

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES December 7, 1999

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor John Cunningham
Councillors: Stephen Streach
Gordon R. Snow
Keith Colwell
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington (present - evening session)
Clint Schofield
Jerry Blumenthal
Graham L. Downey
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Stephen D. Adams
David Merrigan
Bob Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

REGRETS:

Councillor Bruce Hetherington (afternoon session)

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Barbara Moar, Acting Municipal Clerk (part)
Ms. Patti Halliday, Assistant Municipal Clerk (part)
Ms. Julia Horncastle (part)

TABLE OF CONTENTS

1.	INVOCATION	05
2.	PROCLAMATIONS	
	2.1 Human Rights Day	05
	2.2 Elimination of Poverty Among Canadian Children	05
3.	APPROVAL OF MINUTES - November 16 & 23, 1999	05
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	05
5.	BUSINESS ARISING OUT OF THE MINUTES	06
6.	MOTIONS OF RECONSIDERATION	06
7.	MOTIONS OF RESCISSION	06
8.	CONSIDERATION OF DEFERRED BUSINESS	06
9.	REPORTS	
	9.1 CHIEF ADMINISTRATIVE OFFICER	
	9.1.1 Integrated Servicing Study	06
	9.1.2 Interim Regional Transportation Strategy	08
	9.1.3 Neighbourhood Short-Cutting - Armview-Pryor-Jubilee Neighbourhood	12
	9.1.4 1999-2000 Winter Parking Regulations	20
	Presentation - Recognition of 250 th Celebrations - Mr. Stan Ferguson	12
10.	PUBLIC HEARINGS	
	10.1 Second Reading By-Law S-201 Respecting Smoking	13
	10.2 Second Reading By-Law T-202 Respecting Tax Exemptions	06
	10.3 Case 00122 - Request by Clayton Developments to Amend the Halifax MPS and LUB, Clayton Park West, and Stage 1 Development Agreement (Home Depot)(Joint Public Hearing with Chebucto Community Council)	19
11.	CORRESPONDENCE, PETITIONS	
	11.1 Petitions	21

12.	REPORTS	
	12.1 MEMBERS OF COUNCIL	
	12.1.1	Councillor Fougere - Stained Glass Window - Tower Road School PTA 29
	12.1.2	Councillor McInroy (i) Snow Removal December 1 st 29 (ii) Illegal Fluorescent Mobile Signs, Cole Hbr Rd ... 29 (iii) Private Signs Illegally Located on Municipal Property 29
	12.1.3	Councillor Cooper - Domestic Water Pressure - Westphal Area 29
	12.2 HARBOUR EAST COMMUNITY COUNCIL	
	12.2.1	Interim Recommendation - Master Development Plan Morris-Russell Lake Public Participation Committee 21
	12.3 PESTICIDE BY-LAW ADVISORY COMMITTEE	
	12.3.1	Report from Committee 20
	12.4 CHIEF ADMINISTRATIVE OFFICER	
	12.4.1	Quotation Q99P466 Supply and Install Monorail System and Overhead Cranes and Remove and Reinstall Hoists 22
	12.4.2	Metro Transit - Sunday Ferry Service 22
	12.4.3	2000 Council Meeting Schedule 22
	12.4.4	By-Law S-101 to Amend By-Law S-100 Respecting Sewer Charges 23
	12.4.5	Cranberry Lake/Irving Oil Culvert Cost Share 24
	12.4.6	Tax Structure Review and Area Rates 25
	12.4.7	Single Channel Lease Agreements, Radio and Paging Equipment for Volunteer Fire Departments. One Channel in 1999 26
	12.4.8	Assignment of Philip Environmental (Atlantic) Ltd. Contracts 26
13.	MOTIONS 26
14.	ADDED ITEMS	
	14.1	Memorandum from the Chief Administrative Officer dated December 7, 1999 re: Recognition and Awards Program- NSUPE Strike 10

14.2 Councillor Schofield	
a) Sidewalk Snowplowing and Liability	27
b) Halifax Explosion Memorial Service	27
14.3 Councillor Snow - Streets and Roads	27
14.4 Councillor Sarto - Traffic Lights at Portland, Carver and Isnor	27
14.5 Property Matter - 102 Penhorn Drive	27
14.6 Property Matter - Lynch Estate Court, Burnside Park	27
14.7 Legal Matter - Claim Settlement	28
14.8 Vacancies - Boards and Committees	28
15. NOTICES OF MOTION	28
16. ADJOURNMENT	29

1. INVOCATION

Mayor Fitzgerald called the meeting to order at 2:00 p.m. with the Invocation.

ACKNOWLEDGEMENT

At a later point in the meeting, Mayor Fitzgerald introduced Ms. Dale McLennan, the newly appointed Director of Finance.

2. PROCLAMATIONS

2.1 Human Rights Day

Mayor Fitzgerald proclaimed December 10, 1999 as Human Rights Day.

2.2 Elimination of Poverty Among Canadian Children

Mayor Fitzgerald proclaimed that Council will continue to work on the Government of Canada's promise to eliminate poverty among Canadian children by the Year 2000.

3. APPROVAL OF MINUTES

MOVED by Deputy Mayor Cunningham and Councillor Blumenthal that the minutes of November 16 & 23, 1999 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

- 14.1 Memorandum from the Chief Administrative Officer dated December 7, 1999 re: Recognition and Awards Program - NSUPE Strike
- 14.2 Councillor Schofield:
 - a) Sidewalk Snowplowing and Liability
 - b) Halifax Explosion Memorial Service
- 14.3 Councillor Snow - Streets and Roads
- 14.4 Councillor Sarto - Traffic Lights at Portland, Carver and Isnor
- 14.5 Property Matter - 102 Penhorn Drive
- 14.6 Property Matter - Lynch Estate Court, Burnside Park
- 14.7 Legal Matter - Claim Settlement

14.8 Vacancies

Councillor Walker requested Information Item #11 - All Type Self Storage Fire, 960 Barrington Street, be placed on the December 14, 1999 Regular Council agenda.

MOVED by Councillors Greenough and Mitchell that the Order of Business and Additions and Deletions be approved. MOTION PUT AND PASSED UNANIMOUSLY.

5. BUSINESS ARISING FROM THE MINUTES - None

6. MOTIONS OF RECONSIDERATION - None

7. MOTION OF RESCISSION - None

8. CONSIDERATION OF DEFERRED BUSINESS

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 Integrated Servicing Study

- An Information Report prepared for Kulvinder Dhillon, Director of Public Works and Transportation Services, regarding the above, was before Council for consideration.
- Copies of the Integrated Servicing Study presentation were circulated to members of Council.

Mr. Kulvinder Dhillon, Director, Public Works and Transportation Services, stated the Integrated Servicing Study report was prepared by Harbour Engineering, and was done in partnership with the Halifax Regional Water Commission. Mr. Dhillon noted Harbour Engineering was hired in March 1998 to perform this study, which was completed approximately two months ago. Two copies of the full report are available in the Councillors' Support Office for those Councillors wishing to review it, and staff is also prepared to meet with Councillors individually, if so wished, to provide more details.

Mr. Mike Murphy, Project Manager, Harbour Engineering, presented the report to Council, stating the primary objective of the study was to assess the capacity of existing infrastructure and to identify future infrastructure that may be required to enable future development to occur in a logical and economical pattern. The infrastructure that was

considered included the following: water supply, sanitary sewage, storm water drainage, transportation and transit issues.

In response to questions of Councillors Kelly, Mitchell, Blumenthal, and Cooper the following points were made by Mr. Dhillon:

- The commuter rail issue will be discussed as part of the long term development strategy being done by Planning Services.
- The majority of the \$596 million cost referred to in the report will take place in the next 5-7 years.
- At this time, it is assumed that \$145 million is a regional cost, with some portion that may or may not be recoverable from the infrastructure charges. An amount of \$6.5 million is a recoverable cost from the subdivision developers. The remaining costs are assumed to be HRM's costs.
- If each development zone was fully developed to its capacity, there would be separate costs in the full report which are not included in the summary.
- Discussions have taken place with the Department of Transportation and Public Works regarding the second phase of the twinning Hwy #103, and it anticipated this will be done in the next 2-5 years.
- Staff will come back each year during the Capital Budget process for approval of funds to complete any of the projects included in the report.
- The next step will be for Planning Services to complete a separate exercise which will determine the priority of development.

(Mayor Fitzgerald left the meeting at 2:50 p.m. and Deputy Mayor Cunningham assumed the Chair.)

Responding to further questions of Councillors Cooper, Read, Harvey, Schofield, Stone, Downey and Cooper, Mr. Dhillon, Mr. Murphy, Ms. Donna Davis-Lohnes, General Manager, Planning Services, and Mr. Carl Yates, General Manager, Halifax Regional Water Commission, made the following comments:

- Staff believes the Master Plan Areas are logical cost effective areas for growth to occur. The Regional Plan will determine what constraints will be put on outward growth.
- All the traffic improvements included in the report are not necessarily road widening, but are proposed to increase the capacity of the road.
- The location of the piping for the transmission water main to Upper Sackville will be determined by the Water Commission.
- The Water Commission is currently capable of transferring 2 million gallons of water per day, in either direction, across the Macdonald Bridge.

- Staff is attempting to direct development where there is the least municipal cost.
- As part of the planning exercise, staff is looking at the total cost of the future infrastructure required in the Master Plan Area, and then looking at possibly recovering all or a portion of those costs through an infrastructure charges by-law for that area.
- The prioritization of the projects will be a separate process.
- The cost of this study was approximately \$130,000 and there was no cost-sharing with the Province.
- There are very few remaining roads in the metro area that are cost-shared with the Province.
- The Master Planning exercise will gather more detailed information regarding total infrastructure requirements. The total costs and the implications will need to be examined after that information is obtained.

(Mayor Fitzgerald returned to the meeting at 3:15 p.m. and assumed the Chair.)

In response to additional questions of Councillor Sarto and Read, the following comments were made:

- A lot of the underground water and sewage infrastructure is designed for an average population density of 40-45 people per hectare. The only area close to this average population density is the Peninsula.

Mayor Fitzgerald thanked staff for the report.

9.1.2 Interim Regional Transportation Strategy

- A report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.
- A draft Interim Regional Transportation Strategy was circulated to Council.

MOVED by Councillors Kelly and Stone that Council receive the draft Interim Regional Transportation Strategy and authorize public consultation on its recommendations.

In response to a question of Councillor Adams regarding the widening of Herring Cove Road, Mr. Dhillon stated it is included in the report and the detailed cost information will be brought to Council during the budget deliberations at which time Council will set the priorities. Councillor Adams noted this project was third on the list during the last

infrastructure program. Mr. Dhillon replied that it was not approved by the Province at that time.

Mr. Dhillon stated the Strategy is a combination of the old Go-Plan and the Integrated Servicing Strategy. After the public consultation, the Strategy will be brought back to Council for approval.

Mr. David McCusker, Manager, Traffic and Transportation Services, presented the Strategy to Council.

In response to questions of Councillors Walker, Read, Cooper, Mr. McCusker made the following points:

- Staff has a set of new design specifications for roadways which include geometric parameters for all classifications of streets. Staff will endeavour to identify streets where the physical attributes are less than what they should be to accommodate the traffic designated for them.
- Efforts will be made to bring traffic levels into line with the capacity of the street. Another alternative would be to bring the roadway up to a higher classification.
- The public consultation will take place in late January or early February 2000.
- All of the traffic modelling would have been based on 1996 census data, and more up-to-date modelling.
- As a regional transportation strategy, staff believes this document will help define the major framework of HRM's transportation structure, but staff would still continue to rely on more localized transportation studies, such as Cole Harbour or Burnside Industrial Park, to build on the strategy.
- A number of localized transportation studies are ready to begin this year and more will be identified for next year. These will be completed on an as needed basis.

(Mayor Fitzgerald left the meeting at 3:50 p.m. and Deputy Mayor Cunningham assumed the Chair.)

Responding to further questions of Councillors Mitchell, Blumenthal and Stone, staff made the following points:

- The portion of St. Margaret's Bay Road closest to the Armdale Rotary was studied and there is not a great deal of ability to expand the capacity. Staff is looking at alternative ways of managing traffic in that area.

- The elevation between the railway tracks and Joseph Howe Drive, and the fact it is a cost-shared project, are the two impediments regarding the ramp from the Bicentennial Highway and Dutch Village Road.
- Staff are encouraging drivers to use the Bicentennial Highway corridor.
- The public consultation will take place in various areas of the Municipality.

The vote was then taken on the motion on the floor.

MOTION PUT AND PASSED.

As Mr. Meech would not be available for the evening meeting, it was agreed to deal with Item 14.1 Memorandum from the Chief Administrative Officer dated December 7, 1999 re: Recognition and Awards Program - NSUPE Strike, at this time.

(Mayor Fitzgerald returned to the meeting at 4:00 p.m. and assumed the Chair.)

14.1 Memorandum from the Chief Administrative Officer dated December 7, 1999 re: Recognition and Awards Program - NSUPE Strike

- An Information Report prepared for Ken Meech, Chief Administrative Officer, regarding the above, was circulated to Council.

Mr. Meech reviewed his memorandum regarding the Recognition and Awards Program which was circulated to Council.

Councillor Blumenthal requested information regarding the criteria that was used to determine which staff would receive awards, and if all management received awards, or only the management of inside workers.

Councillor Harvey stated this program has worsened an existing morale problem. The Councillor suggested all staff should have received bonuses for the way they have pitched in to turn around HRM's financial position.

Councillor Schofield stated such a program should not have taken place without all staff being considered. The Councillor inquired if those staff that were not paid overtime were managers whose salaries were established not to include overtime.

Councillor Kelly requested that, in future, when similar reports come forward from staff, it would be helpful to have the background information with the report so Council will have a full picture of the implications. The Councillor acknowledged that the Chief Administrative Officer had the authority to implement the Recognition and Awards

Program, but stated it is important for Council to have the opportunity for dialogue prior to such decisions being made.

Councillor Cooper expressed concerns with the process and timing of the award program. The Councillor stated a meeting with Council should have been held before this program was implemented. Councillor Cooper stated he is not convinced that all staff were appropriately recognized, and requested that responses to Councillor Blumenthal's questions be received in writing by Council. The Councillor also expressed concern with Council receiving reports on their desks at the meeting when the item is being discussed.

Councillor Walker expressed concern with the procedure taken, stating it may set a precedent for future strikes. The Councillor stated he will meet with Mr. Meech to obtain additional information.

Councillor McInroy stated he supports the concept of the program but not the exclusion of certain groups of employees, noting many union and non-union employees worked extra hours during other periods of the year, such as during amalgamation and the introduction of the SAP system. Mr. Meech stated if there were unionized people involved in this effort, in some cases, they would have received recognition as well.

Councillor Colwell expressed concern with the program, stating many of the union employees are distraught over the strike and this has only increased that feeling. The Councillor noted during other industrial strikes in the Municipality, management staff worked without bonuses and overtime. Councillor Colwell expressed concern with Council only receiving the detailed information today and not being given the opportunity for input before the decision was made.

(Councillor Hetherington took his place at the meeting at 4:20 p.m.)

Councillor Greenough stated this program was an exercise undertaken by management, and it is his understanding that expenditures in excess of \$50,000 have to be approved by Council. The Councillor expressed concern that this matter was not brought to Council first for approval of this expenditure.

Councillor Mitchell spoke in support of the program, stating it was the right thing to do.

Councillor Stone stated there needs to be a set policy for employee recognition which would include all employees. The Councillor stated he did not object to the program, but did object to the way it was handled, suggesting there should have been a process to bring it to Council in advance.

Councillor Read spoke in support of the program, stating under the circumstances the amount involved was not very large.

Councillor Rankin spoke in support of the program, stating Mr. Meech acted within his authority and mandate to oversee staff and the regime of compensation.

Councillor Snow stated the cost to pay all the overtime worked during the strike would be far greater than the cost of the program.

Councillor Sarto also spoke in support of the program.

Mr. George McLellan, Deputy Chief Administrative Officer, addressed Council regarding the program, stating the program rewarded people who value public service, many of whom did not receive any overtime and made other sacrifices such as postponing vacations.

It was agreed that a response would be provided to the questions raised.

MOVED by Councillors Blumenthal and Greenough that Council recess at 4:40 p.m. until 6:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

The meeting reconvened at 6:00 p.m. with the observance of a moment of silence in memory of those killed in the Halifax Explosion, the Montreal Massacre and the firefighters who died in the fire in Worcester, Massachusetts.

Presentation - Recognition of 250th Celebrations - Mr. Stan Ferguson

Mr. Stan Ferguson, on behalf of the RCMP and the Detachment of Halifax, presented the Mayor and Council a painting in commemoration of the 250th anniversary of the City of Halifax. Mayor Fitzgerald with the assistance of Former Mayor Wallace, unveiled the painting.

9.1.3 Neighbourhood Short-cutting - Arm View-prior-jubilee Neighbourhood

- A staff report prepared for Kulvinder Dhillon, Director, Engineering and Transportation Services, on the above noted, was before Council.
- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated December 6, 1999, on the above noted was before Council.
- A report from Julia M. Ross on behalf of The Committee of Concern was circulated to Council.

- Correspondence from Kate Carmichael, Downtown Halifax Business Commission was circulated to Council.
- A traffic surveillance report prepared by Canadian Security & Investigations Limited, dated November 16, 1999, was before Council.
- A petition, dated December 6, 1999, in opposition to the lights at the corner of Connaught Avenue and Jubilee Road, was before Council
- Background information from the Armview/Pryor/Jubilee Traffic Committee was before Council.
- A traffic surveillance video had been circulated to Members of Council.

Mr. Dave McCusker, Manager, Traffic and Transportation, with the aid of overheads, presented the report to Council.

Councillor Fougere clarified that the lights themselves are not part of the traffic calming policy. In response, Mr. McCusker advised the test installation is to bias the signal timings towards one street as opposed to allowing the signals to operate freely based on measured demand. He noted the fact that that intersection is signalized rather than stop controlled is a traffic control decision, not part of the traffic calming policy.

Councillor Fougere stated the lights have not addressed safety concerns. She advised the community has agreed that stop signs or speed humps would be a more effective traffic calming measure. The Councillor noted a quality of life rather than a safety issue has been addressed for one area resulting in the creation of these concerns in another.

In response to Councillor Blumenthal, Council was advised it was a concern that if there was rejection of a successful trial would there be the same outcome on subsequent trials.

Councillor Blumenthal queried whether there was an alternative such as speed humps to address the safety issue on Connaught Avenue. In response, Mr. McCusker stated Traffic will be trying speed humps as a traffic calming measure.

Councillor Adams clarified that the options available to Council do not include removal of the lights. Mr. McCusker stated that staff would seek direction from Council on whether to discontinue the plan. He stated if staff was asked to discontinue the trial, one of the options would be to allow the traffic signals to run based on measured demand.

Councillor Adams suggested the configuration of Quinpool Road be changed so that traffic would be one way in in the morning and one way out in the evening.

MOVED by Councillors Walker and Blumenthal that staff proceed to the next step, weighing traffic signals.

Councillor Blumenthal requested staff investigate the option of Quinpool Road be three way for morning traffic coming in and three way out for evening traffic. The Councillor further requested staff also look at the use of speed humps and safety for school children.

Councillor Fougere requested staff advise on what will be done to address the safety issues that have not been addressed as a result of the lights.

MOTION PUT AND PASSED.

10. PUBLIC HEARINGS

10.1 Second Reading By-Law S-201 Respecting Smoking

- An extract from the November 9, 1999 minutes was before Council.
- An information report, dated December 7, 1999, prepared for Dan English, Deputy Chief Administrative Officer, on the above noted, was before Council.
- Correspondence and information on second hand smoke was before Council.

Ms. Barb Nehiley, Special Projects Advisor, with the aid of overheads, provided a summary of the proposed by-law amendments.

Mayor Fitzgerald called for members of the public wishing to speak either in favour of or against the amendments.

Dr. Robert Strang, reading from prepared text, addressed Council stating that the goal of protecting people in public places needs to be kept clearly in view when assessing the current and future amendments to the by-law and there needs to be a clear and on going commitment by Council to that goal. He advised the banning of smoking has a neutral or positive effect on the hospitality industry in other Municipalities. He urged Council show leadership in taking significant steps towards eliminating smoking in public places. He reminded Council that 70% of Nova Scotians support a complete ban on smoking in public places.

Dr. Gerry Brosky, Department of Family Medicine, Dalhousie University, stated he was on the side of health and believed that second hand smoke is deadly in that it increases heart attacks, strokes and lung cancer 25-30%. He suggested Council accept this as a starting place not from the point of view of protecting the health of the public but as a symbolic and educational effort.

Ms. Kelly Redmond-Evans, Bedford, stated she would like to see all licensed establishments be 100% smoke free. She stated she would like to have a choice of sitting

in a non smoking section when visiting any type of licensed establishment. She expressed concern with workers who are exposed to large amounts of second hand smoke on a daily basis.

Dr. Michael Goodyear, QEII Health Sciences Centre, spoke in support of the by-law suggesting this be a part of a phased in commitment with a definite goal to create a smoke free environment in HRM by a specified target date.

Ms. Shirley Marriott, 5515 Victoria Road, Halifax, stated there is no sense in having a portion of a restaurant or bingo hall designated as non smoking unless there is a barrier. She stated until smoking is banned there should a requirement that partitions divide smokers from non smokers.

Ms. Maureen Bartlett, Lower Sackville, spoke against the proposed by-law stating, personal research has determined that second hand smoke does not pose a health risk. She noted there are many other toxins in the air. She stated the validity of second hand smoke posing a health risk has never been proven.

Mayor Fitzgerald called three times for any additional speakers. Hearing none, the following motion was placed before Council.

**MOVED by Councillors Hetherington and Greenough that the public hearing close.
MOTION PUT AND PASSED.**

DECISION OF COUNCIL

MOVED by Councillors Hetherington and Stone that Council approve Second Reading of By-Law S-200 Respecting Smoking.

Councillor Walker stated he would be voting against the By-Law.

Councillor Harvey stated that evidence shows that second hand smoke does cause harm to other people.

Councillor Read advised he could not support the By-Law as it does not go far enough. He stated there should be a more rigorous phase out approach than that which is in the current proposal.

Deputy Mayor Cunningham suggested staff come back in approximately six months with another phase to this By-Law making it stricter than it is now with guidelines and time lines as to how the phasing will continue.

(Deputy Mayor Cunningham assumed the chair at 8:00 p.m.)

Councillor Adams advised he was not in agreement with a total ban. He noted it is a matter of choice whether or not a person enters a bar or restaurant that permits smoking. He noted it is not up to Council to mandate to business owners what they can and cannot do.

Councillor Walker requested a recorded vote.

The following members of Council voted in **favour** of the motion: Deputy Mayor Cunningham and Councillors Streach, Snow, Colwell, Cooper, McInroy, Greenough, Sarto, Hetherington, Schofield, Blumenthal, Downey, Fougere, Stone, Merrigan, Rankin and Mitchell. (17 in favour)

The following members of Council voted **against** the motion: Councillors Walker, Read, Adams, Harvey and Kelly. (5 against)

Mayor Fitzgerald was absent for the vote.

District 13 seat vacant.

MOTION PUT AND PASSED.

10.2 Second Reading By-Law T-202 Respecting Tax Exemptions

- A supplementary report, dated November 18, 1999, prepared for Mr. K.R. Meech, Chief Administrative Officer, on the above noted, was before Council.
- An extract from the Draft November 16, 1999 Regional Council minutes was before Council.
- Correspondence from Susan E. North, Mike Chisholm, William H. Lawrence, Bruce Klinger and James Gregg, President, The Waegwoltic Club, Mary Vingoe, The Eastern Front Theatre Company, and Scott Burke, Ship's Company Theatre were before Council.

MOVED by Councillors Walker and Fougere that Council approve Second Reading of By-Law T-202, an amendment to By-Law T-201 a By-Law Respecting Tax Exemption for non profit organizations.

(Mayor Fitzgerald assumed the Chair at 8:30 p.m.)

Mayor Fitzgerald called for members of the public wishing to speak either in favour or against the amendments.

Mr. Dan O’Haloran, Waegwoltic Club, expressed concern that the club is paying 100% commercial tax on the majority of the club property and; therefore, is requesting a more reasonable tax bill. He advised the Club does not receive revenue from the dining room and is strictly a non commercial operation, requesting Council refer this back to the Grants Committee and provided an opportunity to meet directly with representatives of the club in January to work on a solution.

MOVED by Deputy Mayor Cunningham and Councillor Sarto that the Waegwoltic Club be referred to the Grants Committee. MOTION PUT AND PASSED.

Ms. Maureen Reid, President, Neptune Theatre Foundation, addressed Council in support of gradually moving Neptune Theatre from its current taxation rate of 50% of the residential rate to 100% tax exempt status. Ms. Reid stated the theatre provides an economic benefit for the Municipality and the Province of Nova Scotia.

Ms. Jeanette Whyte, Neptune Theatre School, spoke in favour of the exemption for Neptune Theatre.

Mr. David Hendsbee, MLA, spoke in favour of the exemption to Neptune Theatre advising this is a facility that serves all of HRM and is community based.

A representative of the Portuguese Society advised they are a charitable organization. He advised there has been no funding provided by the Municipality and they will be providing a service to the Municipality at no public expense. He stated they have been assessed at the commercial rate while the building was under construction and unoccupied. He advised they were requesting forgiveness on all past due taxes.

MOVED by Councillors Hetherington and Greenough that the Portuguese Society be referred to the Grants Committee. MOTION PUT AND PASSED.

Mr. Walter Borden, spoke in favour of the exemption for Neptune Theatre.

Mr. Randy Miller, General Manager, Jest in Time Theatre, spoke in favour of the exemption for Neptune Theatre advising Neptune has played a leadership role in it’s support to other arts organizations by making available facilities and equipment.

Ms. Gillian Theriault, spoke in support of the exemption for Neptune Theatre.

Ms. Doreen Malone read a letter from Gay Hauser, General Manager of the Eastern Front Theatre, in favour of the exemption noting the theatre provides support to rural theatres thus raising their profile. She noted this exemption would bring Neptune in line with other theatres in Canada.

Ms. Sarah Moore, read a letter from her mother, Mrs. Marlene Moore, in support of the exemption for Neptune Theatre.

Ms. Natalie Hodson, spoke in favour of the Neptune Theatre school.

Mayor Fitzgerald called three times for any additional speakers. Hearing none, the following motion was placed before Council.

MOVED by Councillors Blumenthal and Schofield that the public hearing close. MOTION PUT AND PASSED.

Councillor Hetherington suggested the Dartmouth Masonic Centre be added to schedule 16.

MOVED by Councillors Hetherington and Greenough that the Dartmouth Masonic Centre be referred to the Grants Committees. MOTION PUT AND PASSED.

Councillor Blumenthal noted recreation services are being cut and residents are having difficulty paying taxes in order to stay in their homes; therefore, would not be supporting the exemption for Neptune.

Councillor Adams requested Council consider adding the Herring Cove Golden Age Centre to Schedule 14.

Councillor Fougere stated she could not support a 100% exemption to Neptune as other programs and services have been cut.

(Deputy Mayor Cunningham assumed the chair at 10:00 p.m.)

Councillor Colwell stated the Blue Water Business Centre receives income from rental of their facility as well as charging a fee for other services provided to the community. He advised they are 100% federally funded and all staff are paid. He requested staff investigate what the relationship is between the Blue Water Business Centre Limited and the Blue Water Business Developments Corporation Limited who are the owners of the building. He suggested they be moved to a full residential rate over the next two years or less and from there to a full commercial rate.

MOVED by Councillors Colwell and Hetherington requested the Blue Water Business Centre be referred to the Grants Committee. MOTION PUT AND PASSED.

EXTENSION OF COUNCIL SESSION BEYOND 10:00 P.M.

MOVED by Councillors Greenough and Walker that Council continue beyond 10:00 p.m. MOTION PUT AND PASSED.

MOVED by Councillors Cooper and Walker that the Creighton Gerrish Development Association be referred to the Grants Committee. MOTION PUT AND PASSED.

Councillor Cooper suggested the Grants Committee consider having only two or three categories with a maximum of 75%.

(Council recessed for 10 minutes)

(Mayor Fitzgerald assumed the chair at 10:30 p.m.)

MOVED by Councillors Walker and Greenough that Council suspend second reading and refer the report back to the Grants Committee.

Councillor Downey requested information be provided on the agreement between the former City of Halifax and Neptune specifically as it relates to any locked in time frame for their grant.

MOTION PUT AND PASSED.

10.3 Case 00122 - Request by Clayton Developments to Amend The Halifax MPS And LUB, Clayton Park West, And Stage 1 Development Agreement (Home Depot)(Joint Public Hearing With Chebucto Community Council)

- A report prepared for Councillor Bill Stone, Chair of the Chebucto Community Council, on the above noted, was circulated at the November 9, 1999 Regional Council Session.
- A revised Schedule "C" was circulated to Council.
- An extract from the November 9, 1999 Regional Council Minutes was before Council.

Mr. Roger Wells, Planner, with the aid of overheads, outlined the proposal for the information of Council noting, this is a joint public hearing with Regional Council and the

Chebucto Community Council. Mr. Wells advised the Regional Council portion is the policy amendments as contained in Attachment 1 of the staff report. Chebucto Community Council will vote on the proposed Stage 1 development agreement which is attached as Appendix 2 of the staff report at its meeting on December 13, 1999.

Mayor Fitzgerald called for members of the public wishing to speak either in favour or against the amendments.

Mr. Dick Miller, Clayton Developments, spoke in favour of the amendment outlining the public information process followed prior to the public hearing. He advised consultants were retained to address major issues such as safety concerns and engineering issues.

MOVED by Councillors Hetherington and Greenough that the public hearing close. MOTION PUT AND PASSED.

Mayor Fitzgerald called three times for any additional speakers. Hearing none, the following motion was placed before Council.

DECISION OF COUNCIL

MOVED by Councillors Stone and Hetherington that Regional Council approve the proposed amendments to the Municipal Planning Strategy and Land Use By-Law respecting the development of lands within Clayton Park West, Phase 4 as found in Attachment 1 of the staff report dated October 24, 1999. MOTION PUT AND PASSED.

12.3 PESTICIDE BY-LAW ADVISORY COMMITTEE

12.3.1 Report from Committee

- A report from the Pesticide Advisory Committee was before Council.

Mr. Tony Blouin, Manager of Environmental Policy, presented the report to Council and introduced Dr. Roy Fox, Director of the Nova Scotia Environmental Health Clinic, who presented on behalf of health and Mr. Andrew Wheelock, Chair of the Landscape Nova Scotia Pesticides Committee and Operations Manager for the Weed Man, who presented on behalf of the lawn and garden industry.

Councillor Read suggested Canada Post be contacted to ascertain what the impact may be on their letter carriers.

Mr. McLellan, Deputy Chief Administrative Officer, suggested the report be referred to staff for a report back to Council.

In response to Councillor Hetherington, Council was advised a by-law would not apply to any lands that are not residential in nature or owned by the Municipality.

MOVED by Councillors Greenough and Sarto that the report be referred to staff for a report by the end of January, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.4 1999-2000 Winter Parking Regulations

- An information report prepared for Kulvinder Dhillon, Director, Engineering and Transportation Services, dated December 2, 1999, on the above noted was before Council.

MOVED by Councillors Walker and Adams that Council approve the staff report with the proviso that it must be carried through and enforced. MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS

11.1 PETITIONS

11.1.1 Councillor Downey - One Hour Parking

Councillor Downey submitted a petition on behalf of the residents of Bauer Street requesting that staff look at one hour parking from 8:00 a.m. to 6:00 p.m. instead of 8:00 a.m. to 10:00 a.m.

11.1.2 Councillor Sarto - Water Quality Cranberry Lake

Councillor Sarto submitted a petition on behalf of the Friends of Cranberry Lake Society requesting the water quality concerns of the lake be addressed.

11.1.3 Councillor Adams - End Child Poverty by the Year 2000

Councillor Adams submitted a petition, press release and proclamation on behalf of the residents of HRM to take action regarding the pledge made by the House of Commons to end child poverty by the year 2000.

11.1.4 Councillor Mitchell - Street Paving

Councillor Mitchell submitted a petition on behalf of the residents of McDonald Lake Drive in Hatchett Lake requesting paving of the street.

11.1.5 Fougere - Intersection of Connaught Avenue and Jubilee Road

Councillor Fougere submitted an additional 200 names regarding the signalized intersection at Connaught Avenue and Jubilee Road.

11.1.6 Councillor Read - Access Across the CN Railway Tracks in the area of Olivet Street

Councillor Read submitted a petition on behalf of the residents of Olivet Street and surrounding areas requesting a passable access across the CN Railway tracks.

12.2 HARBOUR EAST COMMUNITY COUNCIL

12.2.1 Interim Recommendation - Master Development Plan MorrisRussell Lake Public Participation Committee

- A report submitted by Councillor Bruce Hetherington, Chair of the Harbour East Community Council, on the above noted, was before Council.

MOVED by Councillors Hetherington and Sarto that the Halifax Regional Municipality undertake to establish, by the spring of 2000, a Temporary traffic light controlled intersection at Gaston Road Extension and the Circumferential Highway, together with the southward extension of Baker Drive to the Gaston Road Extension. MOTION PUT AND PASSED UNANIMOUSLY.

12.4 CHIEF ADMINISTRATIVE OFFICER

12.4.1 Quotation Q99p466 Supply & Install Monorail System on Overhead Cranes and Remove and Reinstall Hoists

- A report prepared for Mr. Ken Meech, Chief Administrative Officer, dated November 30, 1999, on the above noted, was before Council.

MOVED by Councillors Sarto and Greenough that Regional Council authorize the award of quotation Q99P466 to the overall lowest bidder KCI Crane Pro Services in

the amount of \$56,389.00 plus 15% HST \$8,458.35 to total \$64,847.35. MOTION PUT AND PASSED UNANIMOUSLY.

12.4.2 Metro Transit - Sunday Ferry Service

- A report prepared for Mr. Ken Meech, Chief Administrative Officer, dated December 1, 1999, on the above noted, was before Council. Staff was recommending *that Metro Transit continue to seek funding partners for Sunday ferry service during the winter months. Sunday service will be implemented as soon as possible once funding is secured. If funding partners are not secured, Metro Transit will reflect additional Sunday service in the 2000/01 Metro Transit Business Plan for consideration.*

Councillor Hetherington advised \$11,000.00 would put the service back until the end of March and placed the following motion for consideration:

MOVED by Councillors Hetherington and Stone the report be referred to the Regional Operations to ascertain where the funding can be budgeted. MOTION PUT AND PASSED.

12.4.3 2000 Council Meeting Schedule

- A report prepared for Mr. Ken Meech, Chief Administrative Officer, dated November 29, 1999, on the above noted, was before Council.

MOVED by Councillors Fougere and Blumenthal that:

1. **Council approve an amendment to Section 22(1)(h) of Administrative Order Number One, attached as Appendix "A"**
2. **Council adopt the proposed 2000 Regional Council Meeting Schedule, attached as Appendix "B"**

Without a vote being taken on the motion, the following motion was placed for consideration:

MOVED by Councillors Kelly and Adams that Council recess for the weeks of July 17 and 24, reconvene for the weeks of July 31 and August 7 and recess for the weeks of August 14 and 21. MOTION DEFEATED

MAIN MOTION PUT AND PASSED.

12.4.4 By-law S-101 to Amend By-law S-100 Respecting Sewer Charges

- A report prepared for Mr. Ken Meech, Chief Administrative Officer, dated November 30, 1999, on the above noted was before Council.

MOVED by Councillors Greenough and Stone that Regional Council approve in principle the amendment to By-Law S-100 Respecting Sewer Charges and direct staff to arrange for the formal introduction and adoption of By-Law S-101.

Councillor Walker expressed concern with the per unit charge and suggested this be referred back to staff to look at putting a ceiling on this.

Mr. Kulvinder Dhillon, Director, Engineering and Transportation Services, stated the cost is based on a proportionate cost per unit.

MOTION PUT AND PASSED.

Following the vote, Councillor Stone gave the following Notice of Motion:

Take notice that at the next regular meeting of Halifax Regional Council to be held on December 14, 1999 I propose to introduce for First Reading By-Law S-101 to amend By-Law S-100 respecting sewer charges for the purpose of which is to amend Section 11(2) dealing with the trunk sewer charges.

12.4.5 Cranberry Lake/Irving Culvert Cost Share

- A report prepared for Mr. Ken Meech, Chief Administrative Officer, dated November 30, 1999, on the above noted, was before Council.

MOVED by Councillors Sarto and Cooper that:

- 1. Council approve that the Municipality set aside \$20,000.00 for sampling, analysis and other work related to water quality issues at Cranberry Lake and Loon Lake.**

- 2. Council approve that the Municipality contribute \$10,000.00 to Irving Oil Limited toward oversizing of the new culvert at their property on Main Street in Dartmouth.**
- 3. The \$30,000.00 be provided from the Approved 1999/2000 Capital Budget - SAP Project No. CGR00365 - Cole Harbour Storm and Sanitary Sewer.**

MOTION PUT AND PASSED.

Subsequent to this motion, the following motion was placed for consideration:

MOVED by Councillors Cooper and Sarto that Loon Lake be included in recommendation #1. MOTION PUT AND PASSED.

12.4.6 Tax Structure Review and Area Rates

- A report prepared for Mr. Ken Meech, Chief Administrative Officer, dated December 2, 1999, on the above noted, was before Council.

MOVED by Councillor Mitchell and Deputy Mayor Cunningham that:

- 1. A process be developed to involve Council and communities in a review of HRM's tax structure, with the intent to propose any changes in the early fall of 2000.**
- 2. A review of existing boundaries be undertaken with respect to two services - sidewalks and transit - with a view to identifying appropriate changes in tax zone designations. The review will identify the cost implications for any proposed changes.**
- 3. Council adopt interim procedures, as described in this report, for the establishment of new area rates.**

Councillor McInroy expressed concern with the concept of a majority vote at a meeting on issues and projects as you would be bound by the wishes of the majority of people that attended a meeting.

Councillor Walker expressed concern with recommendation #2 noting many of his residents do not have sidewalks and transit service is not available to them. The

Councillor suggested the boundary review be based on something other than sidewalks and transit.

Councillor Kelly queried how far back from either a sidewalk or a transit route do you have to be before you are not charged.

MOVED by Councillors Adams and Walker that the report be deferred to December 14, 1999. MOTION PUT AND PASSED.

12.4.7 Single Channel Lease Agreements, Radio and Paging Equipment for Volunteer Fire Departments, One Channel in 1999

- A report prepared for Mr. Ken Meech, Chief Administrative Officer, dated December 1, 1999, on the above noted, was before Council.

MOVED by Councillors Adams and Mitchell that approval be granted for these lease agreements covering Motorola radio and related equipment, including three microwave links, at HRM E911 Communications Centre, Back Up Centre, RCMP Lively Hub Tower and MTT repeater towers, Musquodoboit, Preston, Marinette, Tangier, Chaplin, Shubenacadie, Queensland, Tantallon, Prospect.

It is recommended that the pager reconfiguration costs of \$395,362 be area rated within the affected zones during fiscal year 2000/01.

MOTION PUT AND PASSED.

12.4.8 Assignment of Philip Environmental (Atlantic) Ltd.Contracts

- A report prepared for Mr. Ken Meech, Chief Administrative Officer, dated December 1, 1999, on the above noted, was before Council.

MOVED by Councillors Walker and Adams that Council consent to the transfer and assignment to the new company to be incorporated (Newco) of all agreements entered into between Philip Services, or any subsidiary of Philip Services and Halifax Regional Municipality and authorize the Mayor and Municipal Clerk to execute the same on behalf of the Municipality. MOTION PUT AND PASSED.

13. MOTIONS - NONE

14. ADDED ITEMS

14.1 **Memorandum from the Chief Administrative Officer dated December 7, 1999 re: Recognition and Awards Program - NSUPE Strike**

This item was addressed earlier in the meeting. (See page 10)

14.2(a) **Councillor Schofield - Sidewalk Snowplowing and Liability**

Councillor Schofield requested clarification on who would be liable if someone was injured as a result of a fall on a sidewalk that was plowed by the Municipality.

In response, Mr. Anstey, Municipal Solicitor, advised that if it is set up in such a way that the Municipality is providing the service then the Municipality would be responsible.

14.2(b) **Councillor Schofield - Halifax Explosion Memorial Service**

Councillor Schofield requested consideration be given to including Dartmouth in the commemoration of the Halifax Explosion in future years.

14.3 **Councillor Snow - Streets and Roads**

Councillor Snow noted a number of residents in District 2 had to shovel roadways during the December 1st snowstorm as there was no plowing for three days with some streets being missed completely. The Councillor requested a staff report as to the reason why there was a delay in the plowing of roads in District 2 after the December 1st snowstorm.

14.4 **Councillor Sarto - Traffic Lights at Portland, Carver and Isnor**

Councillor Sarto requested the timing on the signalized intersection be extended to allow safe crossing by pedestrians.

14.5 **Property Matter - 102 Penhorn Drive**

MOVED by Councillors Sarto and Greenough that Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Daimler Chrysler Canada Inc. for the property at 102 Penhorn Drive based on the key business terms and conditions set out in the In Camera staff report dated November 29, 1999. MOTION PUT AND PASSED.

14.6 **Property Matter - Lynch Estate Court, Burnside Park**

MOVED by Councillor Schofield and Deputy Mayor Cunningham that Council approve the addition of lots L-102B, L-103AY and Parcel "2-R3A" on Lynch Estate Court in the Burnside Park to the inventory of available lots for sale in the Park. Minimum prices for the lots are recommended as \$3.75 per square foot for lot L-102B; \$2.00 per square foot for lot L-103AY and \$0.25 per square foot for Parcel "2-R3A". Purchase and Sale Agreement to be concluded in accordance with approved Council policy and the provisions of the In Camera staff report dated December 1, 1999. **MOTION PUT AND PASSED.**

14.7 Legal Matter - Claim Settlement

MOVED by Councillors Greenough and Harvey that Council approve compensation in the total amount of \$35,750.00 all inclusive, from the Sale of Land Account representing \$30,000.00 total compensation for value of the land, appraisal costs and statutory interest at the rate of 6% simple interest to Irving Oil together with legal fees, disbursements and taxes in the amount of \$5,700.00. **MOTION PUT AND PASSED.**

14.8 Vacancies - Boards and Committees

MOVED by Councillors Adams and Stone that Council approve:

- 1. The appointment of S.D. Bryson as a citizen on the Board of Police Commissioners. Mr. Bryson will fill the remainder of a term expiring March 2000.**
- 2. The appointment of Councillor Mitchell to the Standing Committee on Unightly or Dangerous Premises.**
- 3. The appointment of Kathleen C. Foley to the Halifax-Dartmouth Natal Day Committee. Ms. Foley will fill the remainder of a term expiring November 2000.**
- 4. The appointment of Councillor Blumenthal to the Access-A-Bus Advisory Committee.**

MOTION PUT AND PASSED.

15. NOTICES OF MOTION

Under item 12.4.4 Councillor Walker served notice of motion for first reading of By-Law S-101 to amend By-Law S-100 Respecting Sewer Charges, the purpose of which is to amend Section 11(2) dealing with the trunk sewer charge.

12.1 MEMBERS OF COUNCIL

12.1.1 Councillor Fougere - Stained Glass Window - Tower Road School

Councillor Fougere put forward a request on behalf of the former PTA Association of the Tower Road School requesting the stained glass window that they had donated to the school be returned to them so that they might put it up for auction to raise funds to assist in the payment of legal fees relative to an action undertaken to keep the school open.

12.1.2 Councillor McInroy

Councillor McInroy requested the following agenda items be deferred to December 14th:

- (i) Snow Removal Dec. 1st
- (ii) Illegal Flourescent Mobile Signs, Cole Harbour Road
- (iii) Private Signs Illegally Located on Municipal Property

12.1.3 Councillor Cooper - Domestic Water Pressure - Westphal Area

Councillor Cooper requested this item be deferred to December 14th.

16. ADJOURNMENT

MOVED by Councillors Greenough and Snow that the meeting be adjourned at 12:15 a.m. MOTION PUT AND PASSED.

**Vi Carmichael
Municipal Clerk**

