

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES August 21, 2001

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Jerry Blumenthal
Councillors: Stephen Streach
Gary Hines
Keith Colwell
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Stephen D. Adams
Brad Johns
Len Goucher
Reg Rankin
Gary Meade

REGRETS:

Councillor Bob Harvey

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Ms. Mary Ellen Donovan, Acting Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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1. **INVOCATION**

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

2. **PROCLAMATIONS**

2.1 **Taoist Tai Chi Awareness Day - August 25, 2001**

August 25, 2001 was proclaimed to be Taoist Tai Chi Awareness Day.

SPECIAL PRESENTATIONS

(i) **RRFB (Resource Recovery Fund Board) - Diversion Credit Cheque**

This item was deferred until August 28, 2001.

(ii) **Certificates of Appreciation - Cole Harbour, Armdale/Fairview/Rockingham and Spryfield Lions Clubs**

Councillor Sloane, with the assistance of Councillors Adams, McInroy, Cooper, Walker, Whalen and Mosher, presented Certificates of Appreciation to the Cole Harbour, Armdale/Fairview/Rockingham and Spryfield Lions Clubs for their efforts in the Halifax/Dartmouth Natal Day celebrations. On behalf of Council, Mayor Kelly also extended thanks and appreciation to all Natal Day volunteers.

3. **APPROVAL OF MINUTES - JULY 17, 2001**

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Hetherington, that the minutes of July 17, 2001 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 added to the agenda:

- 13.1 Tender 01-157R - Canteen/Press Box Beazley Memorial Sport Field
- 13.2 Membership Selection Committee - Appointments
- 13.3 In Camera Recommendation re: Release of In Camera Report re: 52C Jackson Road (addressed under Item 11.4.2)

The following items were deferred to August 28th:

Special Presentation (i) RRFB (Resource Recovery Fund Board - Diversion Credit Presentation)

11.3.2 Tender No. 01-116 - Receipt and Management of Separately Collected Leaf and Yard Waste, Christmas Trees and Related Services

It was agreed to deal with Item 11.3.8 Paving of Gravel Roads with Item 10.1.2 Correspondence from Minister of Transportation, dated July 31, 2001 re: Paving of Gravel Roads Outside HRM Core.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Hetherington, that the Agenda and Order of Business be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

5. BUSINESS ARISING OUT OF THE MINUTES

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS (from July 17, 2001)

8.1 Management of Rural Fire Services

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

Councillor Streach spoke in support of the staff recommendation, but suggested the following should be added: the appointment, at Council's discretion, of a member of Council to the Rural Fire Management Committee. Councillor Johns suggested this position should have full voting rights on the Committee. Council agreed to this suggestion.

MOVED by Councillor Streach, seconded by Councillor Hines, that Council:

- 1. Establish the Rural Fire Management Committee to replace the current Fire Advisory Committee. The overall responsibility for fire and emergency services remains with the Chief Officer, as mandated in Administrative Order 24. However, any policy changes will be brought to the Rural Fire**

Management Committee for discussion and decisions on how best to implement the policies within the rural districts.

2. **Appoint the Deputy Chief Director Rural District as Chair of the Rural Fire Management Committee.**
3. **Voting rights on the Rural Fire Management Committee will be limited to representatives of the rural departments, however volunteers and the community will be invited to discuss issues from the floor.**
4. **All other rural district committees will report to the Rural Fire Management Committee.**
5. **The appointment, at Council's discretion, of a member of Council to the Rural Fire Management Committee with full voting rights.**

Councillors Colwell, Johns and Hines spoke in support of the motion. Councillor Hetherington inquired if the Terms of Reference for this Committee would be coming back to Council. In response, Mr. Mike Eddy, Chief Director, Fire Services, stated once the Committee is struck, the Terms of Reference will be developed and can be brought back to Council at that time.

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Councillor Fougere

i) Changes to Communications and Requirements - Cyclists Safety

As a result of the Bikeways Task Force meeting held on July 5, 2001, Councillor Fougere put forth the following motion:

MOVED by Councillor Fougere, seconded by Councillor Goucher, that the Mayor write a letter to the Province, on behalf of the Halifax Regional Municipality, requesting the following changes to promote cyclist safety:

- c that information/communication in the Drivers Handbook as it relates to sharing the road with cyclists be improved;**
- c that information relating to sharing the road with cyclists be included in the curriculum for Driver Training; and,**

- C request that the Road Safety Advisory Committee make recommendations for cyclist safety; and,**
- C request that the Nova Scotia Safety Council Road Safety Advisory Committee appoint a cyclist to the Committee.**

Councillor Fougere noted statistics from the Department of Tourism indicate that approximately 63,000 people visit Nova Scotia either to cycle or bring bicycles with them and participate in cycling events in Nova Scotia each summer. Therefore, this is a province-wide issue. During a 24 hour period last year, the Halifax/Dartmouth Bridge Commission took counts on the new bike lane on the Macdonald Bridge and there were approximately 600 cyclists using the lane.

Speaking in support of the motion, Councillor Goucher noted education for both motorists and cyclists is needed.

Deputy Mayor Blumenthal suggested this request should also be sent in the form of a resolution to the UNSM for its meeting in October, and a copy of the letter should also be sent to the Minister of Education in hopes that something can be done through the school system with respect to this issue. Council agreed to these requests.

Speaking in support of the motion, Councillor Hines suggested perhaps cyclists should be registered and insured. The Councillor also suggested mandatory cyclist training may also be something to explore.

Closing the debate, Councillor Fougere stated Police Services, on an ad hoc basis, does a fair amount of bicycle safety training, usually aimed at children. Also, Parks and Recreation has also done a fair amount in that regard. HRM Traffic and Transportation is always looking at ways to include cyclists in safety, as is the Regional Trails Task Force.

MOTION PUT AND PASSED UNANIMOUSLY.

ii) Update: Tax Structure Review Committee

Councillor Fougere noted residents have received their tax bills, and she has received a number of calls regarding the issue of tax assessments. The Councillor stated over 6,000 assessments in her District jumped over 7.5% in the last year, which is much higher than the cost of living and pension increases. Councillor Fougere stated that although HRM lowers the tax rate, the assessments leap at such a level and HRM does not provide any additional services. The Councillor questioned how Council can justify an increasing tax load on people who are on a fixed income. Councillor Fougere noted this is an HRM-wide issue, and asked that the Tax Structure Committee examine how this might be addressed in terms of somehow capping assessments.

MOVED by Councillor Fougere, seconded by Councillor Uteck, that, in light of skyrocketing property assessments, this matter be referred to the Tax Structure Review Committee for recommendations to Council regarding growing assessments and what HRM can do to ensure people will be able to remain in their homes.

Councillor Uteck referenced Information Item #8 - Memorandum from Director Financial Services, dated July 26, 2001 re: Inclusion of GST in Property Assessments, stating GST is overinflating the value of homes in areas of District 13 and asked that the Tax Structure Review Committee also examine this issue. The Councillor submitted correspondence from Mr. James Allard, dated July 6, 2001, detailing a possible solution for the Tax Structure Review Committee and asked that it be forwarded to the Committee.

Councillor Adams also asked that the Committee consider setting up a model to make a proposal to the Provincial government with respect to the possibility of eliminating the need for assessments. The Councillor noted market value is consistently higher than assessments throughout HRM. Deputy Mayor Blumenthal noted the Province legislates assessments, not HRM.

MOTION PUT AND PASSED UNANIMOUSLY.

8.3 Councillor Rankin:

i) Icelandic Air Proposed Cancellation

Councillor Rankin stated that effective October 25, 2001, Icelandic Air flights from Halifax to Europe will cease, leaving Air Canada as the only regular scheduled service to Europe. As an international destination city, the Councillor stated this should be of concern to HRM. Councillor Rankin stated the Canada Transport Agency did not act in an expeditious way to allow Icelandic Air additional flights to make it a profitable service, and the additional flights were approved too late to implement these flights for the summer season. Councillor Rankin stated the Premier should intercede in this matter, as it is important to all Nova Scotians, and to express HRM's concern to The Honourable David Collenette, Minister of Transport, and that the four Members of Parliament in HRM express their dismay.

MOVED by Councillor Rankin, seconded by Councillor Warshick, that the Mayor send a letter to the Premier expressing concern regarding the proposed cancellation of Icelandic Air service at the Halifax International Airport requesting that the Province intercede.

Councillor Rankin suggested, if the motion passes, an invitation should be extended to HRM's representatives on the Halifax International Airport Authority to come forward to Council to see where they stand on these issues.

Speaking in support of the motion, Councillor Colwell expressed concern with this situation giving Air Canada a monopoly on the service. The Councillor stated the matter needs to go back to the federal government with the support of the Province.

Councillor Goucher spoke in support of Air Canada's continual service to the area since 1937. The Councillor stated Icelandic Air is leaving because its service is not economically viable.

Councillor Sarto suggested a copy of the letter should be sent to the Chamber of Commerce. Councillor Warshick suggested copies should also be sent to the local MPs as this is a terrible loss to the area.

Mayor Kelly noted he met with the Vice President of Icelandic Air when the issue first arose, and Icelandic Air was requested to rethink its strategy, and, hopefully, they will be returning to the area in the future. However, the complications they have had with the various levels of government have confused the issue in terms of daily trips.

Deputy Mayor Blumenthal spoke in support of as many airlines as possible servicing the Halifax International Airport to provide competition.

Speaking in support of the motion, Councillor Sloane stating the loss of Icelandic Air will affect tourism in HRM.

Councillor Hines suggested Council should be concentrating its efforts on Mr. Bill Casey, MP, and the Hon. David Collenette, Minister of Transport, and asked that they also be copied on the letter.

Councillor Rankin suggested that The Honourable Robert Thibault, as HRM's representative on Cabinet, also be copied on the letter.

MOTION PUT AND PASSED UNANIMOUSLY.

ii) Correspondence from the Minister of Health re: Tax Exemption for Nursing Homes and Long Term Facilities

c Correspondence from the Honourable Jamie Muir, Minister of Health, dated July 3, 2001, regarding the above, was before Council for its information.

Councillor Rankin stated the correspondence from the Minister does not assure that the provision for municipal taxes for the nursing homes is an operating budget line and not a discretionary expenditure, and put forth the following motion:

MOVED by Councillor Rankin, seconded by Councillor Sarto, that a letter be sent to the Minister of Health requesting that, notwithstanding the Province's fiscal problems, there will be a recognition that municipal taxes for nursing homes is a provincial cost. MOTION PUT AND PASSED UNANIMOUSLY.

8.4 Councillor McInroy - Roadside Vending By-Laws

MOVED by Councillor McInroy, seconded by Councillor Cooper, that this matter be referred to staff for a report on consolidation and updating of by-laws relating to roadside vending, including flea markets, to ensure uniformity across HRM.

Councillor Uteck requested that staff be mindful of yearly events. In response, Councillor McInroy stated the intent is not to preclude the possibility of these events occurring, but rather to ensure uniformity across HRM.

Councillor Hetherington asked that the report also address continual yard sales that have become businesses in residential communities.

Councillor Goucher expressed concern with safety issues regarding flea markets held on major highways, such as the Bedford Highway.

MOTION PUT AND PASSED UNANIMOUSLY.

8.5 Councillor Mosher - Petition for Renaming of Joseph Howe Drive/Dutch Village Road

C An Information Report prepared for Donna Davis, Civic Address Project/Program Manager, dated July 11, 2001, regarding the above, was before Council for its information.

Responding to questions of Councillor Mosher regarding the renaming of Joseph Howe Drive/Dutch Village Road, Ms. Donna Davis, Civic Address Project/Program Manager, made the following points:

C Staff considers the renaming of Joseph Howe Drive/Dutch Village Road a top priority to address, once Council adopts a policy and by-law.

- C The end of September, early October is the target date to come to Council with the civic addressing by-law, as well as a renaming/renumbering policy.
- C If the renaming policy is relatively straightforward, it is reasonable to expect the phone book publishing deadline to be met. However, a better sense of the time line will be available in September/October.

Councillor Walker requested that when staff is looking at renaming the street that they consider keeping Joseph Howe Drive from 3763 Dutch Village Road to the Rotary. The Councillor stated the costs, such as letterhead changes, needed to make this change have to be taken into consideration.

Responding to a question of Deputy Mayor Blumenthal, Ms. Davis stated it is staff's intention, when the renaming/renumbering policy is brought forward, to address the cost implications and it will be up to Council to decide what, if any, compensation it wishes to offer for address change expenses. Ms. Davis noted some municipalities offer no compensation for address changes as they provide adequate notification to both residents and businesses. In other cases, compensation is provided. Staff will outline various options for Council to consider.

In response to a question of Councillor Streach, Ms. Davis stated staff will make suggestions regarding the heritage value of street names.

Councillor Fougere expressed concern with the confusion created by the current street naming of Dutch Village Road causing health and safety issues. The Councillor stated time is of the essence in resolving this issue.

Councillor Warshick noted a similar situation exists with Penhorn Drive in Dartmouth. The Councillor suggested MTT could be requested, for this year only, to postpone the publishing of the phone book by 30-60 days, with the understanding that HRM would give them a definitive answer by the end of October as to when the street renaming would take place. In response, Ms. Davis agreed to contact MTT regarding the feasibility of this suggestion.

Councillor Hetherington noted there are various renaming/renumbering problems throughout HRM, and stated he is looking forward to the by-law to address all of these problems as quickly as possible.

Closing the debate, Councillor Mosher stated she is requesting that Council look at the Dutch Village Road issue as a priority due to the health and safety issues. Ms. Davis stated staff will be bringing forward a report that identifies all of the problems by District, requesting direction from Council as to how it wants to address them. She noted that the Dutch Village Road issue can be dealt with as the first renaming issue.

9. PUBLIC HEARINGS

9.1 Second Reading By-Law L-102 Respecting Local Improvement Charges - Beaver Bank Servicing Phase III

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, dated February 15, 2000, regarding the above, was before Council for its consideration.

C First Reading of By-Law L0192 was given on July 3, 2001.

Mr. Ted Tam, Manager, Design Services, presented the staff report to Council.

Responding to a question of Councillor Cooper regarding the \$70 per lineal foot frontage charge, Mr. Tam stated it will be combined for both water and sewer.

Mayor Kelly called three times for members of the public wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was put on the floor:

MOVED by Councillor Hetherington, seconded by Deputy Mayor Blumenthal, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor Johns, seconded by Councillor, that give Second Reading to By-Law L-102 Respecting Local Improvement Charges, Beaver Bank Servicing Phase III. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Johns expressed thanks to the local MP and MLA for their assistance in pushing forward infrastructure grants. Also, on behalf of the residents of District 19, the Councillor thanked members of Council for their support on this issue, as well as the members of the Beaver Bank Water and Sewer Committee.

9.2 Transfer of Local Improvement and Street Improvement Charges and Liens Upon Approve Subdivision Property

C A Supplementary Report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, dated March 19, 2001, was before Council for its consideration.

C First Reading of By-Laws S-409 and L-107 was given on July 10, 2001.

(i) Second Reading By-Law S-409 Respecting Street Improvements

Ms. Cathie Osborne, Team Leader, General Revenue, presented the staff report.

Mayor Kelly called three times for members of the public wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was put on the floor:

MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor McInroy, seconded by Councillor Cunningham, that Council give Second Reading to By-Law S-409 Respecting Street Improvements. MOTION PUT AND PASSED UNANIMOUSLY.

(ii) Second Reading By-Law L-107 Respecting Local Improvement Charges

Ms. Cathie Osborne, Team Leader, General Revenue, presented the staff report.

Mayor Kelly called three times for members of the public wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was put on the floor:

MOVED by Councillor Cunningham, seconded by Deputy Mayor Blumenthal, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor McInroy, seconded by Deputy Mayor Blumenthal, that By-Law L-107 be given Second Reading. MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

10.1.1 Federation of Canadian Municipalities - Municipal Rights of Way Defence Fund

C Correspondence from Jack Layton, President, Federation of Canadian Municipalities, dated July 20, 2001, regarding the above, was before Council for its consideration.

Councillor Rankin suggested that this matter be referred to staff for a recommendation.

MOVED by Councillor Rankin, seconded by Councillor Streach, that this matter be referred to staff for a recommendation.

It was indicated that the time frame for this report would be two weeks.

Speaking in support of the motion, Councillor Goucher stated the CRTC has overstepped its boundaries and HRM's mandate to govern its own property has been undermined by this particular decision. It allows the cable/communication companies to come into the streets without the permission of the municipalities. Councillor Goucher stated it is critical to support this motion, and, in the long term, support this particular legal action.

Also speaking in support of the motion, Councillor Streach stated all municipalities should take every opportunity to protect the integrity of its rights of way.

Councillor Whalen noted the telecommunication companies are working together in trying to secure greater rights with the municipalities, and it would be in HRM's best interest to work with FCM in this regard.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Correspondence from Minister of Transportation, dated July 31, 2001 re: Paving of Gravel Roads Outside HRM Core

- C Correspondence from the Honourable Ronald Russell, Minister of Transportation, dated July 31, 2001 re: Paving of Gravel Roads Outside HRM Core, was before Council for its consideration.

During Approval of the Order of Business, it was agreed to deal with Item 11.3.8 Paving of Gravel Roads Outside the Core at this time as well.

11.3.8 Paving of Gravel Roads Outside the Core

- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, requesting direction from Council for further action regarding the above, was before Council for its consideration.

Councillor Rankin noted the resolution adopted by Regional Council on June 26, 2001, respecting maintenance of local roads outside the core area indicated that, failing permission by the Minister of Transportation and Public Works and the negotiation of an equitable service exchange agreement within 30 days, the Halifax Regional Municipality proceed with the expenditure of municipal funds on the paving of local roads outside the urban core and unilaterally deduct the \$300,000 from funds owing to the Province in respect of the cost of assessments which was unilaterally and arbitrarily imposed on the Municipality by the Province. The Councillor stated it would be appropriate to now move forward on this issue.

MOVED by Councillor Rankin, seconded by Councillor Streach, that the Halifax Regional Municipality proceed with the expenditure of municipal funds on the paving of local roads outside the urban core and unilaterally deduct the \$300,000 from funds owing to the Province in respect of the cost of assessments which was unilaterally and arbitrarily imposed on the Municipality by the Province, and so advise the Province that HRM is taking this initiative.

Speaking against the motion, Councillor Cunningham stated this will result in spending HRM tax dollars to fix roads that are under the jurisdiction of the Province. The Councillor noted there are gravel roads within the urban core that need to be paved before fixing roads that are the responsibility of the Province.

Also speaking against the motion, Councillor McInroy said this will only put additional debt on the backs of the taxpayers.

Councillor Meade stated the Province has not lived up to its part of the service exchange agreement, and there have not been any roads paved outside the core area for the last three years. The Councillor stated it is time the Province take responsibility for these roads.

Mr. Ken Meech, Chief Administrative Officer, stated HRM viewed the arrangement as being a service agreement and expected the Province to do the same. However, legally it is not worded in a manner that, at this point, allows HRM to legally obligate the Province in that manner.

Councillor Streach spoke in support of the principle of the motion.

Responding to a question of Deputy Mayor Blumenthal, Mr. Meech stated it is intended to withhold the \$300,000 from HRM's obligation on assessment costs. Mayor Kelly added that if the Province had lived up to the April 1st time frame, from then until now, HRM would have been able to save at least that amount. In response to a further question of the Deputy Mayor, Mr. Meech stated the roads are technically owned by the Department of Transportation and they would oversee any work done on them.

Speaking in support of the motion, Councillor Colwell stated there are residents who are willing to pay for the resurfacing of their roads but not the cost of the ditching and culvert work, which is the responsibility of the Province.

In response to a question of Councillor Cooper regarding the specifications for paving used by the Province, Mr. Rick Paynter, Manager, Design and Construction Services, stated the specifications used by HRM are basically the same as those of the Province. If these roads are paved, the maintenance costs for the Province will be much less. Councillor Cooper requested a supplementary staff report indicating what the Province will save in maintenance costs if a paving program is carried out for three or four years; whether, in fact, any of these roads have to have supplementary work done with regard to culverts, etc., and how much money can be raised if the present allowance from the urban area to the rural areas was collected from the rural areas and dedicated to this type of program. In response, Mr. Kulvinder Dhillon, Director, Public Works and Transportation Services, stated a report was provided to Council two or three years ago with respect to maintenance costs for gravel, chipsealed and paved roads. The paved road maintenance cost was one-third of the gravel road and the cost for a chipsealed road was two-thirds of a gravel road. Mr. Dhillon agreed that the staff report could be updated as per the request of the Councillor.

Mayor Kelly inquired if HRM was now taking the lead to bring the contract before the courts to clarify HRM's and the Province's commitments to the contract, or to define the intention of the contract. Mr. Meech requested that there is still some question as to the wording of the contract, and agreed to have the matter reviewed again to see if there is an opportunity to

pursue the issue in this manner and a report can probably be brought back to Council in two weeks.

Speaking in support of the motion, Councillor Adams stated it appears the taxpayers outside the core area are being treated differently than those inside the core by the different levels of government.

In response to a question of Councillor Uteck as to the legality of withholding the \$300,000 from the Province, Ms. Mary Ellen Donovan, Acting Municipal Solicitor, stated staff can report back to Council on this issue. Councillor Warshick suggested this matter should be deferred until this report is received from Legal Services, and stated he would not support the motion at this time.

Councillor Smith stated this motion will only train the Province not take its responsibilities and to have HRM pay for them. If it is successful, the Councillor stated he will request Council for one-time funding to fix the provincial responsibility of the lights at the entrance to the MacKay Bridge. Councillor Streach agreed that this analogy can be drawn on many different fronts.

Speaking against the motion, Councillor Sarto stated he could not support the motion until further information is received regarding the process to be followed.

Speaking in support of the motion, Councillor Goucher stated it is time for the Province to accept its responsibility with respect to service exchange.

Closing the debate, Councillor Rankin questioned if it is adequate enough to say it is the Province's fault, or does HRM have an obligation to render a service for the residents who have paid taxes for services, whether they live in the urban, suburban or rural area.

A **Recorded Vote** was requested.

Members of Council voting **in favour** of the motion: Mayor Kelly, Deputy Mayor Blumenthal, Councillors: Streach, Hines, Colwell, Cooper, Uteck, Walker, Whalen, Mosher, Adams, Johns, Goucher, Rankin and Meade.

Members of Council voting **against** the motion: Councillors: McInroy, Warshick, Sarto, Hetherington, Smith, Cunningham, Sloane and Fougere.

MOTION PASSED. (15 in favour, 8 against.) (Councillor Harvey was absent.)

10.2 Petitions

10.2.1 Councillor Cunningham - Paving of Rose Street

Councillor Cunningham served a petition from residents of Rose Street requesting that the street be re-paved immediately.

10.2.2 Councillor Colwell - Paving of Megan Drive

Councillor Colwell served a petition from residents requesting that Megan Drive be paved.

10.2.3 Councillor Warshick - Elimination of Walkway - Craighburn Drive to Hazelnut Court

Councillor Warshick served a petition from residents in support of the elimination of the walkway from Craighburn Drive to Hazelnut Court.

10.3 Presentations

10.3.1 Importance of Access to Limnology/Biology Expertise for HRM - S. M. Mandaville

C Correspondence from Mr. S. M. Mandaville, dated August 17, 2001, regarding the above, was before Council for its information.

A presentation was made by Mr. S. M. Mandaville regarding the importance of access to Limnology/Biology Expertise for HRM. Mr. Mandaville suggested HRM should consider setting up a lakes authority staffed with two qualified people, one having a minimum Masters degree in limnology, and one with a certification in Lake Management.

Councillor Whalen noted there are lakes in the Clayton Park West area that she has a lot of questions about that current staff are not able to answer. The Councillor spoke in support of receiving a staff report regarding what can be done to close this knowledge gap.

Mayor Kelly thanked Mr. Mandaville for his presentation. It was noted that the matter will be referred to staff for a report regarding the feasibility of Mr. Mandaville's suggestion.

10.3.2 Closure of the Halifax County Regional Rehabilitation Centre - Debbie Pastorius

On behalf of the employees of the Halifax County Regional Rehabilitation Centre, Ms. Debbie Pastorius made a presentation to Council with respect to the closure of the Centre and

requested that the employees be granted continued employment or a severance package. A copy of her presentation was submitted for the record.

Mayor Kelly thanked Ms. Pastorius for her presentation and noted it would be referred to staff for a follow up report and the employees will be advised of the outcome.

11. REPORTS

11.1 NORTH WEST COMMUNITY COUNCIL

11.1.1 Project 00109 - Hydrotechnical Study of the Little Sackville River

C A report from the North West Community Council, dated July 23, 2001, regarding the above, was before Council for its consideration.

Mr. Angus Schaffenburg, Planner, presented the North West Community Council report.

MOVED by Councillor Goucher, seconded by Councillor Sloane, that staff commence the process to consider amending both the Municipal Planning Strategy and Land Use By-Law for Sackville to incorporate the necessary amendments contained in the Hydrotechnical Study of the Little Sackville River Floodplain and that Public Participation be undertaken in accordance with the Public Participation Resolution adopted by Halifax Regional Council on February 25, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 HARBOUR EAST COMMUNITY COUNCIL

11.2.1 Case 00179 - Application by HRM to amend the MPS and LUB for Dartmouth to Enable Rezoning of Lands in the Wrights Cove Area from I-3 (Harbour Oriented Industrial) to I-2 (Gen. Industrial) - Set Public Hearing Date of September 11, 2001

C A report from the Harbour East Community Council, dated July 16, 2001, regarding the above, was before Council for its consideration.

C Minutes from the Public Information Meeting held on August 2, 2001, regarding this matter, were circulated to Council.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Council move First Reading and set a Public Hearing date for September 11, 2001, to consider

amendments to the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) for Dartmouth.

Councillor Smith stated he had expected staff to respond to the concerns raised during the Public Information Meeting held on August 2, 2001. The Councillor inquired if staff could respond to these concerns before the Public Hearing on September 11, 2001. Mr. Roger Wells, Coordinator, Planning Services, agreed that a supplementary report could be prepared in advance of the Public Hearing.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3 CHIEF ADMINISTRATIVE OFFICER

11.3.1 Tender 01-105 Furnishing of One (1) Ice Resurfacer

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

MOVED by Councillor Johns, seconded by Councillor Fougere, that:

- 1. Council award Tender 01-105, One Ice Resurfacer (for the Sackville Sports Stadium), to Monarch Enterprises Limited at a cost of \$67,350.00 with funding authorized as per the Budget Implications Section of the staff report dated August 9, 2001.**
- 2. Council approve an increase to Capital Account #CHI00230 in the amount of \$7,350.00 with funding provided for by the Sackville Sports Stadium. MOTION PUT AND PASSED UNANIMOUSLY.**

11.3.2 Tender No. 01-116 - Receipt and Management of Separately Collected Leaf and Yard Waste, Christmas Trees and Related Services

During Approval of the Order of Business, this item was deferred to August 28th.

11.3.3 Award of Tender No. 01-231, Leiblin Park Storm Sewer - Devon Crescent and Carnation Crescent - Western Region

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

MOVED by Councillor Adams, seconded by Councillor Sloane, that Council:

- 1. Approve an increase in the budget for Account No. CGR00370, Leiblin Park Storm Sewers by \$64,062.00 to cover cost sharing. These funds are to be recovered from the Halifax Regional Water Commission (HRWC) as indicated in the letter attached to the staff report dated August 14, 2001.**
- 2. Award Tender No. 01-231, Leiblin Park Storm Sewer - Devon Crescent and Carnation Crescent to Force Construction Limited for materials and services listed at the unit prices quoted for a Tender Price of \$266,160.76.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$311,600.00 with funding authorized as per the Budget Implications section of the staff report dated August 14, 2001.**

Responding to a question of Councillor Adams, Mr. Rick Paynter, Manager, Design and Construction Services, stated it is anticipated a pre-construction meeting will be held within two weeks, and the construction will be finished well before the end of the construction season.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3.4 Award of Tender No. 01-225, Sidewalk Renewals - Western Region

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

MOVED by Councillor Fougere, seconded by Deputy Mayor Blumenthal, that Council:

1. **Award Tender No. 01-225 Sidewalk Renewals - Western Region to Northstar Construction Limited for materials and services listed at the unit prices quoted for a Tender Price of \$146,386.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$171,377.00, with funding authorized as per the Budget Implications Section of the staff report dated August 14, 2001.**
2. **Authorize the transfer of funds from Account No. CRESPOOL, to the Capital Account No. CKU00141 - Sidewalk Renewals as indicated in the Budget Implications Section of the staff report dated August 14, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

11.3.5 By-Law O-101, Respecting Open Air Burning

C A supplementary report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Whalen, seconded by Councillor Uteck, that the First Reading of the recommended changes to By-Law O-100 be abandoned, and that By-Law O-101 Respecting Open Air Burning be given First Reading.

Councillor Warshick requested a staff report to provide additional information regarding outdoor burners and their placement. Mr. Mike LeRue, Manager, Fire Prevention Division, stated staff is putting together such a report for Second Reading, which will include some articles from different manufacturers of these devices.

Responding to a question of Councillor Hines, Mr. LeRue stated Department of Natural Resources permits are issued between April 15 - October 15, and HRM permits are issued year round. Therefore, there will be a time of the year when two permits are required.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3.6 First Reading By-Law S-304 Respecting Streets

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

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Regional Council give First Reading to By-Law S-304, an Amendment to the Street By-Law to remedy solid waste issues. The amendment will allow for the costs of removal of improperly placed solid waste, after 24 hours written notice, be billed to the property owner as a lien against the property.

Councillor Walker asked that staff to address how the by-law will handle garbage placed on a property that does not belong to the property owners. Councillor Uteck stated the intent of the By-Law is to be pro-active and the By-Law Enforcement Officer will investigate the situation before a ticket is issued.

Councillor Cooper stated he would like staff to address an amendment to allow HRM to address concerns with the real estate agent for properties no longer occupied.

Councillor Smith stated he would like to see how the matter of the 24 hour notice will be enforced, particularly with respect to solid waste improperly placed out on Fridays.

Councillor Warshick raised the issue of people recently moving into a new residence and not being aware of the solid waste regulations and possibly allowing them to forego the current by-law, on a one time basis, to allow the large amount of waste generated from the move to be handled. The Councillor also raised the issue of renters leaving garbage behind when they move and the property owners being charged for something they have not done. Councillor Warshick stated the By-Law does not appear to address this adequately.

Closing the debate, Councillor Uteck stated this is an education process and the landlords need to be responsible for the actions of their tenants.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3.7 Appointment of Parking Infraction Ticket Administrator - Parking Tickets

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

MOVED by Councillor Cunningham, seconded by Councillor Sarto, that Council appoint Ms. Faye Walsh to the position of Parking-Infraction Ticket Administrator as required under the Province of Nova Scotia Summary Proceedings Act Regulations, Part II, Section 10 (b). MOTION PUT AND PASSED UNANIMOUSLY.

11.3.8 Paving of Gravel Roads Outside the Core

This item was addressed earlier in the meeting under Item 10.1.2.

11.3.9 Halifax Regional Water Commission Tax/Dividend Agreement

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

MOVED by Councillor Rankin, seconded by Councillor Mosher, that:

- 1) The Halifax Regional Municipality enter into Tax/Dividend agreement with the Halifax Regional Water Commission to expire March 31, 2007, and renewable annually thereafter.**
- 2) The Mayor and Clerk be authorized to execute Schedule A, Grants in Lieu of Commercial and Business Occupancy Rates and Taxes - Halifax Regional Water Commission.**

Councillor Rankin reviewed the staff report, noting a typographical error on Page 3 of the staff report. The dates of the revenue streams to HRM should read 2002/2003, 2003/2004, 2004/2005 and 2005/2006.

Mr. Carl Yates, General Manager, Halifax Regional Water Commission responded to questions of Councillors Walker, Sarto and Uteck.

MOTION PUT AND PASSED UNANIMOUSLY.

11.4 MEMBERS OF COUNCIL

11.4.1 Councillor McInroy - Request for a staff report on the deteriorating condition of Bissett Lake

MOVED by Councillor McInroy, seconded by Councillor Sarto, that this matter be referred to staff for a report with recommendations for the revitalization of Bissett Lake and that the matter also be referred to the Dartmouth Lakes Advisory Board for comment.

Councillor Cooper asked that the Dartmouth Lakes Advisory Board also be requested to look at the capability of the watershed to handle the stormwater that comes to it as well as lower water levels to protect the residents in the area who suffer from flooding because the lake cannot handle the stormwater now being directed to it.

MOTION PUT AND PASSED UNANIMOUSLY.

11.4.2 Councillor Smith - Request to Authorize the Release of In Camera Report of July 17, 2001 re: 52C Jackson Road, Urquhart Property

13.3 In Camera Recommendation re: Release of In Camera Report re: 52C Jackson Road

As the two above items were respecting the same issue, they were addressed together.

C This matter was discussed at an In Camera session held prior to the regular session, and was now before Council for ratification.

MOVED by Councillor Smith, seconded by Councillor Sarto that Halifax Regional Municipality declassify the June 27, 2001 Private and Confidential staff report re: 52 Jackson Road , with the exception of the final sentence of the 3rd paragraph on page 2 of the report. MOTION PUT AND PASSED UNANIMOUSLY.

11.4.3 Councillor Mosher - Request for assessment of regulatory measures available for the control of vegetation and tree loss on private lands during development

With the use of photographs, Councillor Mosher described a recent clear cutting which took place on Keating Road, District 17, to illustrate this issue and what measures had to be taken to meet the required Nova Scotia Power vegetation easement. The Councillor noted she had requested an assessment from staff of the regulatory measures available that can be utilized, and it has been determined that under the Municipal Government Act, there is nothing HRM can do as it has no legislative authority regarding the retention of trees on private property. Councillor Mosher stated private lands must be addressed in the Tree By-Law, and the goal is to maintain the urban forest canopy as well as balancing the needs of development. The Councillor noted there are many cities in Canada and the United States that have private

property tree by-laws, and there are many aspects of these by-laws that should be examined for possible adoption for HRM.

MOVED by Councillor Mosher, seconded by Councillor Adams, that a staff report be requested for Council to approve \$150,000 for capital costs for an urban forest master plan, to cover the inventory assessment required to complete this plan and initiate the process.

Councillor Mosher also served the following Notice of Motion with respect to this issue:

TAKE NOTICE that at the next regular meeting of Regional Council to be held on Tuesday, August 28, 2001, I intend to introduce a motion that:

1. A letter be written to the Provincial Government requesting the legislative authority to allow HRM to regulate and manage vegetation on “as of right” developments.
2. HRM Legal Services utilize the Keating Road situation to assist them in presenting an application to the URB regarding Nova Scotia Power easements.
3. The Steering Committee endorsed by Regional Council on July 17, 2001 be utilized to assess clear-cutting issues on private lands.

This Committee, which was struck to investigate the feasibility of underground wiring, be directed to analyse by-laws from other Canadian municipalities that manage private vegetation. The mandate should be to “foster urban canopy.”

A list of questions to be forwarded to Legal Services for a response was also submitted for the record.

Mayor Kelly noted a meeting is scheduled for tomorrow with NSP. The Mayor stated this is an issue that has been on-going for some time, and the approach to this issue by NSP is inappropriate and is basically based on their potential monetary return down the road. Mayor Kelly stated HRM is applying to the URB to rectify this matter.

Speaking in support of the motion, Councillor Adams stated it is a pro-active approach.

Councillor Streach stated, if there is a staff report forthcoming, he would like it to include information regarding the actual fees that Nova Scotia Power and MTT pay the municipality to install poles on the rights of way of HRM.

Speaking in support of the motion, Councillor Whalen stated this type of control is needed to balance the right of private land owners. The Councillor noted she has previously asked that

this issue be examined by the Development Liaison Committee so it can be raised with the development industry as well.

Councillor Uteck suggested this matter should also be referred to Ms. Anne Muecke, Regional Coordinator, Regional Planning Strategy.

MOTION PUT AND PASSED.

11.4.4 Councillor Uteck

(i) Health Canada and Cell Sites

Councillor Uteck noted this item was initiated at the Chebucto Community Council level by some concerned residents with respect to the health standards of the cell sites. The Councillor noted that a meeting was held with some of the telecommunication companies and a conference call was placed with Ottawa regarding the issue of cell sites. Councillor Uteck stated it became apparent that HRM was in over its head with respect to this issue. Therefore, she requested a staff report with respect to bringing in an expert on this issue from Ottawa for a Committee of the Whole meeting to address this issue.

MOVED by Councillor Uteck, seconded by Councillor Hetherington, that this matter be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

(ii) Request for Update re: Chipsealing of Streets

Councillor Uteck noted Council received a staff report regarding this issue in June which prompted more questions. Councillor Uteck submitted correspondence from a resident which she asked be referred to staff for a report.

MOVED by Councillor Uteck, seconded by Deputy Mayor Blumenthal, that this matter be referred to staff for a report on the long-term future of chipsealing.

Councillor Hines asked that the report also address snow clearing of chipsealed streets.

MOTION PUT AND PASSED UNANIMOUSLY.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Tender 01-157R - Canteen/Press Box Beazley Memorial Sport Field

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

MOVED by Councillor Warshick, seconded by Councillor Hetherington, that:

- 1. Council authorize the transfer of funds in the amount of \$23,331.00 from Account No. CRESPOOL, to Capital Account No. CBC00812 (Beazley Fieldhouse Upgrades) as indicated in the Budget Implications Section of the staff report dated August 20, 2001.**
- 2. It is further recommended that Regional Council award Tender 01-157-R to the lower bidder, Perimis Facilities Management, for the total lump sum price of \$214,040.26 (before taxes), \$227,800.01 (including net taxes) and a contingency of \$10,700.00, for the total project cost of \$238,500.91 including tax rebate, with funding to be derived from Capital Account No. CBC00812. MOTION PUT AND PASSED UNANIMOUSLY.**

13.2 Membership Selection Committee - Appointments

C A report from the Membership Selection Committee, regarding the above, was before Council for its consideration.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Hetherington, that Regional Council:

- 1. Extend the membership on the Pipeline Review Committee from six to seven members.**
- 2. Approve the appointment of Councillor Hetherington to the Pipeline Review Committee.**
- 3. Approve the appointment of Councillor Hines to the Halifax Regional Development Agency. MOTION PUT AND PASSED UNANIMOUSLY.**

13.3 In Camera Recommendation re: Release of In Camera Report re: 52C Jackson Road

This was addressed under Item 11.4.2

14. NOTICES OF MOTION

14.1 Councillor Mosher

TAKE NOTICE that at the next regular meeting of Regional Council to be held on Tuesday, August 28, 2001, I intend to introduce a motion that:

1. A letter be written to the Provincial Government requesting the legislative authority to allow HRM to regulate and manage vegetation on “as of right” developments.
2. HRM Legal Services utilize the Keating Road situation to assist them in presenting an application to the URB regarding Nova Scotia Power easements.
3. The Steering Committee endorsed by Regional Council on July 17, 2001 be utilized to assess clear-cutting issues on private lands.

This Committee, which was struck to investigate the feasibility of underground wiring, be directed to analyse by-laws from other Canadian municipalities that manage private vegetation. The mandate should be to “foster urban canopy.”

15. ADJOURNMENT

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Hetherington, that the meeting adjourn at 9:50 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk