

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL MINUTES OCTOBER 1, 2002**

**PRESENT:**

Mayor Peter Kelly  
Deputy Mayor Robert P. Harvey  
Councillors: Steve Streach  
Gary Hines  
Keith Colwell  
Ron Cooper  
Harry McInroy  
Brian Warshick  
Condo Sarto  
Bruce Hetherington  
Jim Smith  
John Cunningham  
Jerry Blumenthal  
Dawn Sloane  
Sheila Fougere  
Russell Walker  
Diana Whalen  
Linda Mosher  
Stephen Adams  
Len Goucher  
Reg Rankin (6:50 p.m.)  
Gary Meade

**ABSENT :**

Councillors: Sue Uteck  
Brad Johns (Regrets)

**STAFF:**

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

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**1. INVOCATION**

The meeting was called to order at 6:15 p.m. with Councillor Whalen leading the invocation.

**2. APPROVAL OF MINUTES**

**MOVED by Councillor Blumenthal, seconded by Councillor Hetherington that the minutes of Halifax Regional Council held on September 17, September 18 (Public Hearing) and September 24, 2002 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**Additions:**

11.1 Harbour Solutions

**Information Item:**

Proclamation - World Ostomy Day - October 1, 2002

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

Councillor Sloane advised that Victoria Park was being rededicated this evening and invited members of Council to join the rededication celebration following Council.

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

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RECISSION - NONE**

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

**8. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**8.1 Correspondence**

**8.1.1 Correspondence re Hurricane Isadore Striking Campeche - Councillor Fougere**

Councillor Fougere, on behalf of Councillor Uteck, read into the record correspondence received regarding the impact of Hurricane Isadore on Campeche, HRM's sister city. Councillor Fougere requested that the Mayor, on behalf of Council, write to Campeche extending condolences and offering whatever assistance is appropriate.

## **8.2 Petitions**

### **8.2.1 Petition - Councillor Warshick - Dartmouth United Soccer Club - Use of P3 Fields**

Councillor Warshick submitted a petition on behalf of the Dartmouth United Soccer Club in support of efforts of HRM and the Province in acquiring use of the P3 Sports fields for use in soccer. Councillor Warshick requested that a copy of the petition be forwarded to the Province. Note was made that a meeting with the stakeholders was planned relative to the use of these fields.

### **8.2.2 Councillor Whalen - Walk to School Day Initiative**

Councillor Whalen referred to the Walk to School Day initiative being held on October 2, 2002, and on behalf of parents of students attending Park West and Rockingham Schools, noted the lack of both marked and unmarked crosswalks on Parkland Drive and Flamingo Drive. Councillor Whalen indicated that parents would be much more willing for their children to be involved in this initiative if the walk to school for their children was safe.

## **9. REPORTS**

### **9.1 Chief Administrative Officer**

#### **9.1.1 Tender 02-099, Auburn High School Soccer Field Upgrade**

- A staff report dated September 18, 2002 submitted by George McLellan, Chief Administrative Officer, was before Council for consideration.

## **CONFLICT OF INTEREST**

Councillor Steve Streach declared a Conflict of Interest citing a business connection and left the meeting.

**MOVED by Councillor Cooper, seconded by Councillor Goucher that Council award Tender #02-099 - Auburn School Soccer Field Upgrade to TurfMasters Landscaping Ltd., for materials and services specified at the unit prices quoted for a tender price of \$136,329.00 plus net HST, for a total project cost of \$145,093.59 from Capital**

Account #CPC00683, as outlined in the Budget Implications section of the September 18, 2002 staff report. **MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Streach rejoined the meeting.

### **9.1.2 Twinning Policy**

- A staff report dated September 18, 2002 submitted by George McLellan, Chief Administrative Officer, was before Council for consideration.

Mr. Lew Rogers, Director, Tourism, Culture & Heritage, briefly reviewed the report and, with Mr. Dan Norris, Manager of Heritage, responded to questions from members of Council

**MOVED by Councillor Fougere, seconded by Councillor Goucher that Halifax Regional Council approve the criteria and protocol described in the September 18, 2002 report to enable the municipality to respond to requests in a timely and professional manner from International and Canadian cities seeking to be a “twin” or become a sister city with Halifax Regional Municipality, with the recognition that the HRM Twinning Policy is one of the key components of the Municipal Cultural Policy. MOTION PUT AND PASSED UNANIMOUSLY.**

### **9.1.3 Case 00431 - Plan Amendment to the Planning Districts 14 & 17 Municipal Planning Strategy**

- A staff report dated September 24, 2002 submitted by George McLellan, Chief Administrative Officer, was before Council for consideration.

**MOVED by Councillor Hines, seconded by Councillor Streach that Regional Council authorize staff to initiate a plan amendment process for the Planning District 14 and 17 (Shubenacadie Lakes ) Municipal Planning Strategy and Land Use By-law to:**

1. **Consider residential development on a portion of the lands of L. Archibald Holdings Ltd. (Area B as shown on Map 3 of the September 24, 2002 staff report) east Rocky Lake Road.**
2. **Consider amending the Waverley Water Service Boundary to include the lands of L. Archibald Holdings Ltd. East of Rocky Lake Road (as shown on Map 4 of the September 24, 2002 staff report).**
3. **Proceed with a public participation program in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.4 Metro Transit Ferry - Mid-life Refit, Dartmouth III**

- A staff report dated September 23, 2002 submitted by George McLellan, Chief Administrative Officer, was before Council for consideration.

**MOVED by Councillor Hetherington, seconded by Councillor Sarto that Halifax Regional Municipality approve an increase to Capital Account No. CVD00054, Mid-Life Refit (Dartmouth III) in the amount of \$45,000.00 with funding to be provided by a transfer from CRESPOOL.**

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

**9.1.5 School Crossing Guards**

- This matter was last considered by Regional Council on September 17, 2002 at which time Ms. Chris Conrad made a presentation to Council regarding School Crossing Guards.

Constable Dave Murphy made a presentation responding to Ms. Conrad's presentation and to issues brought forward by members of Council. A copy of the presentation is on file.

A lengthy discussion ensued with Councillor Fougere noting that during the 2002/2003 pre-budget discussions at the Program and Service Review Committee a dollar amount had been identified in the budget as an increase for School Crossing Guards. Based on Constable Murphy's presentation, it appears that no increase has been given since 2000. Councillor Fougere asked what had happened to those dollars and if a change had occurred during peer review.

Mr. McLellan indicated that it was his recollection that no changes had been made to the Police Department Budget as a result of peer review and that the budget had come to Council unchanged from that which was presented to Program and Service Review.

Councillor Walker, providing specifics, noted that the dollar amount appeared on page 334 of the Proposed 2002/03 Budget, line P460. He indicated that the total dollar amount was \$22,130 representing a 2.5% increase.

Constable Murphy advised that he would endeavour to provide that information to Council.

A further brief questioning of Constable Murphy and discussion ensued and it was **MOVED by Councillor Blumenthal, seconded by Councillor Hetherington that the**

presentation be tabled and staff be requested to report regarding what had happened to the \$22,130 included in the 2002/2003 budget which was to have been allocated as an increase for School Crossing Guards, and further that the matter of including an increase for School Crossing Guards in the 2003/04 budget be referred to staff for consideration. **MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.6 E- Commerce Portals - Internet Payment of Parking Tickets**

Mr. Daya Pillay, Technical Process and Systems Consultant, with the assistance of Mr. Chad MacDonald and Mr. Sean Porter of Aliant, gave an on line demonstration of the first application on HRM's newly developed E-Commerce Portal, Internet Payment of Parking Tickets. Mr. Pillay went on to note that the same service would be provided through telephone technology and Mr. Porter provided a demonstration of this application. Mr. Pillay advised that these applications would be available for use by the public in November.

Staff responded to a number of questions, with Ms. Dale MacLellan, Director, Financial Services, advising that a report would be coming to Council relative to options when paying taxes (i.e. discounts, pay by credit card, etc.).

**9.2 Members of Council**

**9.2.1 Councillor Uteck - Heritage Incentive Program Update**

- A previously circulated information report dated September 18, 2002 submitted by Lew Rogers, Director, Tourism, Culture and Heritage was before Council for consideration.
- Also circulated to Council was a press release dated September 29, 2002 relating to the program.

Councillor Fougere, on behalf of Councillor Uteck, pointed out that on September 26, 2002 a new program, Heritage Incentive Program, became available to heritage property owners to assist them with the cost of improvements to the exterior of historic homes in the Halifax Regional Municipality.

**9.2.2 Councillor Mosher - Blasting By-law Concerns re: Fairmount Subdivision**

**9.2.3 Councillor Goucher - Residents Complaint Process relative to the Blasting By-law**

- Council agreed to deal with items 9.2.2 and 9.2.3 as one item.

Councillor Mosher referred to a specific blasting incident in Fairmount Subdivision and advised that a number of complaints had been received. Noting that the blasting company,

Consbec, had been found in violation of the By-law on a previous occasion. The Councillor went on to advise that a recent survey of 300 homes conducted by the Fairmount/Springvale Residents Association had resulted in 120 responses. Councillor Mosher indicated that 44 of the 120 respondents feel that they have had damage due to the blasting. A copy of the survey is on file. The Councillor went on to summarize a variety of damage complaints and noted that almost all of the residents indicate that their homes are shaking with the blasts. Councillor Mosher went on to note that the complaints received are coming from further afield than the Fairmount Subdivision.

Councillor Mosher stated that one of the greatest problems she has with blasting in HRM is the lack of information. The Councillor indicated that those residents believing they have damage due to the blast are told to contact the contractor's insurance company. Many people have not received a response while others have had a seismic graph placed on their property and then are told that things are fine as the blasts are within the limits. Councillor Mosher went on to relate other interactions between the insurance company and residents.

Councillor Mosher indicated that the proper notification to persons living within 150 meters was not given. She lives within 150 meters and received a letter in August indicating the company's intent to blast, but not providing particulars of the blast dates, time, etc. She went on to explain that she had witnessed a fly rock incident adjacent to the two schools, Springvale and Christian Academy. A potentially more dangerous incident was a portion of rubber mat finding its way to the school yard as a result of the blasting. Councillor Mosher indicated that there have been numerous complaints about dust in the air and with 100,000 tons of contaminated soil which is being remediated, this dust is of grave concern.

Noting that on September 26, 2002 blasting began at 7:30 a.m., Councillor Mosher indicated that the By-law states that blasting not begin before 8:00 a.m. The company blasted while children were on recess last week, after having made an agreement with the schools not to do so. Councillor Mosher concluded by indicating that HRM has to be proactive about enforcing the By-law and about providing information to the residents. HRM has issued the permit and has some responsibility to the residents.

Councillor Goucher noted that this was a difficult situation as HRM was involved with a process which in a large part was Provincially controlled. He went on to indicate that the By-law as it exists does not provide a vehicle for residents to be able to get information or pursue remedies to real or perceived damage that is incurred. Councillor Goucher noted that there is significant difficulty in reaching the involved insurance companies and the only route is the legal route. The Councillor indicated that he was seeking, in light of the fact that HRM would be experience a period of intense development over the next few years, a vehicle whereby people will have an access through HRM to receive information and to assist them with achieving the remedies to which they believe they are entitled.

Mr. Ed Thornhill, Manager, Permits and Inspections, briefly addressed Council noting that Mr. Jim Donovan, who has been acting on his behalf in the last number of months, would be giving a brief presentation with regard to the blasting issue and in particular the Fairmount Subdivision situation. He noted that at this point staff does not have all the answers.

Mr. Donovan made a presentation including the following key topic areas:

- < Complaint Management
- < Violations and Investigations
- < Conditions and Professionalism
- < Dedicated Resources
- < New Initiatives
- < Compliance/Summary

In conclusion, Mr. Donovan commented that the public expectation cannot be addressed by the By-law as it presently exists. Consequently, staff has undertaken a complete review of the Blasting By-law and anticipates a full report coming to Council in the near future. A copy of the presentation is on file.

In response to a question from the Mayor regarding the time line, Mr. Paul Dunphy, Director of Planning and Development Services, indicated that he would expect a report would be available to Council by November 1, 2002.

A discussion ensued with Council requesting the report include the following:

- < a method of verifying that pre-blast surveys have been completed and that notification has been given
- < an update on proposed changes to the Provincial regulations the intent of which was to provide greater protection to the public
- < the possibility of a contractor being disqualified for accumulated offences
- < consideration of an educational/information piece
- < further consideration of the type of pre-blast survey required for wells and inclusion of a pre-blast survey for septic systems
- < a communication protocol (note was made that this has evolved out of the Fairmount situation and it is staff's intent to continue)

In response to comments made by Council, Mr. Anstey advised that whether or not the company complied with the By-law or not, they would be liable for any damage incurred. He noted that insurance companies are, in general, reluctant to pay claims. The responsibility for following up on a claim lays with the claimant (homeowner). HRM can be helpful to the homeowner and enhance that helpfulness within the By-law and the permitting process.

Councillor Mosher, summing up her previous comments, asked that HRM raise the bar in terms of the By-law and what is expected of the contractor. Councillor Mosher requested that the report address the following:

- < the contractor being requested to video tape or at least take pictures during the pre-blast survey
- < having HRM responsible to hire the Blasting Inspector (at the cost of the contractor)
- < increase the area of notification to 800 meters for pre-blast surveys
- < consider including environmental assessments
- < a clause be included that blasting be prohibited within a specified distance of schools and hospitals or only with a specified protocol

In response to a question from Councillor Mosher as to what would be considered a significant violation to allow for a stop work order, Mr. Dunphy indicated that the company has not exhibited the ongoing negligence which would warrant a stop work order.

Councillor Goucher reiterated his request for a vehicle that would provide a focused access for communication between the contractor and residents.

Councillor Adams addressed the matter noting that he, and Councillor Mosher, disagreed that there was insufficient evidence of violation to warrant a stop work order and **MOVED, seconded by Councillor Mosher that Council order that the permit be revoked as of Wednesday, October 2, 2002.**

Mr. Anstey indicated, that in his opinion, Council did not have the authority to revoke a permit. That authority lies with the Inspector and not with Council.

The Mayor declared the motion to be out of order and noted that staff would be bringing a report to Council in early November.

#### **9.2.4 Councillor Colwell - Community Facility Management Agreements**

Councillor Colwell commended the organizations managing facilities under the Community Facility Management Agreements. He noted, however, that he had some concerns with regard to access to the buildings by the public and information regarding the use being made of the buildings. Councillor Colwell went on to suggest that a small committee be established to work with staff to more clearly define the agreements to address these and other minor concerns. Councillor Colwell noted that this Committee should also consider whether annual meetings of these organizations are held and financial statements provided to the public.

Mr. McLellan addressed the matter indicating that a great deal of progress has been made and that the concept appears to be effective. He indicated that staff would prepare an

information report restating the obligations contained within the management agreements. He further noted that subsequent to Council receiving this report, a small committee of stakeholders would be established to address these and any other concerns which may come to light.

**POINT OF PRIVILEGE**

Councillor Smith rose on a Point of Privilege expressing concern that one of two cameras had not been operational again this evening. He indicated this was unfair to the viewing public and asked that staff contact Eastlink with a view to having the problem resolved

**10. MOTIONS - NONE**

**11. ADDED ITEMS**

**11.1 Halifax Harbour Solutions**

**MOVED by Councillor Blumenthal, seconded by Councillor Hetherington that Council authorize the Mayor to proceed with the signing of the contract and that staff come back at the earliest Committee of the Whole meeting to discuss funding options. MOTION PUT AND PASSED UNANIMOUSLY.**

**12. NOTICES OF MOTION - NONE**

**13. ADJOURNMENT**

The meeting adjourned at 8:50 p.m.

Ms. Jan Gibson  
Deputy Municipal Clerk