

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES SPECIAL SESSION - JULY 8, 1997

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor Jack Greenough
Councillors: Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Larry Uteck
Howard Epstein
Russell Walker
Bill Stone
Ron Hanson
Stephen Adams
Barry Barnet
Bob Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Jane Nauss, Assistant Municipal Clerk

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INVOCATION

Mayor Fitzgerald called the meeting to order with the Invocation.

Councillor Harvey congratulated Mr. Eric MacDonald, Commissionaire, who had been promoted to Master Warrant Officer. Council congratulated Mr. MacDonald through applause.

1. **APPROVAL OF ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

The Municipal Clerk advised of the following additions to the agenda:

- 4.2.5 Request to address Halifax Regional Council - Bruce Klinger, General Manager, Neptune Theatre re: Item 4.2.5 - 1572 Barrington Street - Heritage Agreement to Stabilize Facade
- 4.2.6 Tender - 97-196 - Asphalt Patching - East Region
Tender - 97-195 - Asphalt Patching - Central Region
- 4.2.7 Tender - 97-042 - Metro Transit Operations Clothing
- 4.2.8 Tender - 97-198 - Concrete Sidewalk, Curb & Gutter - East Region
- 4.2.9 Tender - 97-197 - Concrete Sidewalk, Curb & Gutter - Central Region.
- 4.2.10 Tender - 97-354 - Patching of Streets - Central District

Councillor Rankin requested that Council be reminded of the In Camera Meeting as it pertains to the MIRROR contract, scheduled for Thursday, July 10, 1997 - 9:00 a.m. - in Halifax Hall. Council had been previously advised of the meeting on July 8, 1997 through the distribution of a memorandum from Mr. George McLellan, Commissioner, Regional Operations.

MOVED by Councillors Hetherington and Blumenthal to adopt the Order of Business as amended. MOTION PUT AND PASSED UNANIMOUSLY.

2. **PUBLIC HEARINGS**

2.1 **Case 7339 - Lot Modification Development Agreement - 5885 Cunard Street, District 12**

Mr. Gary Porter, Planner, addressed Council and reviewed the proposal before Council noting that the Peninsula Planning Advisory Committee forwarded this proposal to Regional Council without a recommendation as such, therefore Council was to make the final decision.

Mayor Fitzgerald called three times for comments from the public. There were none.

**MOVED by Councillors Hetherington and Downey to close the Public Hearing.
MOTION PUT AND PASSED UNANIMOUSLY.**

DECISION OF COUNCIL

MOVED by Councillors Downey and Sarto that:

- a) **Council approve the lot modification development agreement to permit two additional dwelling units on the ground floor of the existing building at 5885 Cunard Street for a total of 190 dwelling units; and**
- b) **The development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Halifax Regional Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations shall be at an end. MOTION PUT AND PASSED.**

2.2 Case 7393: Appeal of a Refused Minor Variance - 5174 Bishop Street, District 12

Mr. Greg Smith, Development Officer, addressed Council, noting that the Development Officer had refused a minor variance application, pursuant to the Planning Act.

Mr. Wayne Anstey, Municipal Solicitor, stated that Council can support the decision of the Development Officer, or it can make a contrary decision. Should the applicant feel that the municipality has misinterpreted the Act, then the applicant can apply to the courts to have Council's decision set aside.

It was determined that the building was considered heritage property. However, when the application was initially received, there was no Heritage Advisory Committee in place, to review same.

Mayor Fitzgerald called for comments from the public.

MR. DAVID GARRETT, ARCHITECT

Mr. Garrett spoke on behalf of the applicant noting they wished to expand the back porch from 40 sq. ft. to 100 sq. ft. and enclose the area for a sun room. Further, Mr. Garrett stated that support, in writing, has been obtained from three out of four neighbours, and that the fourth individual could not be contacted as they were out of the country.

In response to an enquiry from Councillor Hendsbee, if this situation could set a

precedent, Mr. Garrett advised it could, and that others have expressed an interest in this type of renovation as well.

In response to an enquiry from Councillor Harvey if the Heritage Officer approved of the design, Mr. Dan Norris, Heritage Co-ordinator, advised that his staff would review facades of buildings and not lot coverage, which was behind this particular proposal.

Mayor Fitzgerald called three times for further comments from the public. There were none.

**MOVED by Councillors Hetherington and Downey to close the Public Hearing.
MOTION PUT AND PASSED UNANIMOUSLY.**

DECISION OF COUNCIL

MOVED by Councillors Downey and Cunningham to vote contrary to the recommendation of staff and approve the minor variance.

Councillors Cooper and Hetherington stated they could not support the Motion as it was contrary to the Planning Act.

Councillor Adams advised he would abstain from voting as he was not in the Chamber for the entire Public Hearing.

MOTION PUT AND PASSED.

2.3 **Second Reading - Amendments to Former City of Halifax Ordinance
173 Respecting Granville Mall**

**Second Reading - Former City of Dartmouth By-Law S-1401
Respecting Streets**

First Reading of the amendment to the above by-laws had been given on June 17, 1997 and were now before Council for Second Reading.

Councillor Downey stated he had received telephone calls from businesses in the Granville Mall area asking for an amendment to the Sidewalk Cafe Policy (Clause 8[c]) - Hours of Operation - to read "not later than 1:00 a.m..."

MOVED by Councillors Downey and Uteck that the Sidewalk Cafe Policy which had been adopted by Council on May 27, 1997 (Clause 8[c]) - Hours of Operation - be amended to read "not later than 1:00 a.m..."

Councillor Hetherington enquired if the hotel, which backs onto Granville Mall, was aware of this amendment. As this aspect had nothing to do with the Public Hearing,

Mayor Fitzgerald advised this Motion would be held in abeyance pending completion of Second Reading deliberations on the above-noted By-Law and Ordinance.

Mayor Fitzgerald called three times for comments from the public. There were none.

**MOVED by Councillors Hetherington and Schofield to close the Public Hearing.
MOTION PUT AND PASSED.**

COUNCIL DECISION

MOVED by Deputy Mayor Greenough and Councillor Schofield that Council approve Second Reading of amendments to Section 6(2)(a) of former City of Halifax Ordinance Number 173, Respecting Granville Mall, to read: "For Class A licenses, \$2.50 per square foot of occupied space per season." MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Deputy Mayor Greenough and Councillor Schofield that Council approve Second Reading of amendments to Section 23A(4) of former City of Dartmouth By-Law S-1401, Respecting Streets, to read: "The fee for a permit pursuant to Subsection (1) shall be a rental charge of \$0.75 per square foot of space occupied per season." MOTION PUT AND PASSED UNANIMOUSLY.

A vote on Third Reading was taken at this point in time.

MOVED by Deputy Mayor Greenough and Councillor Hetherington that Council approve Third Reading of amendments to Section 6(2)(a) of former City of Halifax Ordinance Number 173, Respecting Granville Mall, to read: "For Class A licenses, \$2.50 per square foot of occupied space per season." MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Deputy Mayor Greenough and Councillor Hetherington that Council approve Third Reading of amendments to Section 23A(4) of former City of Dartmouth By-Law S-1401, Respecting Streets, to read: "The fee for a permit pursuant to Subsection (1) shall be a rental charge of \$0.75 per square foot of space occupied per season." MOTION PUT AND PASSED UNANIMOUSLY.

A vote on the amendment to the Sidewalk Cafe Policy was taken.

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Stone requested that a letter be forwarded to the hotel which backs onto Granville Mall, advising of the amendment to the Sidewalk Cafe Policy.

3. CONSIDERATION OF DEFERRED BUSINESS

3.1 **Infrastructure Program - Bedford Waterfront Development**

This matter had been deferred from the June 17, 1997 Regional Council Session.

MOVED by Councillors Hetherington and Blumenthal to defer this matter to July 15, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Stone requested information, in writing, as to the approved projects through the Infrastructure Program, to which the Mayor agreed.

4. **REPORTS**

4.1 **GRANT COMMITTEE**

4.1.1 **Grant Committee 1997 Recommendation Report #2**

MOVED by Councillors Hendsbee and Blumenthal to approve the recommendation of the Grant Committee for community operating grants as shown on the attachment to the July 2, 1997 report, in the amount of \$1,100,237.

A discussion on various aspects of the recommended grant allocation ensued.

MOVED by Councillors Hetherington and Schofield that the \$36,000 grant for the Kiwanis Club of Cole Harbour-Westphal, as recommended by the Grant Committee, be approved at this point in time, but that the additional \$7,000 request (thereby totalling \$43,000) be referred back to the Grants Committee to determine whether this additional allocation should also be granted. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Barnet expressed concern with the total amount of grant allocation being suggested by the Grant Committee, particularly when there had been difficulty in balancing the Operating Budget this year. Accordingly, the Councillor stated he would not be supporting the Motion on the floor.

Councillor Hendsbee, in response to an enquiry from Councillor Barnet, advised that two grants listed are considered repayable loans to the municipality i.e. Nova Scotia Drama League IATA Bid, and Septemberfest.

Councillor Adams stated he would not support a grant for Shakespeare by the Sea noting this is a third grant request from this group.

MOVED by Councillors Adams and Hetherington to eliminate from the allocation list for 1997, the \$15,000 grant to Shakespeare by the Sea. MOTION DEFEATED.

Councillor Hetherington requested a report from Parks and Natural Services (Regional Operations) as to who was responsible for damaging the canteen at Point Pleasant Park, and who paid for the repairs.

Councillor Mitchell, in response to a comment from Councillor Barnet, advised that each application is screened intensely by the Grant Committee and as there is a 26% reduction in grants being suggested in comparison to last year, the Motion on the floor should be supported by Council.

MOVED by Councillor Stone to establish a Committee to determine guidelines for grant allocations.

As there was no seconder, the Motion was lost.

MOVED by Councillors Uteck and Cunningham to delete \$69,000 - Councillor Fund from the list. MOTION DEFEATED.

A vote on the Main Motion took place. **MOTION PUT AND PASSED.**

4.2 **CHIEF ADMINISTRATIVE OFFICER**

4.2.1 **First Reading - By-Law F-200 - Respecting Permit Fees for Land Developments within HRM**

MOVED by Councillors Hetherington and Sarto to approve First Reading to By-Law F-200 Respecting Permit Fees for Land Developments within HRM (to include By-Law B-200, which repeals sections of Building By-Laws of all four former units). MOTION PUT AND PASSED UNANIMOUSLY.

4.2.2 **Tender No. 97-048 - Supply of Equipment - Landfill Gas System**
Tender No. 97-049 - Highway 101 Landfill Extension Cover and Gas System

MOVED by Councillor Sarto and Deputy Mayor Greenough to award a tender contract for Highway 101 Landfill Extension Cover and Gas System (Tender No. 97-049) to the low bidder W. Eric Whebby Ltd.; further to award a tender for supply of landfill gas system equipment (Tender No. 97-048) to the low bidders: Lamson Centrifugal Blowers for two gas blowers and Westech Industrial Ltd. for one gas monitor.

MOTION PUT AND PASSED UNANIMOUSLY.

4.2.3 **Tender No. 97-057 - Supply All Labour, Materials and Service - Recycling Plant, 50 Chain Lake Drive**

MOVED by Councillors Hetherington and Cunningham to award a tender to Supply all Labour, Materials and Service to Replace Conveyor Belts and Miscellaneous Parts at the Recycling Plant, 50 Chain Lake Drive (Tender No. 97-057), to Industries Machinex Inc. at a cost of \$57,161.00 plus HST. MOTION PUT AND PASSED UNANIMOUSLY.

4.2.4 Tender 97-311 - Dasher Board and Glazing Replacement - Bowles Arena and Halifax Forum

MOVED by Deputy Mayor Greenough and Councillor Cunningham to award the tender to supply and install a Dasher Board System and Glazing Replacement, at the Bowles Arena and Halifax Forum, to IcePro Canada Inc. in the amounts of \$87,826.09 and \$118,189.00 (plus 15% HST) respectively. MOTION PUT AND PASSED UNANIMOUSLY.

4.2.5 1572 Barrington Street - Heritage Agreement to Stabilize Facade

MOVED by Councillors Uteck and Downey to:

- (a) approve the proposed Heritage Agreement with the owner of the registered heritage property located at 1572 Barrington Street, to stabilize and protect the registered heritage facade; and**
- (b) enter into the attached Heritage Agreement within 120 days from the date of approval, or any extension thereof granted by Council on the request of the property owner, otherwise this approval will be void and all obligations arising hereunder shall be at an end.**

Mr. Jim Spatz, replacing Mr. Bruce Klinger (General Manager, Neptune Theatre) who had originally requested to speak on this matter, addressed Council, noting the issue matter must be dealt with quickly; further, this was considered a safety issue.

Mr. Dan Norris, Heritage Co-ordinator, advised the property, in its existing state, is assessed at \$873,000.

MOVED by Councillors Barnet and Mitchell to amend the Motion on the floor by adding “subject to staff confirming there is sufficient equity in the structure to safeguard the municipality’s position.” MOTION DEFEATED.

A vote on the Main Motion took place. **MOTION PUT AND PASSED.**

**4.2.6 Tender - 97-196 - Asphalt Patching - East Region
Tender - 97-195 - Asphalt Patching - Central Region**

MOVED by Councillors Hendsbee and Cooper to award Tender 97-196 to Ocean Contractors for the bid of \$126,270. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Snow and Blumenthal to award Tender 97-195 to LeFarge

Canada Inc. for the bid amount of \$124,729. MOTION PUT AND PASSED UNANIMOUSLY.

4.2.7 Tender - 97-042 - Metro Transit Operations Clothing

MOVED by Councillors Hetherington and Cunningham to award Tender No. 97-042, Metro Transit Operations Clothing to CFM Uniforms Inc. for clothing and services as outlined within the terms and conditions of the tender. Account 23135-1502 - Operator's Clothing. MOTION PUT AND PASSED UNANIMOUSLY.

4.2.8 Tender - 97-198 - Concrete Sidewalk, Curb & Gutter - East Region

MOVED by Deputy Mayor Greenough and Councillor Sarto to award Tender 97-198 to B & L Contracting Ltd. for the bid amount of \$52,785.00. MOTION PUT AND PASSED UNANIMOUSLY.

4.2.9 Tender - 97-197 - Concrete Sidewalk, Curb & Gutter - Central Region

MOVED by Councillors Mitchell and Blumenthal to award Tender 97-197 to Dexter Construction Ltd. for the bid amount of \$56,246.50. MOTION PUT AND PASSED UNANIMOUSLY.

4.2.10 Tender - 97-354 - Patching of Streets - Central District

MOVED by Councillors Snow and Harvey to award Tender 97-354, Patching of Streets, Central District, to LaFarge Canada Inc. at a tender price of \$87,147.00 and a total project cost of \$100,219.00 with funding authorized from Capital Account No. 95457, Main Artery Patching, Various Locations. MOTION PUT AND PASSED UNANIMOUSLY.

5. ADJOURNMENT

MOVED by Councillors Uteck and Blumenthal to adjourn the meeting at 7:50 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
MUNICIPAL CLERK