

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE MINUTES NOVEMBER 17, 1998

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor Larry C. Uteck
Councillors: Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Sheila Fougere
Russell Walker
Bill Stone
Stephen D. Adams
Barry Barnet
Robert P. Harvey
Peter J. Kelly
Reg Rankin

ABSENT WITH
REGRETS:

Councillor Ron Hanson
Councillor Jack Mitchell

STAFF MEMBERS:

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

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The meeting was called to order at 3:30 p.m. by His Worship Mayor Fitzgerald.

1. PRESENTATIONS

1.1 Snowplowing Procedure - Janet L. Parsons

C Correspondence dated October 30, 1998 was received from Ms. Janet L. Parsons.

As Ms. Parsons was unavailable to make her requested presentation to the Committee, **it was agreed that this matter be deferred.**

1.2 Liquor Control Laws - Paul Monahan, "Blues Corner"

C Correspondence dated November 12, 1998 was received from Mr. Paul Monahan, "The Blues Corner," 1565 Argyle Street, Halifax, B3J 2B2.

Mr. Paul Monahan, co-owner of the Blues Corner, a licensed bar located on the corner of Argyle and Blowers Street, addressed the Committee. In his opening remarks, Mr. Monahan noted that a bar has been located at 1565 Argyle Street without interruption for almost 20 years, enjoying entertainment privileges since 1987. For the last several years, he and his partners have been in a dispute with Mr. George Ramia, the developer and owner of "Barrington Gate," an apartment building built approximately 2 1/2 years ago and located directly across the street from the Blues Corner.

Mr. Monahan went on to advise that the nature of the dispute with Mr. Ramia centers around the loudness of the live music emanating from his (Mr. Monahan's) bar. He added that, rather than register his concerns with the Municipality, Mr. Ramia and his lawyer went directly to the Provincially-appointed Alcohol and Gaming Authority who, in a subsequent decision, acknowledged that it is not their responsibility to establish municipal noise standards. Nevertheless, according to Mr. Monahan, the Authority has imposed requirements for the Blues Corner that will make it virtually impossible for him and his partners to continue in business. Furthermore, in Mr. Monahan's opinion, the decision establishes standards that will have very serious implications for other entertainment venues in the Halifax Central Business District and, as such, will change the overall character of the downtown core.

Mr. Monahan concluded his remarks by emphasizing that, in his view, Regional Council should not allow the Authority to make decisions on matters that are clearly outside its jurisdiction, particularly when those decisions have very serious implications for the livelihoods of downtown business owners and their staff.

Mayor Fitzgerald concurred with the concerns brought forward by Mr. Monahan, pointing out that the Board's decision -- favoring as it does the interests of a newly-constructed residential

complex -- appears to jeopardize the rights of the many entertainment venues

that have operated in the Halifax downtown core for a much longer period of time. His Worship went on to point out that, given the Board's decision, it is entirely possible that with the introduction of additional residential units in the CBD, more and more businesses will have their activities curtailed.

Mr. Monahan and Mr. Wayne Anstey, Municipal Solicitor, responded to questions from various members of Council.

With reference to a question from Councillor Cunningham, Mr. Anstey advised that, although a Noise Bylaw pertaining to the former City of Halifax remains in effect, it does not contain precise standards with regard to noise levels and/or decibel ratings.

Councillor Hendsbee spoke in support of the concerns brought forward by Mr. Monahan, pointing out that, in his view, it was unfair of the Barrington Gate developer to move into the downtown core and subsequently expect existing circumstances to change in order to accommodate his tenants. The Councillor went on to suggest that the Board's decision in this matter has implications not only for the more permanent venues such as the downtown bars and clubs, but also for such intermittent events as the annual Buskers Festival, performances presented by the Metro Centre, etc.

Councillor Schofield made reference to a situation on Windmill Road in Dartmouth that is currently under consideration by the Alcohol and Gaming Authority, and noted that this is yet another circumstance in which the Authority will be encouraging the Municipality to become involved.

On another but related matter, Councillor Schofield reminded staff that, over a year ago, he had requested that an Adult Entertainment Bylaw be developed for the Dartmouth area. He emphasized, however, that to date nothing has been received.

It was subsequently moved by Deputy Mayor Uteck, seconded by Councillor Rankin that a letter be forwarded as quickly as possible to the Alcohol and Gaming Authority advising them of the decision of Halifax Regional Council to proceed with the adoption of a Noise Bylaw designed to address the concerns relating to Mr. Paul Monahan and the Blues Corner, and asking for a stay of proceedings until that process can be completed.

Speaking on the motion, Councillor Cooper asked for clarification as to whether, in the Solicitor's opinion, the proposed Noise Bylaw will address all the communities that make up the Halifax Regional Municipality.

Mr. Anstey responded that the Bylaw should address all components of HRM and include standards designed to address a variety of circumstances. He added, however, that in order to assist Mr. Monahan's specific situation, it would be his recommendation that first priority be given to developing standards for the Halifax Central Business District.

Councillor Cooper concurred with the strategy outlined by Mr. Anstey and asked that the approach taken by the former County of Halifax in its Noise Bylaw be considered in this process.

THE MOTION WAS PUT AND PASSED WITH UNANIMOUS CONSENT.

It was further agreed that, in the interests of time, this matter would be forwarded to the regular meeting of Halifax Regional Council scheduled for later in the day.

2. DEFICIT REDUCTION PROGRAM

2.1 Waste Resources 1998/99 Budget Reduction Proposals

- C A staff report, dated November 4, 1998 and entitled *Waste Resources 1998/99 Budget Reduction Proposals*, had been previously submitted under the signature of Mr. K. R. Meech, CAO.

This matter had been deferred from the Committee of the Whole Council meeting held on Tuesday, November 10, 1998.

Mr. Brian Smith, Director of Business Operations, accompanied by Mr. Mark Bernard, Manager of Waste Resources, and Mr. Jim Bauld, Operations Coordinator (Waste Resources), provided a brief overview of the November 4 report and responded to questions from various members of Council.

4:35 p.m. -- Mayor Fitzgerald retires from the meeting with Deputy Mayor Uteck assuming the Chair.

Concern was expressed by Councillor Hendsbee that, with the proposed closure of the Dartmouth Waste Depot, residents on the eastern side of the Halifax Harbour will find it extremely inconvenient to travel to the Otter Lake facility in order to deliver small loads of waste materials. Pointing out that this situation could lead to an increase in "dumping," the Councillor strongly recommended that alternate facilities be considered for this area, including not only one for the Eastern mid-region (to cover the area from Musquodoboit to Lawrencetown) but also one for the Dartmouth community. In putting forward this recommendation, Councillor Hendsbee suggested that perhaps an arrangement could be made with Miller Composting to establish a transfer facility as part of their present site in the Burnside Industrial Park.

5:00 p.m. -- Mayor Fitzgerald returns to the meeting with Deputy Mayor Uteck resuming his usual seat on Council.

Concurring with Councillor Hendsbee's suggestion, Councillor Dooks made reference to the temporary facility which had been established in the Lake Charlotte area, and asked

for staff comment as to whether this site could be re-opened as an alternate drop-off site and funded by user fees.

MOVED by Councillor Rankin, seconded by Councillor Blumenthal that:

- 1. the Dartmouth Waste Depot, formerly the Dartmouth Transfer Station, be closed at the end of the normal service day on December 31, 1998 (this corresponds to the recommendations of the Integrated Resource Management Strategy of March 1995);**
- 2. the Halifax Transfer Station be closed to the public at the end of the normal service day on December 31, 1998, the facility to be secured and held in reserve for the first few months of 1999 (this closure also corresponds to the Integrated Resource Management Strategy of March 1995);**
- 3. a minimum Drop-Off Fee of \$5.00 per load for small loads of mixed waste (less than 100 kg) be established for waste deposited at the HRM Otter Lake Waste Processing Facility (existing fees would continue to be applied for loads in excess of the current 100 kg maximum for free disposal);**
- 4. a staff report be developed for consideration by the Solid Waste Advisory Committee concerning possible alternatives for drop-off sites to accommodate residents of Dartmouth and the Eastern Shore.**

Councillor Sarto proposed an amendment to the motion; namely that a drop-off fee of \$5.00 be charged for the first 100 kg, and the tonnage rate for anything over and above that weight. **There was no seconder for the motion.**

Mr. Larry Power, negotiator and CUPE representative for HRM's outside workers, addressed the Committee to express concern regarding the impact of the proposed depot closures on approximately 20 long-time employees. In his remarks, Mr. Power strongly recommended that these displaced individuals be given first consideration if HRM moves to establish alternate drop-off sites and requires staff to operate them. He also made reference to two waste depots located in Musquodoboit and Sheet Harbour, and suggested that HRM might consider entering into an agreement with the operators of those facilities so that some of the displaced employees from the Halifax and Dartmouth depots could find work at those locations.

Mr. Power also brought to the Committee's attention allegations that the Otter Lake facility is already operating above its tonnage capacity, and noted that the closure of the Halifax and Dartmouth depots could further exacerbate the situation.

Councillor Walker asked that staff respond in the form of a report to the concerns brought forward by Mr. Power.

Mr. Gary Beaman, a taxpayer in the former City of Halifax, expressed concern that the proposed closure of the Halifax Transfer Station represented yet another example of a reduction in service that is being implemented despite the fact that tax rates have not decreased.

There were no further persons wishing to address the Committee regarding this matter.

THE MOTION WAS PUT AND PASSED WITH COUNCILLOR SARTO VOTING IN OPPOSITION.

It was agreed that this matter would be forwarded to the next regular meeting of Halifax Regional Council scheduled for later in the day.

3. ADJOURNMENT

MOVED by Councillor Walker, seconded by Deputy Mayor Uteck that the meeting be adjourned at approximately 5:35 p.m. MOTION PUT AND PASSED WITH UNANIMOUS CONSENT.

Vi Carmichael
MUNICIPAL CLERK

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