

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL MINUTES JULY 9, 2002

PRESENT: Mayor Peter J. Kelly  
Deputy Mayor Robert P. Harvey  
Councillors: Steve Streach  
Gary Hines  
Keith Colwell  
Ron Cooper  
Harry McInroy (10:30 a.m.)  
Brian Warshick (10:45 a.m.)  
Condo Sarto  
Bruce Hetherington  
Jim Smith  
John Cunningham  
Jerry Blumenthal  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Diana Whalen  
Linda Mosher  
Stephen Adams  
Brad Johns  
Len Goucher  
Reg Rankin (9:50 a.m.)  
Gary Meade

STAFF MEMBERS: Mr. George McLellan, Chief Administrative Officer  
Mr. Barry Allen, Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Jan Gibson, Deputy Municipal Clerk  
Ms. Sherrill Murphy, Assistant Municipal Clerk  
Ms. Julia Horncastle, Assistant Municipal Clerk

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1. **INVOCATION**

The meeting was called to order at 9:35 a.m. with Councillor Hetherington leading the invocation.

2. **PROCLAMATIONS** - NONE

3. **APPROVAL OF MINUTES - June 25, 2002**

**MOVED by Councillor Hetherington, seconded by Councillor Uteck that the Halifax Regional Council minutes of June 25, 2002 be approved, as distributed.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

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

Additions

12.1 Councillor Rankin - Request for Staff Report re Governors Lake Master Plan Phase I

The Municipal Clerk noted that there would be additional Added Items when Council reconvenes at 6:00 p.m. resulting from the In Camera session. She further advised that Councillor Streach would be joining the meeting at a later time given that he has a Conflict of Interest relating to item 8.1.

His Worship noted that item 10.3.2 would be dealt with at 10:30 a.m. prior to the matter being considered at the In Camera session of Council.

At the request of Councillor Meade, the following items were moved up to be dealt with immediately following the approval of the agenda:

8.7 Tender 02-267, Phase 11-1 Burnside Industrial Park - Eastern Region

8.9 Railway Crossing Improvement Projects

11.3.2 Tender 02-258 - Sewer Lining - Western and Eastern Regions

**MOVED by Councillor Meade, seconded by Councillor Sloane that the agenda, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

6. **MOTIONS OF RECONSIDERATION** - NONE

7. **MOTIONS OF RECISSION** - NONE

8. **CONSIDERATION OF DEFERRED BUSINESS** - July 2, 2002

8.7 **Tender 02-267, Phase 11-1 Burnside Industrial Park - Eastern Region**

- A staff report dated June 25, 2002 submitted by George McLellan, CAO was before Council for consideration.

**MOVED by Councillor Smith, seconded by Councillor Hetherington that Council:**

- 1) **award Tender No. 02-267, Phase 11-1 Burnside Industrial Park - East Region to W. Eric Wheby Ltd. for materials and services listed at the unit prices quoted for a Tender Price of \$1,335,746.80, plus net HST for a total of \$1,421,622 from Account No. CQ200247, Phase 11-1 and 11-2 Burnside Grading, with funding authorized as per the Budget Implications section of the June 24, 2002 report.**
- 2) **approve the appointment of Wallace Macdonald & Lively Ltd. for construction inspection services for an estimated fee of \$68,000 (including net HST), with funding authorized as per the Budget Implications section of the June 24, 2002 report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

8.9 **Railway Crossing Improvement Projects**

- A staff report dated June 24, 2002 submitted by George McLellan, CAO was before Council for consideration.

**MOVED by Councillor Smith, seconded by Councillor Hines that Regional Council authorize the Mayor and Municipal Clerk to sign the attached agreement with CN to fund \$13,350.00 or 12.5% of the \$106,800 cost of two rail crossing improvement projects with funding authorized from Account No. CTR00905 as per the Budget Implications Section of the June 24, 2002 report.**

After a brief questioning of staff the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

**11.3.2 Tender 02-258 - Sewer Lining - Western and Eastern Regions**

- A staff report dated July 2, 2002 submitted by George McLellan, CAO was before Council for consideration.

**MOVED by Councillor Meade, seconded by Councillor Blumenthal that Council award Tender No. 02-258, Sewer Lining - West and East Regions to Inliner Canada Inc. for materials and services listed at the unit prices quoted for a Tender Price of \$376,005, plus net HST for a total of \$400,179 from Account No.'s: CGU00025, Pleasant Street (Atlantic to Irving); CGU00322, Stairs Street, Dartmouth - Sanitary Sewer Rehabilitation (Lining); CGU00119, Hydrostone Lanes, Halifax - Sewer Rehabilitation (Lining); CGU00320, Oakland Road (Robie to Beaufort), Halifax - Sewer Rehabilitation (Lining) and CGU00329, Ashgrove Avenue, Cole Harbour - Sanitary Sewer Rehabilitation (Lining), with funding authorized as per the Budget Implications section of the July 2, 2002 report.**

Councillor Goucher commented that the proposed costs far exceed the tender costs for many of the projects set out in the staff report. Councillor Goucher asked if the tenders included all the work budgeted.

Mr. McLellan suggested that there was more work anticipated, however, he would clarify this with staff.

**The MOTION WAS PUT AND PASSED.**

At this point in the meeting Council agreed to deal with Notices of Motion and Petitions and Delegations.

**14. NOTICES OF MOTION**

**14.1 Councillor Blumenthal**

Take Notice that, at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 16<sup>th</sup> day of July, 2002, I propose to introduce for adoption by Council as a policy pursuant to the Municipal Government Act an amendment to Administrative Orders 2, 3, 4, 7, 26 and 28 the purpose of which is to ensure that the decision of Community Councils are consistent with financial decisions previously made by the Regional Council.

**14.2      Councillor Hetherington**

Take Notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday the 16<sup>th</sup> day of July, I intend to introduce a motion to amend Administrative Order Number 30, Respecting Dangerous and Unsightly Premises, to change the number of Committee members from five to nine.

**14.3      Councillor Fougere**

Take Notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday the 16<sup>th</sup> day of July, I propose to introduce a motion to establish a Transportation Committee with the mandate to review issues/projects with staff, when identified during the Regional Planning Process.

**14.4      Councillor Fougere**

Take Notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday the 16<sup>th</sup> day of July, I propose to introduce a motion to rescind the motion of Halifax Regional Council of July 2, 2002 to remove Quinpool Road from the Capital District.

**14.5      Deputy Mayor Harvey**

Take Notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday the 16<sup>th</sup> day of July, I propose to introduce a motion to rescind the motion of Council made the 16<sup>th</sup> day May 2000 requesting staff "to initiate the process to consider amending the Sackville and Planning Districts 14 & 17 (Shubenacadie Lakes) Municipal Planning Strategies and Land Use By-laws, and Subdivision By-law for the former Halifax County to: (b) Adjust the Service Boundary to allow the remaining lands of the Department of Housing and Municipal Affairs to be developed for serviced residential use."

**14.6      Councillor Adams**

Take Notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 16<sup>th</sup> day of July 2002, I propose to move First Reading of an amendment to By-law T-108, Respecting the Regulation of Taxis and Limousines to add immediately following Section 12, subsection (2), the following subsection:

12      (3) A vehicle shall not be licensed as a limousine and a taxi at the same time.

Councillor Adams noted that he would not be present at Council on the 16<sup>th</sup>, however, Councillor Smith would bring this matter forward on his behalf.

**14.7 Councillor Adams**

Take Notice that at the meeting of Halifax Regional Council to be held on August 20, 2002, I intend to introduce a motion to give First Reading to a By-law to repeal By-law S-200, the Smoking in Public Places By-law.

**14.8 Councillor Hines**

Take Notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 16<sup>th</sup> day of July 2002, I propose to move First Reading of By-law L-111, the Miller Lake Water System Assumption and Upgrade By-law, the purpose of which is to set an interim per property rate of \$1400.00 to allow the Halifax Regional Water Commission to assume ownership and upgrade water services of the private water system currently owned by the Miller Lake Homeowners Association under the Canada-Nova Scotia Infrastructure Program.

**10.2 Petitions**

**10.2.1 Councillor Uteck - Traffic Issues on Fraser Street**

Councillor Uteck submitted a petition on behalf of the residents of Fraser Street in which residents are requesting immediate action to alleviate a safety hazard to children caused by speeding traffic.

**10.2.2 Councillor Cooper - Traffic Issues on Bradorian Drive, Dartmouth**

Councillor Cooper submitted a petition on behalf of residents of Bradorian Dr, Dartmouth in which the residents requested that HRM undertake a traffic study of vehicle speeds and volumes to document the problem, and to identify treatments to reduce the safety hazard caused by speeding on the street.

**10.2.3 Councillor Sloane - Retention of Daycare at 5557 Cunard Street**

Councillor Sloane submitted a petition on behalf of residents of Halifax supporting the initiative taken by the Board of Directors of Cunard Street Children's Centre, for the retention of the Daycare at its present location at 5557 Cunard Street in Halifax.

### 10.3 Presentations

Presentations were dealt with at a later point in the meeting. (See Pages 15 & 37)

## 8. CONSIDERATION OF DEFERRED BUSINESS

### 8.1 Project 00082 - Construction and Demolition (C&D) Waste Management Strategy for HRM: Proposed Amendments to all Municipal Planning Strategies and Land Use By-laws

- Consideration of this matter was deferred from the July 2, 2002 meeting of Halifax Regional Council. A supplementary staff report dated June 20, 2002 submitted Dan English, Acting Chief Administrative Officer, was before Council for consideration.
- The following correspondence was distributed to members of Council:
  - < Correspondence dated July 4, 2002 from Barry Zwicker, Wallace MacDonald & Lively
  - < Correspondence dated June 27, 2002 from Greg Zwicker, Wallace MacDonald & Lively
  - < Correspondence dated May 15, 2002 from Bernard Matlock, P.Eng., Regional Engineer, Department of the Environment & Labour

Mr. Paul Dunphy, Director, Planning and Development Services provided a brief background and overview of the presentation, noting that Mr. Kurt Pyle, Planner would be presenting the details of the package.

Mr. Kurt Pyle, utilizing Power Point , briefly presented the general C&D amendments and the site specific proposals as set out in the June 20, 2002 supplementary staff report. A copy of Mr. Pyle's presentation is on file.

His Worship the Mayor leaves the meeting and Deputy Mayor Harvey assumes the Chair.

**MOVED by Councillor Rankin, seconded by Councillor Hetherington that Regional Council:**

**1. Move First Reading and set a public hearing date to consider adoption of proposed amendments to all of HRM's Municipal Planning Strategies and Land Use By-laws of the June 13, 2002 staff report) including:**

**a. The creation of a CD-1 Zone (C&D Transfer Stations), a CD-2 Zone (C&D Processing Facilities) and a CD-3 Zone (C&D Disposal Sites) Zone; and**

b. Pursuant to the proposed Municipal Planning Strategy policies rezone the following *existing* construction and demolition operations as follows:

i) Halifax C&D site, on Mills Drive in Goodwood, rezoned from I-1 (Light Industry) Zone to *CD-2 (Processing Facilities) Zone* (as per Map 4 of June 13 report);

ii) RDM Recycling Ltd. site, on Old Sambro Road in Harrietsfield, rezoned from R-2 (Two Unit Dwelling) Zone to *CD-2 (Processing Facilities) Zone* (as per Map 5 of June 13 report) (*it should be noted that if Council decides to adopt a site specific Plan amendment to rezone this property to CD-3, C&D Disposal site, that this part of the motion is unnecessary*);

iii) Halifax C&D Ltd. site, on Ross Road near Cole Harbour, rezoned from I-1 (Light Industry) Zone to *CD-1 (Transfer Stations) Zone* (as per Map 6 of June 13 report); and

iv) Preston C&D Ltd. site (currently subject to a development agreement), in North Preston, rezoned from MR (Mixed Resource) Zone to *CD-2 (Processing Facilities) Zone* (as per Map 7 of June 13 report).

Councillor Uteck addressed the matter noting that given the recent fire and subsequent concerns relating to the storage/disposal of inappropriate materials, she was not comfortable including Item b (iv) Preston C&D site.

In response to a question from Councillor Uteck regarding the status of this matter, staff advised that the matter was under investigation.

The Mayor returns to the meeting and Deputy Mayor Harvey resumes his seat in Council.

**MOVED by Councillor Uteck, seconded by Councillor Sloane that the motion be amended by deleting item b (iv) Preston C&D site pending the outcome of staff's investigation.**

A brief discussion ensued with staff pointing out that the general MPS and Land Use Bylaw amendments, at the direction of Council, recognized existing operations. Deleting the Preston C&D site will not be in keeping with this policy direction mandated by Council. Inclusion of the site does not mean there will be no legal consequences for Preston C&D and, in fact, provides HRM additional control. If Council decides to delete the Preston C&D site, staff recommended that Council make a corresponding change to the general MPS and Land Use By-law amendments. The purpose of which is to reduce or eliminate the opportunity for a successful appeal.

The Mover, with agreement of the Secunder and Council, withdrew the amendment.

**MOVED** by Councillor Adams, seconded by Councillor Hines that the motion be amended by adding:

4. Proceed to a public hearing to consider a site specific Plan amendment for the RDM Recycling Ltd. property on the basis that this site contains an existing authorized C&D processing operation and that the addition of a disposal operation is reasonable and will reduce the amount of stockpiled material.
5. Proceed to a public hearing to consider the site specific Plan amendment for Halifax Recycling Ltd., Antrim, recognizing that the Province is the final licensing authority for a disposal operation.

and further that, as noted in the staff report, Item 1(b)(ii) be deleted.

**MOVED** by Councillor Cooper, seconded by Councillor Johns that Council consider each of the recommendations separately and further that the amendments proposed by Councillor Adams be provided to Council in written form before any decision is made.

Mr. Dunphy reviewed with Council the implications of dealing with the existing sites separately, noting that should Council choose not to go forward with one of the existing sites, changes to the general MPS and Land Use Bylaw would be advisable. Such changes would reflect that not all existing operations are to be recognized.

A further discussion ensued with the Municipal Solicitor suggesting that the recommendation 1(b) could be considered first and then, if necessary, alternate wording for 1(a) could be dealt with. This will provide the opportunity, if necessary, to amend the wording of 1(a) to reflect Council's decision on existing operations.

After a further discussion, **the Chair sought and received agreement from the Mover and Secunder to withdraw the motion to deal with the recommendations separately.**

### **CONFLICT OF INTEREST**

Arriving at the meeting, Councillor McInroy declared a conflict of interest noting that his brother had been engaged as legal counsel by one of the proponents, and left the Chamber.

After a deferral to consider Presentations (see page 15), consideration of this matter continued as follows:

Noting that little progress was being made with regard to this matter, Councillor Blumenthal **MOVED, seconded by Councillor Sloane that consideration of this matter be deferred pending consideration of other agenda items. MOTION PUT AND DEFEATED.**

A further discussion ensued and it was **MOVED by Councillor Smith, seconded by Councillor Adams that the motion be further amended by the addition of staff recommendation #4 as follows:**

- 4. Defer Metro Construction Debris Recycling Ltd.'s proposal to operate a construction and demolition disposal operation in Dartmouth until sufficient information is provided to evaluate the submission.**

After a short discussion, the **MOTION TO AMEND by addition of the staff recommendation #4 was PUT AND PASSED.**

**The MOTION TO AMEND as proposed by Councillor Adams, was PUT AND PASSED.**

His Worship then called for the question on the amended motion, as follows:

**That Halifax Regional Council:**

- 1. Move first reading and set a public hearing date(s) to consider adoption of proposed amendments to all of HRM's Municipal Planning Strategies and Land Use By-laws of the June 13, 2002 staff report) including:**
  - a. The creation of a CD-1 Zone (C&D Transfer Stations), a CD-2 Zone (C&D Processing Facilities) and a CD-3 Zone (C&D Disposal Sites) Zone; and**
  - b. Pursuant to the proposed Municipal Planning Strategy policies rezone the following existing construction and demolition operations as follows:**
    - i) Halifax C&D site, on Mills Drive in Goodwood, rezoned from I-1 (Light Industry) Zone to CD-2 (Processing Facilities) Zone (as per Map 4 of June 13 report);**
    - ii) Halifax C&D Ltd. site, on Ross Road near Cole Harbour, rezoned from I-1 (Light Industry) Zone to CD-1 (Transfer Stations) Zone (as per Map 6 of June 13 report); and**

- iii) Preston C&D Ltd. site (currently subject to a development agreement), in North Preston, rezoned from MR (Mixed Resource) Zone to CD-2 (Processing Facilities) Zone (as per Map 7 of June 13 report).
2. Proceed to a public hearing to consider a site specific Plan amendment for the RDM Recycling Ltd., Harrietsfield, property on the basis that this site contains an existing authorized C&D processing operation and that the addition of a disposal operation is reasonable and will reduce the amount of stockpiled material.
  3. Proceed to a public hearing to consider the site specific Plan amendment for Halifax C&D Recycling Limited, Antrim, recognizing that the Province is the final licensing authority for a disposal operation.
  4. Defer Metro Construction Debris Recycling Ltd.'s proposal to operate a construction and demolition disposal operation in Dartmouth until sufficient information is provided to evaluate the submission.

**MOTION PUT AND PASSED UNANIMOUSLY.**

Subsequent to the approval of the motion, staff indicated that three public hearings would be scheduled. The first dealing with items 1a and 1b of the resolution and one each to consider items 2 and 3 of the resolution. Staff is to bring forward suggested hearing dates.

**10.3            Presentations**

**10.3.1        Potential Impacts of Proposed Construction and Demolition Sites to Surrounding Wilderness Areas - John Blumsum**

This matter was dealt with at a later point in the meeting. (See Page 37)

**10.3.2        Proposed Disposal of 5557 Cunard Street - Cunard Street Children's Centre**

Ms. Bonny Martell, Chairperson, Board of Directors of the Cunard Street Children's Centre made a brief presentation to Council requesting that Halifax Regional Council not sell 5557 Cunard Street or alternatively, if Council found it necessary to sell, to accept the bid of the Cunard Street Children's Centre. A copy of Ms. Martell's presentation is on file.

Ms. Yolande Grant, representing the parents and children of the Cunard Street Children's Centre, addressed Council outlining the importance of the Centre to parents in the area and urging Council to consider Ms. Martell's proposal.

His Worship thanked Ms. Martell and Ms. Grant for their presentations.

**8.2 Municipal Authority to Address Landscaping Issues Under Dangerous or Unightly Premises Legislation**

- Consideration of this matter was deferred from the July 2, 2002 meeting of Halifax Regional Council. An Information Report dated June 10, 2002 submitted by Allan Waye, General Manager, Community Projects was before Council for consideration.
- The following correspondence was distributed to members of Council:
  - < Correspondence dated July 2, 2002 from Theresa Thomas regarding natural gardens
  - < Correspondence dated July 9, 2002 from Karen Bates, 22 Chittick Avenue, Dartmouth, regarding natural gardens
  - < Correspondence dated July 8, 2002 from Ahillya Aanka, 17 Tower View Drive regarding natural gardens

Councillor Hetherington addressed the matter indicating that the former Dartmouth had a By-law which allowed staff some discretion in dealing with unsightly grass. He indicated for example, when HRM is dealing with the clean up of unsightly premises, they are often unable to leave the property in a tidy state. They are not able to address the issue of unsightly grass.

**MOVED by Councillor Hetherington, seconded by Councillor Cunningham that staff prepare a report regarding Halifax Regional Municipality applying to the Province to have authority under the Municipal Government Act to control unsightly grass including a mechanism to recognize ornamental grasses.**

A brief discussion ensued with Councillor Goucher noting that since the introduction of the Pesticide By-law a number of residents do nothing to maintain their lawns and refer to this as their natural garden. The Councillor requested that the staff report address the issue of natural garden guidelines.

After a further brief discussion, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

**8.3 Boards/Committee Citizen Appointments**

- Consideration of this matter was deferred to this meeting from the July 2, 2002 meeting of Halifax Regional Council. A report dated June 25, 2002 from Mayor Peter Kelly, Chair, Membership Committee was before Council for consideration.

**MOVED by Councillor Walker, seconded by Councillor Hetherington that Halifax Regional Council approve the following appointments:**

- 1. Robert Naugle be appointed to the Regional Taxi and Limousine Committee as a Taxi Broker (Dartmouth Zone) to fill an unexpired term to November, 2002.**
- 2. Toby Balch be appointed to the Regional Heritage Advisory Committee to fill an unexpired term to November, 2003**
- 3. Gregory North be appointed to the Board of Police Commissioners for a three year term to March, 2005.**

Councillor Smith noted that the three year term for the Board of Police Commissioners was short a few months. He requested that the term be clarified, to which His Worship responded that the correct term of office would be confirmed.

Councillor Uteck requested that members of Council be made aware of vacancies on Committees so that they can assist with bringing forward volunteers to serve. She further requested that Council be provided a list of Committees for which Councillors are able to apply.

Councillor Hetherington referred to a request made some months ago regarding the review of boards and committees with a view to consolidating and asked if any action had been taken in this regard.

His Worship noted that he was not certain of the outcome of that request and would check on the status of the matter.

**The MOTION WAS PUT AND PASSED UNANIMOUSLY.**

**RECESS**

The meeting recessed at 12:00 p.m.

**The meeting reconvened at 2:15 p.m.** with the following members of Council present: Mayor Kelly, Deputy Mayor Harvey and Councillors: Streach, Hines, Colwell, Cooper, McInroy, Warshick, Sarto, Hetherington, Smith, Cunningham, Blumenthal, Sloane, Uteck, Fougere, Walker, Whalen, Mosher, Johns, Goucher, Rankin, Meade.

Councillor Adams was absent.

**8.4 Committee of the Whole Recommendation - Biodegradable Bags**

This item was discussed at a Committee of the Whole on June 25, 2002 and was now before Council for ratification. A staff report dated May 22, 2002 submitted by George McLellan, Chief Administrative Officer was before Council for consideration.

**MOVED by Councillor Hetherington, seconded by Councillor Uteck, that Council discourage the use of plastic bags, including biodegradable bags, in the green carts. MOTION PUT AND PASSED UNANIMOUSLY.**

**8.5 Review of By-law S-200, Respecting Smoking in Public Places - Working Group Terms of Reference and Membership**

- Correspondence from the following persons was circulated to Council: Nancy Roberts, Barbara Rees, Pauline Fowlie, Sheri Price, M.L. Schurman, Paula Veinot, Jacques Comeau, Charles Crosby, Laura Sheehan, Coordinator, Southeastern Community Health Board, Alan Ruffman, Geomarine Associates, Allan Horne, Robert Strang, MD, Medical Officer of Health.
- Report prepared for Mr. George McLellan, Chief Administrative Officer, dated May 22, 2002, on the above noted, was before Council.
- Memorandum from Ms. Barbara Nehiley, Advisor Special Projects, dated July 7, 2002, on the above noted, was before Council.

**MOVED by Deputy Mayor Harvey, seconded by Councillor Walker, that Halifax Regional Municipality not form the group and to direct staff to return to Council at a future date with amendments to By-law S-200 that would make smoking in public places completely illegal.**

Councillor Hetherington noted Councillor Adams had served Notice of Motion to rescind the Smoking By-law and, until that vote is taken, this item should be deferred.

Without a vote being taken on the motion on the floor, the following motion was placed.

**MOVED by Councillor Hetherington, seconded by Councillor Goucher that this item be deferred to the August 27, 2002 Council session. MOTION PUT AND PASSED.**

**8.6 Possible Elimination of Business Occupancy Tax - Union of Nova Scotia Municipalities**

- Correspondence from President Jerry Blumenthal, Union of Nova Scotia Municipalities, dated June 21, 2002 on the above noted, was before Council.

Councillor Blumenthal stated that UNSM is sending out a circular asking that each municipality advise the UNSM of the possible elimination of Business Occupancy Tax. The Province is currently focusing on this to ascertain whether municipalities would be against the furthering of Business Occupancy Tax. The Councillor stated the municipality is being asked to advise whether it is for or against this.

**MOVED by Councillor Blumenthal, seconded by Councillor Fougere, that Halifax Regional Municipality resend its original letter to UNSM and provide a copy to members of Council.**

The Chief Administrative Officer advised he would provide information on the amount that is currently collected by Business Occupancy.

Mr. McLellan advised there is a reserve and he will provide the assumptions for the reserve.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**8.7      Tender 02-267, Phase 11-1 Burnside Industrial Park - Eastern Region**

This item was addressed during the morning session. (See page 7)

**8.8      Request for Proposal 02-013, PC Desktop Leasing and Support**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated June 25, 2002, on the above noted, was before Council.

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

- 1. Council authorize the award of Proposal #02-013 to the highest ranking proponent, IMP Solutions for a three (3) year lease program for the acquisition and support of Desktop hardware.**
- 2. Council authorize staff to exercise the option to extend the agreement for an additional two (2) years (1 year renewals) subject to an annual performance review.**
- 3. Council authorize staff to complete a contractual agreement with IMP Solutions as per the terms and conditions of the Request for Proposal.**

Councillor Warshick stated it has not been shown under the “Alternatives” section why staff would feel this is a better alternative. In response, Mr. McLellan, Chief Administrative Officer, stated he would provide the original justification to members of Council.

(Deputy Mayor Harvey assumed the Chair at 2:30 p.m.)

Councillor Goucher expressed concern that the agreement would meet the requirements of the Councillors in the performance of their duties.

Councillor Whalen questioned why full marks were given for “Management Tools/Order Fulfillment”.

Mr. McLellan stated the contract would not be signed until the requested information is provided.

**MOVED by Councillor Warshick, seconded by Councillor Smith, that the item be deferred to July 16, 2002. MOTION DEFEATED.**

**MAIN MOTION PUT AND PASSED.**

(Mayor Kelly resumed the Chair at 2:45 p.m.)

Mayor Kelly advised that the Premier had announced that there are funds forthcoming for the Harbour Solutions Project.

**8.9 Railway Crossing Improvement Project**

This item was addressed during the morning session. (See page 7)

**8.10 Case 00455 - Request to amend the Halifax Municipal Planning Strategy and Land Use By-law, Peninsula South End, Halifax**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated June 21, 2002, on the above noted, was before Council.

**MOVED by Councillor Sloane, seconded by Councillor Uteck that Halifax Regional Council:**

- 1. Instruct staff to initiate the process to enable Council to consider amending the Halifax Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to permit an expansion of an apartment building at 1252/54/56 Hollis Street, Halifax, that does not conform with the RC-3 Zone provisions.**

2. Instruct that the public participation program be undertaken in accordance with the public Participation Resolution adopted by Halifax Regional Council on February 25, 1997.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**8.11 Community Integration Plan - Dartmouth Wastewater Treatment Plant Site**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated June 26, 2002, on the above noted, was before Council.

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

1. Council endorse the Dartmouth Community Liaison Committee's Community Integration Plan (CIP) for the integration of the Dartmouth WTP site into the surrounding Community and, once the Harbour Solutions Project (HSP) agreement with the private partner is approved by Council, request HSP staff to bring back to Council for approval the Dartmouth Community Integration Fund (CIF) budget as part of the overall HSP budget.
2. Council increase the 02/03 capital budget in the amount of \$30,000 with funding as a withdrawal from the Parkland Reserve Q-107. These funds will be reimbursed from the CIF once the HSP budget is approved by Council, thus, there will be no net cost to HRM, as outlined in the Budget Implications section of the report dated June 26, 2002.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**8.12 Councillor Cooper - Leasing Small Municipal Property Lots**

**MOVED by Councillor Cooper, seconded by Councillor McInroy that, a staff report be requested on the feasibility of leasing small HRM owned lots adjacent to residential properties to the adjacent property owner. Further, it was requested that the report include information on first right of refusal to which party if there are two abutting residential properties. MOTION PUT AND PASSED UNANIMOUSLY.**

**8.13 Rural Fire Management Committee**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated June 19, 2002, on the above noted, was before Council.

**MOVED by Councillor Streach, seconded by Councillor Blumenthal that:**

1. Council approve the establishment of the Rural Fire Service Management Committee based on the Terms of Reference established by Fire Services.
2. Council appoint a member of Council to the Rural Fire Services Management Committee for a term to be selected by Council.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED** by Councillor Hetherington, seconded by Councillor Streach that, membership on the Rural Fire Service Management Committee be referred to the Membership Selection Committee. **MOTION PUT AND PASSED UNANIMOUSLY.**

**9. PUBLIC HEARINGS**

**9.1 Second Reading By-law H-401 Respecting Marketing Levy**

This item was addressed at a later point in the meeting. (See page 28)

**9.2 Second Reading By-law L-201 Respecting Construction & Demolition Licensing**

This item was addressed at a later point in the meeting. (See page 29)

**9.3 Project 00086 Wentworth/Bedford South Secondary Planning Strategy**

This item was addressed at a later point in the meeting. (See page 33)

**10. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**10.1 Correspondence - None**

**10.2 Petitions**

This item was addressed earlier in the meeting. (See page 10)

**10.3 Presentations**

**10.3.1 Potential Impacts of Proposed Construction and Demolition Sites to Surrounding Wilderness Areas - John Blumsum**

This item was addressed at a later point in the meeting. (See page 37)

**10.3.2 Proposed Disposal of 5557 Cunard St. - Cunard St. Children's Centre**

This item was addressed at an earlier point in the meeting. (See page 15)

**11. REPORTS**

**11.1 WESTERN REGION COMMUNITY COUNCIL**

**11.1.1 New Area Rate for Kingswood Ratepayers Association**

- A report from the Western Region Community Council, dated June 25, 2002, on the above noted, was before Council.
- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated June 25, 2002, on the above noted, was before Council.

**MOVED by Councillor Rankin, seconded by Councillor Meade that:**

- a. **A flat rate of \$50.00 be approved to be applied against the properties within the mapped area depicted in Appendix A of the staff report dated June 25, 2002 effective with the 2002/03 fiscal year for the purpose of enabling the Kingswood Ratepayers Association to develop parkland and other recreational amenities within the community of Kingswood, Kingswood West, Blue Mountain Estates, Queenswood and Kingswood South subdivisions which make up the Kingswood Ratepayers Association.**
- b. **In future years submissions for new area rates, in addition to following the Interim Area Rate Guidelines, comply with the deadline for submissions as established in the budgeting guidelines. The deadline for 2002-03 area rate budgets was set as November 30, 2001.**
- c. **Tax Structure Committee in their review of the Interim Area Rate Guidelines include the setting of a deadline for submissions of new area rates.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2 REGIONAL HERITAGE ADVISORY COMMITTEE**

**11.2.1 Heritage Hearing Case H00077 - Application to consider 38 King Street, Dartmouth as a Registered Heritage Property**

This item was addressed at a later point in the meeting. (See page 37)

**11.2.2 Case H00090 - Deregistration of 22 Edward Street, Dartmouth**

- A report from Mr. Allan MacLellan, Chair, Heritage Advisory Committee, dated July 3, 2002, on the above noted, was before Council.

**MOVED by Councillor Cunningham, seconded by Councillor Hetherington that Regional Council set the date of August 20, 2002 for a public hearing to consider application for deregistration of 22 Edward Street, Dartmouth. MOTION PUT AND PASSED.**

**11.2.3 Case H00091 - Application for Addition to 1266 Queen Street, Halifax**

- A report from Mr. Allan MacLellan, Chair, Heritage Advisory Committee, dated July 3, 2002, on the above noted, was before Council.

**MOVED by Councillor Sloane, seconded by Councillor Hetherington that Regional Council approve the addition to 1266 Queen Street, Halifax, as proposed in the staff report dated June 6, 2002, and as depicted in the revised drawings circulated to the Heritage Advisory Committee on June 25, 2002. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3 CHIEF ADMINISTRATIVE OFFICER**

**11.3.1 Quotation 2002M746 - 580 Pagers for the Halifax Regional Volunteer Fire and Emergency Service**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated June 25, 2002, on the above noted, was before Council.

**MOVED by Councillor Blumenthal, seconded by Councillor Warshick, that the item be deferred to July 16, 2002. MOTION DEFEATED.**

**MOVED by Councillor Streach, seconded by Councillor Hetherington, that Regional Council authorize the purchase of 580 Motorola Minitor IV pagers for the Halifax Regional Volunteer Fire and Emergency Service from the lowest bidder meeting specifications, Nova Communications at a per unit cost of \$431.04 (tax included) for a total cost of \$250,003.20 (tax included) with funding from account CHA00160 as outlined in the Budget Implications section of the report dated June 25, 2002. MOTION PUT AND PASSED.**

**11.3.2 Tender 02-258 - Sewer Lining - Western and Eastern Regions**

This item was addressed at an earlier point in the meeting. (See page 8)

**11.3.3 2002/2003 Area Rates for Business Improvement Districts**

- A report prepared for George McLellan, Chief Administrative Officer, dated June 28, 2002, on the above noted, was before Council.

**MOVED by Councillor Fougere, seconded by Councillor Hetherington, that the following operating budgets, area rates, and minimums and maximums be approved for the Business Improvement Districts for the fiscal year 2002/03 to be levied on Commercial and Business Occupancy properties only within the respective Districts:**

<b>Business Improvement District</b>	<b>2002/03 Operating Budget*</b>	<b>Commercial Area Rate</b>	<b>Business Occupancy Area Rate</b>	<b>Minimum to be paid</b>	<b>Maximum to be paid</b>
Downtown Dartmouth	\$83,725	\$0.2200	\$0.4400	\$50	\$500
Spring Garden Road	\$137,887	\$0.0177	\$0.4059	\$25	\$3,125
Downtown Halifax	\$451,540	\$0.0859	\$0.1718	\$35	\$3,000
Quinpool Road	\$53,039	\$0.0859	\$0.1718	\$35	\$3,000

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3.4 Interim Award Policy - 2002**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated July 2, 2002, on the above noted, was before Council.

**MOVED by Councillor Sarto, seconded by Councillor Blumenthal, that:**

1. **Council approve a policy to facilitate the award of tenders during the summer break. The proposed award policy would allow the CAO to award tenders on the following basis during the period of summer recess of Halifax Regional Council:**
  - The tender is awarded to the lowest responsible bidder meeting specifications.
  - The award is not to a sole source.

- Award of Call for Proposals where a standard procurement process has been followed and the contract is awarded to the best overall submission.
  - Where the funds and program have been approved by Council.
2. The CAO approve purchase and sale of property under the following criteria:
- The purchase and/or sale is within 15% of the appraised value of the property.
  - The purchase has been approved in the 2002/03 business plan of property as required for Capital Projects and does not exceed \$500,000.
  - Any sale of property must be surplus to municipal requirements or be part of a business park and available for sale.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3.5 Application for an Encroachment License Agreement at 1599 Grafton Street**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated June 18, 2002, on the above noted, was before Council.

**MOVED by Councillor Sloane, seconded by Councillor Uteck, that Regional Council approve the Encroachment License Agreement at 1599 Grafton Street, presented as Attachment II to the staff report dated June 18, 2002. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3.6 Miller Lake Water System Assumption and Upgrade**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated July 2, 2002, on the above noted, was before Council.

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

1. The Capital Budget for Miller Lake Water System be approved in the amount of \$200,000 (gross), with the net residual amount (after Infrastructure Funding and other recoveries) funded from a per lot charge.
2. The Halifax Regional Water Commission (HRWC) upgrade the existing water system and be the contracting agency to upgrade the Miller Lake Water System.

3. Approve in principle and begin the formal process for the adoption of By-Law Number L-111, Respecting Charges for the Upgrade of the Miller Lake Water System, Miller Lake attached to the staff report dated July 2, 2002.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3.7 Signing Authority for Bank Transfers**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated July 3, 2002, on the above noted, was before Council.

**MOVED by Councillor Smith, seconded by Councillor Sarto, that:**

1. Transfers of funds between HRM bank accounts and Council approved appropriations to Associations, Boards and Commissions be authorized by only one signing officer.
2. Transfers of funds for investment purposes to and from the HRM custodian be authorized by the Treasurer in accordance with the Investment Policy.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4 MEMBERS OF COUNCIL**

- 11.4.1 Councillor Smith - Request for staff report re: additional sidewalks and lighting requirements, due to school closure, along Woodland Ave. and Pinehill St, Dartmouth

**MOVED by Councillor Smith, seconded by Councillor Hetherington, that a report, via e-mail, be provided on having additional sidewalks and street lights installed along Woodland Avenue and Pinehill Street. There is a safety concern as children formerly from Northbrook School are using these streets on their route to Creighton Park Elementary. MOTION PUT AND PASSED UNANIMOUSLY.**

**12. MOTIONS - NONE**

**13. ADDED ITEMS**

- 13.1 Councillor Rankin - Request for staff report re: Governors Lake Master Plan, Phase One

**MOVED by Councillor Rankin, seconded by Councillor Meade, that staff provide a report on the Governors Lake Master Plan, Phase One. MOTION PUT AND PASSED UNANIMOUSLY.**

### **RECESS**

The meeting recessed at 3:00 p.m. and reconvened at 6:00 p.m. with all members of Council present.

At a later point in the meeting, Council recognized Mr. Jerry Pye, MLA, Dartmouth North, and Mr. Brooke Taylor, MLA, Colchester - Musquodoboit Valley.

### **9. PUBLIC HEARINGS - 6:00 p.m.**

#### **9.1 Second Reading By-Law H-401 Respecting Marketing Levy**

- An extract from the June 11, 2002 Regional Council minutes was before Council.
- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated June 4, 2002, on the above noted, was before Council.

### **CONFLICT OF INTEREST**

Councillor Meade declared a Conflict of Interest due to family employment relative to the marketing business.

Mr. Lew Rogers, Director, Tourism Culture and Heritage, presented the staff report advising the original By-law impacted all businesses in HRM with twenty rooms or more. Subsequent to the passage of By-law H-400 there was a concern that businesses in the twenty to one hundred room range would be negatively impacted by the By-law and, after consideration, an amendment, By-law H-401, was proposed to remove the levying on that group until April 1, 2004.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed By-law.

#### **Mr. Peter O'Brien**

**Mr. Peter O'Brien**, Vice President Atlantic, Canadian Federation of Independent Business, thanked Council for the reconsideration of the By-law and the new implementation date.

#### **Ms. Judy Church**

**Ms. Judy Church**, 20 Beaver Bank Road, Lower Sackville, representing the Metropolitan Area Tourism Association, spoke in favour of the By-law and thanked Council for implementing the By-law.

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

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

### **DECISION OF COUNCIL**

**MOVED by Councillor Blumenthal, seconded by Councillor Warshick, that Council approve By-law H-401 and amendment to By-law H-400 - Marketing Levy By-law as per Attachment #1 of the staff report dated June 4, 2002. MOTION PUT AND PASSED UNANIMOUSLY.**

#### **9.2 Second Reading By-law L-201 Respecting Construction & Demolition Licensing**

- An extract from the June 18, 2002 Regional Council minutes was before Council.
- A supplementary staff report prepared for Mr. George McLellan, Chief Administrative Officer, dated July 2, 2002, on the above noted, was before Council.

### **CONFLICT OF INTEREST**

Councillor Streach declared a Conflict of Interest as a result of family related business dealings.

Councillor McInroy declared a Conflict of Interest as a member of his family was legal representative to one of the proponents.

Mr. Brian Smith, Director, Solid Waste Resources, presented the staff report advising the process before Council is with respect to a License By-law and changes to that By-law as a result of consultation with Community Councils and public.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the By-law.

**Mr. Robin Barrett**

**Mr. Robin Barrett**, Beaver Bank, expressed concern that there is no definition or separation between new construction or new materials versus materials that the By-law is designed to address.

**Mr. Jim Reid**

**Mr. Jim Reid**, Antrium Road, stated the adoption of the By-law is a regression and will allow companies to basically dig holes and bury potentially hazardous materials with a separation from the ground water of as little as one metre. He questioned why there would be a requirement for a double liner for the protection of solid waste leachate and no requirement for a liner for controlled leachate materials such as those that would come from road construction and buildings. He stated there will be long term environmental impacts. He suggested clause 10 be amended to require that the construction and demolition disposal site be engineered with a liner system sufficient to prohibit materials and liquids from entering the ground water or a watercourse.

**Mr. Bob Kerr**

**Mr. Bob Kerr**, Bedford Waters Advisory Committee, expressed concern with the minimum fine being only \$500.00 as violators will pay and then carry on doing what they have been doing. He stated there should be good legal recourse to ensure that this sort of thing does not happen again. He stated there does not seem to be any way to stop someone from doing what they feel like doing.

**Mr. Barry Sibley**

**Mr. Barry Sibley**, Meaghers Grant, expressed concern that the owners of the construction companies will own and operate the proposed C&D disposal sites; thus, they will be able to dump and conceal anything they wish without detection. He stated if the municipality is to control the disposal of material it can only be done at facilities owned and operated by the municipality and not by private industry. He stated he does not feel the fines are high enough.

**Ms. Cathy Reid**

**Ms. Cathy Reid**, stated there is no specific type of insurance indicated in the By-law and she does not feel the insurance is high enough suggesting a minimum of \$5 million liability insurance be included. She noted the insurance does not deal with pollution and clean ups.

**Mr. Basil Owen**

**Mr. Basil Owen**, expressed concern that the dump site will have a negative effect on tourism and wildlife in the area. The C & D site will be an eyesore to the public traveling to the Musquodoboit Valley and Dollar Lake and will ruin the eco system. He requested Council delete the Old Guysborough Road site.

**Mr. Scott Miller**

**Mr. Scott Miller**, 3709 Old Guysborough Road, stated fire has become a major concern with regards to C & D materials and fire control needs to be addressed. He stated the By-law does not address items relative to firefighting water sources nor size and type of water supply. He noted a watercourse may not be a viable water supply and the water runoff from a C & D site fire would contain contaminants and therefore there would be a requirement to collect these so that they would not run into watercourses. C & D sites placed in wilderness areas may result in wildfires.

**Ms. Patricia Mombourquette**

**Ms. Patricia Mumberquette**, 1049 Myra Road, Porters Lake, requested Council change the amended By-law to create a buffer zone preventing C & D sites from being placed within 5 km of a protected wilderness area.

**Mr. Brooke Taylor**

**Mr. Brooke Taylor**, MLA, Middle Musquodoboit, recommended the By-law include a provision that requires a C & D site to be 5 km for a provincial park, and licensing be by way of a development agreement.

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

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

**DECISION OF COUNCIL**

**MOVED by Councillor Hines, seconded by Councillor Rankin, that Council approve By-law L-201 to amend the C & D Licensing By-law L-200 as contained as Attachment #1 in the supplementary staff report dated July 2, 2002.**

Without a vote being taken the motion, the following motion was placed.

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

1. Attachment #2 item 2(c) be amended to read: “Construction and demolition Materials Processing Facility, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D materials described in Sub-Section 9(3), de-construction of a building on site, a municipal processing facility for used asphalt and concrete or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia, or forestry manufacturing processing”.
2. Staff provide a report and recommendation on the suggestions as put forward in the presentations by the public.

**MOTION PUT AND PASSED.**

**MOVED** by Councillor Smith, seconded by Councillor Colwell, that Council amend Section 10 under Operational Procedures in Attachment #2, number 5, part 4, to state “It is not located within 500 meters of a residential or commercial facility use or building or municipal park”. **MOTION DEFEATED.**

**MOVED** by Councillor Sarto, seconded by Councillor Fougere that the wording in box two of the table in Attachment #1, item 7, be changed to “nearest non-residential or non-institutional use property line”. **MOTION PUT AND PASSED.**

Motion as amended.

**MOVED** by Councillor Hines, seconded by Councillor Rankin, that:

1. Council approve By-law L-201 to amend the C & D Licensing By-law L-200 as contained as Attachment #1 in the supplementary staff report dated July 2, 2002.
2. Attachment #2 item 2(c) be amended to read: “Construction and demolition Materials Processing Facility, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an

operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D materials described in Sub-Section 9(3), de-construction of a building on site, a municipal processing facility for used asphalt and concrete or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia, or forestry manufacturing processing”.

3. Staff provide a report and recommendation on the suggestions as put forward in the presentations by the public.
4. that the wording in box two of the table in Attachment #1, item 7, be changed to “nearest non-residential or non-institutional use property line”.

Councillor Colwell expressed concern with the fire issue, and asked what provisions were outlined in the Licensing Agreement to ensure that there is a water supply in case of a fire. In response, Council was advised that under Section 10 (2)(4) wording is such that a fire safety plan, approved by the Chief Fire Director and, meeting certain requirements, has to be submitted.

Councillor Colwell requested the Fire Department come back with a report and recommendation on how close a large water supply would have to be to a site before licensing is put in place and what volume of water would they be looking for to ensure that, under all weather conditions, that they can provide enough water.

Councillor Cunningham questioned whether Council would be acting legally if Council turns down an application for a proposed site that is not outside the scope of licensing by-law but negatively impacts the community. In response, Council was advised that policies provided in a Land Use By-law may allow Council to turn down an application for a particular site even though the project may be licensable because it may not meet the requirements of the Land Use By-law.

Councillor Cooper asked if HRM has the ability to make adjustments to minimum setbacks from watercourses in site specific plans. In response, Council was advised the setbacks could be adjusted but the minimums are the only ones that could be enforced. A proponent would be required to meet the minimums and apply the applicable buffer and screening. Mr. Pyle stated the separation distance for stockpiles is in the License By-law and not the Land Use By-laws because, under the MGA, the municipality cannot regulate stockpiles in a Land Use By-law.

Councillor Colwell requested staff examine the possibility of back-charging some of the costs to the proponent in the case of a fire at a C & D site. Also, staff examine the minimum buffer zones between forested areas and the stockpiles.

**MOTION, AS AMENDED, PUT AND PASSED UNANIMOUSLY.**

**9.3 Project 00086 Wentworth/Bedford South Secondary Planning Strategy**

- A memorandum from the Chair of the Halifax/Halifax County Watershed Advisory Board, dated July 2, 2002, was circulated to Council.
- Correspondence from F. D. Medjuck, QC, dated July 3, 2002, on the above noted, was circulated to Council.
- Correspondence from Gary Pierce, Vice President of Development, Kimberly-Lloyd Developments, dated July 2, 2002, was circulated to Council. Also circulated was correspondence dated July 5, 2002 from Paul Morgan, Planner, HRM responding to Mr. Pierce's letter of July 2, 2002.
- A extract from the June 18, 2002 Regional Council minutes was before Council.
- The following reports were circulated at the June 18, 2002 meeting: two staff reports dated June 10, 2002, from Mr. Paul Dunphy, Director of Planning and Development Services, two reports from North West Community Council dated June 3, 2002 and, Chebucto Community Council report dated June 3, 2002.
- A copy of presentation by Mr. Kevin Riles, Vice President, United Golf Developments Limited, was circulated to Council and presented by Mr. Riles.
- Correspondence from Archie Hattie, P.Eng., Vice President & General Manager, Annapolis Group dated July 9, 2002 was distributed to members of Council
- Correspondence dated July 9, 2002 from J. Michael Hanusiak, Sr. Vice President, Clayton Developments Limited, was also distributed to members of Council.

Mr. Paul Morgan, Planner, and Mr. Peter Duncan, Manager, Development Engineering, Planning and Development Services, with the aid of a PowerPoint, presented the staff report outlining the proposed development stages and development types as well as infrastructure and cost estimates for same.

**RECESS**

At this point in time, Council recessed for 5 minutes reconvening at 8:20 p.m.

In response to Councillor Goucher as to whether or not the money for the interchange will be there in this development, Council was advised the infrastructure charge will apply to the first two thousand units before the interchange but those would not have paid for the entire interchange.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposal.

**Mr. Gary Pierce**

**Mr. Gary Pierce**, Kimberly-Lloyd Developments, stated they are not opposed to the Master Plan or development but have concerns with regards to sewer capacity at the Mill Cove Treatment Plant, Policies MS 6 & 7, Policy CTS-1 and Policy RN-3. He stated it was their understanding that the sewer capacity was allocated to the Bedford and Sackville areas. The proposed amendment expands the service boundaries and they are seeking assurance that it will not impact on the Sackville area by reducing capacity. He expressed concern that the proposal would have the effect of downsizing Larry Uteck Drive to a two lane collector. Policy RN-3 would allow for twelve storey apartment buildings and they were not supportive of this concept.

**Mr. Kevin Riles**

**Mr. Kevin Riles**, Vice President, United Golf Development Limited, reading from prepared text and with the aid of an overhead, stated they are concerned with the Capital Cost Contribution component of this process. He advised one of the major concerns is that due process was not followed. If the Wentworth Secondary Planning Strategy is approved as proposed an unequal and unfair playing field will arise from the land development for this and surrounding areas. He stated that in his opinion the SGE report has oversights and is flawed.

**Mr. Scott Miller**

**Mr. Scott Miller**, Old Guysborough Road, expressed concern with what will happen to the wood from the property noting, it is in the beetle zone therefore the wood cannot be removed from the site. He advised there is currently no sawmill in Nova Scotia set up to take wood from a beetle zone.

**Mr. Franklyn Medjuck**

**Mr. Franklyn Medjuck**, representing Emscote Limited, expressed concern with the proposal and the process as his client has been waiting to start development. He stated he was before Council expressing support for early approval of the plan. Mr. Medjuck presented three proposed amendments to the project and requested they be incorporated.

**Mr. Mike Hanusiak**

**Mr. Mike Hanusiak**, Senior Vice President, Clayton Developments, with the aid of a PowerPoint presentation, advised the original document and plan for this area had approximately six thousand units destined for the Mill Cove treatment plant but they have

reduced that number by half. He advised Larry Uteck Drive has not been downgraded and there is a second collector that routes back down to the Bedford Highway.

**Mr. Dick Miller**

**Mr. Dick Miller**, President, Clayton Developments, spoke in support of the development and stated their proposal is one of the best community development plans anywhere in Canada and is part of the smart growth initiative.

Mayor Kelly called for any additional speakers. Hearing none, the following motion was placed.

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

**DECISION OF COUNCIL**

**MOVED by Councillor Whalen, seconded by Councillor Goucher, that Council adopt the By-law as attached to the staff report dated June 10, 2002 to amend the Municipal Planning Strategies and Land Use By-laws of both Mainland Halifax and Bedford.**

Without a vote being taken on the motion, the following motions were placed.

**MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that Policy EP-7 be reworded as follows: "A tree replanting and landscape program shall be incorporated into Development Agreements to allow for regrowth of trees and installation of new landscaping. The program shall specify the locations, number, type and diameter of trees to be planted and the specifications of the landscaping to be done. The type of trees shall be indigenous to Canada" MOTION PUT AND PASSED.**

**MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the following wording be added to the end of Policy MUBC-1: "Periodically, but not more than every five years from the date this Master Planning Study has been approved, the Mixed Use Business Campus Designation shall be reviewed and if the areas of Community/Commercial and General Commercial Designations have been substantially developed, then these retail restrictions shall no longer apply. MOTION DEFEATED.**

**MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that Policy RN-3 be amended so that in phrases where the height of apartment buildings is defined, change where it says "above grade" and "above ground level" to read as**

follows: “as defined in the Halifax Regional Municipality Mainland area Land-Use By-law”. **MOTION PUT AND PASSED.**

MOTION AS AMENDED.

**MOVED by Councillor Whalen, seconded by Councillor Goucher, that Council:**

1. **adopt the By-law as attached to the staff report dated June 10, 2002 to amend the Municipal Planning Strategies and Land Use By-laws of both Mainland Halifax and Bedford.**
2. **that Policy EP-7 be reworded as follows: “A tree replanting and landscape program shall be incorporated into Development Agreements to allow for regrowth of trees and installation of new landscaping. The program shall specify the locations, number, type and diameter of trees to be planted and the specifications of the landscaping to be done. The type of trees shall be indigenous to Canada”**
3. **that Policy RN-3 be amended so that in phrases where the height of apartment buildings is defined, change where it says “above grade” and “above ground level” to read as follows: “as defined in the Halifax Regional Municipality Mainland area Land-Use By-law”.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.1 Heritage Hearing Case H00077 - Application to Consider 38 King Street, Dartmouth as a Registered Heritage Property.**

- A report from Mr. Allan MacLellan, Chair, Heritage Advisory Committee, dated May 23, 2002, on the above noted, was before Council.

Mr. Kevin Barrett, Planner, with the aid of an overhead, presented the staff report advising the applicants are in favour of the registration.

**MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that Regional Council approve the registration of 38 King Street, Dartmouth, as a registered heritage property under the HRM Heritage Property Program. **MOTION PUT AND PASSED UNANIMOUSLY.****

**10.3.1 Potential Impacts of Proposed Construction and Demolition Sites to Surrounding Wilderness Areas - John Blumsum**

- Correspondence from Mr. Blumsum, dated July 3, 2002, was before Council.
- A copy of Mr. Blumsum's presentation dated July 9, 2002, was circulated to Council.

Mr. John Blumsum, Porters Lake and Myra Road Wilderness Area Association, reading from prepared text, outlined some of the concerns regarding the proposal to establish the Three Corners C & D Material Management Facility.

Mayor Kelly thanked Mr. Blumsum for his presentation.

**13. ADDED ITEMS**

**13.1 Councillor Rankin - Request for staff report re: Governors Lake Master Plan Phase One**

This item was addressed during the morning session. (See page 27)

**13.2 Harbour Solutions**

- 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 Walker, seconded by Councillor Hetherington that Council approve the Halifax Harbour Solutions Project Agreements as outlined;**

**WHEREAS it is proposed that the Halifax Regional Municipality ("HRM") enter into seven agreements with the Halifax Regional Environmental Partnership and others with respect to the Halifax Harbour Solutions Project, namely a Development Agreement, Halifax Operating and Maintenance Agreement, Halifax License, Dartmouth Operating and Maintenance Agreement and Herring Cove License (collectively, the "Project Agreements");**

**AND WHEREAS on May 7, 2002, Council agreed in principle to enter into the Project Agreements substantially in form of the draft agreements dated April 10, 2002 reviewed by Council, subject to the following conditions precedent:**

- 1. Advice from the Federal Government and the Province of Nova Scotia that HRM's requests for funding have been approved; and**
- 2. Receipt of a decision from the Responsible Authorities that the environmental effects of the Project are acceptable under the *Canadian Environmental Assessment Act*.**

AND WHEREAS Council has received and reviewed revised drafts of the Project Agreements (drafts dated June 28, 2002) which incorporate the conditions precedent;

NOW THEREFORE BE IT RESOLVED as a resolution of Council that HRM enter in Project Agreements for the Halifax Harbour Solutions Project substantially in the form of the June 28, 2002 drafts presented to and reviewed by Council.

**MOTION PUT AND PASSED.**

**13.3      Property Matter - Sale of 5557 Cunard Street, Halifax**

- 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 Sloane, seconded by Councillor Fougere that:**

1. Council support the referral of the Cunard Street Children's Center's proposal to the Grants Committee as a "Sale of Property at Less than Market Value" for favorable consideration and recommendation, on the basis that the sale of the property is subject to a public hearing and final approval of Council.
2. Council further approve the transfer of the remaining balance of the building structural Capital Reserve Q114 (estimated at \$63,000) to be credited to the Sale of Land Capital Reserve Account Q101 upon closing of sale of this property.
3. Council not release the contents of this report until the matter has been reviewed by the Grants Committee.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**13.4      Property Matter - Range Park, Bedford**

- 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 Goucher, seconded by Councillor Rankin that:**

1. Halifax Regional Council authorize the purchase of Parcel B-1 from the Bedford (NS) Branch No. 95 - The Royal Canadian Legion based on the key terms and conditions outlined in this report;

2. Halifax Regional Council authorize the Mayor and Municipal Clerk to execute a lease containing key terms and conditions detailed in this report;
3. The contents of this report not be released to the public until the property transaction has closed.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**13.5 Contractual Matter - Integrated Communication System (TMR & Paging)**

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

**CONFLICT OF INTEREST**

As he had personal business dealings with the proponent, Councillor Streach declared a Conflict of Interest on this issue.

**MOVED by Councillor Smith, seconded by Councillor Hetherington that Council accept the proposal from Aliant to provide HRM with Trunked Mobile Radio service and Volunteer Fire Paging and back up voice system in the amount of \$4,360,925.00 for Phase I, from capital accounts CHA00160, CEY00006 and CEY00281 as outlined in the Budget Implications Section of the private and confidential staff report dated June 25, 2002. Annual operating costs of \$413,950.00, as outlined in the Discussion Section, will be prorated for the remainder of this year and funding is available in the 02/03 Operating Budget (M310) to allow for operating costs for Phase I. MOTION PUT AND PASSED UNANIMOUSLY.**

**14. NOTICES OF MOTION**

This item was addressed during the morning session. (See page 8)

**15. ADJOURNMENT**

The meeting was adjourned at 9:30 p.m.

Vi Carmichael  
Municipal Clerk