

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE MINUTES January 6, 1998

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor Reg Rankin
Councillors: Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Jack Greenough
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
Jack Mitchell

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Patti Halliday, Assistant Municipal Clerk

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Mayor Fitzgerald called the meeting to order at 6:00 p.m.

1. **APPROVAL OF MINUTES: November 25, 1997**

MOVED by Councillors Greenough and Blumenthal that the minutes of November 25, 1997 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The Assistant Municipal Clerk requested the following items be added to the agenda:

1. Request to address Halifax Regional Council re: Item 4.3.3 - Petition for Private Way, Susan Sheehan
2. Request to address Halifax Regional Council re: Item 5.2 - Paramount Theatre Society, Rob Cohn

MOVED by Councillors Downey and Uteck that the Order of Business be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

3. **BUSINESS ARISING OUT OF THE MINUTES - None**

4. **REPORTS**

4.1 **MAYOR**

4.1.1 **Appointment - Membership School Board Committee on Education**

- C A letter from Norma Kennedy, Chair, Halifax Regional School Board, dated December 7, 1997, regarding the above, was before Council for consideration.

Mayor Fitzgerald suggested one member from each of the three Districts be appointed to serve on the School Board Committee whose mandate would be to lobby the provincial government in regards to funding levels for education. The following Councillors volunteered to serve on this Committee: Councillors Cunningham, Blumenthal and Harvey.

MOVED by Councillors Greenough and Sarto that Councillors Cunningham, Blumenthal and Harvey be recommended to Council to serve on the School Board Committee whose mandate would be to lobby the provincial government in regards to funding levels for education. MOTION PUT AND PASSED UNANIMOUSLY.

4.2 COMMITTEE ADVISORY COMMITTEE

4.2.1 Establishment of the Membership Selection Committee

- C This item was previously before Council on December 9, 1997, and was deferred as the Mayor was not present. The Committee Advisory Committee was recommending the approval of the establishment of the Membership Selection Committee where membership is comprised of the Mayor, ex officio, and one Councillor appointed as representative from each of the five Community Councils.

Mayor Fitzgerald suggested one representative from each of the five Community Councils be appointed to the Selection Committee and that the Mayor be appointed Chair.

MOVED by Councillors Greenough and Cunningham that it be recommended to Council that one representative from each of the five Community Councils be appointed to the Membership Selection Committee and that Mayor Fitzgerald be appointed Chair of this Committee. MOTION PUT AND PASSED UNANIMOUSLY.

4.3 CHIEF ADMINISTRATIVE OFFICER

4.3.1 Small Lot Housing Discussion Paper

- C A staff report prepared for Dan English, Commissioner of Community Services, regarding the Small Lot Housing Discussion Paper, was before Council for its consideration. The report recommended that Council adopt the following public participation program to consider the recommendations in the Discussion Paper:
1. A stakeholder focus group comprising of representatives of the Development Advisory Group and of each Community Planning Advisory Committee. For areas not served by a Planning Advisory Committee, representation will be drawn from the Community Council.
 2. Three open houses, one in each of the three administrative regions.

Staff will then report back to Regional Council with recommended policy changes.

- C The Small Lot Housing Discussion Paper were also before Council for its consideration.

Mr. Bill Campbell, Acting General Manager, Community Planning, noted the discussion paper originated from a request from the North West Community Council as a result of concerns of the possible impact of small lot housing in the area it serves. Staff is reporting back to Regional Council as this is an issue that affects all of HRM. Mr. Campbell introduced the following Planners who, with the use of overheads, presented the report to Council: Mitch Dickey, Marcus Garnet and Jacqueline Hamilton.

At this point in the meeting, Mayor Fitzgerald acknowledged the presence in the gallery of Ms. Wendy Lill, MP, and Mr. John Woods, former Dartmouth Alderman.

Councillor Kelly stated the report, evaluation process and recommendations, overall, are quite fair. However, he suggested one area that should be expanded on, which was the Planning Advisory Committees. The Councillor suggested the discussion paper should be forwarded to all Planning Advisory Committees for their review and recommendations.

MOVED by Councillors Kelly and Rankin that the staff report and the Small Lot Housing Discussion Paper be forwarded to all Planning Advisory Committees for their review and recommendations.

Mayor Fitzgerald suggested the five Community Councils could deal with this issue. Councillor Kelly noted this would be part of the process and each of the Planning Advisory Committees would report to its respective Community Council and then back to Regional Council.

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor McInroy stated he was not a proponent of small lot development but recognized there is a place for it. The Councillor stated guidelines, policies and strict construction parameters have to be developed to ensure quality for the residents. A few important areas that Councillor McInroy suggested staff should revisit were as follows: suggestions for narrower pavement widths, space to park one vehicle in front of a house between the road right of way and the house, and location of schools and facilities.

Councillor Hendsbee stated he did not see what kind of application this will have in the rural areas as they are outside the boundaries for water and sewer. The Councillor stated he hopes there may be an opportunity for staff to explore neighbourhood systems for water and sewer instead of having it centralized through the municipal system.

Councillor Hetherington noted Dartmouth does not have a Planning Advisory Committee and suggested a small advertisement be placed in the paper to obtain representatives from interested groups to form an advisory committee to look at this report. The Councillor also recommended that a representative from the School Board review some of the items as it will have an impact on the school regions due to the increased density. Councillor Hetherington suggested Fire Services should also be consulted due to the shortened width of the streets which may impede fire vehicle access. Mayor Fitzgerald noted these are valid points and can be worked out when the report comes back to Council.

Councillor Sarto spoke in support of the report.

Councillor Greenough agreed with Councillor Hetherington that the School Board should review the report. Mayor Fitzgerald agreed and noted each Community Council can bring as many groups as it wishes in its review of the document.

Councillor Dooks clarified that this policy would only apply to serviced lots.

4.3.2 Claims Settlement Policy

C A staff report prepared by Wayne Anstey, Municipal Solicitor, regarding the above, was before Council for its consideration.

MOVED by Councillors Cunningham and Hetherington that the Claims Settlement Policy as outlined in the staff report be recommended to Council for approval.

Councillor Kelly suggested that staff be requested to prepare a report for Council on a monthly or quarterly basis detailing what claims have been paid and the reasons. He requested that this be included in the policy.

MOVED by Councillors Kelly and Hendsbee that the motion be amended to include that staff would provide a quarterly report to Council detailing the claims paid and the reasons.

In response to a question from Councillor Sarto, Mr. Anstey stated any claim over \$10,000 would require Council approval as well the insurance company approval. Claims up to \$5,000 would be approved by either Mr. Peter Ross, Procurement Manager, or Mr. Anstey. If an adjuster was not used for the claim, a second signature would be required. Claims between \$5,000 - \$10,000 would have to be approved by the CAO with a recommendation from one of the solicitors or Mr. Ross.

Councillor Epstein expressed concern with what happens in cases of denial. The Councillor inquired if there is a policy in place that would allow individuals to have their claims brought forward for consideration by Council. Mr. Anstey replied there is no set policy on this issue. Individuals have the option of going to Small Claims Court or approaching the Councillor of their area. Councillor Epstein suggested, if staff believes it is appropriate, consideration could be given to developing guidelines to deal with this matter.

In response to a question from Councillor Greenough, Mr. Ross stated the bulk of claims are related to vehicle accidents or transit.

The vote was then taken on the amendment.

MOTION PUT AND PASSED UNANIMOUSLY.

The vote on the Main Motion as amended was taken. The motion now read as follows:

MOVED by Councillors Cunningham and Hetherington that the Claims Settlement Policy as outlined in the staff report be recommended to Council and that staff provide a quarterly report to Council detailing the claims paid and the reasons.

MOTION PUT AND PASSED UNANIMOUSLY.

4.3.3 Petition for Private Way

- C A staff report prepared for Ken Meech, CAO, regarding the above was before Council for consideration. The report recommended that Council appoint a commissioner pursuant to the Private Ways Act to consider the application of Mr. Harold Sutherland. If Council accepts the recommendation, a further report will recommend who should be appointed.
- C Copies of a petition from concerned neighbours and residents regarding this issue were circulated to Council for its consideration.
- C Correspondence from Mr. William Jordan, Q.C., objecting to the petition, was circulated to Council.
- C Correspondence from Mrs. E. S. Bringloe regarding this matter was circulated to Council.

Ms. Susan Sheehan, daughter of the late Mr. Harold Sutherland, made a presentation to Council in support of the Petition for Private Way. Copies of Ms. Sheehan's presentation were provided to Council.

MOVED by Councillors Hanson and Greenough that Council appoint a commissioner pursuant to the Private Ways Act to consider the application of Mr. Harold Sutherland.

Since the correspondence from Mr. Jordan received this evening raises a number of legal issues, Mr. Anstey suggested the matter be deferred to next week to allow Legal Services the opportunity to address these issues and provide advice to Council.

MOVED by Councillors Greenough and Hanson that this matter be deferred for one week.

Councillor Hendsbee noted the choice of a right of way may not be the only alternative. However, if a right of way is granted, it will increase the assessment of the property and decrease the assessment of the property over which access is granted.

Councillor Epstein stated it is necessary for Council to receive some advice regarding the status of the public right of way along the North West Arm as there is a municipal interest in the nature of this right of way. The Councillor also suggested alternative routes to access

the property should be considered. Councillor Epstein noted Council needs to determine how many similar landlocked properties there are in the Municipality.

Councillor Stone inquired if HRM owns the public foot path, could it could be widened to allow vehicle access, if necessary. Mr. Anstey replied he did not know the deeded width of the foot path, so could not comment if it would be possible to widen it.

MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Blumenthal and Hetherington that the Committee of the Whole meeting recess until after the Public Hearing. MOTION PUT AND PASSED UNANIMOUSLY.

The Committee of the Whole meeting recessed at 7:15 p.m. and reconvened at 8:25 p.m. following the Public Hearing.

5. PRESENTATIONS

5.1 Future of the Regional Museum of Cultural History - David Flemming, President of The Royal Nova Scotia Historical Society

- C Correspondence from Mr. David B. Flemming, President, The Royal Nova Scotia Historical Society, requesting to address Council regarding the above, was before Council for its consideration.
- C Mr. James Lovelace, representing twenty-nine branches of the Royal Canadian Legion, Merchant Marine Veterans and Mission to Seamen, was in attendance at the meeting to observe the proceedings and report back to the organizations he was representing.
- C Copies of the Royal Nova Scotia Historical Society's schedule of meetings for the Winter and Spring 1998, were circulated to Council.

Mr. David Flemming made a presentation to Council supporting the continuation of a Regional Museum of Cultural History. Copies of Mr. Flemming's address were circulated to Council.

Councillor Harvey stated Mr. Flemming brings forward a very important issue and is worthy of attention and has wide support across the Municipality.

MOVED by Councillors Uteck and Cunningham that this matter be moved to the current Operating Budget. MOTION PUT AND PASSED UNANIMOUSLY.

5.2 Support for Paramount Theatre Society - Mike LaLeune, Director

- C Correspondence from the Paramount Theatre Society seeking support for the Society's project to convert the old Paramount Theatre movie house into a community performing arts facility, was before Council for consideration.

Mr. Mike LaLeune, volunteer Director, Paramount Theatre Society, addressed Council regarding the above.

In his presentation, Mr. LaLeune made the following points:

- C The owners of the property have been approached in an attempt to agree on amicable terms to turn the old movie house into a community performing arts facility. The owners have expressed interest in pursuing this project.
- C Studies have determined there is a need for such a facility.
- C The theatre would be converted back to one larger venue at an estimated cost of \$900,000.
- C Of the \$225,000 that is private sector funding, close to \$200,000 has been raised to date.
- C The Society is not requesting funding from Council, but is requesting support of the project and that it be given comparable tax waivers as granted to similar cultural facilities, such as Neptune Theatre.
- C The estimated rent charge is in the \$500 range.
- C The theatre is estimated to bring over 30,000 people to the down town area creating economic spinoffs to local businesses estimated in excess of \$10 million over the next five years.
- C Other cultural organizations and associations have expressed support for the project.

With respect to tax exemptions, Mayor Fitzgerald suggested a minimum tax should be charged to all organizations as they all benefit from some municipal services such as police and fire protection, snow removal, etc. The Mayor stated he supports the proposed project and funding from the federal and provincial governments.

In response to a question from Councillor Blumenthal regarding the taxes for the building, Mr. Larry Corrigan, Commissioner of Corporate Services, stated the Business Occupancy Tax is about \$8,000. However, if improvements are made to the property, it will have an effect on the assessment. The property taxes are about \$15,000.

Councillor Cunningham stressed the importance of culture to the residents of the Municipality. The Councillor asked how long the Paramount Theatre has been boarded up. Mr. LaLeune replied since 1987 or 1988, however, it has been heated and maintained throughout and is very sound. The design for the new theatre will range between 250 and 800 seats. Councillor Cunningham stated this project is needed by the Community, and he is willing to support it.

Councillor Schofield asked if Mr. LaLeune took into consideration other proposed similar facilities. Mr. LaLeune replied assuming all these projects come into existence, the community will still have less seats than any comparable city in the country.

Councillor Hendsbee advised Council that staff is planning a forum on the performing arts facilities and it is tentatively scheduled for February 2, 1998 in Halifax Hall. With respect to the Paramount Theatre tax exemption request, there is an application that will be further reviewed by the Grants Committee once additional requested information is received.

Councillor Mitchell thanked Mr. LaLeune for his presentation and stated he is in support of this project.

In response to a question from Councillor Downey, Mr. LaLeune stated terms for a long term lease have been tentatively agreed to by the owner of the property which includes the payment of rent. Councillor Downey expressed concern with giving a firm commitment to a project without knowing the full details.

Mr. Rob Cohn spoke on the issue making the following points:

- C A large group of cultural organizations met with the former City of Halifax Council regarding the Paramount Theatre. While they were negotiating with Famous Players to have the building turned over to them in exchange for a tax receipt, the building was bought out from under them by a private buyer.
- C Owning the building is a key element in this kind of performance centre proposal.
- C Negotiations took place for about four months with the present owners, but the group walked away because of the rent deal.
- C Mr. LaLeune's presentation gives the inference that the assembled group consisting of NSCAD, Jazz East, Nova Scotia Choral Federation, Mr. Rob Cohn, Symphony Nova Scotia, Nova Scotia Gospel Festival, Halifax Dance, Atlantic Film Festival, Jest in Time, Nova Scotia Drama League, Atlantic Fringe Festival, are supporters of this current proposal, which they are not.
- C Mr. Cohn reiterated Councillor Hendsbee's notification of a meeting being held on February 2, 1998 in Halifax Hall bringing together all of these cultural organizations and potential funders.
- C Currently, there are five or six proposals for performance centres and it needs to be determined which are the best.
- C There are a lot of complex issues when dealing with cultural issues.

Mayor Fitzgerald stated he was not aware of the meeting proposed for February 2, 1998 and expressed concern with not being notified of it. Councillor Hendsbee noted this is a staff driven meeting and not a Grants Committee meeting. Councillor Uteck clarified the proposed meeting is something that came from previous discussions at Council and with staff regarding a unified perspective from the arts community. The meeting is to help develop a policy on arts and culture for the Municipality.

In closing, Mr. Cohn stated there are a number of people who have a stake in this project, and they would like to clarify their position on it which is misrepresented in this proposal.

6. MOTION

6.1 Councillor Hendsbee

“Request Halifax Regional Council to reaffirm a previously approved motion of the Halifax County Municipality for the designation of \$20,000 (now to be derived from the Special Reserve Fund) to fulfill the directive of acquiring a parcel of property for the purposes of establishing a playground adjacent to the municipal ballfields on Circle Drive in the community of Lake Echo, NS.”

As this was a Committee of the Whole meeting, Councillor Hendsbee requested that this be referred to the next regular meeting of Council. He also requested a staff report giving more information on the background of this matter. Council agreed to the request.

MOVED by Councillors Blumenthal and Hetherington that the meeting adjourn at 9:05 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Patti Halliday
Assistant Municipal Clerk