

HALIFAX REGIONAL MUNICIPALITY

**HALIFAX REGIONAL COUNCIL
MINUTES
April 22, 2003**

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Harry McInroy
Councillors: Steve Streach
Keith Colwell
Ron Cooper
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Jerry S. Blumenthal
Dawn M. Sloane
Sue Uteck
Sheila Fougere (6:00 p.m.)
Russell Walker
Diana Whalen
Linda Mosher
Stephen D. Adams
Brad Johns
Robert P. Harvey
Len Goucher
Gary G. Meade
Reg Rankin

REGRETS:

Councillor: Gary Hines

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Deputy Municipal Clerk
Ms. Patti Halliday, Legislative Assistant

Table of Contents

1.	INVOCATION	5
	SPECIAL PRESENTATION - VOLUNTEER RECOGNITION AWARDS	5
2.	APPROVAL OF MINUTES - APRIL 8, 2003	5
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	5
4.	BUSINESS ARISING OUT OF THE MINUTES	6
5.	MOTIONS OF RECONSIDERATION - NONE	6
6.	MOTIONS OF RESCISSION - NONE	6
7.	CONSIDERATION OF DEFERRED BUSINESS - NONE	6
8.	PUBLIC HEARINGS	6
8.1	Case H00100: De-registration and Proposed Subdivision of a Portion of St. John's Anglican Church Property, 954 Old Sackville Road	6
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	6
9.1	Correspondence - None	6
9.2	Petitions	6
9.2.1	Councillor Sloane - Parking, Argyle Street (Sackville to Blowers ..	15
9.2.2	Councillor Sarto - Flooding, Wanda Lane and Christopher Avenue	15
9.3	Presentation	6
9.3.1	Case 00415: Amendment to the Municipal Planning Strategy for Dartmouth (Wright's Cove Area)	6
	(i) Mr. Guy Eastabrook	7
	(ii) Mr. Mike Webber	7
10.	REPORTS	7
10.1	CHEBUCTO COMMUNITY COUNCIL	7
10.1.1	Case 00435: Request to Amend the Halifax Municipal Planning Strategy and Land Use By-Law for 7, 9, 11 and 13 Springvale Avenue	7

10.2	PENINSULA COMMUNITY COUNCIL	7
10.2.1	Case 00451 - Application by M.C.J. Restaurant Ltd. to amend the Halifax Municipal Planning Strategy and Land Use By-Law - 5576 Fenwick Street, Halifax	7
10.2.2	Case 00540 - Municipal Planning Strategy and Land Use By-Law Amendment - Corner of Chester Avenue and Connolly Street, Halifax	7
10.2.3	Case 00461: Amendments to the Halifax Municipal Planning Strategy and Land Use By-Law - 1270 Oxford Street, Halifax	8
10.3	HARBOUR EAST COMMUNITY COUNCIL	8
10.3.1	Case 00415: Amendment to the Municipal Planning Strategy for Dartmouth (Wright's Cove Area)	8
10.4	CHIEF ADMINISTRATIVE OFFICER	8
10.4.1	Tender 03-050 & 03-049, Pavement Markings	8
10.4.2	Award of Unit Price Tender for Traffic Paint - Joint Tender with Province of Nova Scotia #60113518	9
10.4.3	Tender #03-015 - Lake Safety Patrol and Lifeguard Service for the Waters of Lake MicMac and Lake Banook	9
10.4.4	Tender 03-037 - Halifax Central Commons Tennis Court Lighting	10
10.4.5	Request for Proposal #02-327 - Animal Control Services	10
10.4.6	Amendment to HRM Pension Plan Benefits & Update on Request for Changes to the Nova Scotia Pension Benefits Act	10
10.4.7	Increase to Capital Project CBA00627 - Halifax Family Court Building	11
10.4.8	Railway Crossing Gates - Princess Margaret Boulevard	11
10.4.9	LIS Corporate Project	11
10.4.10	Regional Planning Overview	11
11.	MOTIONS	11
12.	ADDED ITEMS	11
12.1	Councillor Blumenthal - Letter of Support for Sanja Pecelj	12
12.2	Councillor Adams - Request for clarification re: Smoke Free Restaurants	12
12.3	Councillor Mosher - Request for staff report re: Malfunctioning Parking Meters	13
12.4	Property Matter - Lot 1190, Williams Avenue Extension: Phase 11-2 Expansion of Burnside Park	13
12.5	Legal Matter - In Camera Confidentiality	14

13. NOTICES OF MOTION 18
 13.1 Councillor Adams - By-Law S-204 18

14. ADJOURNMENT 19

1. INVOCATION

Mayor Kelly called the meeting to order at 4:30 p.m. with the Invocation being led by Councillor Harvey.

SPECIAL PRESENTATION - VOLUNTEER RECOGNITION AWARDS

Later in the meeting, with the assistance of their respective Councillors, Mayor Kelly presented the 2003 Volunteer Recognition Awards to the following recipients:

Denise Atkinson (Councillor Sarto)
Judy Bellefontaine (Councillor Colwell)
Michael Burke (Councillor Fougere)
Claire Castle (Councillor Streach)
Reginald Clarke (Councillor Mosher)
Patricia DeYoung (Deputy Mayor McInroy)
Sandra MacLennan (Councillor Whalen)
Ian Robinson (Councillor Goucher)
Dr. Carol Smillie (accepted by her daughter) (Councillor Uteck)
Doug Stout (Councillor Meade)

On behalf of Council, Mayor Kelly expressed thanks and appreciation to all the recipients for their volunteer work.

2. APPROVAL OF MINUTES - APRIL 8, 2003

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the minutes of April 8, 2003 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

- 12.1 Councillor Blumenthal - Letter of Support for Sanja Pecelj
- 12.2 Councillor Adams - Request for clarification re: Smoke Free Restaurants
- 12.3 Councillor Mosher - Request for staff report re: Malfunctioning Parking Meters

The following items were deleted from the agenda:

- 10.4.5 Request for Proposal 02-327 - Animal Control Contract
- 10.4.9 LIS Corporate Project (staff presentation)
- 10.4.10 Regional Planning Overview (staff presentation)

As she had to leave early for a community meeting, Councillor Mosher requested that Item 12.3 Councillor Mosher - Request for staff report re: Malfunctioning Parking Meters be moved up to the afternoon session.

Councillor Smith requested that Item 10.3.1 Case 00415: Amendment to the Municipal Planning Strategy for Dartmouth (Wright's Cove Area) be moved up to follow Presentations.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the Order of Business and Additions and Deletions be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC HEARINGS

8.1 Case H00100: De-registration and Proposed Subdivision of a Portion of St. John's Anglican Church Property, 954 Old Sackville Road

This item was addressed later in the meeting.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

This item was addressed later in the meeting.

9.3 Presentation

9.3.1 Case 00415: Amendment to the Municipal Planning Strategy for Dartmouth

(Wright's Cove Area)

- (i) Mr. Guy Eastabrook
- (ii) Mr. Mike Webber

This item was addressed later in the meeting.

10. REPORTS

10.1 CHEBUCTO COMMUNITY COUNCIL

10.1.1 Case 00435: Request to Amend the Halifax Municipal Planning Strategy and Land Use By-Law for 7, 9, 11 and 13 Springvale Avenue

C A report from the Chebucto Community Council, regarding the above, was before Council for its consideration.

MOVED by Councillor Mosher seconded by Councillor Whalen, that Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-Law, presented as Attachment IV to the staff report dated April 8, 2003, and schedule a joint public hearing with Chebucto Community Council for May 20, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 PENINSULA COMMUNITY COUNCIL

10.2.1 Case 00451 - Application by M.C.J. Restaurant Ltd. to amend the Halifax Municipal Planning Strategy and Land Use By-Law - 5576 Fenwick Street, Halifax

C A report from the Peninsula Community Council, regarding the above, was before Council for its consideration.

C Correspondence from Louis Bernard, dated April 21, 2003, regarding the above, was circulated to Council.

MOVED by Councillor Uteck, seconded by Councillor Hetherington, that Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-Law as contained in Attachment "B" of the staff report dated April 2, 2003 and schedule a Public Hearing for May 13, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.2 Case 00540 - Municipal Planning Strategy and Land Use By-Law Amendment

- Corner of Chester Avenue and Connolly Street, Halifax

- C A report from the Peninsula Community Council, regarding the above, was before Council for its consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-Law as contained in Attachment "A" of the April 2, 2003 staff report and schedule a Public Hearing for May 20, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.3 Case 00461: Amendments to the Halifax Municipal Planning Strategy and Land Use By-Law - 1270 Oxford Street, Halifax

- C A report from the Peninsula Community Council, regarding the above, was before Council for its consideration.

MOVED by Councillor Uteck, seconded by Councillor Cunningham, that Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law, presented as Attachment IV of the March 25, 2003 staff report, and schedule a Public Hearing for May 27, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 HARBOUR EAST COMMUNITY COUNCIL

10.3.1 Case 00415: Amendment to the Municipal Planning Strategy for Dartmouth (Wright's Cove Area)

- C A report from the Harbour East Community Council, regarding the above, was before Council for its consideration.

- C Correspondence from Mr. William Lownds, dated April 14, 2003, regarding the above, was circulated to Council.

This item was addressed later in the meeting.

10.4 CHIEF ADMINISTRATIVE OFFICER

10.4.1 Tender 03-050 & 03-049, Pavement Markings

- C A staff report prepared for Dan English, Acting Chief Administrative Officer,

regarding the above, was before Council for its consideration.

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

1. **Council authorize the award of Tender #03-050 Pavement Markings, West Region to the lowest bidder meeting specifications, Provincial Pavement Markings at a cost of \$69,650.00 plus net HST for a total project cost of \$74,127.80 from account number R748-6399, with funding outlined in the Budget Implications Section of the staff report dated April 11, 2003.**
2. **Council authorize the award of Tender #03-049 Pavement Markings East and Central Regions, to the lowest bidder meeting specifications, Provincial Pavement Markings at a cost of \$62,355.00 plus net HST, for a total project cost of \$66,363.80 from account number R748-6399, with funding outlined in the Budget Implications Section of the staff report dated April 11, 2003.**

Mayor Kelly requested that the Chief Administrative Officer ensure that any errors in pavement markings be removed as part of the contract.

MOTION PUT AND PASSED UNANIMOUSLY.

10.4.2 Award of Unit Price Tender for Traffic Paint - Joint Tender with Province of Nova Scotia #60113518

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

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Regional Council award Tender #60113518 for traffic paint to Laurentide Atlantic Ltd. for a tender price of \$71,744.80, plus net HST, for a Total Project Cost of \$76,357.27 from Account Number R748 6517 as per the Budget Implications Section of the staff report dated April 11, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.4.3 Tender #03-015 - Lake Safety Patrol and Lifeguard Service for the Waters of Lake MicMac and Lake Banook

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

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

1. Council authorize the award of Tender #03-015 to MFR Rescue Ltd. at a cost of \$49,915.20 (net HST incl) for lake safety patrol and lifeguard service for the period June 25, 2003 to September 3, 2003 with funding outlined in the Budget Implications Section of the staff report dated April 8, 2003.
2. Council authorize staff to exercise the second year option of the tender at a cost of \$50,979.49 (net HST incl) for the period June 25, 2004 to September 6, 2004. The second year option would be contingent upon an evaluation of the present service and budget allocation. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.4.4 Tender 03-037 - Halifax Central Commons Tennis Court Lighting

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

MOVED by Councillor Sloane, seconded by Councillor Blumenthal, that Council award Tender No. 03-037 to XL Electric Limited for materials and services specified at the lump sum price quoted for a tender price of \$104,600.00 plus net HST, for a total project cost of \$111,324.73 from Capital Account No. CPS00042, Halifax Commons Upgrades and Capital Account No. CPR00327, Sport Court Upgrades, as outlined in the Budget Implications of the staff report dated April 11, 2003.

Councillor Walker noted there are three tennis courts in his District that need to be upgraded, and he questioned money being taken out of court upgrades for lighting. The Councillor inquired if this is the best use of the money. Mr. McLellan stated he would have staff contact the Councillor directly to clarify this matter.

MOTION PUT AND PASSED UNANIMOUSLY.

10.4.5 Request for Proposal #02-327 - Animal Control Services

During Approval of the Order of Business, this item was deleted from the agenda.

10.4.6 Amendment to HRM Pension Plan Benefits & Update on Request for Changes to the Nova Scotia Pension Benefits Act

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

MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that

Amendment 2002-03 to the Halifax Regional Municipality Pension Plan to change the termination benefit under the Halifax Regional Municipality Pension Plan be formally approved. MOTION PUT AND PASSED.

10.4.7 Increase to Capital Project CBA00627 - Halifax Family Court Building

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

MOVED by Councillor Blumenthal, seconded by Councillor Goucher, that Council approve an increase to the Capital Budget Account CBA00627, Family Court Leaseholds, in the amount of \$98,000 for additional Tenant Leasehold Improvements at the subject property at no net cost to the Municipality as outlined in the staff report dated April 14, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.4.8 Railway Crossing Gates - Princess Margaret Boulevard

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

MOVED by Councillor Smith, seconded by Councillor Hetherington, that Council authorize the Mayor and Municipal Clerk to sign the agreement with CN (attached to the staff report dated April 15, 2003) to fund \$16,250.00 or 12.5% of the \$130,000 cost of upgrading the CN rail crossing on Princess Margaret Boulevard with funding authorized from Account No. CTR00905 as per the Budget Implications Section of the staff report dated April 15, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.4.9 LIS Corporate Project

C Copies of the LIS Corporate Project Land Management Module presentation were provided to members of Council.

During Approval of the Order of Business, this item was deleted from the agenda.

10.4.10 Regional Planning Overview

C Copies of the Regional Planning Presentation and Position Paper Summaries were provided to Council.

During Approval of the Order of Business, this item was deleted from the agenda.

11. MOTIONS

12. ADDED ITEMS

As agreed to during Approval of the Order of Business, Council addressed Item 12.3 Councillor Mosher - Request for staff report re: Malfunctioning Parking Meters at this time.

12.3 Councillor Mosher - Request for staff report re: Malfunctioning Parking Meters

Councillor Mosher requested a staff report regarding the on-going problem of malfunctioning parking meters, particularly in the downtown area. The Councillor asked that the report address policies regarding the timeliness of meter repair, how long it should take for a meter to be fixed, equipment required and provided to make repairs, and what is the policy with respect to parking tickets and malfunctioning meters.

Councillor Warshick requested that the report also address the possibility of having parking meter heads reversed to provide easier access during the months when winter parking makes it difficult to reach the meters.

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

12.1 Councillor Blumenthal - Letter of Support for Sanja Pecelj

Councillor Blumenthal requested that this matter be deferred for two weeks.

12.2 Councillor Adams - Request for clarification re: Smoke Free Restaurants

Councillor Adams requested a staff report clarifying the issue of serving food with respect to the By-Law. Councillor Adams requested information from Planning and Development Services regarding the practicality of the By-Law with regard to smoking in restaurants and lounges, smoking on patios, and the costs associated to the municipality. The Councillor stated he would like the report to address whether or not HRM can enforce the by-law and what will be the ramifications.

MOVED by Councillor Adams, seconded by Councillor Hetherington, that this matter be referred to staff for a report.

Councillor Uteck expressed concern with the effect enforcement will have on the budget and requested information as to what will come out of the budget in the double-entry system to

cover enforcement of this by-law. The Councillor also inquired about legions and if they will be allowed to have affiliation memberships with some of the private clubs, thus creating a loophole in the by-law. Councillor Uteck also inquired if the By-Law, as written, could be brought back before Council again in two month's time. She asked that the report also include information regarding time frames for establishments to comply with the by-law. Councillor Uteck also expressed concern with the legal ramifications of possibly creating preferential treatment of one type of establishment over another.

Councillor Mosher asked that the Province be requested to be responsible for enforcement of the legislation prior to 9:00 p.m.

Councillor Rankin inquired if there is sufficient equity in the by-law in terms of perceived or real discrimination in the exemption of legions. The Councillor asked that staff look at what exposure may have been created to possible legal actions as a result of discrimination.

Councillor Sloane requested clarification regarding the casino and what the Province is doing with respect to all municipal by-laws.

MOTION PUT AND PASSED.

12.3 Councillor Mosher - Request for staff report re: Malfunctioning Parking Meters

This matter was addressed earlier in the meeting.

12.4 Property Matter - Lot 1190, Williams Avenue Extension: Phase 11-2 Expansion of Burnside Park

C This matter was addressed during an In Camera Session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Smith, seconded by Councillor Hetherington, that Council approve the key terms and conditions set out in the April 14, 2003 Private and Confidential report necessary to advance the sale of Lot 1190 to the Government of Canada, specifically:

- 1) approve an increase to the 2003/04 Capital budget for Capital Project Burnside Park Phase 11-2 Detailed Design, account number to be assigned, in the amount of \$160,000 including net HST, to be funded from the Business Parks Expansion Reserve Q121, for the design services for Phase 11-2, and the appointment of CBCL Limited to prepare the detailed design**

specifications;

- 2) formal endorsement of the 2004/05 planned capital budget commitment, as described in this report, for the construction and lot servicing costs for Phase 11-2, including the extension of Wright Avenue and the construction of an at grade intersection at Burnside Drive, to be funded from the Business Parks Expansion Reserve Q121;
- 3) approval of the transfer of ownership of Burnside Drive from the Province to the Municipality as a condition of Provincial approval of the proposed Wright Avenue Burnside Drive intersection; and
- 4) that the April 14, 2003 Private and Confidential staff report not be released to the public until the transaction has closed and the Municipality's obligations have been completed. MOTION PUT AND PASSED UNANIMOUSLY.

12.5 Legal Matter - In Camera Confidentiality

- C This matter was addressed during an In Camera Session held prior to the Regular Session and was now before Council for ratification.

MOVED by Hetherington, seconded by Councillor Sarto, that Council petition the Government of Nova Scotia to amend the Municipal Government Act to enable municipalities to both adopt and enforce a Code of Ethics with the Municipal Solicitor being asked to prepare such a Code, encompassing enforcement provisions, for Council's approval. MOTION PUT AND PASSED.

13. NOTICES OF MOTION

This item was addressed later in the meeting.

RECESS

A recess was taken at 5:10 p.m. Council reconvened at 6:00 p.m.

8.1 Case H00100: De-registration and Proposed Subdivision of a Portion of St. John's Anglican Church Property, 954 Old Sackville Road

- C A report from the Heritage Advisory Committee, dated March 12, 2003, regarding

the above, was previously circulated to Council.

Mr. Jim Donovan, Manager, Planning Applications, Planning and Development Services, presented the report to Council.

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

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

COUNCIL DECISION

MOVED by Councillor Harvey, seconded by Councillor Goucher, that Council approve the proposed subdivision and de-registration of a portion of the lands known as 954 Old Sackville Road, Lower Sackville, as shown on Map 1 of the staff report dated February 18, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor Sloane - Parking, Argyle Street (Sackville to Blowers)

Councillor Sloane served a petition from merchants of Argyle/Blowers Street requesting that parking meters be returned to this area. The Councillor requested that the petition be forwarded to staff for a report.

9.2.2 Councillor Sarto - Flooding, Wanda Lane and Christopher Avenue

Councillor Sarto served a petition from residents of Wanda Lane and Christopher Avenue regarding flooding in the area and requesting that HRM take immediate action to rectify the situation. The Councillor asked that the petition be forwarded to staff for a report.

9.3 Presentation

9.3.1 Case 00415: Amendment to the Municipal Planning Strategy for Dartmouth (Wright's Cove Area)

(i) Mr. Guy Eastabrook

Mr. Guy Eastabrook made a presentation to Council regarding the above. Copies of his presentation were provided to Council.

(ii) Mr. Mike Webber

Mr. Mike Webber made a presentation to Council regarding the above. Copies of his presentation were provided to Council.

10.3.1 Case 00415: Amendment to the Municipal Planning Strategy for Dartmouth (Wright's Cove Area)

C A report from the Harbour East Community Council, regarding the above, was before Council for its consideration. The report recommended that the Municipal Planning Strategy for Dartmouth be amended to apply the Holding Zone within the Industrial Designation.

C Correspondence from Mr. William Lownds, dated April 14, 2003, regarding the above, was circulated to Council.

Mr. Kurt Pyle, Planner, presented the report to Council. In his presentation, Mr. Pyle outlined the following six reasons why staff do not support residential re-zoning for this area:

C The area has been identified as a potential industrial centre for Dartmouth since the 1970s. Since that time, considerable commercial and industrial development has occurred in the area.

C The presence of residential zoning could restrict industrial development on adjacent or nearby lands. The Halifax Port Authority has indicated the area has future potential for port activity, and they do not support any residential zoning in the area.

C Residential uses are generally incompatible with commercial and industrial development.

C Neither re-zoning option would provide additional land use protection or control to residents.

C Zoning to residential does not have a direct impact on the sale price of homes or the mortgaging of properties.

C The proposed re-zoning request would increase the demand for municipal services to the area.

Therefore, Mr. Pyle stated staff are recommending that the current zoning and designation remain the same.

MOVED by Councillor Hetherington, seconded by Councillor Goucher, that the process be initiated to amend the Municipal Planning Strategy for Dartmouth to apply

the Holding zone within the Industrial Designation.

Councillor Smith stated he could support the motion with the following amendment:

MOVED by Councillor Smith, seconded by Councillor Sloane, that the motion be amended to allow for consideration of either a Holding Zone or an R-1 zone within the Industrial Designation.

Responding to questions of Councillor Uteck, Mr. Pyle stated issues of compatibility are always present when industrial development is located next to residential development. With respect to a time line for the Port Authority redevelopment of this area, Mr. Pyle stated staff does not have this information. In response to further questions of the Councillor, Mr. Paul Dunphy, Director, Planning and Development Services, stated Council went to great lengths to protect the rights of existing homeowners when the original amendments were made. He stated this motion involves a change in the zoning that would allow more houses to be built, thus increasing the number of people that would be affected by industrial development in the area. Mr. George McLellan, Chief Administrative Officer, added that it was staff's intention to try as best as possible to preserve the rights of the existing homeowners, but not to encourage a proliferation and that is the concern of residential zoning.

Speaking in support of the motion, Councillor Goucher stated the Bedford area on the west side of Highway 102 is living proof that a holding zone does work. He noted the only restriction is once the holding zone is created, it becomes a residential development area. The Councillor suggested one way to control this is to require a minimum lot size (ie. 5 acres) for any new development.

Responding to a question of Councillor Streach, Mr. Pyle stated the current zoning provides the same level of protection to the existing properties as applying R-1 or H. Mr. Dunphy added that the existing homes cannot be given any more rights than they currently have no matter what the zoning is. He stated the question is if Council wants them to be able to subdivide and create more houses. If the answer is yes, staff will draft the proper amendments and advertise. If the answer is no, staff will draft amendments to prevent that.

Councillor Smith requested that, if there is written documentation that states the present zoning does not affect the property owner's ability to obtain a mortgage, this information be provided to Council.

Speaking against the amendment, Councillor Hetherington inquired how many public meetings were held on this issue. In response, Mr. Pyle stated there were at least two public information meetings plus a public hearing, and the residents have been clear that they want

R-1 zoning.

Closing the debate, Councillor Smith stated allowing the process to move forward will provide answers to the questions being raised, such as how many properties in that area are large enough to subdivide, what effect does zoning have on mortgages, assessments, etc. The Councillor stated the residents are looking for site specific re-zoning, not expansion of homes, and not additional houses on vacant lots.

In response to a question of Councillor Blumenthal, Mr. Dunphy stated his experience is that zoning is irrelevant with respect to mortgages as location determines the value more than zoning. With respect to assessment, Mr. Dunphy stated zoning is not considered as it is based on market value.

The vote was then taken on the amendment.

MOTION PUT AND DEFEATED.

Members of Council voting **in favour** of the amendment: Mayor Kelly, Councillors: Warshick, Smith, Sloane, Walker, Whalen, Adams and Goucher.

Members of Council voting **against** the amendment: Deputy Mayor McInroy, Councillors: Streach, Colwell, Cooper, Sarto, Hetherington, Cunningham, Blumenthal, Uteck, Fougere, Johns, Harvey, Rankin and Meade.

(Councillors Hines and Mosher were absent.)

The vote was then taken on the main motion.

MOTION PUT AND PASSED.

Members of Council voting **in favour** of the motion: Mayor Kelly, Councillors: Cooper, Warshick, Sarto (vote casted verbally due to technical problem), Smith, Cunningham, Sloane, Uteck, Walker, Whalen, Johns and Goucher.

Members of Council voting **against** the motion: Deputy Mayor McInroy, Councillors: Streach, Colwell, Hetherington, Blumenthal, Fougere, Adams, Harvey, Rankin and Meade.

(Councillors Hines and Mosher were absent.)

At this time Councillor Hetherington served a **Notice of Motion of Reconsideration** for this matter, seconded by Councillor Blumenthal.

13. NOTICES OF MOTION

13.1 Councillor Adams - By-Law S-204

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 6th day of May 2003, I propose to move First Reading of By-law S-204, the purpose of which is to amend the Smoke Free Places By-law to

(1) Repeal Clause (g) of Section 2 of the said By-law and substitute the following therefor:

(g) "restaurant" means an establishment engaged in the sale and service of food to the public for consumption on the premises, and includes an Eating Establishment licensed under the Liquor Control Act, but does not include a sidewalk café, a sidewalk or other outdoor patio associated with the restaurant;

(2) add Section 3AA as follows:

3AA Notwithstanding Clauses (a) of subsection (1) of Section 3, smoking is permitted in that area of a restaurant

(a) that is separately enclosed and ventilated in accordance with the standards prescribed for smoking areas by the regulations adopted pursuant to the Smoke-free Places Act, Acts, N. S. 2022, C. 12, from any part of the restaurant in which smoking is prohibited;

(b) that does not exceed twenty-five percent of the total indoor eating area of the restaurant; and

(c) that no person under the age of nineteen years is permitted to enter or be in.

(3) Amend Section 8 of the By-law to read:

8. Sections 3A and 3AA of this By-law shall have no effect on and after the 1st day of January 2008.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 7:55 p.m.

Jan Gibson

Deputy Municipal Clerk