Kelly requested that this matter be referred to staff for a report, in consultation with the Nova Scotia Department of the Environment, to develop procedures for incident response, inside and outside of the core area, including advising the public and residents of the water conditions.

Council agreed to the request for a staff report. Mayor Fitzgerald noted he received a report from Mr. Dhillon regarding this issue, and will forward it to members of Council.

**12.3 Administrative Order Number 25 Respecting the Creation of the Peninsula and Western Region Community Council  
Motion - Councillor Uteck**

**MOVED by Councillors Uteck and Blumenthal that Council adopt Administrative Order Number 25 Respecting the Creation of the Peninsula and Western Region Community Council.**

Councillor Uteck noted it was decided to drop the "South End" portion of the original proposed name of the Community Council. This Community Council will include Districts 11, 12, 13, 14, 22 and 23.

Speaking against the motion, Councillor Downey expressed concern with being included in the Community Council against his wishes. The Councillor noted he re-submitted a 1996 petition on August 15<sup>th</sup> that did not contain 500 signatures in support of District 12 being included in the new Community Council. Councillor Downey questioned how his District could be included without these 500 signatures. Mr. Anstey explained that Council has the authority to create a Community Council regardless of any petitions. The issue of the 500 signatures applies to a situation where a District is not included and at least 500 residents petition Council to include them. In this case, Council would have no choice but to include that particular District. Councillor Downey reiterated his concern with being forced by Council to join the Community Council, and stated his wishes should be respected with regards to this matter.

Councillors Streach and Rankin spoke in support of Councillor Downey's comments, stating no Councillor should be forced into joining a Community Council.

**MOVED by Councillors Rankin and Streach that the motion be amended to exclude District 12.**

Councillor Blumenthal stated if the new Community Council does not include the entire Peninsula, then he will opt out of it.

Speaking in support of the main motion, Councillor Read stated the residents of District 12 would be better served if the District was included in a Community Council.

Councillor Uteck stated if Councillor Downey chooses not to participate in the Community Council, the residents will have the opportunity, at election time, to express their views on the matter.

Councillor Hetherington spoke in support of the Main Motion, stating Community Councils are beneficial as they deal with community issues, and all communities should be represented.

Responding to a question of Councillor Read, Mr. Anstey stated amendments to a piece of legislation, such as this Administrative Order, can be considered at any time by a member of Council putting forth a Notice of Motion to do so.

The vote was taken on the amendment to exclude District 12. Councillor Downey requested a **Recorded Vote**.

Members of Council voting **in favour** of the amendment: Councillors Streach, Snow, Downey, Uteck, Walker, Stone, Adams, Harvey, Kelly and Rankin

Members of Council voting **against** the amendment: Mayor Fitzgerald, Deputy Mayor Cunningham, Councillors: Colwell, Cooper, McInroy, Greenough, Sarto, Hetherington, Schofield, Blumenthal, Fougere, Read, Merrigan and Mitchell.

**MOTION DEFEATED ( 10 in favour, 14 against)**

The vote was then taken on the Main Motion.

**MOTION PUT AND PASSED.**

**12.4 Report - Application for 'International' Monument Assistance by Portugese Society of Nova Scotia**

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

**MOVED by Councillors Hetherington and Schofield that Council:**

- 1. Approve the application by the Portuguese Society of Nova Scotia to erect a monument on the Sheraton Halifax boardwalk to commemorate the visits of Joao Alvares Fagundes to this region in 1520;**
- 2. Approve a grant of \$4375 which represents 20% of the total project costs to assist the Portuguese Society as recommended by Councillor Hetherington and the Tourism, Culture and Heritage Business Unit.**

Councillor Harvey spoke in support of the motion.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.5 Property Matter - Purchase of Former Via Rail Maintenance Facility**

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

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

- **Council approve the purchase of the former VIA Rail maintenance facility property at 5096 Marginal Road at a purchase price of \$1,700,000. with the cost of acquisition to be funded from the costs of the Halifax Harbour Solutions Project.**

- **The staff report not be released to the public.**

Responding to a question of Councillor Kelly, Mr. Meech explained that Mr. Tom Rath, General Manager, Corporate Real Estate Services, indicated there are some issues to be finalized before the staff report could be released to the public.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**13. NOTICES OF MOTION**

**13.1 Councillor Hetherington - Amendment to Administrative Order Number Five**

**TAKE NOTICE** that at the next regular meeting of Halifax Regional Council, to be held on Tuesday, August 29, 2000, I propose to introduce a motion to amend Administrative Order Number Five, the Unsightly Premises Committee Administrative Order, to reflect the function of enforcement being pursuant to Part XV of the Municipal Government Act and to increase the Councillor representation to nine (9) members.

**13.2 Councillor Kelly Policy P-20, Parkland Development, of the Bedford Municipal Planning Strategy**

**TAKE NOTICE** that at the next regular meeting of Halifax Regional Council to be held on Tuesday, August 29, 2000, I intend to introduce a motion asking staff to explore the possibility of amending all municipal planning strategies to reflect Policy P-20, Parkland Development, of the Bedford Municipal Planning Strategy.

Policy P-20 reads "It shall be the intention of Town Council, upon receipt of deed transfer tax payments, to deposit in the special reserve fund capital section, one quarter of the tax, and to maintain the fund for the purpose of acquiring and/or developing parkland and accessories."

And, further, when reviewing this possibility determine whether the one quarter tax should be based on both the residential deed transfer tax payment and the commercial deed transfer tax payment.

**14. ADJOURNMENT**

**MOVED by Councillors Greenough and Fougere that the meeting adjourn at 7:45 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael  
Municipal Clerk