

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES September 10, 2002

PRESENT:

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

STAFF MEMBERS:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Deputy Municipal Clerk
Ms. Sherryl Murphy, Assistant Municipal Clerk

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1. **INVOCATION**

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Blumenthal.

2. **SPECIAL PRESENTATION - RRFB (Resource Recovery Fund Board) - Diversion Credit Cheque**

Councillor Rankin made some brief introductory remarks in which he noted that residents of HRM had achieved a greater than 50% diversion rate. The Councillor went on to introduce Mr. Daryl Hiltz, Chair of the Resource Recovery Board and Mr. Derek Firth, Chief Administrative Officer. Mr. Firth addressed Council briefly commenting on the solid waste management program in place in the Province and the success of HRM's program.

Mr. Hiltz and Mr. Firth then presented to His Worship Mayor Kelly a cheque in excess of \$2.7 million representing the diversion credit achieved by HRM in the past year.

2A **POINT OF PRIVILEGE - COUNCILLOR UTECK - INFORMATION ITEM #6 RE CANADA INFRASTRUCTURE PROGRAM AND HARBOUR SOLUTIONS PROJECT**

Councillor Uteck rose on a Point of Privilege expressing concern that the correspondence from Mr. John Hamm, Premier of Nova Scotia to Minister Thibault did not clearly indicate that the Harbour Solutions Project was considered to be a priority by the Province in terms of the Canada Infrastructure Program (CIFP). She requested that the Mayor write to Mr. Hamm requesting clarification that the Province did indeed consider the Harbour Solutions Project a priority for funding through the CIFP and requesting that he communicate this to the Federal Government.

Mayor Kelly indicated that the Province has verbally committed to the Harbour Solutions Project being a priority under CIFP, but agreed that a letter go forward seeking clarification.

3. **APPROVAL OF MINUTES - AUGUST 27, 2002 AND AUGUST 28, 2002 (SPECIAL SESSION)**

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington that the minutes of Halifax Regional Council held on August 27, 2002 and of the Special Session of Halifax Regional Council held on August 28, 2002 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 12.1 Councillor Cunningham - Request for Report re: Traffic on Woodland Avenue, Dartmouth
- 12.2 Councillor Mosher - Update requested re: Memorial Tower Restoration - Sir Sanford Fleming Park
- 12.3 Councillor McInroy - Pedestrian and Traffic Control Measures on Caldwell Road

Information Item:

- 7. Proclamation - Workplace Diversity Week September 15-21, 2002

At the request of Councillor Mosher, consideration of item 10.2.3 Councillor Mosher - Subdivision Approvals - Land Contribution vs Cash in Lieu was deferred for one week to allow her an opportunity to meet with staff on the matter.

On a request from Councillor Smith, Council agreed that Mr. Jack Potter, under item 9.3 Delegations, address Council with regard to item 10.2.2 Councillor Smith - New Sidewalks on Birchwood and Lawnsdale, and further that item 10.2.2 be moved up on the agenda immediately following Mr. Potter's presentation.

MOVED by Councillor Hetherington, seconded by Councillor McInroy 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**

8.1 **Construction and Demolition General Amendment Package Council Decision - (Supp Report) (Public Hearing Closed: August 28, 2002)**

- A Supplementary staff report dated September 4, 2002 submitted by George McLellan, Chief Administrative Officer, was before Council for consideration.

- The following correspondence was distributed to Council:
 - < Correspondence dated September 4, 2002 from Dawn Lawrence - RDM Recycling Ltd. to the Residents of Harrietsfield and Williamswood
 - < Correspondence dated September 6, 2002 from Terry Henley, Chairman, Community Monitoring Committee
 - < Correspondence dated September 10, 2002 to Ms. Shannon MacDonald, Harrietsfield/Williamswood Community Association from Mayor Peter Kelly in response to her letter of September 8, 2002

Conflict of Interest

Councillor McInroy declared a conflict of interest advising that his brother-in-law had been retained by one of the proponents for site specific rezoning.

Conflict of Interest

Councillor Streach declared a conflict of interest citing a family connection.

Mr. Kurt Pyle, Planner, using a Power Point presentation, reviewed the supplementary staff report noting that the report confirms the recommendations considered at the public hearing and includes some minor further recommendations. Mr. Pyle spoke specifically to the proposed 5 kilometre setback from parks and wilderness areas for disposal sites and advised that staff was not recommending such a setback as it would significantly reduce the potential for disposal sites within HRM. He further indicated that should Council wish to consider setback, a further public hearing would be required.

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

- 1. Adopt amendments to all of HRM's Municipal Planning Strategies and Land Use By-laws to regulate the construction and demolition waste industry (Attachments I through XXVII, inclusive of the August 19, 2002 supplementary 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 demolitions 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 1 of the August 19, 2002 supplementary staff 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 2 of the August 19, 2002 supplementary staff report);
 - (iii) Halifax C&D site, on Ross Road near Cole Harbour, rezoned from I-1 (Light Industry) Zone to CD-1 (Transfer Stations) Zone (as per Map 3 of the August 19, 2002 supplementary staff 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 4 of the August 19, 2002 supplementary staff report).
2. Delete the definition of “Construction and Demolition Materials Processing Facility” in the draft by-law amendments, and replace it with the definition provided in Attachment 1 of the September 4, 2002 supplementary staff report.
 3. Delete Section 8 of the Amendments to the Land Use By-law for Planning District 5 (Chebucto Peninsula) and replace it with the new section provided in Attachment 1A of the September 4, 2002 supplementary staff report.
 4. Refer the issue of more stringent liner standards to the Solid Waste Resources Advisory Committee, to consider as part of further revisions to C&D License By-law L-200; and
 5. Request the Province to amend the Municipal Government Act to permit extensions to the notification and appeal area for Site Plan Approval.

A discussion ensued regarding setback and liners and it was **MOVED by Councillor Sloane, seconded by Councillor Warshick that the motion be amended to provide that disposal sites have a two kilometre setback from parks and wilderness areas if the synthetic liner is not approved by the Solid Waste Advisory Committee.**

Mr. Dunphy advised that an increase to separation distances would be considered as an amendment to the C&D Licensing By-law and require a separate public hearing. Mr. Dunphy suggested that the matter of setbacks be referred, along with increased standards for liners, to the Solid Waste Advisory Committee.

A brief discussion ensued and it was **MOVED by Councillor Hetherington, seconded by Councillor Rankin that the matter of disposal sites having a two kilometre setback from parks and wilderness areas be referred to the Solid Waste Resource Advisory Committee.**

After a further discussion, the **MOTION TO REFER WAS PUT AND PASSED.**

Councillor Warshick referred to the question from the public hearing regarding the possibility of a change in the distance a facility may be located from a watercourse, from 60 metres to 500 metres and sought clarification from staff on this matter. Mr. Pyle responded that such a change would constitute a substantial amendment and require a separate public hearing. Mr. Pyle further responded that this matter could be considered under the C&D Licensing By-law.

MOVED by Councillor Warshick, seconded by Councillor Hetherington that the matter of setback distance from a watercourse being increased from 60 metres to 500 metres be referred to the Solid Waste Resource Advisory Committee. MOTION TO REFER WAS PUT AND PASSED UNANIMOUSLY.

Responding to a question from Councillor Warshick regarding a proposed amendment to provide that licensing could not be granted to anyone within one kilometre of an active quarry, Mr. Pyle indicated that this too was a matter which would be dealt with under the C & D Licensing By-law.

MOVED by Councillor Warshick, seconded by Councillor Hetherington that the matter of setback of one kilometre from an active quarry be referred to the Solid Waste Resource Advisory Committee. MOTION TO REFER WAS PUT AND PASSED.

Responding to a question from Councillor Adams regarding the impact of CD-2 zoning on the existing salvage yard rights held by RDM, Mr. Dunphy indicated that, unwittingly, the CD-2 zoning eliminates a Salvage Yard as an existing use. He advised that RDM would lose their as of right ability to operate a salvage yard and become a non-conforming use. He noted that the separate site specific public hearings has created this consequence. Mr. Dunphy went on to propose that Council rezone the identified property CD-2 and leave the existing rights relative to a salvage yard intact.

MOVED by Councillor Adams, seconded by Councillor Mosher that the motion be amended to:

- 1. Delete Section 9 of the amendments to the Land Use By-law for Planning District 5 (found on page 199 of the Supplementary staff report dated August 19, 2002)**

2. **Replace Section 9 with the following:
“Amend Appendix B - Existing Business - No Expansion”, by deleting the Existing PID reference for “Nicholsons Salvage: and replacing it with the PID 41056102 (that portion formerly covered by PIDs 00480137 and 40072514)”**

Following a brief debate and questioning of staff the **MOTION TO AMEND WAS PUT AND PASSED.**

Councillor Fougere referred to Section 13.12 on page 17 of Attachment I of the August 19, 2002 supplementary staff report expressing concern that the wording was indecisive.

MOVED by Councillor Fougere, seconded by Councillor Sarto that the motion be further amended to provide that Section 13.12 found on page 17 of Attachment I of the August 19, 2002 supplementary staff report read “Council shall recommend to the N.S. Department of the Environment and Labour that a Community Liaison Committee be established for all C&D Disposal operations within HRM.” MOTION TO AMEND WAS PUT AND PASSED UNANIMOUSLY.

Councillor Rankin noted that staff’s recommendation was silent with regard to an appropriate area of notification and **MOVED, seconded by Councillor Hetherington that recommendation #5 be amended to provide that HRM request the Province to amend the Municipal Government Act to permit a 100 metre notification and appeal area for Site Plan Approval. MOTION PUT AND PASSED UNANIMOUSLY.**

COUNCIL DECISION

The Mayor called for the question on the amended motion, as follows:

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

1. **Adopt amendments to all of HRM’s Municipal Planning Strategies and Land Use By-laws to regulate the construction and demolition waste industry (Attachments I through XXVII, inclusive, of the August 19, 2002 supplementary 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 1 of the August 19, 2002 supplementary staff 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 2 of the August 19, 2002 supplementary staff report);
 - (iii) Halifax C&D site, on Ross Road near Cole Harbour, rezoned from I-1 (Light Industry) Zone to CD-1 (Transfer Stations) Zone (as per Map 3 of the August 19, 2002 supplementary staff 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 4 of the August 19, 2002 supplementary staff report).
2. Delete the definition of “Construction and Demolition Materials Processing Facility” in the draft by-law amendments, and replace it with the definition provided in Attachment 1 of the September 4, 2002 supplementary staff report.
 3. Delete Section 8 of the Amendments to the Land Use By-law for Planning District 5 (Chebucto Peninsula) and replace it with the new section provided in Attachment 1A of the September 4, 2002 supplementary staff report.
 4. Refer the issue of more stringent liner standards to the Solid Waste Resources Advisory Committee, to consider as part of further revisions to C&D License By-law L-200;
 5. Request the Province to amend the Municipal Government Act to permit a 100 metre notification and appeal area for Site Plan Approval;
 6. Delete Section 9 of the amendments to the Land Use By-law for Planning District 5 (found on page 199 of the Supplementary staff report dated August 19, 2002);
 7. Replace Section 9 with the following:

“Amend Appendix B - Existing Business - No Expansion”, by deleting the Existing PID reference for “Nicholsons Salvage: and replacing it with the PID

41056102 (that portion formerly covered by PIDs 00480137 and 40072514”);

8. Amend Section 13.12 found on page 17 of Attachment I of the August 19, 2002 supplementary staff report to read “Council shall recommend to the N.S. Department of the Environment and Labour that a Community Liaison Committee be established for all C&D Disposal operations within HRM.”

The MOTION, AS AMENDED, WAS PUT AND PASSED.

Following Council’s decision, Mr. Pyle briefly reviewed with Council the next steps in terms of the site specific Public Hearings.

8.2 First Reading - By-law T-122, Respecting Taxi and Limousine Licensing - Councillor Adams

- This matter was deferred from the September 3, 2002 meeting of Halifax Regional Council to allow Legal Services an opportunity to review item (c) of the Taxi and Limousine Committee’s recommendation found in their August 28, 2002 report.
- A report dated September 10, 2002 from Wayne Anstey, Municipal Solicitor was before Council for consideration.

Noting that the report before Council advised that Regional Council does not have the authority to prescribe a “clean-up fee” and “loss of business fee” as proposed by the Taxi Committee, Councillor Adams indicated that he would be moving First Reading of By-law T-122 as found in Appendix A of the September 10, 2002 report.

MOVED by Councillor Adams, seconded by Councillor Smith that Halifax Regional Council give First Reading to By-Law T-122 attached as Appendix A to the September 10, 2002 report, the purpose of which is to amend Schedule 2 of By-law T-108, Respecting the Regulation of Taxis and Limousines, by deleting the words TWO DOLLARS AND FIFTY CENTS initial charge, up to 1/30" and by substituting therefor the words"THREE DOLLARS AND FIFTY CENTS initial charge, up to 1/30 mile."

Councillor Cunningham expressed concern regarding the number of hours spent discussing a variety of amendments to the Taxi By-law. He suggested that the Taxi Committee bundle proposed amendments to the By-law and bring them to Council in six month intervals.

A brief debate ensued with Councillor Smith expressing concern that in most instances First Reading is not debated.

The Mayor clarified that although this has been the practice of Council, the Rules of Order do not prescribe that First Reading will not be debated.

A further short discussion ensued with Councillor Uteck expressing concern that reports from the Taxi Committee are not accompanied by a staff report.

Councillor Adams requested that the Clerk provide to Council the exact number of amendments to By-law which have been considered by Council this year.

After a further debate, the **MOTION WAS PUT AND DEFEATED.**

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Petition - Councillor Sarto - Boston Pizza Restaurant and Sports Bar at 611 Portland Street

Councillor Sarto submitted a petition on behalf of 54 residents of Bruce, Power, Settle and Elizabeth Streets in opposition to the location of a Boston Pizza Restaurant and a Sports Bar at 611 Portland Street. Councillor Sarto requested that the petition be distributed to all members of the Harbour East Community Council.

9.3 Delegations

9.3.1 Presentation - Mr. Jack Potter, Northbrook School Advisory Committee re Installation of sidewalks on Birchwood and Lawnsdale Streets

Mr. Jack Potter, Northbrook School Advisory Committee, made a brief presentation seeking Council support for the installation of sidewalks on Birchwood Terrace and Lawnsdale Drive. Mr. Potter indicated that this request stemmed from the closure of Northbrook School and a safety concern with some 60 children walking to and from Crichton Park Elementary School. Mr. Potter went on to describe the very dangerous route children have to walk and noted that there are no sidewalks on much of the route.

His Worship thanked Mr. Potter for his presentation.

10.2.2 Councillor Smith - New Sidewalks on Birchwood and Lawnsdale

- An e-mail report related to this matter dated August 26, 2002 from Mr. Rick Paynter, Acting Director, Public Works and Transportation to Councillor Smith was before Council for consideration.
- Correspondence dated September 9, 2002 from Derek Carter, Principal, Crichton Park in support of the installation of sidewalks on Birchwood Terrace and Lawnsdale Drive was distributed to Council. Also distributed to Council was a letter from Sandra Everett, Member, District 9, Halifax Regional School Board, in support of the installation of sidewalks.

Councillor Smith provided a brief background to the matter noting that the requested sidewalks would actually be located in District 10, however, the concern was for children who lived in District 9.

Responding to a question from Councillor Smith regarding the possibility of identifying funds to address this emergency situation, Mr. Paynter indicated that his e-mail provided information as to the current status of the Capital New Sidewalk Account. He pointed out that the issue in this instance is that this request is outside the approved capital budget for new sidewalks. He went on to suggest that staff bring forward a report responding to the Councillor's concerns.

MOVED by Councillor Cunningham, seconded by Councillor Blumenthal that this matter be referred to staff for a report including: (1) the priority of these sidewalks, include; (2) a comment by the Police Department on safety concerns; and (3) Local Improvement Charges and how, given the fact that these sidewalks would be installed for the benefit of persons outside District 10 and have not been instigated in the usual manner, would be applied.

Councillor Uteck requested that the Mayor write, on behalf of Council, to the School Board requesting that in their discussion on school closures next year they consider the Regional Planning initiative.

Councillor Blumenthal requested that the report include the breakdown of costs given that the sidewalk is a first time sidewalk.

In response to a question from Councillor Smith, Mr. Paynter indicated that he believed he would have a report for the next meeting of Council.

Councillor Smith requested that the report address whether or not he could allocate \$10,000 of his District funds to the installation of these sidewalks.

The **MOTION WAS PUT AND PASSED.**

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 02-282 - Sidewalk Renewal - Bedford Row - Western Region

- A staff report dated September 4, 2002 submitted by George McLellan, Chief Administrative Officer was before Council for consideration.

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that Council award Tender No. 02-282, Sidewalk Renewal - Bedford Row - West Region to Price's Cobblestone Paving Limited for materials and services listed at the unit prices quoted for a Tender Price of \$103,080, plus net HST for a total of \$109,707 from Account No. CKU00380, Capital District Downtown Brick Sidewalk Renewal, Phase I, with funding authorized as per the Budget Implications section of the September 4, 2002 staff report.

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

10.1.2 Tender 02-155 - Knightsridge Fire Station Renovations

- A staff report dated September 3, 2002 submitted by George McLellan, Chief Administrative Officer was before Council for consideration.

MOVED by Councillor Whalen, seconded by Councillor Walker that Council award Tender 02-155 to Cardinal Construction Incorporated, for a Tender price of \$398,900, plus net HST for a total of \$424,546 from Capital Account CBF00036 Knightsridge Dr. Station 7 Repairs, with funding authorized as per the Budget Implications section of the September 3, 2002 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Tender 02-265 - Paving Renewal & Water Main Replacement - Various Locations - Eastern Region

- A staff report dated September 4, 2002 submitted by George McLellan, Chief Administrative Officer was before Council for consideration.

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

- 1. Approve the recovery of Local Improvement Charges for the new concrete curb and gutter on Belle Vista Drive, from Spring Avenue to the property line of civic no. 29 and civic no. 27 in the amount of \$10,381, and on Elwin Crescent from John Cross Drive to mid property civic no. 38 in the amount of \$24,049, to be applied to the general area rate of District 7.**

2. Approve an increase in the Gross Budget for Account No. CYR00991, Paving Renewal Program, by \$197,906, with no change in the Net Budget, to cover the cost of the water main renewal on Rose Street from Pine Street to Beech Street and on Belle Vista Drive from Spring Avenue. to Plaza Drive.
- 3) Award Tender No. 02-265, Paving Renewal & Water Main Replacement - Various Locations - East Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$638,081, plus net HST for a total of \$679,103 from Account No. CYR00991, Paving Renewal Program, with funding authorized as per the Budget Implications section of the September 4, 2002 staff report.

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

10.1.4 Tender 02-276 - Salmon River Terrace Storm Sewer - Central Region

- A staff report dated September 3, 2002 submitted by George McLellan, Chief Administrative Officer was before Council for consideration.

MOVED by Councillor Cooper, seconded by Councillor Goucher that Council award Tender No. 02-276, Salmon River Terrace Storm Sewer - Central Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$67,700, plus net HST for a total of \$72,052 from Account No. CSU00321, Salmon River Terrace, Bedford - Storm Drain, with funding authorized as per the Budget Implications section of the September 3, 2002 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.5 Tender 02-279 - Morash Pond Storm Sewer Replacement - Eastern Region

- A staff report dated September 3, 2002 submitted by George McLellan, Chief Administrative Officer was before Council for consideration.

MOVED by Councillor Sarto, seconded by Councillor Blumenthal that Halifax Regional Council award Tender No. 02-279, Morash Pond Storm Sewer Replacement - East Region to Brycon Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$63,150, plus net HST for a total of \$67,210 from Account No. CSU00330, Morash Pond, Dartmouth - Rehabilitation, with funding authorized as per the Budget Implications section of the September 3, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.6 Tender 02-286 - St. Margarets Bay Road New Sidewalk - Western Region

- A staff report dated September 4, 2002 submitted by George McLellan, Chief Administrative Officer was before Council for consideration.

MOVED by Councillor Rankin, seconded by Councillor Sarto that Council:

- 1) **Approve the recovery of Local Improvement Charges for the installation of new concrete curb and gutter and new concrete sidewalk along the north side of St. Margarets Bay Road, from Power Terrace to Governor Drive in the amount of \$36,134, by a special area rate applied to a portion of District 22 (as shown on the sketch attached to the September 3, 2002 staff report).**
- 2) **Award Tender No. 02-286, St. Margarets Bay Road, New Sidewalk - West Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$146,280.00, plus net HST for a total of \$155,684 from Account No. CJR00956, New Sidewalks, with funding authorized as per the Budget Implications section of the September 3, 2002 staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.7 Tender 02-290 - Portobello Road (Highway # 118 Overpass to Civic No. 1394) Paving Resurfacing - Eastern Region

- A staff report dated September 4, 2002 submitted by George McLellan, Chief Administrative Officer was before Council for consideration.

MOVED by Councillor Warshick, seconded by Councillor Sarto that Halifax Regional Council award Tender No. 02-290, Portobello Road (Highway #118 overpass to civic no. 1394), Paving Resurfacing - East Region to Lafarge Canada Inc. for materials and services listed at the unit prices quoted for a Tender Price of \$168,960, plus net HST for a total of \$179,822 from Account No. CZR00357, Resurfacing, with funding authorized as per the Budget Implications section of the September 4, 2002 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.8 Proposed Public Hearing Schedule - By-law R-106 to Repeal S-200, Smoking By-law

- A staff report dated September 5, 2002 submitted by George McLellan, Chief Administrative Officer was before Council for consideration.

- Correspondence dated September 10, 2002 from Cathy Blades, South West Nova District Health Authority was circulated to members of Council.

MOVED by Councillor Streach, seconded by Councillor Warshick that given the meeting schedule previously approved by Council and the number of meetings identified in the approved schedule for the remainder of September and October (C&D site specific public hearings and tax structure meetings in various communities), Council instruct staff to advertise the public hearing for consideration of By-law R-106 to repeal S-200, Smoking by-law for November.

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

10.2 MEMBERS OF COUNCIL

10.2.1 Councillor Smith - Federal Electoral Boundaries Commission

Councillor Smith addressed Council referring the recently released report of the Federal Electoral Boundaries Commission and noted that District 9, a defined community of interest, had been split in half with the changing of the Federal Electoral Boundaries. Councillor Smith noted that it appeared this was to ensure per population representation was equal.

MOVED by Councillor Smith, seconded Councillor Cunningham that the Mayor, on behalf of Regional Council, write a letter to the Commission indicating that District 9 is a community of interest and should not be split in half in the manner proposed by the Commission.

A brief debate ensued and the **MOTION WAS PUT AND DEFEATED.**

10.2.2 Councillor Smith - New Sidewalks on Birchwood and Lawnsdale

This matter was dealt with earlier in the meeting.

10.2.3 Councillor Mosher - Subdivsion Approvals - Land Contribution vs Cash in Lieu

Consideration of this matter was deferred for one week during the setting of the agenda.

10.2.4 Councillor Mosher - HRM Take Over of Private Roads

- A Procedure for Acceptance of Private Streets was circulated to members of Council.

MOVED by Councillor Mosher, seconded by Councillor Sloane that staff prepare a report regarding the feasibility of HRM assuming responsibility for Melvin Road and Pineridge Road in District 7 and that the report be forwarded to the Private Roads Committee. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.5 Councillor Adams - McIntosh Run Sewer Upgrade Pocket Park

Referring to excavation presently underway in connection with sewer upgrade in the Spryfield area, Councillor Adams noted that this location would be an appropriate spot for a park including a sitting area and some passive recreation space.

MOVED by Councillor Adams, seconded by Councillor Mosher that staff prepare a report regarding the possibility of utilizing PID #0333203 located on the McIntosh Run as a park. MOTION PUT AND PASSED UNANIMOUSLY.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 Councillor Cunningham - Request for Report re: Traffic on Woodland Avenue, Dartmouth

Councillor Cunningham referring to traffic problems on Woodland Avenue, outlined that Woodland Avenue was a residential street which experienced heavy and fast traffic. The Councillor noted that pedestrians crossing the street are put at risk as a result of the volume and speed of traffic. Councillor Cunningham noted that although Woodland Avenue was not a truck route, a great number of trucks use Woodland Avenue. The Councillor went on to indicate that parking on the street also created problems.

MOVED by Councillor Cunningham, seconded by Councillor Smith that Traffic Services and Police Services staff prepare a report regarding traffic on Woodland Avenue addressing the issues outlined above and further that this report be forwarded to the Harbour East Community Council for consideration.

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

12.2 Councillor Mosher - Update requested re Memorial Tower Restoration - Sir Sanford Fleming Park

Councillor Mosher advised that an application for National Historic Designation was being prepared for submission and indicated that information with regard to the condition of the Memorial Tower at Sir Sanford Fleming Park was required for inclusion in the application.

MOVED by Councillor Mosher, seconded by Councillor Warshick that staff prepare a report regarding the condition of the Memorial Tower at Sir Sanford Fleming Park, work which has been done and the work yet to be completed. **MOTION PUT AND PASSED UNANIMOUSLY.**

12.3 Councillor McInroy - Pedestrian and Traffic Control Measures on Caldwell Road

Councillor McInroy referred to the recent fatality as the result of a motor vehicle/pedestrian accident on Caldwell Road in the area of Astral Drive and Nova Terrace and **MOVED, seconded by Councillor Hetherington that staff prepare a full and in depth report on all traffic and pedestrian related control and safety measures on Caldwell Road, both generally and in the specific area mentioned above, and further that RCMP input be sought and the report include, but not be limited to, the following aspects: lighting, street lighting, stop signs, crosswalks and the crosswalk in the specific area of Astral Drive and Nova Terrace.**

Councillor McInroy went on to indicate that he would like to have input to the catchment area for the consideration of warrants or the perquisites that are going to be reviewed for the crosswalk. The Councillor noted that in that area there is a 600 to 800 foot piece of road that contains a number of commercial enterprises on both sides of the road. He suggested that it is impossible to capture crossing counts at any one site as pedestrians tend to cross at a number of locations.

Councillor Hetherington requested that the report be expanded to include information from Engineering as to their plans for the future for Caldwell Road. He went on to comment that Caldwell Road is a two lane highway with four lane traffic. The Councillor indicated that the road needed to be widened.

Mr. McLellan, referring to Councillor McInroy's comment that he would like to have input to the catchment area, cautioned that Council should not, when requesting the Traffic Authority, Traffic Management and the RCMP to be involved in a review, prescribe the parameters under which it will be done. The CAO committed to requesting staff to speak with Councillors McInroy and Hetherington regarding the terms and conditions under which the review will be undertaken.

The **MOTION WAS PUT AND PASSED.**

13. NOTICES OF MOTION - None

14. ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Jan Gibson
Deputy Municipal Clerk