

HALIFAX REGIONAL MUNICIPALITY

**HALIFAX REGIONAL COUNCIL
MINUTES
November 18, 2003**

PRESENT:

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

**ABSENT WITH
REGRETS:**

Councillor Bruce Hetherington

STAFF:

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

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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 Harvey.

ACKNOWLEDGEMENTS

Later in the meeting, the presence of the following people in the gallery was acknowledged: Mr. Gary Hines, MLA, Waverley-Fall River-Beaver Bank, and Councillors Elect: Krista Snow, David Hendsbee and Debbie Hum.

2. **APPROVAL OF MINUTES - October 28, 2003**

MOVED by Councillor Blumenthal, seconded by Councillor Harvey, that the minutes of October 28, 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 - Street Sweeping/Sidewalk Block Replacement
- 12.2 Councillor and Citizens Appointments to Boards and Committees
- 12.3 Property Matter - Harbour Solutions Project - Acquisition of Cooke Property
- 12.4 Contractual Matter - Heritage Gas -Interim Municipal Operating Access Agreement

Information Item - Preliminary Financial Impact - Hurricane Juan

MOVED by Councillor Mosher, seconded by Councillor Uteck, that Item 10.4.1 (i) Enforcement Policy for Part 1 of By-Law S-300, Removal of Snow and Ice from Sidewalks, be referred to a future Committee of the Whole meeting dealing with other snow issues. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Mosher requested that the Mayor send a letter of thanks to Mr. Paul Grimm, Springvale Nursery, and H. B. Morrison Sons Trucking Ltd. for their donation of trees to assist with the restoration following Hurricane Juan.

Councillor Warshick requesting that a letter of support be sent to the Saint Mary's University

Huskies prior to their participation in the Vanier Cup on Saturday.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that the Order of Business, 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 00479: Eastern Passage/Cow Bay Recreation Centre (former Tallahassee School)

C The proposed amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law passed First Reading on October 21, 2003 and were now before Council for Second Reading.

C A report from the Harbour East Community Council, dated October 16, 2003, was previously circulated to Council.

With the aid of overheads, Mr. John MacPherson, Planner, presented the staff report to Council.

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

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

COUNCIL DECISION

MOVED by Councillor McInroy, seconded by Councillor Smith, that Regional Council

give **Second Reading to amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law provided in Attachment V of the staff report dated August 25, 2003. MOTION PUT AND PASSED UNANIMOUSLY.**

8.2 By-Law B-600, Respecting Blasting

- C By-Law B-600, Respecting Blasting, passed First Reading on October 21, 2003, and was now before Council for Second Reading.
- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, dated September 16, 2003, was previously circulated to Council.
- C Correspondence from Richard P. Gagne, dated November 17, 2003, regarding the proposed By-Law, was circulated to Council.

With the aid of PowerPoint, Mr. Peter Duncan, Manager, Development Engineering, presented the staff report to Council and responded to questions of clarification. Copies of his presentation were provided to Council.

With respect to the community based notification program, Councillor Warshick requested that the name of the professional engineer, as well as a contact phone number at the blast site, be included in the notification. In response, Mr. Duncan noted this was an oversight in the document, but it would be part of the notification process.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the proposed by-law.

Ms. Patricia Manuel, 19 Forward Avenue, Halifax

Ms. Manuel addressed Council regarding the proposed By-Law, making the following points:

- C The By-Law should contain a measure of protection for properties in the blast area or sharing a boundary with it.
- C Blasting should not be permitted within a specified distance from a permanent dwelling.
- C What constitutes acceptable dust control systems?
- C How long does it take to issue a stop work order, how long does it remain in effect and what are the negotiating principles with the blaster to continue the operation within the

community?

In response to Ms. Manuel's questions, Mr. Duncan made the following points:

- C Homes adjacent to the blasting area would receive the blast monitoring.
- C By using the scaled distance method, separation distance is taken into consideration.
- C With regard to dust control, a vacuum assisted system is used.
- C Stop work orders can be issued immediately and they can be in place for an indefinite period of time. In theory, stop work orders would not be lifted in a short period of time (ie. one hour).

Mr. Alan Hayman, Nova Scotia Road Builders Association

Mr. Hayman spoke in support of the proposed by-law, but suggested the following two amendments:

- C **Add:** "Section 9 (4) Notwithstanding subsection (l) a pre-blast survey shall not be required before a Blasting Permit is issued in the event the property owner cannot be contacted or refuses entry to the structure."
- C **Delete and substitute:** 20 (b) to be deleted with the following substitution: "a statutory declaration confirming a pre-blast survey has been completed on all structures within a Scaled Distance is submitted and approved by the Inspector."

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

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

COUNCIL DECISION

(Councillors Rankin and Johns left the meeting at 7:00 pm.)

Mr. Wayne Anstey, Municipal Solicitor, advised Council that the two amendments proposed by Mr. Hayman would not be substantive amendments as they deal with procedural issues.

MOVED by Councillor Mosher, seconded by Councillor Goucher, that Regional Council give Second Reading to By-Law B-600, Respecting Blasting and amend Administrative Order Number 15 by adopting fees as outlined in Attachment 2 of the staff report dated September 16, 2003.

MOVED by Councillor Mosher, seconded by Councillor Goucher, that the By-Law be amended by deleting Section 5 (4) regarding Hours of Blasting.

Councillors speaking in support of the amendment made the following points:

- C Current hours of blasting are sufficient and should not be expanded to weekends.
- C The residents are only asking for peace and quiet on weekends.
- C Enforcement of blasting regulations on the weekends would be an issue.

Councillors speaking against the amendment made the following points:

- C This amendment could be considered substantive and another public hearing may be required.
- C It is logical to provide an opportunity for weekend blasting if it becomes necessary.
- C To preclude blasting companies from doing their job on a particular day would be wrong in this case.

In response to concerns expressed that the amendment was substantive, Mr. Anstey advised Council that he did not believe it was and Council could address it without holding another public hearing.

Mr. Anstey noted that under the present By-Law, the Inspector can issue a permit to allow blasting on the weekends. Under the proposed By-Law, only Council can authorize the issuance of the permit. Regardless of the distance, it has to come to Council to be approved, similar to the provision in the Noise By-Law. The total control will be in Council's hands. Mr. Paul Dunphy, Director, Planning and Development Services, added there is no obligation on Council to approve any blasting. It will be at Council's discretion based on public interest.

Responding to a question of Councillor Fougere, Mr. Anstey stated exemptions would only be related to the hours of blasting. If a contractor was permitted to blast on a weekend, they would be subject to the same distance restrictions as they would on any other day of the week. However, it would be up to Council to determine whether or not the blasting would be permitted. The 850 metre distance restriction was in the current by-law because it was not

Council making the decision, it was the Inspector.

Following a further discussion, the vote was then taken on the amendment.

MOTION PUT AND DEFEATED. (Councillors Hetherington, Johns and Rankin were absent.)

Members of Council voting **in favour** of the amendment: Councillors: Fougere, Walker, Mosher, Adams and Goucher.

Members of Council voting **against** the amendment: Mayor Kelly, Deputy Mayor Streach, Councillors: Cooper, McInroy, Warshick, Sarto, Smith, Cunningham, Blumenthal, Sloane, Uteck, Harvey and Meade.

MOVED by Councillor Cooper, seconded by Councillor McInroy, that the By-Law be amended by adding Section 9(4) - Notwithstanding subsection (I) a pre-blast survey shall not be required before a Blasting Permit is issued in the event the property owner cannot be contacted or refuses entry to the structure.

A discussion ensued regarding the time frame for the contact to be made, and the following amendment was put on the floor:

MOVED by Councillor Uteck, seconded by Councillor Sloane, that the amendment be amended to add the phrase “within 30 days” after the word “contacted.”

Following a brief discussion, the vote was taken on the amendment to the amendment.

MOTION PUT AND DEFEATED. (Councillors Hetherington, Johns and Rankin were absent.)

Members of Council voting **in favour** of the amendment to the amendment: Mayor Kelly, Councillors: Sloane, Uteck, Fougere, Walker, Mosher, Adams, Harvey and Goucher.

Members of Council voting **against** the amendment to the amendment: Deputy Mayor Streach, Councillors: Cooper, McInroy, Warshick, Sarto, Smith, Cunningham, Blumenthal and Meade.

At this time, Councillor Smith proposed an alternate time frame.

MOVED by Councillor Smith, that the amendment be amended to add the phrase

“within 14 days” after the word “contacted.”

However, there was **no seconder**.

MOTION LOST.

The vote was now taken on the amendment on the floor which read as follows:

MOVED by Councillor Cooper, seconded by Councillor McInroy, that the By-Law be amended by adding Section 9(4) - Notwithstanding subsection (1) a pre-blast survey shall not be required before a Blasting Permit is issued in the event the property owner cannot be contacted or refuses entry to the structure.

MOTION PUT AND PASSED. (Councillors Hetherington, Johns and Rankin were absent.)

Members of Council voting **in favour** of the amendment: Deputy Mayor Streach, Councillors: Cooper, McInroy, Warshick, Sarto, Cunningham, Blumenthal, Mosher, Adams, Harvey, Goucher and Meade.

Members of Council voting **against** the amendment: Mayor Kelly, Councillors: Smith, Sloane, Uteck, Fougere and Walker.

Following a brief discussion regarding Particle Velocity and Air Blast limits, Councillor Cooper proposed a further amendment:

MOVED by Councillor Cooper, seconded by Councillor Walker, that the By-Law be amended by deleting Section 8 (2) Explosive Charge.

MOTION PUT AND DEFEATED. (Councillors Hetherington, Johns and Rankin were absent.)

Members of Council voting **in favour** of the amendment: Mayor Kelly, Councillors: Cooper, McInroy, Fougere, Walker, Mosher, Adams and Goucher.

Members of Council voting **against** the amendment: Deputy Mayor Streach, Councillors: Warshick, Sarto, Smith, Cunningham, Blumenthal, Sloane, Uteck, Harvey and Meade.

With respect to monitoring, Councillor Goucher put forth the following amendment:

MOVED by Councillor Goucher, seconded by Councillor Walker, that the motion be amended to state that HRM conduct all blast monitoring.

Mr. Dunphy stated the blaster is responsible for public safety. If HRM were to take over the blast monitoring, it would be a significant responsibility and liability. He noted HRM would also be lobbied by the industry with respect to service standards for what they would now be paying. Therefore, he stated staff is not in favour of the approach of the amendment.

Further discussion on the amendment ensued and staff clarified that HRM receives the blast monitoring reports directly from the monitoring company. Mr. Dunphy noted there have been occasions when there have been reports of violations and HRM had not received the report as the monitoring company had not yet sent them. He stated it is an issue of timeliness and suggested staff could work with the industry to have the reports submitted as soon as possible.

Based on this information, the Mover and Seconder agreed to withdraw the amendment.

AMENDMENT WITHDRAWN.

RECESS

A recess was taken at 8:20 p.m. The meeting reconvened at 8:40 p.m.

MOVED by Councillor Sloane, seconded by Councillor Cooper, that Section 3(m) be amended to read “ ‘Qualified Monitor’ means a qualified person of a third party” and Section 3(m) (i) be amended to also include a “certified engineering technician.”

Mr. Duncan explained the reasoning for the definition stating staff would not recommend adding another professional to the definition.

MOTION PUT AND DEFEATED. (Councillors Hetherington, Johns and Rankin were absent.)

Members of Council voting **in favour** of the amendment: Mayor Kelly, Deputy Mayor Streach, Councillors: Cooper, Sarto, Smith and Sloane.

Members of Council voting **against** the amendment: Councillors: McInroy, Warshick, Cunningham, Blumenthal, Uteck, Fougere, Walker, Mosher, Adams, Harvey, Goucher and Meade.

MOVED by Councillor Cunningham, seconded by Deputy Mayor Streach, that Section 20 (b) be deleted and substituted with the following “a statutory declaration confirming a pre-blast survey has been completed on all structures within a Scaled Distance is submitted and approved by the Inspector.”

In response to a question of Councillor Mosher, Mr. Duncan stated staff would like to have evidence that a pre-blast survey has been carried out. In theory, he stated he could support the amendment if the statutory declaration was worded to give the required information by listing which homes were surveyed.

Councillor Cooper stated he could support the amendment if it included a provision to ensure records are kept for a standard length of time by the company conducting the pre-blast survey.

In response to a question of the Councillor, Mr. Duncan stated records are typically kept for a period of ten years. At the request of Councillor Cooper, the Mover and Seconder agreed to add the phrase “that records be kept for a minimum of 10 years” to the amendment.

The amendment now read as follows:

MOVED by Councillor Cunningham, seconded by Deputy Mayor Streach, that Section 20 (b) be deleted and substituted with the following “a statutory declaration confirming a pre-blast survey has been completed on all structures within a Scaled Distance is submitted and approved by the Inspector and that the records be kept for a minimum of 10 years.

Councillor Smith requested that the amendment be amended by adding “, listing the structure” after the phrase “Scaled Distance.” The Mover and Seconder agreed to add this amendment.

The amendment now read as follows:

MOVED by Councillor Cunningham, seconded by Deputy Mayor Streach, that Section 20 (b) be deleted and substituted with the following “a statutory declaration confirming a pre-blast survey has been completed on all structures within a Scaled Distance, listing the structure, is submitted and approved by the Inspector and that the records be kept for a minimum of 10 years. MOTION PUT AND PASSED. (Councillors Hetherington, Johns and Rankin were absent.)

Members of Council voting **in favour** of the amendment: Deputy Mayor Streach, Councillors:

Cooper, McInroy, Warshick, Sarto, Smith, Cunningham, Blumenthal, Sloane, Fougere, Uteck, Walker, Harvey and Meade.

Members of Council voting **against** the amendment: Mayor Kelly, Councillors: Mosher, Adams and Goucher.

(Councillor Fougere advised Council her vote did not register and indicated that she voted in the affirmative.)

Councillor Mosher expressed thanks to staff for their work on this by-law. Mr. McLellan echoed the Councillor's comments.

The vote was then taken on the main motion, as amended, which read as follows:

MOVED by Councillor Mosher, seconded by Councillor Goucher, that Regional Council give Second Reading to By-Law B-600, Respecting Blasting with the following amendments:

1) adding Section 9(4) - Notwithstanding subsection (l) a pre-blast survey shall not be required before a Blasting Permit is issued in the event the property owner cannot be contacted or refuses entry to the structure.

2) deleting Section 20 (b) and substituting it with the following "a statutory declaration confirming a pre-blast survey has been completed on all structures within a Scaled Distance, listing the structure, is submitted and approved by the Inspector and that the records be kept for a minimum of 10 years.

Further, that Council amend Administrative Order Number 15 by adopting fees as outlined in Attachment 2 of the staff report dated September 16, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Encroachment - Prince Street Utility Tunnel

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

MOVED by Councillor Sloane, seconded by Councillor Warshick, that Halifax Regional Council approve the Encroachment Agreement attached to the staff report dated October 31, 2003, to allow the Province of Nova Scotia to install a utility tunnel under Prince Street between the Johnston Building (1672 Granville Street) and One Government Plan (1700 Granville Street). MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Appeal of Site Plan Approval - 4185 Old Guysborough Road, Antrim

C A staff report prepared for Sean Audas, Development Officer, regarding the above, was before Council for its consideration.

CONFLICT OF INTEREST

Councillor McInroy declared a **Conflict of Interest** due to a family member having some legal involvement in the matter.

Deputy Mayor Streach declared a **Conflict of Interest** due to a family connection with this matter.

With the use of overheads, Mr. Sean Audas, Development Officer, presented the staff report to Council and responded to questions of clarification of Council.

Mayor Kelly called for any members of the public living within 30m of the property wishing to speak either in favour of or against the appeal.

Mr. Steven Graham, Boutilier's Lane, Dartmouth

Representing property owners Margaret Oakes, Pauline Silmarie, Marion, Silmarie and George MacDonald, Mr. Graham addressed Council stating the re-zoning was approved with no contact with the owners of the abutting property. He stated the first notification they

received was a letter from Mr. Audas dated September 26, 2003 regarding the development permit application. Mr. Graham expressed concern with the notification process for those most seriously affected by HRM's decisions.

Mr. Graham stated the most critical concern is with the access road to the facility, noting construction on the existing road has already commenced without the appropriate permits. He further stated that the main entrance is not proportionately spaced between two of the adjoining properties posing a significantly higher possibility of accidents and impact to traffic flow. He suggested the access road should be moved directly across from the Antrim Road.

Mr. Graham also suggested there are alternative sites, closer to where the material is generated, where this facility could be located.

Mayor Kelly called three times for further speakers. No one came forward.

MOVED by Councillor Smith, seconded by Councillor Goucher, that Regional Council uphold the Development Officer's decision to grant site plan approval for a C&D disposal operation at 4185 Old Guysborough, Antrim.

In response to a question of Councillor Blumenthal regarding notification, Mr. Kurt Pyle, Planner, advised Council that notifications were sent to all properties within 1000m of the site for the community public information meeting, the approval of the general amendments for the C&D strategy and for the site specific application.

Responding to a question of Councillor Sloane regarding the possibility of relocating the road, Mr. Pyle noted there is a watercourse on the site which may be significantly impacted if the road was moved. Councillor Goucher noted the Nova Scotia Department of Transportation is also involved in this matter, and HRM is not in a position to change the location. Mr. Pyle added that the DOT has indicated that the proposed site is acceptable and they have not indicated that driveway access can be located on a different location on the property.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal, that Council request that a new driveway location be referred to staff for a supplementary report.

Mr. Dunphy advised Council that there is an issue of timeliness and urgency with this matter.

MOTION DEFEATED.

The vote was then taken on the main motion.

MOTION PUT AND PASSED.

10.1.3 First Reading - By-Law S-413, An Amendment to By-Law S-400, Respecting Local Improvement Charges, New Paving Projects Outside the Core - 2002

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

MOVED by Councillor Meade, seconded by Councillor Adams, that Council give First Reading to By-Law S-413 Respecting Charges for Street Improvements, on Capital Account No. CXR00483, New Paving Projects Outside the Core Area. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 First Reading - By-Law T-211, An Amendment to By-Law T-201, Respecting Tax Exemptions for Non Profit Organizations

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

MOVED by Councillor Walker, seconded by Councillor Blumenthal, that Regional Council give First Reading to By-Law T-211, an Amendment to By-Law T-201 Respecting Tax Exemptions for Non-Profit Organizations and schedule a Public Hearing date of December 9, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 PENINSULA COMMUNITY COUNCIL

10.2.1 Case 00564: Municipal Planning Strategy and Land Use By-Law Amendments for South Lawn, Church of All Saints at University Avenue and Tower Road

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

MOVED by Councillor Sloane, seconded by Councillor Sarto, that Regional Council give First Reading to the proposed amendments to Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law as contained in Attachment "A"

of the November 3, 2003 staff report including the minor amendments outlined in the November 7, 2003 memorandum and schedule a Public Hearing date of December 16, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 HARBOUR EAST COMMUNITY COUNCIL

10.3.1 Case 00554: Request for Expansion of Portland Hills Subdivision in Dartmouth

C A revised report from the Harbour East Community Council regarding the above, was circulated to Council for its consideration.

MOVED by Councillor Sarto, seconded by Councillor Cunningham, that Regional Council give First Reading to the proposed amendments to the Dartmouth Municipal Planning Strategy presented in Attachment 1 of the staff report dated October 24, 2003 and schedule a joint Public Hearing with Harbour East Community Council on December 9, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.4 MEMBERS OF COUNCIL

10.4.1 Councillor Mosher

- i) Enforcement Policy for Part 1 of By-Law S-300, Removal of Snow and Ice from Sidewalks (Information Item #8, November 4, 2003)**

This item was deferred to a future Committee of the Whole meeting to address snow related issues.

- ii) Amendments to the Labour Standards Code - Implications for Harbour Clean Up and HRM's Capital Budget**

Councillor Mosher stated she was seeking clarification of the effects of the amendments on municipal governments and the impacts they will have on HRM's capital budget.

MOVED by Councillor Mosher, seconded by Councillor Adams, that the Mayor send a letter to the Province seeking clarification of the amendments to the Labour Standard Code and how they will affect municipalities, and that Council request a staff report assessing these implications prior to budget discussions.

Mr. McLellan stated one implication would be with respect to the harbour clean up project. He noted the amendments will also supercede the collective agreements and create issues with respect to non-union work groups. They will also affect the upcoming capital budget. As to the extent of the impact, Mr. McLellan stated staff would be pleased to examine the amendments, obtain and analyse clarification from the Province, and report back to Council.

Councillor Smith requested clarification of the motion. Mr. McLellan stated he felt it was appropriate to get clarification from the Province first and factor it into the staff report on what the impacts would be. Councillor Smith stated he had no problem with a staff report on the impacts, but questioned why the Province would be requested to provide the information on the impacts. Mayor Kelly clarified that the intent is for staff to prepare a report on the impacts. However, he requested further clarification from Mr. McLellan as to the direction. Mr. McLellan stated his understanding of the motion was that HRM will write the Province to obtain what clarity they may be able to provide, in addition to what has already been done. He stated staff believe they understand the amendments, but just want to be sure that the Province provides its point of view as to what the implications would be, noting there may be something HRM had not taken into account. Mayor Kelly added that once that information is received, staff will prepare the report. In closing, Councillor Smith stated he believed the motion was an over-reaction.

MOTION PUT AND PASSED.

11. MOTIONS

12. ADDED ITEMS

12.1 Councillor Blumenthal - Street Sweeping/Sidewalk Block Replacement

Councillor Blumenthal requested a staff report to address the following:

- C Has the street sweeping been completed for this year?
- C Repair of sidewalk blocks that were been broken due to Hurricane Juan.
- C Why construction companies are not using audio signals at construction sites for sight impaired pedestrians.

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

12.2 Councillor and Citizens Appointments to Boards and Committees

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

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

- 1. Approve Councillor appointments to Boards/Committees/Commissions as outlined in Attachment 1 of the report dated November 18, 2003.**
- 2. Approve Citizen appointments to Boards/Committees/Commissions as outlined in Attachment 2 of the report dated November 18, 2003.**

Councillor Adams noted the usual process for appointments to boards/committees/commission is that they be discussed In Camera before coming to Council for approval. He requested that the motion be split and amended to refer the citizen appointments to an In Camera session.

Following a brief discussion, it was the general consensus of Council to split and amend the motion.

MOVED by Deputy Mayor Streach, seconded by Councillor Blumenthal, that Regional Council approve Councillor appointments to Boards/Committees/Commissions as outlined in Attachment 1 of the report dated November 18, 2003. MOTION PUT AND PASSED.

MOVED by Councillor Adams, seconded by Councillor Mosher, that Regional refer Citizen appointments to Boards/Committees/Commissions next week's In Camera session. MOTION PUT AND PASSED. (Councillors Hetherington, Johns and Rankin were absent.)

Members of Council voting **in favour** of the motion: Mayor Kelly, Councillors Cooper, McInroy, Smith, Cunningham, Uteck, Fougere, Mosher, Adams and Harvey.

Members of Council voting **against** the motion: Deputy Mayor Streach, Councillors Warshick, Sarto, Blumenthal, Sloane, Walker, Goucher and Meade.

12.3 Property Matter - Harbour Solutions Project - Acquisition of Cooke Property

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

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

1. **Council authorize the Mayor and Municipal Clerk to execute a purchase and sales agreement for Parcel 6B (being a portion of Lot 6 of the Diana Cooke property) Village Road, Herring Cove for the purpose of access to the Hospital Point wastewater treatment plant site incorporating terms as per the offer attached to the November 5, 2003 Private and Confidential report for \$105,000 plus net HST (if applicable), for a total of \$111,751.00, from Account Nos. CSE00386-CSE00399, Pollution Control - Halifax Harbour; Harbour Solutions Project: Miscellaneous. This is exclusive of adjustments, legal fees and closing fees, which will be extra.**
2. **This report not be released to the public. MOTION PUT AND PASSED UNANIMOUSLY.**

12.4 Contractual Matter - Heritage Gas - Interim Municipal Operating Access Agreement

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

MOVED by Councillor Adams, seconded by Councillor Cunningham, that Halifax Regional Council approve the Interim Municipal Operating Access Agreement, attached to the November 12, 2003 Private and Confidential staff report, to allow Heritage Gas Limited to proceed with the initial operation of their natural gas distribution system within Halifax Regional Municipality. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

None.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 9:45 p.m.

Jan Gibson
Deputy Municipal Clerk