

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL COUNCIL MINUTES May 4, 1999

PRESENT:

Deputy Mayor Larry Uteck  
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  
Sheila Fougere  
Russell Walker  
Bill Stone  
Graham Read  
Stephen D. Adams  
Barry Barnet  
Bob Harvey  
Peter Kelly  
Reg Rankin  
Jack Mitchell

ABSENT:

Mayor Walter Fitzgerald (Regrets)

STAFF MEMBERS:

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

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1. **INVOCATION**

At the request of Deputy Mayor Uteck, Councillor Mitchell led his colleagues in the citation of the Invocation at 6:00 p.m.

2. **PROCLAMATIONS**

2.1 **National Police Week**

On behalf of Deputy Mayor Uteck, Councillor Schofield proclaimed May 10 - 17, 1999 as National Police Week.

2.2 **May 1999 Asian Heritage Month**

On behalf of Deputy Mayor Uteck, Councillor Read proclaimed May 1999 as Asian Heritage Month.

3. **APPROVAL OF MINUTES - NONE**

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

The following item was deferred to May 11, 1999:

11.2.10 Tender 99-030 Pavement Markings West/Central Region

The following items were added to the agenda:

- 13.1 Councillor Stone - Knightsridge Fire Station
- 13.2 Councillor Barnet - Springfield Lake Sewage Treatment Plant
- 13.3 Collective Agreement - Ocean View Manor
- 13.4 Land Matter - Braeside Court to Maple Drive
- 13.5 Land Matter - Sale of 19077 No. 7 Highway, Spry Harbour
- 13.6 Land Matter - 946 Main Street

As he had to leave early to attend a community meeting regarding the new correctional facility, Councillor Kelly requested that Item 11.2.16 Taxation of P3 Schools be moved up on the agenda to follow Item 8 - Consideration of Deferred Business.

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

**5. BUSINESS ARISING FROM THE MINUTES**

With respect to the Regional Council minutes of April 6, 1999, previously approved, Councillor McInroy requested that an amendment be made to Item 12.5 - April 6, 1999 Committee of the Whole Recommendation - Halifax Harbour Solutions Project -Next Steps. Councillor McInroy noted both he and Councillor Blumenthal voted against the motion; and, therefore, requested that the word "unanimously" be deleted.

**MOVED by Councillors McInroy and Blumenthal that the Regional Council minutes of April 6, 1999 be amended to delete the word "unanimously" in the motion regarding Item 12.5 - April 6, 1999 Committee of the Whole Recommendation - Halifax Harbour Solutions Project - Next Steps. MOTION PUT AND PASSED UNANIMOUSLY.**

**6. MOTIONS OF RECONSIDERATION - NONE**

**7. MOTION OF RESCISSION - NONE**

**8. CONSIDERATION OF DEFERRED BUSINESS - NONE**

**11.2.16 Taxation of P3 Schools**

- A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

**CONFLICT OF INTEREST**

Councillor McInroy declared a Conflict of Interest with respect to this matter, and removed himself from the discussion, as he is an employee of the Nova Scotia Department of Municipal Affairs.

Councillor Kelly spoke in support of the staff recommendation, but also requested a further staff report with respect to the deed transfer tax. The Councillor stated it is his understanding that a couple of these private schools have been sold and inquired if the Municipality will receive the deed transfer tax from these transactions.

**MOVED by Councillors Kelly and Hetherington that Regional Council:**

- 1. Authorize the Mayor to send a letter protesting the proposed taxation status of those schools constructed through the P3 process;**

2. That the letter includes an offer of assistance from the HRM indicating staff would be assigned to assist the Province in determining a taxable assessed value.

Councillor Hendsbee expressed concern with taxing these schools which will be providing a public service, stating the tax will be passed on to the taxpayers. As an alternative, the Councillor suggested the Municipality should deduct the amount of lost taxes from the mandatory funding for education provided to the Province.

Councillor Cooper requested that the staff report also examine, if there are other businesses located on these properties, if these businesses are subject to business occupancy tax.

Council agreed to the request for a further staff report.

**MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor McInroy took his place at the meeting.

**9. PUBLIC HEARINGS**

**9.1 Second Reading - Amendment to By-Law B-400 Respecting Burglary, Robbery and Fire Alarm Systems**

- By-Law B-401 Respecting Burglary, Robbery and Fire Alarm Systems, passed First Reading on April 13, 1999, and was now before Council for Second Reading.
- An Information Report prepared for Reg Ridgley, Acting Director of Finance, regarding the By-Law, was before Council for consideration.

Deputy Mayor Uteck called three times for members of the public wishing to speak either in favour or against the By-Law. Hearing none, the following motion was placed on the floor.

**MOVED by Councillors Blumenthal and Hetherington that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

**MOVED by Councillors Stone and Hetherington that By-Law B-401 Respecting Burglary, Robbery and Fire Alarm Systems, be given Second Reading.**

In response to questions of Councillor Walker, Ms. Cathie Osborne, Team Leader, General Revenue, made the following comments:

- Staff is currently developing a communication plan with respect to the By-Law.
- Packages have been sent to the RCMP, Police and Fire Services, and all HRM Storefronts.
- Inserts will be placed in the water and tax bills.
- Security companies have been notified and supplied with registration application forms.

Responding to a question of Councillor Fougere, Ms. Osborne stated staff anticipates sending out the information with water bills in June, following up with the tax billing in August. Councillor Fougere requested that the information be provided to Councillors prior to this, and staff agreed to do so.

In response to a question of Councillor Stone, Ms. Osborne stated the program came into effect on April 10, 1999.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.2 Second Reading - By-Law R-101 Respecting Repeal of By-Laws (Grading and Alteration)**

- By-Law R-101 Respecting Repeal of By-Laws (Grading and Alteration), passed First Reading on April 13, 1999, and was now before Council for Second Reading.

Deputy Mayor Uteck called three times for members of the public wishing to speak either in favour or against the By-Law. Hearing none, the following motion was placed on the floor.

**MOVED by Councillors Hetherington and Greenough that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

**MOVED by Councillors Hetherington and Greenough that By-Law R-101 Respecting Repeal of By-Laws (Grading and Alteration) be given Second Reading.**

Mr. Wayne Anstey, Municipal Solicitor, noted a Notice of Motion should have been given last week to adopt the Administrative Order to set the fees at this meeting. Since this did not occur, he suggested Second Reading of the By-Law be deferred until next week to be dealt with at the same time as the Administrative Order.



**MOVED by Councillors Greenough and Sarto that Second Reading of By-Law R-101 Respecting Repeal of By-Laws (Grading and Alteration) be deferred to May 11, 1999. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.3 Second Reading - By-Law B-500 Respecting Building Service Connections**

- By-Law B-500 Respecting Building Service Connections passed First Reading on April 13, 1999 and was now before Council for Second Reading.
- A supplementary staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

With the use of overheads, Mr. John Sheppard, Manager, Environmental & Development, Engineering & Transportation Services, presented the staff report which contained the four options for Council to consider in making its decision with respect to the By-Law:

**Option 1** - Maintain the status quo.

**Option 2** - Shift the maintenance responsibility of the building service connections from the main sewer to the street line to the Municipality. (This option was previously approved in principle by Regional Council.)

**Option 3** - The same as Option 2, except that the property owner is proposed to remain responsible for initial investigation and for cleaning of a blockage in the entire portion of the building service when a problem is encountered.

**Option 4** - Structuring the by-law so that the Municipality is responsible for the portion of the building service connection within the street right-of-way, for one and two unit dwellings only. Owners of all other types of buildings will be responsible for the full length of their laterals.

In response to a question of Councillor Barnet, Mr. Sheppard stated it appears the financial benefit of Option 4 as opposed to Option 3 is limited, as most problems that arise are associated with one and two unit buildings.

Responding to a question of Councillor Kelly, Mr. Sheppard stated staff's preference would be Option 3 which would make the property owner fully responsible for any blockage in the lateral, and require them to hire a plumber to perform the initial inspection.

Councillor Greenough inquired if property owners will be reimbursed for the cost of hiring of plumber, if it is determined the problem is located on the municipal portion of the pipe.

Mr. Sheppard replied they would under Option 2, but not Option 3. However, the Municipality would be responsible to resolve any structural problems under Option 3.

Responding to a question of Councillor Hendsbee, Mr. Sheppard stated there is a policy in place that states if an HRM tree is the cause of the problem, HRM would be responsible to resolve it.

In response to a question of Councillor Schofield, Mr. Sheppard stated Option 2 is close to what was in place in the former Halifax County Municipality. Currently, all of HRM is following Option 1.

Councillor Stone inquired about capabilities to determine the cause of the problem. Mr. Sheppard replied a plumber can usually measure and locate the blockage with the use of plumber's snake. Mr. John MacKay, Director, Works and Natural Services, noted about 50 percent of calls received regarding laterals have a proper clean out, and a small camera can be used to accurately determine the problem and where it is located. Mr. MacKay noted the major difference between Option 2 and 3 is that Option 2 provides for the Municipality to pick up the cost of the plumber, and Option 3 only covers the repair cost.

Councillor Kelly inquired if Council chooses a combination of Option 3 and 4, would there be a need to readvertise. Mr. Anstey replied he did not believe so as the multi-unit buildings would not be any worse off than they would have with Option 1, the current practice.

Deputy Mayor Uteck called three times for members of the public wishing to speak either in favour or against the By-Law. Hearing none, the following motion was placed on the floor.

**MOVED by Councillors Hetherington and Sarto that the Public Hearing be closed.  
MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

**MOVED by Councillors Greenough and Cunningham that Council adopt a combination of Options 3 and 4 as outlined in the supplementary staff report dated April 23, 1999.**

Mr. Anstey suggested staff be given a week to draft the proper legislation before Council gives the By-Law Second Reading. Council agreed.

Councillor Barnet spoke in support of the motion inquiring about townhouses with individual service laterals. Mr. Sheppard replied they would be treated the same as a one or two unit dwelling.

Councillor McInroy spoke in support of the motion, stating it would be more fair and just than the current policy.

Councillor Read spoke against the motion, stating he preferred Option 1 as it puts the onus more likely on the source of the problem.

Speaking against the motion, Councillor Walker stated he preferred Option 2. The Councillor expressed concern with proving a sound pipe in Option 3 as well as the homeowner not being reimbursed for the costs of a plumber if it is proven to be the fault of the Municipality.

Councillor Stone spoke in support of Option 3, stating it is an improvement over past practices.

Councillor Schofield expressed concern with the effect of this on small apartment owners, and requested that this be taken into consideration during Second Reading.

Councillors Hetherington and Greenough spoke in support of the motion, stating it is an improved policy for the former City of Dartmouth.

Responding to a question of Councillor Fougere regarding Option 3, Mr. MacKay stated the property owner would be responsible for the initial inspection. If the cause of the problem is determined to be a structural problem located on the street right-of-way, HRM will take over responsibility to resolve the problem. In Option 2, the Municipality would be responsible for the initial inspection and the resolution of the problem. Councillor Fougere stated she preferred Option 2.

**MOVED by Councillors Greenough and Harvey to defer Second Reading of By-Law B-500 Respecting Building Service Connections to May 11, 1999, to provide staff the opportunity to draft the appropriate amended legislation to adopt a combination of Options 3 and 4 as outlined in the supplementary staff report dated April 23, 1999.**

Councillor Cooper inquired if property owners would be responsible for street repairs causing blockages. Mr. MacKay replied the in those cases, the circumstances would be considered and the appropriate action taken.

**MOTION PUT AND PASSED.**

**9.4 Second Reading - Amendment to By-Law S-600 Respecting Solid Waste Resource Collection and Disposal**

- By-Law S-601 Respecting Solid Waste Resource Collection and Disposal, passed First Reading on April 13, 1999 and was now before Council for Second Reading.

Deputy Mayor Uteck called three times for members of the public wishing to speak either in favour or against the By-Law. Hearing none, the following motion was placed on the floor.

**MOVED by Councillors Cunningham and Hetherington that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

**MOVED by Councillors Rankin and Mitchell that By-Law S-601 Respecting Solid Waste Resource Collection and Disposal be given Second Reading. MOTION PUT AND PASSED UNANIMOUSLY.**

**10. CORRESPONDENCE, PETITIONS**

**10.1 Correspondence**

**10.1.1 Request for Freedom of the City (HMCS Halifax) - D.E. Miller, Rear-Admiral Commander**

- Correspondence from D. E. Miller, Rear-Admiral Commander, Maritime Forces Atlantic, National Defence, requesting the Municipality to grant Freedom of the City to Her Majesty's Canadian Ship (HMCS) Halifax, was before Council for consideration.
- Correspondence from Michael Gillett, HRM Civic Events and Festivals Co-ordinator, Tourism, Culture and Heritage, regarding the above request, was before Council for consideration. The correspondence indicated there are no monies within the Civic Events and Festivals budget for granting ceremonies or exercises.

**MOVED by Councillors Greenough and McInroy that Council grant Freedom of the City to Her Majesty's Canadian Ship (HMCS) Halifax. MOTION PUT AND PASSED.**

Councillor Fougere inquired where the funding for this event would be obtained. Mr. Ken Meech, Chief Administrative Officer, replied this has not specifically been identified yet, but would probably come from the contingency fund.

**10.1.2 Request for Support - Initiative on Homelessness and Housing - Big-City Mayors' Caucus Meeting**

- Correspondence from Mayor Mel Lastman, City of Toronto, regarding the above, was before Council for consideration. The letter requested that HRM make a one time \$0.03/capita contribution to the Big-City Mayors' Caucus Homelessness and Housing Initiative.

As this was a request for funding, Deputy Mayor Uteck suggested it would be appropriate to refer this matter to the Grant Committee.

**MOVED by Councillors McInroy and Mitchell that this matter be referred to the Grant Committee for consideration.**

Councillor Rankin noted the cost of this request would be approximately \$11,000. Speaking in support of the request, the Councillor noted FCM has made this issue a priority and suggested the matter should not be limited to the Grant Committee. Councillor Rankin stated the motion should be amended to refer the matter to staff before the Grant Committee.

The Mover and Seconder of the motion agreed to amend the motion that the matter be referred to sent to staff for a report before being forwarded to the Grant Committee. The motion now read as follows:

**MOVED by Councillors McInroy and Mitchell that this matter be referred to staff for a report before being forwarded to the Grant Committee for consideration.**

Councillor Stone expressed concern with approving this request, stating the Municipality is already doing what it can with Metro Turning Point. The Councillor noted housing is a Provincial matter, and stated the staff report should address whether or not the Municipality should participate in this initiative.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2 Petitions**

**10.2.1 Councillor Downey - Parking Area "J"**

Councillor Downey submitted a petition from 15 Canadian Blood Services employees expressing concern with the loss of parking for non-HRM employees in Parking Area "J."

**10.2.2 Councillor Barnet - Removal of XXX Adult Video Stores from Malls and Family Shopping Areas**

Councillor Barnet submitted a petition from approximately 700 residents requesting the removal of XXX Adult Video Stores from malls and family shopping areas.

**11. REPORTS**

**11.1 MEMBERS OF COUNCIL**

**11.1.1 Councillor Snow - Garbage**

Councillor Snow expressed concern with the problem of illegal dumping, particular in District 2. The Councillor illustrated the problem with photographs of the types of garbage that is being dumped on one particular street in District 2. Councillor Snow suggested the matter should be referred to staff to work in consultation with himself and the residents to come up with some sort of solution to resolve this matter.

Councillor Adams expressed concern with the same issue in his District, and asked what is the fine for illegal dumping. Mr. Anstey replied the By-Law allows for a maximum fine of \$5,000, but the court determines the amount of the fine, and for a first offence, the fine would probably be a few hundred dollars. Mr. Jim Bauld, Manager, Solid Waste Resources, added HRM Dangerous and Unsightly Premises provisions may also apply for garbage on private property. He noted the Solid Waste Collection and Disposal By-Law primarily relates to collection and disposal and not illegal dumping. In response to a question of the Deputy Mayor, Mr. Bauld stated he is not aware of any prosecutions related to this issue.

Councillor Adams questioned the effectiveness of "no dumping" signage and inquired if the fine is significant enough to deter illegal dumping. Mr. Anstey replied the Municipality provides for the maximum fine, but the courts decide what fine will be imposed in any particular case. He also noted it is difficult to identify who is performing the illegal dumping, and this is the reason very few are prosecuted. Councillor Adams suggested the Municipality could work with the Nova Scotia Department of the Environment to resolve this problem.

Councillor Rankin noted this matter is currently before the Solid Waste Resource Advisory Committee and is on its May 12, 1999 agenda. The Councillor encouraged all Councillors interested in this issue to attend this meeting.

**MOVED by Councillors Greenough and Sarto that this matter be referred to the Solid Waste Resource Advisory Committee.**

Councillor Barnet stated he has raised this issue before Council, the Solid Waste Resource Advisory Committee, and the Nova Scotia Department of the Environment numerous times over the last three years, and it is yet to be resolved. The Councillor stated he did not agree with referring it to the Solid Waste Resource Advisory Committee, as a solution needs to involve the RCMP, HRM By-Law Enforcement, the Nova Scotia Department of the Environment and the Municipality.

Councillor Dooks stated the problem of illegal dumping occurs because there are not enough depots for residents to take garbage for disposal. The Councillor noted some residents in District 1 have to travel over 70 kilometers to a transfer station.

Councillor Stone suggested there should be a program, similar to Crime Stoppers, where residents who witness this illegal dumping activity can report it. The Councillor also suggested there needs to be increased enforcement for the offenders to clean up the site.

Councillor Mitchell spoke in support of referring the matter to the Solid Waste Resource Advisory Committee, stating the Municipality needs to make the offenders accountable for their actions.

Councillor Hetherington expressed concern with the lack of facilities for residents to dispose of household hazardous waste which is often disposed of through illegal dumping. The Councillor suggested there should be a special annual clean-up week held in the Municipality to help alleviate this problem.

Councillor Rankin noted the next Solid Waste Resource Advisory Committee meeting will be held on Wednesday, May 12, 1999, at 2:00 p.m. in the County Building.

It was agreed that the motion should include that a report be brought back to Council from the Committee within three weeks. The motion now read as follows:

**MOVED by Councillors Greenough and Sarto that this matter be referred to the Solid Waste Resource Advisory Committee for a report back to Council in three weeks.  
MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.2 Councillor Fougere - Ticketing Ability, By-Law Enforcement Officers**

Councillor Fougere stated there appears to be some confusion with respect to ticketing by By-Law Enforcement Officers under By-Law S-600 Respecting Solid Waste Resource Collection and Disposal. The Councillor requested a staff report to differentiate between ticketing and pursuing people who have garbage generated and remaining on their properties through the Dangerous and Unsightly Premises Act. Councillor Fougere also requested that the report include information on how any fines collected through this process could be rolled back into improved enforcement or other initiatives to deal with solid waste problems.

Councillor Blumenthal expressed concern with the limited number of By-Law Enforcement Officers, and suggested the time frame for the prosecution process needs to be improved.

Councillor Hendsbee requested that the report also address the ticketing ability of a law enforcement employees (By-Law Enforcement Officers, Police, Commissionaires, etc.).

Deputy Mayor Uteck suggested there may be a need to hold a Committee of the Whole meeting in the near future to address various solid waste issues.

Council agreed that the matter be referred to staff for a report.

**11.2 CHIEF ADMINISTRATIVE OFFICER**

**11.2.1 First Reading By-Law T-107 Respecting Taxi Licensing (Amendments to County of Halifax and City of Dartmouth Taxi By-laws)**

**MOVED by Councillors Adams and Hetherington that By-Law T-107 Respecting Taxi Licensing (Amendments to County of Halifax and City of Dartmouth Taxi By-Laws) be given First Reading. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.2 First Reading By-Law P-600 Respecting Municipal Parks**

**MOVED by Councillors Blumenthal and Downey that By-Law P-600 Respecting Municipal Parks be given First Reading.**

Councillor Greenough expressed concern with the hours of operation, and suggested 11 p.m. may be too late. Mr. Stephen King, Manager, Parks and Natural Services, stated the By-Law gives staff the authority to adjust the hours of individual parks, as necessary.



In response to a question of Councillor Read, Mr. King stated the definition of "watercourse" used in the By-Law is similar to the one used in previous by-laws in the former City of Halifax and the former City of Dartmouth. He noted this can be reviewed by staff to see if it is the most appropriate definition to be used.

With respect to the hours of operation, Councillor McInroy suggested the standard should be 10 p.m. - 5 a.m., and only the exceptions should be posted.

**MOVED by Councillors McInroy and Hetherington that proposed By-Law Number P-600 Respecting Municipal Parks be amended so that Clause 13 (3) reads as follows: No person shall be in a park at any time during the period of 10 p.m. to 5 a.m. without permission. Further, signs indicating hours of operation should only be posted at the parks where there is an exception to the standard hours of 10 p.m. - 5 a.m. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillors Hetherington and McInroy that By-Law P-600 Respecting Municipal Parks, as amended, be given First Reading. MOTION PUT AND PASSED UNANIMOUSLY.**

Council agreed to deal with Items 11.2.3 - 11.2.13 as one group.

**11.2.3 Tender 99-M579 Fall River STP Building Addition**

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

**MOVED by Councillors Greenough and Downey that:**

1. **Council approve the low tender bid of \$79,005.00 (HST included) to J. W. Lindsay Enterprises for the construction of a building addition to the Fall River Sewage Treatment Plan.**
2. **Council authorize the transfer of \$29,005 from Capital Account CGR00362 to Capital Account CGR00539. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.4 Tender 98-130 - Tantallon Elementary School Soccer Field Renovation**

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

**MOVED by Councillors Greenough and Downey that:**

1. Council award Tender #98-130 - Tantallon Elementary School Soccer Field Renovation to Terra Nova Landscaping Inc. for materials and services specified at the unit prices quoted for a tender price of \$95,635.15 including taxes for a project cost of \$109,980.42, with the funding for this project available in account #CPC00312.
2. Council authorize an increase in the project budget from \$85,000 to \$113,000 to accommodate the additional funding being provided by the Province of Nova Scotia. MOTION PUT AND PASSED UNANIMOUSLY.

**11.2.5 Tender #99-018 - South Common Soccer Field Restoration**

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

**MOVED by Councillors Greenough and Downey that:**

1. Council award Tender #99-018 - South Common Soccer Field Restoration to Elmsdale Landscaping Ltd. For materials and services specified at the unit prices quoted for a tender price of \$57,189.50 and project cost of \$65,767.93 with funding for this project available in account #CPC00309.
2. Council authorize an increase in the budget to \$90,000 to accommodate the additional funding in the amount of \$30,000 being provided by the Province of Nova Scotia. MOTION PUT AND PASSED UNANIMOUSLY.

**11.2.6 Tender #98-121 - Fleet Tires/Service & Related Items**

- A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

**MOVED by Councillors Greenough and Downey that Regional Council authorize the award of Tender #98-121 to the overall lowest bidder Crown Tire Service to provide Fleet Tires/Service & Related Items, in the amount of approximately \$132,744.40 per year, plus applicable HST for a period of two (2) years. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.7 Tender #99-202 - Matador Court Storm Sewer, Lower Sackville**

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

**MOVED by Councillors Greenough and Downey that Council award Tender 99-202, Matador Court Storm Sewer to Harbour Construction Company Limited for materials and services specified at the unit prices quoted for a Tender Price of \$59,650.50, and an allowance of 15% for contingencies, for a Total Project Cost of \$68,599.00 with funding provided as outlined in the Budget Implications section of the staff report dated April 21, 1999. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.8 Tender 99-022 - Three (3) 1999 4-Door Sedans (unmarked)**

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

**MOVED by Councillors Greenough and Downey that Council authorize the award of Tender #99-022 to the lowest bidder, Wood Motors Limited at a cost of \$59,661,00 plus H.S.T. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.9 Tender 99-026 - Eight (8) 1999 4-Door Sedan Patrol Cars**

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

**MOVED by Councillors Greenough and Downey that Council authorize the award of Tender 99-026 to Wood Motors Ford at a cost of \$217,232.00 plus H.S.T. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.10 Tender 99-030, Pavement Markings West/Central Region**

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

During Approval of the Order of Business, this item was deferred for one week.

**11.2.11 Tender 99-210, Auburn Avenue Storm Sewer, Phase 2**

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

**MOVED by Councillors Greenough and Downey that Tender 99-210, Auburn Avenue Storm Sewer, Phase 2, be awarded to Sackville Trenching Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$83,778.65, and a Total Project Cost of \$96,345.00, with funding authorized as per the Budget**

Implications section of the staff report dated April 22, 1999. **MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.12 Tender 99-303, Resurfacing Part 1, West Region**

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

**MOVED by Councillors Greenough and Downey that Halifax Regional Council award Tender 99-303, Streets Upgrading, Resurfacing Part 1, West Region, to Dexter Construction Company Limited for materials and services specified at the unit prices quoted for a Total Tender Price of \$248,055.00 and a Total Project Cost of \$285,263.00 with funding availability as noted in the Budget Implications section of the staff report dated April 22, 1999. **MOTION PUT AND PASSED UNANIMOUSLY.****

**11.2.13 Award of Proposal #99-054 - Engineering Consulting Services for the Refit of the Harbour Ferry Halifax III**

- A staff report prepared for Ken Meech, Chief Administrative Officer, regarding the above, was before Council for consideration.

**MOVED by Councillors Greenough and Downey that Council authorize the award of Proposal #99-054 for engineering consulting services in connection with the refit of the vessel, Halifax III to E.Y.E. Marine Consultants in the amount of \$58,891.00 plus H.S.T. Funding is available in Capital Account #CVR00461, Halifax III, Mid-Life Refit. **MOTION PUT AND PASSED UNANIMOUSLY.****

**11.2.14 Quotation Q98P605 - Lubricating Oil and Oil Related Products**

- A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

**CONFLICT OF INTEREST**

As he is an Irving Oil franchise owner, Councillor Rankin declared a Conflict of Interest with respect to this matter and removed himself from the discussion.

**MOVED by Councillors Greenough and Downey that Regional Council authorize the award of Tender Q98P605 to the overall lowest bidder Irving Oil Ltd., to provide Lubricating Oil and Oil Related Products, in the amount of approximately**

**\$107,307.01 per year, plus 15% HST for a period of three (3) years. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Rankin took his place at the meeting.

**11.2.15 Interest Rate on Betterment Charges**

- A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

At the request of Mr. Meech, it was agreed that this matter be deferred for one week, to provide him an opportunity to review the report with staff.

**MOVED by Councillors Rankin and Fougere that this matter be deferred for one week. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.16 Taxation of P3 Schools**

This item was addressed earlier in the meeting. (See Page 5)

**11.2.17 Debenture Issue and Temporary Borrowing Resolutions**

- A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

**MOVED by Councillors Stone and Greenough that:**

1. **The Mayor and Municipal Clerk be authorized to sign the Issuing Resolution between Halifax Regional Municipality and the Nova Scotia Municipal Finance Corporation to enable the Halifax Regional Municipality to issue a debenture in the amount of \$25,000,000.**
2. **Council approve the renewal of:**
  - (a) **Temporary Borrowing Resolution 97/98-01 in the amount of \$11,565,130**
  - (b) **Temporary Borrowing Resolution 97/98-02 in the amount of \$14,855,308**
  - (c) **Temporary Borrowing Resolution 97/98-04 in the amount of \$13,267,837**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.18 Soffit Encroachment - 5217 South Street**

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

**MOVED by Councillors Fougere and Downey that Council approve the roof overhang and rain gutter encroachment at 5217 South Street.**

In response to a question of Councillor Hendsbee, Mr. Ed Thornhill, Regional Coordinator Inspections, advised that a harmonized encroachment by-law will be coming forward to Council in the next few months.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.19 Encroachment for Telecommunication Conduit - Hollis St.**

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

**MOVED by Councillors Downey and Fougere that Council approve the telecommunication conduit encroachment on the 1500 block of Hollis St. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.20 Administrative Order 1 - Rules of Order**

- A staff report prepared for George McLellan, Deputy Chief Administrative Order, regarding the above, was before Council for consideration.

**MOVED by Councillors Greenough and Hetherington that Council approve the amendment to Administrative Order 1, Rules of Order, attached as Appendix "A" to the staff report dated 20 April 1999, as a policy pursuant to the *Municipal Government Act*. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.21 Administrative Orders 2, 3, 4 & 7 - Community Councils**

- A staff report prepared for George McLellan, Deputy Chief Administrative Order, regarding the above, was before Council for consideration.

**MOVED by Councillors Greenough and Sarto that Council approve the amendment to Administrative Orders 2, 3, 4 & 7, attached as Appendix "A" to the staff report dated April 20, 1999, as a policy pursuant to Sections 526-528 of the *Municipal Government Act*. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.22 Ratify Action Taken In Camera (April 27/99) Legal Matter - Disposal of Excess Waste - Queens County**

- This matter was discussed during an In Camera Session held on April 27, 1999 and was now before Council for ratification.

**CONFLICT OF INTEREST**

Councillor McInroy declared a conflict of interest regarding this matter and withdrew himself from the discussion, as his brother is legal counsel for the proponent.

**MOVED by Councillors Mitchell and Greenough that the recommendation adopted In Camera on April 27, 1999, be ratified.**

In response to a question of Councillor Blumenthal, Mr. Bauld confirmed that no organic waste will be accepted at the transfer station.

Responding to a question of Councillor Schofield regarding the date of demolition of the Dartmouth Transfer Station, Mr. Bauld stated he would consult with Real Estate Services to determine the date.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2.23 Notice of Motions/Public Hearing Dates - Development Agreements**

- Case 00052: Development Agreement to Permit a Mixed Use Building at 1343 Hollis Street, Halifax**
- Project 00011 : Sale of Land and Development Agreement Application, Creighton/Gerrish Development Association**
- Case 00130: Development Agreement to Permit a Retail Development (Staples), Gottingen and Cogswell Street**

**MOVED by Councillors Downey and Stone that:**

- 1) Regional Council hold additional public hearings on May 25th and June 22nd, in addition to the regular hearing dates of May 11th and June 8th.**
- 2) Regional Council given Notice of Motion to consider an application for a development agreement to permit a mixed use building at 1343 Hollis Street on lands of Ollive Properties Limited (Case 00052) at a public hearing on May 25, 1999.**

- 3) **Regional Council give Notice of Motion to consider an application for a development agreement with the Creighton/Gerrish Development Association for lands located at the south-west intersection of Gerrish and Gottingen Streets (Project 00011) at a public hearing on May 25, 1999. The request is for a joint hearing to consider the development agreement as well as the sale of the properties to the Creighton/Gerrish Development Association.**
- 4) **Regional Council given Notice of Motion to consider a development agreement application in order to permit construction of a retail store at 2003 Gottingen Street and 5443 Cogswell Street (Case 00130) at a Public Hearing on May 25, 1999. MOTION PUT AND PASSED UNANIMOUSLY.**

#### **12.1 Councillor Cooper**

**MOVED by Councillors Cooper and Sarto that Halifax Regional Council initiate a short cutting study for the Col. John Stewart Drive, Auburn Drive, Leander Drive and Broom Road corridor.**

Councillor Hetherington suggested this matter should be referred to staff for a report regarding the costs of the study and the terms of reference of such a study. Councillor Cooper suggested the motion be passed, pending clarification of funding. Both the Mover and Secunder were in agreement of amending the motion. The amended motion now read as follows:

**MOVED by Councillors Cooper and Sarto that Halifax Regional Council initiate a short cutting study for the Col. John Stewart Drive, Auburn Drive, Leander Drive and Broom Road corridor, pending clarification of funding.**

Councillor Blumenthal inquired if this is approved, will other traffic calming projects be deferred. Mr. Meech replied he will clarify this with staff. Councillor Harvey stated it is his understanding there needs to be a petition from the street affected for staff to consider before a project moves ahead. The Councillor requested that this be clarified as well.

Councillor Walker stated there is funding in the budget for these projects on an "as needed" basis. All streets will be placed on a list and will be addressed as staff resources permit.

Councillor Cooper stated the first step of a petition would not require much funding, and it would determine whether or not the project should move forward.

**MOTION PUT AND PASSED UNANIMOUSLY.**



**12.2 Councillor Walker**

Councillor Walker requested that staff be directed to amend By-Law S-400 to read “when a property abuts more than one street, the charge for the project undertaken shall apply to the civic address.” The Councillor noted that currently if the property abuts on three sides, the Municipality is in a dispute with the residence. If it abuts on the front and the rear, and the rear street is to be paved first, they are levied with improvement charges for the rear of the property. Councillor Walker stated if the charges were for front yardage, the residents would have no objection to the charges. However, he noted a particular street in his District that is being paved, where 31 of the 60 residents affected are being charged for their backyards. Councillor Walker stated if local improvement charges applied to the civic address only, a lot of the problems would be eliminated.

**MOVED by Councillors Walker and Adams that this matter be referred to staff for a report. MOTION PUT AND PASSED.**

**13. ADDED ITEMS**

**13.1 Councillor Stone - Knightsridge Fire Station**

Councillor Stone expressed concern with the level of service and equipment at the Knightsridge Fire Station, and requested that the matter be directed to the Fire Chief for a report. The Councillor noted it has been brought to his attention that this station has less manpower and equipment and no aerial ladder truck to accommodate high-rise buildings. Councillor Stone requested that the report clarify whether or not this is correct. The Councillor also expressed concern with the distance to be travelled by back-up services coming from the volunteer service in Bedford.

**MOVED by Councillors Stone and Walker that Council request a report from the Fire Chief addressing the concerns expressed by Councillor Stone with respect to equipment and services of the Knightsridge Fire Station. MOTION PUT AND PASSED.**

**13.2 Councillor Barnet - Springfield Lake Sewage Treatment Plant**

Councillor Barnet referenced Information Item #3, an Information Report prepared for Brian T. Smith, Director of Business Operations, regarding Community Wastewater Treatment Plants, which indicated the Springfield Lake area has a sewage treatment plant built in 1989, with a capacity of 144,000 gallons per day, an average daily flow of 93,000, and a 51,000 gallons per day excess capacity.

The Councillor requested that Engineering and Planning staff be directed to prepare a report regarding the possibility of revising the plan boundary for sanitary services in the Springfield Lake area to include a section of 19 homes in the area that would gravity feed into the system, and for some reason, have not been included. The location of these homes was illustrated with the use of a map. Councillor Barnet stated these nineteen homes do not have sewer or water, and many have leachate problems. The Councillor noted there is an on-going plan review, and stated he hopes staff can consider this as part of the current plan review process.

**MOVED by Councillors Barnet and Harvey that Council request a staff report from Engineering and Planning with respect to boundaries for the Springfield Lake Sewage Treatment Plant. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.3 Collective Agreement - Ocean View Manor**

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

**MOVED by Councillors Greenough and Hetherington that the recommendation adopted In Camera be ratified. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.4 Land Matter - Braeside Court to Maple Drive**

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

**MOVED by Councillors Greenough and Sarto that the recommendation adopted In Camera be ratified. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.5 Land Matter - Sale of 19077 No. 7 Highway, Spry Harbour**

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

**MOVED by Councillors Dooks and Snow that the recommendation adopted In Camera be ratified. MOTION PUT AND PASSED.**

**13.6 Land Matter - 946 Main Street**

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

**MOVED** by Councillors Cooper and Hendsbee that the recommendation adopted In Camera be ratified. **MOTION PUT AND PASSED UNANIMOUSLY.**

**14. NOTICES OF MOTION**

**14.1 Councillor Cunningham**

**TAKE NOTICE** that at the next regular Regional Council meeting, to be held on Tuesday, the 11th day of May 1999, I propose to introduce for adoption by Council as a policy pursuant to Section 315 of the *Municipal Government Act* Administrative Order SC-18 the purpose of which is to effect closure of a portion of Prince Albert Road.

**14.2 Councillor Cunningham**

**TAKE NOTICE** that at the next regular Regional Council meeting, to be held on Tuesday, the 11th day of May 1999, I propose to introduce the following motion:

That staff determine dates for public information meetings only after consultation with and agreement of the Councillor for the District affected.

**14.3 Councillor Rankin**

**TAKE NOTICE** that at the next regular Regional Council meeting, to be held on Tuesday, the 11th day of May 1999, I propose to introduce for adoption by Council as a policy pursuant to Section 114 of the *Municipal Government Act*, Administration Order 18 the purpose of which is to formally adopt by policy as required by the legislation the interest rate to be paid on the refund of taxes that have been overpaid as a result of a successful assessment appeal.

**14.4 Councillor Adams**

**TAKE NOTICE** that at the next regular meeting of the Halifax Regional Council to be held on May 11, 1999, I intend to introduce a motion to adopt a new HRM Encroachment By-Law.

**14.5 Councillor Cooper**

**TAKE NOTICE** that, at the next regular Regional Council meeting, to be held on Tuesday, the 11th day of May, 1999, I propose to introduce for adoption by Council as a policy pursuant to Section 49 of the *Municipal Government Act* an amendment to Administrative Order 15, the purpose of which is to establish the permit fees under the Lot

Grading By-Law of the former Halifax County Municipality and the Grade Alteration By-Law of the former Town of Bedford.

**15.     ADJOURNMENT**

**MOVED by Councillors Blumenthal and Hetherington that the meeting adjourn at 8:20 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael  
Municipal Clerk