

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL MINUTES APRIL 24, 2001

### PRESENT:

Deputy Mayor Jerry Blumenthal  
Councillors: Steve Streach  
Keith Colwell  
Ron Cooper  
Harry McInroy  
Brian Warshick  
Bruce Hetherington  
Jim Smith  
John Cunningham  
Dawn Sloane  
Sue Uteck  
Russell Walker  
Diana Whalen  
Linda Mosher  
Stephen Adams  
Brad Johns  
Robert Harvey  
Len Goucher  
Reg Rankin  
Gary Meade

### ABSENT WITH REGRETS:

Mayor Peter J. Kelly  
Councillors: Gary Hines  
Condo Sarto  
Sheila Fougere

### STAFF:

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

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**1. INVOCATION**

The meeting was called to order at 6:00 p.m. with the Invocation.

**2. PROCLAMATIONS**

**2.1 North American Occupational Safety and Health Week (May 6 - 12)**

Mayor Kelly proclaimed the week of May 6 - 12, 2001 as North American Occupational Safety and Health Week in the Halifax Regional Municipality.

**2.2 Hepatitis Awareness Month - May, 2001**

Mayor Kelly proclaimed the month of May, 2001 as Hepatitis Awareness Month in the Halifax Regional Municipality.

**2.3 Multiple Sclerosis Awareness Month - May, 2001**

Mayor Kelly proclaimed the month of May, 2001 as Multiple Sclerosis Awareness Month in the Halifax Regional Municipality.

**2.4 Medic Alert Month - May, 2001**

Mayor Kelly proclaimed the month of May, 2001 as Medic Alert Month in the Halifax Regional Municipality.

**3. APPROVAL OF MINUTES - April 3, 2001**

**MOVED by Councillor Hetherington, seconded by Councillor Harvey, that the minutes of April 3, 2001 be approved as circulated.**

Councillor Warshick requested item 9.1.3, page 10 be corrected to indicated that the District referenced was District 6 rather than District 8.

**MOTION PUT AND PASSED UNANIMOUSLY.**

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

Council agreed to move item 10.2.1, Request for Support - Proposed Projects, Halifax Regional Youth Advisory Board Society up on the agenda to be addressed prior to the public

hearings.

**MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the Order of Business 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**

**8. CONSIDERATION OF DEFERRED BUSINESS**

**8.1 First Reading By-law L-103 Respecting Local Improvement Charges**

- An extract from the draft April 17, 2001 Regional Council minutes was before Council.
- A copy of the supplementary staff report, prepared for Mr. K.R. Meech, Chief Administrative Officer, dated April 19, 2001, on the above noted, was before Council.
- A copy of the staff report, prepared for Mr. K.R. Meech, Chief Administrative Officer, dated February 28, 2001, on the above noted was before Council.

This item was deferred on April 17, 2001 and referred to staff for a supplementary report and recommendation for possible adjustment to the proposed By-Law to consider further assistance in the amount of one-third of the cost over-run in the amount of \$70,847. The supplementary report, dated April 19, 2001, was recommending Halifax Regional Council not approve any further cost sharing on the project and that Local Improvement Charges be based on the final construction costs.

**MOVED by Councillor Rankin, seconded by Councillor Walker, that Halifax Regional Council give First Reading to By-Law L-103 Respecting Local Improvement Charges - Water Services to Pockwock Road area and set a public hearing date. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2 PRESENTATIONS**

**10.2.1 Request for Support - Proposed Projects, Halifax Regional Youth Advisory Board Society**

Constable Terry Graves, Chairman, Halifax Regional Youth Advisory Board Society, and Mr. Glen Monaghan, Assistant Coordinator of the Halifax Regional Police Youth Program, addressed Council advising the purpose of the Board is to provide local "at risk" youth with

experiences and educational opportunities which will assist them to make life choices and give them the tools to give back to their communities in positive ways. He advised due to funding cuts by the HRDC they will no longer be able to go ahead with these programs.

Deputy Mayor Blumenthal thanked the presenters for the presentation.

**MOVED by Councillor Hetherington, seconded by Councillor Uteck that the presentation be forwarded to staff for a report to the May 1, 2001 Council session. MOTION PUT AND PASSED.**

**9. PUBLIC HEARINGS**

**9.1 Second Reading By-Law N-201 An Amendment to By-Law N-200 Respecting Noise**

- A draft from the April 3, 2001 Regional Council minutes was before Council.
- A copy of the staff report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated March 15, 2001, on the above noted, was before Council.
- A copy of the proposed amendment as revised in the First Reading was before Council.

Mr. Wayne Anstey, Municipal Solicitor, advised this was dealt with, in principle, on April 3, 2001. He noted there is currently a provision in the By-Law exempting the Municipality, the Government of Canada, the Province of Nova Scotia, the Water Commission, NS Power and MTT from the noise provisions of the By-Law. This amendment will provide exemption for the Halifax-Dartmouth Bridge Commission and there is also a provision requiring 48 hours written notice to property owners within 100 feet of the work unless such notice was not feasible in the case of an emergency.

Deputy Mayor Blumenthal called three times for those wishing to speak either in favour of or against the amendment. Hearing none, the following motion was placed.

**MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Sloane, seconded by Councillor Cunningham, that Council give Second Reading to By-Law N-201, as revised, amending By-Law N-200 Respecting Noise. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.2 Case 00263 - Request for an Amendment to the Sackville MPS and Land Use By-Law - 1260 Highway 1 (Atlantic Gardens) - Middle Sackville**

- A draft from the April 3, 2001 Regional Council minutes was before Council.
- Staff report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated April 10, 2001, on the above noted, was before Council.

Mr. Angus Schaffenburg, Planner, with the aid of overheads, presented the staff report.

Deputy Mayor Blumenthal called for those wishing to speak either in favour of or against the amendment.

**Ms. Peggy Godfrey**

Ms. Peggy Godfrey, owner, requested Council support the amendment request.

Deputy Mayor Blumenthal called three times for additional speakers. Hearing none, the following motion was placed.

**MOVED by Councillor Sloane, seconded by Councillor Warshick, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Johns, seconded by Councillor Streach, that Halifax Regional Council:**

- approved the revised amendments to the Municipal Planning Strategy and Land Use By-Law for Sackville as set out in Appendix "A" of the supplementary staff report dated April 10, 2001;**
- approve the discharge of the April 17, 1979 development plan prepared under the Planned Unit Development (PUD) By-Law, as set out in Appendix "B" of the supplementary staff report dated April 10, 2001.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.3           Case 00261 - Request for an Amendment to the Bedford MPS and Land use By-Law - 700 and 710 Kearney Lake Road (Blue Mountain Drive)**

- A draft from the April 3, 2001 Regional Council minutes was before Council.

Mr. Angus Schaffenburg, Planner, with the aid of overheads, presented the staff report advising the amendments are specific to 700 Kearney Lake Road and would allow the property to be developed with reduced minimum lot area and frontage requirements.

Deputy Mayor Blumenthal called three times for those wishing to speak either in favour of or against the requested amendment. Hearing none, the following motion was placed.

**MOVED by Councillor Goucher, seconded by Councillor Warshick, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Goucher, seconded by Councillor Rankin, that Halifax Regional Council approve an amendment to Policy R-6 of the Bedford Municipal Planning Strategy and Land Use By-Law to permit the development of 700 Kearney Lake Road with lots having a minimum lot frontage of 150 feet and a minimum lot area of two acres. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.4            Second Reading By-Law S-407 Respecting Charges for Street Improvements**

- An extract from the March 20, 2001 Regional Council minutes was before Council.

Mr. Rick Paynter, Manager, Design and Construction Services, advised this is an annual undertaking for the purpose of putting into place the local improvement charges that will apply for infrastructure improvements for the upcoming fiscal year.

In response to Councillor Cunningham as to whether a program can be established whereby HRM will replace asphalt curbs with concrete without having to wait for major reconstruction of the street, Mr. Paynter advised there is no stand alone curb replacement program currently, noting asphalt curb upgrading is done in conjunction with street improvement projects.

Councillor Uteck received confirmation that the charge is amortized over a ten year period.

Deputy Mayor Blumenthal called three times for those wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was placed.

**MOVED by Councillor Cunningham, seconded by Councillor Smith, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Cooper, seconded by Councillor McInroy, that Council approve By-Law S-407 an amendment to By-Law S-400 Respecting Charges for Street Improvements. MOTION PUT AND PASSED.**

Councillor Walker requested it be noted that he voted against the motion.

**9.5            Case 00071 Request for Approval of an Amendment to the MPS for**



**Beaver Bank, Hammonds Plains, and Upper Sackville, within the Glen Arbour Golf and Residential Community**

- Extracts from the March 20<sup>th</sup> and April 3<sup>rd</sup>, 2001 Regional Council minutes was before Council.
- A supplementary staff report, on the above noted, was circulated at the April 3<sup>rd</sup> Council session.
- Submission from Pat Martell Curran, 53 Halfway Lake Drive, Hammonds Plains, was before Council.

Mr. Andrew Whittemore, Planner, with the aid of overheads, presented the staff report advising this would be a site specific plan amendment and would apply only to the lands known as Blocks A, B, C and D of the Glen Arbour Integrated Golf Course and Residential Community.

Deputy Mayor Blumenthal called for anyone wishing to speak either in favour of or against the proposed amendment.

**Mr. Walter Regan**

Mr. Walter Regan, Executive Director, Sackville Rivers Association, reading from prepared text, spoke in favour of the amendment. Mr. Regan submitted a copy of his submission which included the following:

- overall this is a good amendment especially as it would provide for development of only one unit per acre;
- 80% of each lot will not be developed and left vegetated;
- the buffer of 50 feet along Thompson Run will be turned over to HRM;
- the proponent will build and allow public use of the trail system;
- high density development maintaining sensitivity to the rural character of the area will be developed;
- development by development agreement with public input is much better than “by right” development;
- it was being requested that the setback for buildings in Block A, B and C be increased to 100 metres from the present 100 feet and that there be no removal of vegetation or change of grade within the 100 metre buffer;
- it was being requested the present buffer of 50 feet be increased to at least 30 metres from the normal high water mark or the 1/100 year flood plain, whichever is the largest;
- all road crossings over Thompson Run have fish passing culverts installed;
- water testing and monitoring not only include Bottle Lake but Thompson Run, Halfway Brook, Beaver Lake and McCabes Lake;
- Block A, B and C involve public comment prior to development.

**Mr. Raymond Rudolph**

Mr. Raymond Rudolph, Glen Arbour Homeowners Association, spoke in favour of the amendments advising that when he purchased his home he was aware of the potential for townhouse development.

The Municipal Clerk read into the record correspondence from **Ms. Ann Merritt** wherein she is requesting this amendment be identified as site specific in the amendment to the MPS.

Deputy Mayor Blumenthal called three times for any additional speakers. Hearing none, the following motion was placed.

**MOVED by Councillor Hetherington, seconded by Councillor Cunningham, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Rankin, seconded by Councillor Goucher, that Regional Council approve a site specific plan amendment to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville (Attachment 1 of the March 27, 2001 Supplementary Staff Report) to allow higher intensity residential uses (two unit dwellings, townhouses and multiple dwellings) on lands known as Block A, B, C and D, Glen Arbour Integrated Golf Course and Residential Community, by means of development agreement. MOTION PUT AND PASSED UNANIMOUSLY.**

**10. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**Correspondence**

Councillor Harvey noted a motion had been made in the House of Assembly commending the Halifax Regional Library on the introduction of the "e" branch.

**10.1 Petitions**

**10.1.1 Councillor McInroy**

Councillor McInroy submitted a petition on behalf of the residents of Cow Bay/Eastern Passage in support of the Silver Sands Golf and Beach Club proposal.

**10.1.2 Councillor Goucher**

Councillor Goucher submitted a petition from the residents of the Basinview School area

wherein they are requesting the erection of a gate at the entrance to the school parking area off Wimbledon Drive. The Councillor requested the petition be forwarded to Engineering and Transportation Services.

**10.1.3 Councillor Cooper**

Councillor Cooper submitted a petition on behalf of members of the Dartmouth United Soccer Club regarding the need for improved soccer facilities.

**10.2 Presentations**

This item was dealt with earlier in the meeting. (See page 6)

**11. REPORTS**

**11.1 HARBOUR EAST COMMUNITY COUNCIL**

**11.1.1 Case 00283 Request to Amend the MPS and LUB for Eastern Passage/  
Cow Bay to Consider the Construction of a Golf Course and Tourist  
Cottage Development Adjacent to the Silver Sands Beach in Cow Bay**

- A report, and noted attachments, from Councillor Bruce Hetherington, Chair, Harbour East Community Council, dated April 18, 2001, on the above noted, was before Council.

**MOVED by Councillor McInroy, seconded by Councillor Warshick, that Regional Council give First Reading to the proposed amendments to the Eastern Passage/Cow Bay Planning Strategy and Land Use By-Law for Eastern Passage/Cow Bay, as outlined in Attachments 1 and 2 of the Memorandum dated April 11, 2001, to enable Council to consider golf course developments and tourist cottage development outside the serviceable boundary, by way of development agreement and set a public hearing date for May 15, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2 GRANT COMMITTEE**

**11.2.1 Administrative Order Number Ten Respecting Partial Exemption for  
Residential Taxation - Revisions**

- A report from James Hobin, Chair, HRM Grants Committee, dated April 17, 2001, on the above noted, was before Council.

**MOVED by Councillor Smith, seconded by Councillor Hetherington, that Regional Council approve the amendment to Administrative Order Number Ten (Attachment 1 of the staff report dated April 17, 2001). MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.2        First Reading By-Law T-206, An Amendment to T-200 Respecting Tax Exemptions for Non Profit Organizations**

- A report from James Hobin, Chair, HRM Grants Committee, dated April 17, 2001, on the above noted, was before Council.

Ms. Peta-Jane Temple, Grants Coordinator, advised the exemptions were for the fiscal year 2001/2002.

**MOVED by Councillor Walker, seconded by Councillor Sloane, that Council give First Reading to By-Law T-206, An Amendment to T-200 Respecting Tax Exemptions for Non Profit Organizations and set a public hearing for May 15, 2001.**

**MOVED by Councillor Meade, seconded by Councillor Streach, that the St. Margaret's Bay Sailing Club be referred to the Grants Committee to investigate the awarding of a short term tax deferral for the period 2001-2003. The deferred amount shall not exceed the assessed value of the property and is to be re-paid according to a payment plan with HRM Financial Services. MOTION PUT AND PASSED.**

**MOVED by Councillor Harvey, seconded by Councillor Goucher, that the retroactive portion of the grant to the Knights of Columbus Club of Sackville be referred to the Grants Committee to investigate the application of the residential tax rate from the date of purchase. MOTION PUT AND PASSED.**

**MAIN MOTION PUT AND PASSED.**

**11.2.3        First Reading By-Law T-301 An Amendment to By-Law T-300, Tax Deferrals**

- A report from James Hobin, Chair, Grants Committee, dated April 17, 2001, on the above noted, was before Council.

**MOVED by Councillor Smith, seconded by Councillor Hetherington that Council give First Reading to By-Law T-301 An Amendment to By-Law T-300, Tax Deferrals and**

set a public hearing for May 15, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

**11.3            CHIEF ADMINISTRATIVE OFFICER**

**11.3.1        Tender 01-022 Lake Safety Patrol and Lifeguard Service for the Water of Lake MicMac and Lake Banook**

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated April 12, 2001, on the above noted, was before Council.

**MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that:**

- 1. Council authorize the award of Tender #01-022 to MFR Rescue Ltd. at a cost of \$39,900.00 plus HST for lake safety patrol and lifeguard service for the period of June 25, 2001 to September 3, 2001 with funding outlined in the budget implications section of the staff report dated April 12, 2001;**
- 2. Council authorize staff to exercise the second year option of the tender at a cost of \$39,900.00 plus HST for the period June 24, 2002 to September 2, 2002. The second year option would be contingent upon an evaluation of the present service and budget allocation.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3.2        Tender 01-040 Materials Testing and Inspection 2001**

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated April 17, 2001, on the above noted, was before Council.

**MOVED by Councillor Hetherington, seconded by Councillor Sloane, that Regional Council award Tender No. 01-040, Materials Testing & Inspection 2001, to Maritime Testing Ltd. based on the unit prices quoted for a total tender price of \$125,390.25 with funding provided as outlined in the Budget Implication section of the staff report dated April 17, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3.3        Award of Tender #01-041, Video Inspection of Sewers 2001**

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated April 17, 2001, on the above noted, was before Council.

**MOVED by Councillor Streach, seconded by Councillor Smith, that Regional Council award Tender No. 01-041, Video Inspection of Sewers 2001, to Melanson's Waste Management Inc. based on the unit prices quoted for a Total Project Cost of \$99,084.00 with funding provided as outlined in the Budget Implications section of the report dated April 17, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3.4        First Reading By-Law L-200 Respecting Licensing and Construction and Demolition Debris Recycling and Disposal Operations**

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated April 18, 2001, on the above noted, was before Council.

**MOVED by Councillor Rankin, seconded by Councillor Uteck, that the First Reading be deferred to Tuesday, May 1, 2001.**

Councillor Rankin requested staff examine the setback option and to consider the Department of the Environment setback as well as a 60% diversion.

Councillor Cooper requested staff examine Section 2(b) of the proposed by-law to see if there is something missing in the wording. The Councillor noted there is no explanation regarding enforcement policy or costs and requested information be provided as to whether enforcement costs have been taken into consideration when recommending the fee.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4        MEMBERS OF COUNCIL**

**11.4.1        Councillor Hines - Karen Furneaux - Congratulations**

**MOVED by Councillor Goucher, seconded by Councillor Adams, that the Mayor, on behalf of Council, extend congratulations to Karen Furneaux, a member of the Cheema Aquatic Club, for her hard work and dedication and to wish her well as she represents HRM, Nova Scotia and Canada during the world paddling season. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.2        Councillor Smith - Dangerous and Unsightly Premises Act**

**MOVED to Councillor Smith, seconded by Councillor Sloane that legal staff be requested to provide a report regarding amendments to the Municipal Government Act relative to Dangerous and Unsightly Premises whereby garbage will be required**

to be removed from a property in a more timely manner. **MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.3      Councillor Goucher - Planning Amendment Process**

**MOVED by Councillor Goucher, seconded by Councillor Mosher, that staff provide a report regarding amendments to Municipal Planning Strategies regarding violations to development agreements and contracts and the possibility of amending policy accordingly to address this issue.**

Councillor Cooper requested the report include information on the status of the development agreement registry.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.4      Councillor Whalen - By-Law, Commercial and Residential Properties**

**MOVED by Councillor Whalen, seconded by Councillor Hetherington, that staff provide a report on the process for reviewing and approving applications for as-of-right commercial development where such uses abut residential development specifically, to address requirements for notification of abutting land/property owners, setback requirements, height limitations and landscaping requirements, etc. **MOTION PUT AND PASSED UNANIMOUSLY.****

**12.            MOTIONS - NONE**

**13.            ADDED ITEMS - NONE**

**14.            ADJOURNMENT**

**MOVED by Councillor Meade, seconded by Councillor Hetherington that the meeting be adjourned at 7:55 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.****

**Vi Carmichael  
Municipal Clerk**