

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES APRIL 28, 1998

PRESENT:

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

STAFF MEMBERS:

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

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1. INVOCATION

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

2. PROCLAMATIONS

2.1 Annual Day of Mourning - April 28

2.2 Mental Health Week, 1998 - May 4 - 10

Mayor Fitzgerald proclaimed April 28 as Annual Day of Mourning, and the week of May 4 - 10 as Mental Health Week.

PRESENTATION

Ms. Shirley Locke, Nesbitt Burns, made a presentation of a cheque for the upkeep of the horse "Justice, the Protector."

At a later point in the meeting, Mayor Fitzgerald acknowledged Councillor Duart MacAulay, County of Inverness.

Councillor Blumenthal acknowledged Ms. Maureen MacDonald, MLA, who was in the Gallery.

3. APPROVAL OF MINUTES - April 14, 1998

MOVED by Councillors Hetherington and Blumenthal to adopt the Minutes of April 14, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

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

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

13.1 In Camera Item - Lease Matter - Quinpool Centre - Ratification

13.2 In Camera Item - Land Matter - Chain Lake Drive - Ratification

13.3 In Camera Item - Legal Matter - Springvale School - Ratification

13.4 Appointments - Sable Gas Committee.

13.5 Deputy Mayor Rankin and Councillor Mitchell - North West Community Council

13.6 Councillor Downey - Sidewalk Cafes

13.7 Report - Sidewalk Snow Plowing

There was a consensus to agree to the Order of Business, as amended.

5. BUSINESS ARISING FROM THE MINUTES - None**6. PUBLIC HEARINGS****6.1 Eastern Passage / Cow Bay MPS and Review Process - Commercial Development in the C-2 (General Business) Zone for Eastern Passage**

- Information pertaining to this Public Hearing had been distributed to Council on March 24, 1998.

Mr. Kevin Barrett, Planner, addressed Council, and through the use of overheads, reviewed the matter at hand.

Mayor Fitzgerald called for comments from the public.

MR. RICK MACNEIL, EASTERN PASSAGE

Mr. MacNeil suggested planning of the area does not reflect the nature of the community. The buildings are very old, with flat roofs, and the lot division is typical of the french culture. The village character needs to be maintained. Further, any development should be kept at a small scale.

Mayor Fitzgerald thanked Mr. MacNeil for his presentation.

After three calls by Mayor Fitzgerald for further comments, there were none.

**MOVED by Councillors Hetherington and Blumenthal to close the public hearing.
MOTION PUT AND PASSED UNANIMOUSLY.**

COUNCIL DECISION

MOVED by Councillors McInroy and Cooper that Regional Council adopt the amendments to the Municipal Planning Strategy and Land Use By-Law for Eastern Passage/Cow Bay, with the revisions/clarifications, noted in the staff report dated February 26, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

6.2 Street Closure and Land Exchange, Garrick Street

- Information pertaining to this Public Hearing had been distributed to Council on March 24, 1998.

Ms. Anne Feist, Real Estate, addressed Council, and through the use of overheads, provided an overview of the matter at hand advising that staff approached the owners of lands abutting Robie Street (O'Regan's Chev Olds Limited) to acquire an 11.5 foot sliver of land for the future widening of Robie Street, from West Street to Charles Street.

Garrick Street, the subject of this evening's public hearing, connects Robie Street and Davison Street, and serves as an access for the commercial entities on the abutting property. Further, Garrick Street also acts as a parking area for employees of the commercial entities in the area. O'Regan's Chev Olds Limited wishes to purchase the lands on Garrick Street and incorporate this land into their dealership improvements. It is O'Regan's intent to expand parking areas for those currently utilizing Garrick Street.

Due to the fact there are many services located along Garrick Street, HRM will retain an easement interest in the lands now forming Garrick Street.

O'Regans has agreed to compensate the municipality \$11.00 per square foot for these lands, subject to confirmation of the Garrick Street lands survey.

The closure of Garrick Street is viable due to its limited use by local residents. Further, alternate parking will be provided.

Mayor Fitzgerald called for comments from the public.

PAUL O'REGAN, O'REGAN CHEV OLDS LTD.

Mr. O'Regan distributed a booklet to Council entitled "Revitalization of Garrick Street," while making the following comments:

- 1985 - O'Regans purchased the Scotia Chev dealership site;
- 1986 -1998 - improved buildings & service to the public;
- 1995 - Acquired lands of Canadian Linen Supply;
- 1995 - Ensured environmental clean up of laundry and dry cleaning operations (\$1 million);
- 1997 - Paved and illuminated former Canadian Linen properties;
- 1998 - Constructing new showroom & offices;
- 1998 - Committed to paving and lighting area between Irving Oil and dealership building.

Mr. O'Regan noted his company employs over 200 people and is committed to remaining at this site for the following reasons:

- Belief in core of HRM and its vibrancy and life;
- Only remaining General Motors dealership on Peninsula Halifax;
- Wishes to consolidate dealership functions into one building;

- Committed to providing excellent service to people living and working in Peninsula Halifax.

Council was advised that by O'Regan's acquiring the Garrick Street lands, this provides an opportunity for the company to establish a main entrance off Robie Street, onto lands in the centre of the dealership. Further, aesthetics will be improved with new pavement and lighting, as well as the removal of overhead wiring, and pedestrian and vehicle accessibility will be maintained.

By O'Regan's acquiring the Garrick Street lands, this relieves the municipality of the cost of rebuilding same, as well as ongoing maintenance costs.

Mayor Fitzgerald thanked Mr. O'Regan for his presentation.

MS. NORAH TOPPING

Ms. Topping opposed the recommendation of staff, and through the use of overheads, provided the following comments:

- More traffic will be generated;
- More accidents will occur;
- Will be a less liveable community;
- Council could better spend the funds involved;
- Suggested Council increase access to the downtown area and look at the time residents spend on non-recreational travel.

Mayor Fitzgerald thanked Ms. Topping for her presentation.

MR. LAYTON STEEL

Mr. Steel opposed the staff recommendation, noting this proposal will seriously erode the community character. With O'Regan's purchasing property in the area, additional lighting and noise are being realized. Mr. Steel suggested that one huge commercial block will be created. It was also suggested this proposal was premature and that it was contingent on the GoPlan.

Mayor Fitzgerald thanked Mr. Steel for his presentation.

MS. PEGGY CAMERON

Ms. Cameron opposed the staff recommendation. A petition objecting to the proposal, was passed to the Municipal Clerk. Through the use of slides, Ms. Cameron advised of the following:

- this is an historic working class neighbourhood;
- all houses will be impacted upon if Robie Street is widened;

- congestion will be realized as a result of an increase in traffic;
- people are investing in their neighbourhood;
- need to take into consideration heritage streetscapes;
- would like to have a balance with businesses - the situation is currently out of hand;
- reference was made to aged dwellings, one of which had been relocated;
- reference was made to the petition earlier submitted, from residents who also had concerns with this proposal;
- encouraged Council to review over-development in the area.

Mayor Fitzgerald thanked Ms. Cameron for her presentation.

MR. DAVID REDWOOD

Mr. Redwood opposed the staff recommendation. Through the use of overheads, Mr. Redwood suggested increased traffic and accidents should be taken into consideration.

Mayor Fitzgerald thanked Mr. Redwood for his presentation.

MS. CAROL COSMAN

Ms. Cosman advised she would first speak on behalf of another concerned resident. Reading from a prepared statement, Council was requested to take into consideration the human element.

Ms. Cosman felt that traffic and parking are already congested and will become worse. Further, those people who live around the car dealership will be affected by this proposal. It was also noted that lights from O'Regans shine directly into living rooms at night.

Mayor Fitzgerald thanked Ms. Cosman for her presentation.

MS. MAUREEN MACDONALD, MLA - HALIFAX NEEDHAM

Ms. MacDonald advised she supports the concerns of the residents in the area of Garrick Street, that concern being the process towards the widening of Robie Street. Council was advised there has been a steady and substantial drop in population in the area since the 1950's. This decline in population has implications. Ms. MacDonald suggested Council embark on a process of land banking.

Mayor Fitzgerald thanked Ms. MacDonald for her presentation.

MR. FREEMAN FRAUER

Mr. Frauer enjoys the neighbourhood in which he lives and suggested that the widening of Robie Street is a short term gain. It was suggested that O'Regans will be able to

close Garrick Street entirely, at any given time.

Mayor Fitzgerald thanked Mr. Frauer for his presentation.

MR. DALE POEL

Mr. Poel referenced the All Nations Church which ministers to a diverse number of people, not just neighbourhood people. It was noted, that the Church has not taken a position on the proposal at this point in time but Mr. Poel wanted Council to know that the Church is focusing on the people. Further, Mr. Poel was concerned with Council's view of the character of the neighbourhood. Mr. Poel also stated he would be interested in having the area down zoned to maintain the existing character.

As the Church is close to the Robie Street property line, he will be monitoring things as they progress.

Mayor Fitzgerald thanked Mr. Poel for his presentation.

MR. BLAIR BEED

Mr. Beed stated that although he was pleased to see the municipality selling property, there was nothing in this proposal for the residents in the area. Further, there is no provision for the parking of 'cars for sale,' on a street in the municipality. Once Garrick Street is part of the dealership, there is no guarantee that staff parking will be fully provided for on that particular site. Further, there is no commitment of buffering of residents from the car lot and nothing written regarding access points to the lot that will protect residents from car hauling vehicles.

Mr. Beed disagreed with the widening of Robie Street and requested Council reconsider this proposal, while at the same time, taking into consideration residents' input.

Mayor Fitzgerald thanked Mr. Beed for his presentation.

MR. PETER MCDONOUGH, SOLICITOR, O'REGANS

Mr. McDonough made two points of clarification:

- 1) if it is the desire of Council to not acquire the strip on Robie Street, his client would prefer this not take place as the dealership's objective is to acquire Garrick Street only. Accordingly, O'Regans was prepared to pay the required monies for Garrick Street, assume maintenance of same and leave it open for the public;
- 2) there is no additional commercial expansion taking place. The dealership is renovating as of right - replacing the showroom. The Garrick Street acquisition is

to enhance the new showroom.

Mayor Fitzgerald thanked Mr. McDonough for his presentation.

Councillor Hendsbee enquired if O'Regans would be in a position to negotiate an opportunity with the neighbourhood to utilize the lot for parking. In response, Mr. McDonough advised his client would be willing to speak to the neighbourhood for the parking of cars.

After three calls from Mayor Fitzgerald for further comments from the public, there were none.

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

Councillor Downey enquired if staff was agreeable to not acquiring the sliver of land on Robie Street. In response, Mr. Peter Ross, Manager, Procurement, addressed Council noting this is the best time to negotiate the price for the 11.5 foot property. If not, in the future, if Council wishes to widen Robie Street, staff will have to negotiate a separate deal with O'Regans, or the municipality may have to expropriate, which can be very costly.

COUNCIL DECISION

MOVED by Councillors Downey and Sarto, that Council:

- 1) authorize the closure of Garrick Street as shown on the sketch attached to the March 10, 1998 staff report, identified as Parcel GS-1 on Servant Dunbrack Plan No. 13-1149-0, and subject to approval of the street closure; further,**
- 2) that Parcel SS-1 comprising of approximately 18,000 square feet (1,672.3 square meters) as shown on the sketch attached to the March 10, 1998 staff report, be sold for a unit value of \$11.00 per square foot encumbered to O'Regan's Chev Olds Limited in exchange for an 11.5 foot sliver of land required by Halifax Regional Municipality for the widening of Robie Street containing approximately 4,500 square feet (418.5 square meters) for a unit value of \$25.00 per square foot fee simple interest, subject to confirmation of areas by survey, with the balance owing to Halifax Regional Municipality. Funds to be deposited in the Sale of Land Account.**

To clarify, Councillor Cunningham reminded Council that the issue this evening was the closure of Garrick Street, although the presentations this evening appeared to be directed towards the widening of Robie Street. These are two separate issues, although the Motion does permit the municipality to obtain the sliver of land to widen

Robie Street, *possibly*, in the future. In approximately 10 - 20 -30 years in the future, if the widening of Robie Street does take place, there will be an opportunity for public input.

Councillor Cunningham suggested the closure of Garrick Street will not have a deteriorating affect on the neighbourhood, but rather, will enhance the neighbourhood. With respect to comments on perceived over-development of the area, this is not relevant to the street closure issue. With respect to the dealership utilizing residential streets for the testing of cars, this is part and parcel of any car dealership and will continue whether or not Garrick Street is closed. As the issue of lights appeared to present a problem, the Councillor suggested that perhaps Mr. O'Regan could take this comment into consideration. The Councillor advised he would be supporting the Motion on the floor.

Councillor Schofield advised he would be supporting the Motion on the floor.

Councillor Blumenthal advised he would not be supporting the Motion on the floor as he feels the residents do not agree with the proposal.

Councillor Hendsbee advised he supported the Motion, suggesting that perhaps a liaison committee could be established between O'Regans and the neighbourhood regarding beautification projects, traffic, lights, etc.

Councillor Uteck stated that although the proposed Robie Street widening project was secondary to this evening's public hearing, the issue should be moved forward to give the community peace of mind.

Councillor Harvey cautioned Council that many old trees will have to be removed, should Robie Street be widened. Further, the Councillor had concerns with the Motion as it was currently worded.

Councillor Sarto supported the Motion.

Councillor Hetherington agreed with Councillor Uteck in that the widening of Robie Street should be brought forward.

In response, Mr. Kulvinder Dhillon, Director, Engineering Services, advised that staff does not want to widen Robie Street, it simply wishes Council to keep its options open.

Councillor Stone stated that residents' concerns raised this evening, pertain to what might occur in the future. This proposal is to the benefit of the municipality.

Councillor Greenough advised it was good sense to accept staff's recommendation and O'Regan's have added significant value to the area property.

Councillor Cooper suggested the widening of Robie Street concerns, as raised by residents, should be taken into consideration by the Community Council and Regional Council. The Councillor supported the Motion on the floor.

Councillor Blumenthal suggested Council was protecting businesses, as opposed to residents.

Councillor Hetherington advised he would be supporting the Motion.

MOTION PUT AND PASSED.

7. **MOTIONS OF RECONSIDERATION - None**

8. **MOTIONS OF RESCISSION - None**

9. **CONSIDERATION OF DEFERRED BUSINESS - None**

10. **REPORTS**

10.1 **COMMITTEE OF THE WHOLE**

10.1.8 **Award of Tender No. 98-200, Fenwood Road Storm Sewer**

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Uteck and Hetherington to award Tender No. 98-200, Fenwood Road Storm Sewer to J.R. Eisener Contracting Limited for materials and services specified at the unit prices quoted for a Total Tender Price of \$141,884.68 and a Total Project Cost of \$163,167.00 with funding from the Capital Account Number noted in the Budget Implications section of this report.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.9 **Award of Tender 98-226, Traffic Signals - Chain Lake Drive at Superstore Entrance**

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Stone and Greenough to award Tender 98-226, Traffic Signals, Chain Lake Drive at Superstore Entrance to Black and McDonald Limited for materials and services specified at the unit prices quoted for a Total Tender Price of \$126,355.10 and a Total Project Cost of \$145,309.00 with funding from the Capital Account Number noted in the Budget Implications section of the staff report dated April 7, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.10 Tender 97-086 - Bus Tender

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to award Tender Number 97-086, a three year purchase agreement for the supply of up to 25 low floor transit buses, to Nova Bus Limited of St-Eustache, Quebec, at a per unit cost of \$308,757, subject to annual Capital Budget approvals. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.11 Tender 98-309 - Testing and Inspection

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to award Tender No. 98-309, Testing and Inspection 1998, to Maritime Testing Ltd. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.12 Call for Proposals for Western Commons Study - 98-019

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to approve the proposal by Environmental and Design Management Limited (EDM) to undertake the Western Commons Study. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.13 Request for Proposals 98-025 - Provision of Services for Collection and Transportation of Source-Separated Solid Waste

MOVED by Councillors Uteck and Hetherington, as recommended by the Committee of the Whole, to award contracts for Source-Separated Solid Waste Collection and Transportation Services to the firms recommended for Areas 1 to 8 as outlined in Table A included in the staff report dated April 21, 1998. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.19 Sale of Land - 6955 Bayers Road (St. Andrew's Site)

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Blumenthal and Greenough that Council authorize:

- 1) the Mayor and Municipal Clerk to execute a Purchase and Sale Agreement for the sale of the portion of 6995 Bayers Road, as shown on the sketch attached to the staff report dated April 9, 1998, measuring approximately 96,600 square feet, to the Italian Canadian Cultural Association for \$280,000 plus closing adjustments and taxes and subject to the terms indicated in this report, with funds to be deposited in the Municipality's Sale of Land Capital Reserve Account.

- 2) HRM to enter into a Land Use Agreement, as described in the April 9, 1998 staff report, with the Italian Canadian Cultural Association concerning access to lands on the St. Andrew's site by both parties.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.26 Tender 98-207, Beaver Bank Servicing Phase III

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

Staff was recommending that:

1. Council approve the betterment charges for the sewer portion of the project at a rate of \$63 per linear foot of property along Beaver Bank Road from Majestic Avenue to Tucker Lake Road;
2. Council accept the recommendations of the Halifax Regional Water Commission regarding the project costs relating to the water portion of the project and approve water charges at the rate of \$67 per linear foot of property on behalf of the HRWC along Beaver Bank Road from Majestic Avenue to Tucker Lake Road. These charges are being collected by HRM and transferred to HRWC;
3. Council approve the appointment of SGE Engineering to provide inspection of pumping stations, mechanical and electrical systems, at an estimated cost of \$50,000 plus hst;
4. Council award Tender No. 98-207, Beaver Bank Servicing Phase III for sewer and water services to Santec Construction Managers Limited for materials and services at a tender price of \$4,752,190.43 and a total project cost of \$5,227,409 with funding as noted in the Budget Implications section of the staff report dated April 16, 1998.

Councillor Barnet advised he could support recommendations 3 and 4 but that recommendations 1 and 2 should be referred back to staff for a report.

MOVED by Councillors Barnet and Kelly to adopt recommendations 3 and 4, to:

- **approve the appointment of SGE Engineering to provide inspection of pumping stations, mechanical and electrical systems, at an estimated cost of \$50,000 plus hst;**
- **award Tender No. 98-207, Beaver Bank Servicing Phase III for sewer and water services to Santec Construction Managers Limited for materials and**

services at a tender price of \$4,752,190.43 and a total project cost of \$5,227,409 with funding as noted in the Budget Implications section of the staff report dated April 16, 1998;

Further that recommendations 1 and 2 be referred back to staff to prepare a report, for a future meeting of Council, on a proposed by-law which would include:

- (a) an area rate covering a portion of this capital cost;
- (b) frontal charge covering a portion of the capital charge;
- (c) lot charges for newly created lots.

The intent is to provide the funding necessary to complete the project, create a Reserve Fund for future phases and to keep the per foot frontage charge at approximately \$70.

Mr. Ken Meech, Chief Administrative Officer, clarified that the community is prepared to have the cost recovery applied on a different basis than what was proposed in the staff report. On that basis, staff will prepare specifics that will permit this to occur. Accordingly, there will be a per foot frontage charge, an area rate to the serviceable area, and an additional development charge for newly created lots.

MOTION PUT AND PASSED UNANIMOUSLY

10.2 CHIEF ADMINISTRATIVE OFFICER

10.2.1 Tender 98-234, Upper Sackville Recreation Facility Proposed Multi Purpose Court

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Barnet and Blumenthal to award Tender No. 98-234, Upper Sackville Recreation Facility Proposed Multi-Purpose Court to Ocean Contractors Limited for materials and services specified at the unit prices quoted for a total Tender Price of \$48, 133.25 and a total Project Cost of \$55,353 with funding authorized from the Capital Account Number as noted in the Budget Implications of the staff report dated April 20, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.2 Award of Tender No. 98-215, Mount Edward Road Ballfield

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative

Officer, on the above-noted, was before Council.

MOVED by Councillors Sarto and Hetherington that Council award Tender No. 98-215, Mount Edward Road Ballfield, to Elmsdale Landscaping Limited for materials, services and deletions, as specified at the unit prices quoted, for a total tender price of \$163,465.22 and a total project cost of \$179,811 with funding authorized from Capital Account #91301, Mount Edward Road, in the amount of \$130,000 and from a transfer from Capital Account #91380, Vocational School Ballfield Realignment, in the amount of \$50,000. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Sarto tabled with Council correspondence from Kim Conrad, Vice President, Conrad Brothers Limited, on the above-noted.

10.2.3 Special Election - District 14, Connaught-Quinpool

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Greenough and Mitchell that Council:

- 1) Approve the appointment of Vi Carmichael, Municipal Clerk, as Returning Officer to conduct the Special Election in District 14, Connaught-Quinpool, to fill the vacancy on the Halifax Regional Council. Further, approve the appointment of Jane Nauss, as Assistant Returning Officer, for this Special Election.**
- 2) Permit the Returning Officer to use in this Special Election the list of electors prepared for the 1997 Halifax Regional School Board Election, as provided for in the Municipal Elections Act.**
- 3) Set the date of Saturday, June 13, 1998 as Ordinary Polling Day for District 14. Further, set the date of Saturday, June 6, as the first Advance Poll Day (the second Advance Poll Day will be Tuesday, June 9, as mandatory under the Municipal Elections Act). MOTION PUT AND PASSED UNANIMOUSLY.**

11. CORRESPONDENCE, PETITIONS

11.1 Petitions

11.1.1 Councillor Adams

- (a) Councillor Adams submitted a petition from the residents of MacIntosh Estates respecting a request for fencing to stop the continuous flow of**

pedestrian traffic. The Councillor advised that a representative of the residents would like to address Committee of the Whole on May 5, 1998.

- (b) Councillor Adams submitted a petition on water quality in the Herring Cove Area with a request it be submitted to the Halifax Regional Water Commission.

11.1.2 Councillor Cunningham

Councillor Cunningham submitted a petition from residents raising concern with the condition of the Starr Manufacturing Building.

11.1.3 Councillor Walker

Councillor Walker submitted a petition from residents requesting the repaving and replacement of curbs on Frederick Street.

11.1.4 Councillor Kelly

- (a) Councillor Kelly submitted a petition from residents in the community of Bedford, respecting a four-way stop at the intersection of Bedford and Spring Streets.

- (b) Councillor Kelly submitted a petition from residents pertaining to the proposed Dog By-Law.

12. MOTIONS - None

13. ADDED ITEMS

13.1 In Camera - Lease Matter - Quinpool Road

MOVED by Councillors Kelly and Sarto to ratify a decision made In Camera, on the Lease Matter - Quinpool Road. MOTION PUT AND PASSED UNANIMOUSLY.

13.2 In Camera - Land Matter - Chain Lake Drive

MOVED by Councillors Stone and Walker to ratify the decision made In Camera, on the Land Matter - Chain Lake Drive. MOTION PUT AND PASSED UNANIMOUSLY.

13.3 In Camera - Legal Matter - Springvale School

MOVED by Deputy Mayor Rankin and Councillor Hanson to ratify the decision made In Camera on the Legal Matter-Springvale School(Christian Academy).

Further, that a public hearing date be set for May 26, 1998. **MOTION PUT AND PASSED UNANIMOUSLY.**

13.4 Appointments - Sable Gas Committee

MOVED by Councillors Adams and McInroy to appoint Councillors Cooper and Hetherington as members of the Sable Gas Committee. MOTION PUT AND PASSED UNANIMOUSLY.

13.5 Deputy Mayor Rankin & Councillor Mitchell - North West Community Council

- A memorandum prepared for Deputy Mayor Rankin and Councillor Mitchell, on the above-noted, was before Council.

Both the Deputy Mayor and Councillor Mitchell wished Districts 22 and 23 to be removed from the North West Community Council, effective April 29, 1998.

Deputy Mayor Rankin addressed Council, referencing the recommendation in the report dated April 24, 1998.

MOVED by Deputy Mayor Rankin and Councillor Mitchell that Administrative Order Number Two, the North West Regional Community Council Administrative Order, be amended by deleting from Section 2 thereof, the words and punctuation "Polling District 22, Hammonds Plains - Timberlea, and Polling District 23, St. Margaret's Bay-Prospect." Further, to delete the comma following the word "Sackville" and substituting therefore the word "and." Further, to add a period following the word "Bedford."

A brief discussion ensued as to whether this was the appropriate process to follow, as opposed to a Notice of Motion.

MOVED by Councillors Hendsbee and Stone to defer further discussion on this matter to the next meeting. MOTION DEFEATED.

The Municipal Solicitor, Mr. Wayne Anstey, advised he would provide a comment prior to completion of the agenda.

The following day, discussion on this issue ensued. At that time, Mr. Wayne Anstey advised that as there had been no objection by Council to adding this item to the agenda, it could be dealt with.

Deputy Mayor Rankin requested Council support on the following Motion which was still on the floor:

MOVED by Deputy Mayor Rankin and Councillor Mitchell that Administrative Order Number Two, the North West Regional Community Council Administrative Order, be amended by deleting from Section 2 thereof, the words and punctuation “Polling District 22, Hammonds Plains - Timberlea, and Polling District 23, St. Margaret’s Bay-Prospect.” Further, to delete the comma following the word “Sackville” and substituting therefore the word “and.” Further, to add a period following the word “Bedford.”

Deputy Mayor Rankin advised there appeared to be no general interest, from the public, in attendance North West Community, therefore, the reasoning for Districts 22 and 23 wishing to withdraw. Further, meetings were lasting only 14 - 17 minutes and were therefore a waste of time.

Councillor Walker took his place at the meeting at 3:25 p.m.

Councillor Mitchell advised he would be participating in open houses and workshops as opposed to Community Councils.

Mr. Ken Meech, Chief Administrative Officer, reminded Council that should Council agree to remove Districts 22 and 23 from the North West Community Council, planning and development issues, pertaining to those two areas, would have to be dealt with by Regional Council.

Councillor Cunningham suggested that staff analyse Community Councils to determine cost benefits. The Councillor stressed, however, that this analysis should not affect the Motion on the floor.

Councillor McInroy stated if an analysis does proceed, he would like to be consulted as the process unfolds.

Comments raised by Council, on the concept of Community Councils included:

- if Community Councils are decreased in size, weekly meetings would result;
- it is in the best interests of residents to participate at the Community Council level;
- Community Councils provide an opportunity to resolve problems at the neighbourhood level.

Deputy Mayor Rankin suggested there could be implications as a result of these two districts withdrawing from North West Community Council, however, that is a separate issue for discussion, as to the manner in which the municipality handles its business.

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

Another Motion was put on the floor.

MOVED by Councillors Cunningham and Uteck that staff undertake an assessment of Community Councils and develop a Terms of Reference; further to make recommendations on their usefulness.

Councillor Cooper expressed concern with staff being requested to undertake the assessment. Further, it was suggested the Motion be amended by deleting the term "usefulness."

MOVED by Councillors Cooper and McInroy to amend the Motion on the floor by deleting the term "usefulness."

Councillor McInroy suggested that input be obtained from the communities that are being served.

Councillors Hetherington and Greenough suggested an assessment of Community Councils should be carried out by Council, not staff.

Councillors Dooks advised he could not support the amendment and that Councillors should be left alone, to work in their communities.

Another Motion was put on the floor.

MOVED by Councillors Greenough and Dooks to defer the matter of assessing Community Councils to October, 1998. MOTION DEFEATED.

A vote on the amendment took place. **MOTION DEFEATED.**

The Motion still on the floor, which required voting upon, was as follows:

MOVED by Councillors Cunningham and Uteck that staff undertake an assessment of Community Councils and develop a Terms of Reference; further to make recommendations on their usefulness. MOTION DEFEATED.

13.6 Councillor Downey - Sidewalk Cafes

Councillor Downey requested Council consider an earlier opening date for sidewalk cafes.

MOVED by Councillors Downey and Uteck to permit sidewalk cafes to open fifteen days earlier and close fifteen days earlier. MOTION PUT AND PASSED.

For the record, Councillor Downey submitted a letter from the Downtown Halifax Business Commission in support of this request.

13.7 Report - Sidewalk Snow Plowing

- A memorandum prepared for Mr. Ken Meech, Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Greenough and Hetherington:

- (i) that a special committee of Council be established to examine the need and/or feasibility of sidewalk snow plowing and also to examine the implications of such a program including liability, cost recovery, service delivery, etc.;
- (ii) the composition of this special committee be comprised of five Councillors supported by the following staff persons: John MacKay, Director of Works & Natural Services, and Bruce Fisher, Budget Co-ordinator;
- (iii) this special committee consult with groups such as the Chamber of Commerce; Business Improvement District Commissions; Home Owners Associations, etc.;
- (iiii) Further, this committee report back to Council by May 31, 1998.

In referencing clause # 2, Councillor Greenough suggested there should be two representatives from the former communities of Dartmouth, Halifax and Halifax County, as well as one from Bedford - totalling seven Councillors, as opposed to the suggested number of five.

Mr. Ken Meech advised that the report from the committee will enable Council to make a determination on area rates. All research work has been complete and the committee is to review same. Should anyone wish a copy of the information, it is available.

MOVED by Councillors Greenough and Hetherington to amend the Motion so that the Council complement on the special committee be changed to a total number of seven as opposed to five and be reflected as follows:

City of Halifax	2
City of Dartmouth	2
Halifax County	2
Town of Bedford	1.

MOTION PUT AND PASSED UNANIMOUSLY.

The Motion, as amended, reads as follows:

MOVED by Councillors Greenough and Hetherington:

- (i) that a special committee of Council be established to examine the need and/or feasibility of sidewalk snow plowing and also to examine the

- implications of such a program including liability, cost recovery, service delivery, etc.;
- (ii) the composition of this special committee be comprised of seven Councillors supported by the following staff persons: John MacKay, Director of Works & Natural Services, and Bruce Fisher, Budget Co-ordinator;
 - (iii) this special committee consult with groups such as the Chamber of Commerce; Business Improvement District Commissions; Home Owners Associations, etc.;
 - (iiii) Further, this committee report back to Council by May 31, 1998.

MOTION PUT AND PASSED UNANIMOUSLY.

It was noted the Committee Membership would comprise of Councillors Walker and Uteck (Halifax); Councillors Greenough and Hetherington (Dartmouth); Deputy Mayor Rankin and Councillor Cooper (Halifax County), and Councillor Kelly (Bedford).

14. NOTICES OF MOTION

14.1 Councillor Stone

Councillor Stone gave his intention to introduce a Motion, at the May 12, 1998 Session, for First Reading of a By-Law to amend By-Law S-400 Respecting Street Improvements, so that an area rate can be imposed to recover charges for new street improvements.

14.2 Councillor Schofield

Councillor Schofield gave his intention to introduce a Motion, at the May 12, 1998 Session, for First Reading of By-Law B-300 Respecting Blasting.

14.3 Councillor Cunningham

Councillor Schofield gave his intention to introduce a Motion, at the May 12, 1998 Session, for staff to begin the process of street closure respecting Green Road, abutting Mount Herman Cemetary.

14.4 Councillor Cooper

- (a) Councillor Cooper gave his intention to introduce a Motion, at the May 12, 1998 Session, of First Reading of By-Law T-400 Respecting Truck Routes.
- (b) Councillor Cooper gave his intention to introduce a Motion, at the May 12, 1998 Session, for First Reading of a By-Law Respecting Recovery of

Local Improvement Charges for Capital Projects that were approved by the former Halifax County Council prior to amalgamation.

14.5 Councillor Kelly

Councillor Kelly gave his intention to introduce a policy, at the May 12, 1998 Session, with respect to setbacks from sidewalks and bus routes that pertains to charges thereof.

6. PUBLIC HEARING CON'T

6.3 Second Reading Respecting the Dog By-Law D-100

- The following information had been distributed to Council:

Correspondence from the Point Pleasant Park Advisory Committee, Andrea Moritz, Jim Ross, George Bragg, John Grantmyre, E. Pugh, H.L. Doane, Robin M. Offman, Mary Behan, A.J. MacIvor, Ronald Mitton, Michael Roda, Colleen O'Malley, Ron & Susan Mitton, David Cunningham, W.E. Reid, Paul Calda, Steve Lane, Yvonne LePair and P. Rhodenizer. A petition pertaining to same had been submitted earlier by Councillor Kelly.

Mr. Peter James, License and Firearms Section Co-ordinator, reviewed the status of this issue noting that First Reading had been given on December 2, 1997. A public hearing had been held on December 16, 1997, however, Second Reading was not given at that time. Comments from Council were referred back to the Animal Registration Committee and the matter is now before Council, for a second public hearing.

Mayor Fitzgerald called for comments from the public.

MR. RAYMOND CHARLES, POINT PLEASANT PARK COMMITTEE

Mr. Charles, reading from a prepared statement, advised he supported the proposed by-law as an umbrella by-law. Further, he wished to protect the integrity of the above-noted Park. Mr. Charles stated that regular park users should influence what occurs in Point Pleasant Park; the majority of regular Park users are dog walkers, and mandatory leashing is not the answer to problems involving irresponsible dog owners.

Mayor Fitzgerald thanked Mr. Charles for his presentation.

MS. CHARMAINE GAUDET

Ms. Gaudet referenced the petition submitted earlier in the meeting by Councillor Kelly. It was suggested this by-law prescribes enormous changes from the previous version as there is no definition as to where dogs can be exercised without a leash. Residents

will continue to have dogs who will need to be exercised. As tax payers, residents want Council to determine where they can exercise their pets.

Mayor Fitzgerald thanked Ms. Gaudet for her comments.

MR. DAVID CUNNINGHAM

Reading from a prepared statement, Mr. Cunningham referenced owners who were not responsible pet owners and referenced incidents pertaining to unleashed dogs. Council was requested to err on the side of caution.

Mayor Fitzgerald thanked Mr. Cunningham for his comments.

MS. MICHELLE RAOUL

Ms. Raoul supported the proposed changes to the by-law and that there should be designated on/off leash areas in Point Pleasant Park.

Mayor Fitzgerald thanked Ms. Raoul for her comments.

RESIDENT

The resident referenced the legal aspects of the proposed by-law and and enquired on same. The resident suggested the legislation needs to be reworded.

In response, Mr. Wayne Anstey, Municipal Solicitor, advised the wording was consistent with the enabling legislation.

Mayor Fitzgerald thanked the resident for his comments.

MR. PAUL CALDA

Mr. Calda suggested the by-law was too restrictive, the fines for minor offences were too high, and staff have been given too much authority to deal with each situation.

Mayor Fitzgerald thanked Mr. Calda for his comments.

MS. VIVIAN BARRIE

Ms. Barrie advised that by restricting dogs from exercise will create problems. Further, a definition of the word "attack" was requested. Ms. Barrie enquired on the statistics of dogs attacking children as opposed to child abuse. It was noted that public education was the key. Ms. Barrie suggested the SPC be involved with this process.

Mayor Fitzgerald thanked Ms. Barrie for her comments.

MS. CATRIONA WELLINGTON

Ms. Wellington advised she owned two dogs and was concerned with other dogs rushing her dogs, in Point Pleasant Park. Further, it was noted that dog owners in Clayton Park do not pick up after their dogs. Ms. Wellington noted that although she lives on a park way, she cannot walk her dogs there.

Mayor Fitzgerald thanked Ms. Wellington for her comments.

MR. JEFF BROWN

Mr. Brown noted that the by-law does not specify where and when dogs can be exercised off a leash.

Mayor Fitzgerald thanked Mr. Brown for his comments.

MS. MAUREEN SHEBIB

Ms. Shebib supported most of the comments made this evening but was unclear as to where animals could be exercised off a leash. If some parks are made off limits, this would be unfair as residents cannot get to other parks. With respect to dog tags, Ms. Chabaib advised she would like to put a tag on her dog with her name and telephone number depicted, in case the dog gets lost. It was suggested that early morning walkers could let their dogs go unleashed as there are not many people around. Dogs need freedom and exercise and cannot be leashed at all times.

Mayor Fitzgerald thanked Ms. Shebib for her comments.

MS. TARA LINEHAN

Ms. Linehan advised that although some owners are irresponsible, dogs need to learn obedience. Further, owners should be responsible enough to not bring their dogs unleashed, where there are people. It was noted that owners should also clean up after their dogs. This has been a long process for everyone. Dogs help people in ways that other people can't.

Mayor Fitzgerald thanked Ms. Linehan for her comments.

MR. GLEN MACKAY

Mr. MacKay agreed with the spirit of the by-law but was concerned with the level of authority staff would have. Concern was raised on the amount of fines, noting they were too high. Further, it was noted that identification tags were difficult to keep on long haired dogs.

Mayor Fitzgerald thanked Mr. MacKay for his comments.

MR. HUGH SIMMS

Mr. Simms walks his dogs early in the day, in Flynn Park, when there are no children around. At that time, his dog walks without a leash. Mr. Simms advised he would hate to see dogs tethered. Further, the suggested fines were too high.

Mayor Fitzgerald thanked Mr. Simms for his comments.

MS. ANDREA MCIVOR

Ms. McIvor felt that dogs were part of families and played a part in family life. It was suggested that Council consider leaving places open where dogs can run free.

Mayor Fitzgerald thanked Ms. McIvor for her comments.

After three calls for further comments from the public, there were none.

**MOVED by Councillors Adams and Blumenthal to close the public hearing.
MOTION PUT AND PASSED UNANIMOUSLY.**

Mr. Stephen King, Manager, Parks and Natural Services, addressed Council noting that the mandate is to provide the safest and cleanest parks so everyone can access and use them fairly and equally.

Staff (including Recreation and Leisure staff) was currently working on an overall consolidated HRM Park By-Law and part of the process will be public consultation.

Mr. King noted there had been excellent feedback received from the residents. One clear message received was regarding equal use of the parks i.e. special times that people can exercise their dogs in the parks - early in the morning; places such as playgrounds / beaches perhaps no dogs should be permitted as there could be concerns there. It was noted that there should be other areas where dogs can run free under the reasonable control of their owner. Staff may be able to address some of those concerns, particularly aspects such as regulating use / times in some of the parks under a new consolidated park by-law.

Councillor Cooper suggested one misconception needs to be addressed by Council. The Councillor referenced Section 11(3) - Notwithstanding Clause - noting it leaves out the fact there is an automatic right for dogs to be without a leash in all parks, playgrounds, and ballfields, within this municipality. The Councillor did not feel that was the intent of this Council, nor the understanding, nor agreement of those that own, and those that do not own dogs. Under this section it states that a dog has an automatic right to be off a leash in those areas. This is not appropriate.

Councillor Cooper suggested wording changes - that there be a clause inserted - as 11(3)(d) - "within a municipal public park, where the area is designated by signage, as

an area in which dogs are permitted to be unleashed.” This means that this municipality considers that playgrounds, parkland, ballfields, etc. - dogs must be on a leash unless a sign says they cannot - with times noted.

There was a consensus to continue debate the following day.

RECESS TO APRIL 29, 1998 - 2:00 P.M.

MOVED by Councillors Blumenthal and Dooks to recess the meeting at 10:00 p.m., until 2:00 p.m. the following day (April 29, 1998). MOTION PUT AND PASSED UNANIMOUSLY.

RESUMED MEETING

The meeting resumed at 2:00 p.m., April 29, 1998, with the same Members in attendance.

6.3 Second Reading Respecting the Dog By-Law D-100 Con't

Councillor Cooper reiterated his comments from the previous day.

A motion to amend the Main Motion was put on the floor.

MOVED by Councillors Cooper and Hendsbee to amend Motion as follows:

3(d) “Within a municipal public park, where:

- (i) the area is designated by signage as an area where dogs are permitted to be without a leash subject to such limitations as are posted; provided that...(continues into ii)”**

A lengthy discussion ensued with the following comments being made:

- fewer signs will be required with the amendment noted above;
- implications of timing (education program) before enforcement;
- enforcement to begin September, 1998 (grace period);
- options determining park areas;
- review school grounds being included as a municipal park;
- review criteria i.e. designation of areas (seasonal concerns - school yards, sports fields, public swimming areas);
- who will enforce this by-law;
- costs to enforce by-law;
- will there be hiring of further enforcement officers;
- signage should depict hours of use, days of the week;
- fine levels should be re-examined;

- definition of “organized hunt”;
- enforcement level of dog control in rural areas should not remain as status quo as there is no enforcement now - dog catchers are advising residents to catch dogs themselves;
- Identification - Interpretation of Page 5 - Section 7 (3) vs Page 2 - Section 2(f) - there should be an opportunity for owners to attach a supplementary ID tag on the dog (i.e. owners name and phone #- however, a municipal ID tag or system must still be adhered to;
- referenced Dog Control (Part 2) Section 3(a) - should add “or organized exhibition events.”
- review physical boundaries as to where dogs can and cannot travel;
- each Councillor, in concert with regional parks staff and members of each community, should be the guiding force behind sign locations;
- what would be the affect of the current by-laws in the meantime, for governance purposes;
- who will determine which parks will be signed;
- should try to reach a compromise;
- need a consolidated Park By-Law in place;
- Council is creating a by-law to protect dog owners;
- by-law easier to enforce if there is cooperation from citizens (come forward with evidence);
- fines will depend on how the by-law enforcement officer deals with each case (issue a ticket, or issue a Summons).

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

COUNCIL DECISION

MOVED by Councillors Schofield and Uteck to refer this by-law, with the amendment, back to staff taking into consideration the above-noted comments raised during the meeting. MOTION PUT AND PASSED.

10.1 COMMITTEE OF THE WHOLE CON'T

10.1.1 Approval of the 1998/99 Operating Budget

- Correspondence from Mr. Tom Charlton; Blair Richards, and Stairs Memorial Church, had been distributed to Council.

MOVED by Councillors Greenough and Snow to approve the Resolution attached to the April 23, 1998 staff report on the 1998/99 Operating Budget, except for Section (e) which finalizes area tax rates; further it is recommended that the remaining portions of the Operating Budget and Capital Budget be finalized by May 26.

A Motion to **Amend** the Main Motion was put on the floor.

MOVED by Councillors Kelly and Schofield that churches, church graveyards and cemeteries, non-profit cemeteries and non-profit service clubs be exempt from paying hydrant charges (Fire Protection Charge).

Councillor Kelly advised that although he agreed with the general rates as recommended by staff, the intent of his amendment is that as the above-noted groups did not pay this charge in the former City of Dartmouth, Halifax County Municipality and Town of Bedford, they should now not be expected to pay this charge. Further the Councillor requested staff re-calculate this Budget based on his amendment.

Mayor Fitzgerald suggested as this was an unscheduled change to the 1997/98 Operating Budget, a staff report, commenting on same, should be prepared. In response to an enquiry from Mayor Fitzgerald as to the dollar amount affected, Councillor Kelly advised he did not have the figures.

To clarify, Mr. Ken Meech, Chief Administrative Officer, enquired if staff was being asked to exclude those specific exempt properties throughout all of HRM, to which Councillor Kelly advised in the affirmative. Mr. Meech advised that the Operating Budget itself should be dealt with first and defer this aspect pending staff determining the full implications of Councillor Kelly's request.

Councillor Kelly advised the above-noted groups did not budget for this charge and that they are experiencing financial problems.

Mr. George McLellan, Deputy Chief Administrative Officer, advised this should be deliberated upon during the Tax Exemption By-Law discussions scheduled for the upcoming Committee of the Whole (May 5, 1998).

Councillor Schofield referenced correspondence received from Stairs Memorial Church stating their concerns a tax bill received for a prior year, that they were not prepared for. The Councillor suggested that Council deal with the first year's taxes. Further, this organization has a separate lot for parking for which they are being taxed as well.

Mr. McLellan reminded Council that Councillor Kelly was referencing the Fire Protection Rate and not property tax exemption. Further, Churches are exempt from property taxation as per Provincial legislation. The report, which is anticipated to be discussed during the May 5th Committee of the Whole, recommends this Rate be *deferred* for this year in order to provide an opportunity for staff to respond to the issue. The Rate will still be charged, however, with appropriate notification.

MOVED by Councillors Greenough and Hendsbee to defer the issue of the Fire Protection Rate to the May 5, 1998 Committee of the Whole. MOTION PUT AND PASSED.

Councillor Barnet enquired if Council was being asked to ratify the General Tax Rates and the 1998/99 Operating Budget. Further, the Councillor enquired as to what was being included in the Resolution, above the overall Operating Budget amount, and the General rates.

In response, Mr. Ron Singer, Director of Finance, advised the Motion to set the rates was approved, in principle, during the previous Committee of the Whole; further, a Motion to ratify that decision was now in order. The Resolution before Council today, reflects the motion adopted in Committee of the Whole. The Resolution format is so written to comply with the municipality's legal ability to set rates, in accordance with the HRM Act.

Councillor Barnet reiterated his concern with the difference in the Motion adopted in Committee of the Whole versus the Resolution currently before Council. The Councillor advised he could not support the Main Motion. Councillor Cooper echoed Councillor Barnet's concern with the format of the Resolution.

Mr. Ron Singer reiterated his comments on the format of the Resolution, noting that the municipality must comply with the current legislation. If the legislation is changed, the Resolution may be worded in a different manner.

Councillor Cooper referenced a report he had requested (April 16/98) on the Montague Mines area - Gold Lane (residents do not have transit, sidewalks nor hydrants). In response, Mr. Ron Singer reiterated a comment he had made during the April 16 meeting that although the Chief Administrative Officer advised the report might be available within one week, as this was a complicated issue (and the fact there were other requests from Council to include comments on their Districts within the report), several weeks would be required to prepare same. However, should the Councillor wish a separate report, dealing specifically with his enquiry, this could be provided.

Mr. Ken Meech advised that the last time this was discussed, it was determined that should there be a change in terms of the suburban boundaries, staff did not see those changes having a significant impact on the General Rates.

Following a comment made on the Supplementary Funding, Councillor Greenough reminded Council that area rate matters (i.e. Supplementary Funding, change in boundaries) do not affect the General Rates, but will be *additional* to the General Rates. Further, area rates are not being discussed today. The General Rates put in place a method of taxing to generate, through the tax bills, \$354,062,273. The remainder of the required Revenue comes from other sources (total budget is \$438 million).

To clarify further, Mr. Ken Meech advised the Resolution does not incorporate area rates. The essential intent for today's discussions was that the Operating Budget would be endorsed. Issues dealing with Supplementary Funding and Fire Protection Rate may be confusing to the process.

In other words, the Resolution was recommending approval of Sections (a) through (n), with the following exceptions:

- Section “d” - report required;
- Section “e” - finalizes area rates;
- Section “f” - Supplementary Education - requires clarification;
- Section “g” - Fire Protection - to be dealt with May 5 (COW).

Councillor Greenough suggested as the Fire Protection Rate was to be revisited, this may impact on the General Rates. Reference was made to Councillor Kelly’s Motion in that the municipality absorb these costs (Fire Protection Rate) within this rate structure.

MOVED by Councillors Greenough and Stone that the setting of the General Rates, as proposed in the Resolution attached to the staff report dated April 23, 1998, be deferred until staff are able to respond to Councillor Kelly’s enquiries on the Fire Protection Rate. Further, that this be further deliberated upon in two weeks time. MOTION PUT AND PASSED.

A suggestion was made that a Special Council Meeting be held next week to deal with this. Mayor Fitzgerald suggested further comments be provided directly to staff.

10.1.2 Nova Scotia Water Trail

MOVED by Councillors Adams and Sarto, as recommended by the Committee of the Whole, that a staff report be prepared for the May 19, 1998 Committee of the Whole, regarding consideration of a pilot project; further, that the report include the clarification of the role that HRM ought to take. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Audible Traffic Signals - Barry Abbott & Wayne Huskins, Canadian National Institute for the Blind

MOVED by Councillor Blumenthal and Schofield, as recommended by the Committee of the Whole, that a staff report be prepared for the May 19, 1998 Committee of the Whole, regarding the issue of installation of audible pedestrian signals at intersections. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Metropolitan Halifax Chamber of Commerce - Task Force on Municipal Issues

MOVED by Councillors Greenough and Schofield, as recommended by the Committee of the Whole, that the information received during the presentation, be

tabled. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.5 Councillor Epstein - Macdonald Bridge Ramps

MOVED by Councillors Downey and Walker, as recommended by the Committee of the Whole, that staff prepare a report, for a future meeting of Council, on the ramp design of the Macdonald Bridge, further; that a presentation be made by the biking community. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.6 Councillor Schofield -Procurement Policy & Local Preference

MOVED by Councillors Schofield and Greenough, as recommended by the Committee of the Whole, that staff prepare a report on implementing a Local Preference Policy where there are tenders under \$20,000; further, that staff consider the economic spinoffs if this Policy was implemented. MOTION PUT AND PASSED.

10.1.7 Councillor Schofield - Voice Mail

MOVED by Councillors Schofield and McInroy, as recommended by the Committee of the Whole, that staff prepare a report on this matter. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.14 Tax Exemption - Paramount Theatre Conversion Project

MOVED by Councillors Downey and Schofield, as recommended by the Committee of the Whole to:

1. approve a tax concession for the non profit Paramount Theatre Society:
 - a. at 100 per cent for operating year one and two;
 - b. reduced to seventy-five per cent in subsequent years;
 - c. to no more than \$30,000 per year, for a maximum of five years;
 - d. subject to funding of the project by the Province of Nova Scotia and ACOA, signing a lease, and;
 - e. further subject to annual review and adjustment by the Grant Committee; further, that
2. Council approve a letter be sent to the Province of Nova Scotia expressing strong support for the funding of the project.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.15 By-Law T-201 Respecting Tax Exemptions for Non-Profits

MOVED by Councillors Hendsbee and Sarto, as recommended by the Committee of the Whole that this matter be referred to the May 5, 1998 Committee of the Whole Session. **MOTION PUT AND PASSED.**

10.1.16 Review of Halifax Regional Municipality Polling Districts

MOVED by Councillors Rankin and Mitchell, as recommended by the Committee of the Whole, that:

- (a) a Committee of staff be established and report to Council with various options for redistribution of polling districts;**
- (b) allow for public input and report to Council;**
- (c) Council to provide direction as to a preferred option in terms of the number of polling districts within HRM.**

MOTION DEFEATED.

At the request of Council, a recorded vote took place.

Those who voted in favour of the Motion were Mayor Fitzgerald; Deputy Mayor Rankin and Councillors Dooks, Schofield, Blumenthal, Uteck, Harvey, Kelly, and Mitchell.

Those who voted against the Motion were Councillors Snow, Hendsbee, Cooper, McInroy, Greenough, Sarto, Hetherington, Downey, Walker, Stone, Hanson and Adams.

Councillors Barnet and Cunningham were absent for the vote.

10.1.17 Modifications to HRM Business Parks Lot Sale Pricing Policy

MOVED by Councillors Greenough and Schofield, as recommended by the Committee of the Whole, to authorize the modifications to the Municipality's pricing policy for the sale of lots in the Aerotech Business Park, the Bayers Lake Business Park, the Burnside Business Park, the Lakeside Industrial Park, and the Ragged Lake Business Park, as referenced in the staff report dated April 8, 1998. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.18 Temporary Borrowing Resolution Renewals

MOVED by Councillors Hetherington and Greenough, as recommended by the Committee of the Whole, to approve the renewal of the temporary borrowing

resolutions in the amount of \$52,480,233 as follows:

TBR 97/98/01	\$29,103,000
TBR 97/98/02	\$17,478,000
TBR 97/98/03	\$ 5 ,899,233.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.20 Community Garden Proposal - Murray Warrington Park

MOVED by Councillors Downey and Blumenthal, as recommended by the Committee of the Whole, that Council approve the Community Garden Project in principle and allow the Task Force and HRM staff to develop, and enter into, an agreement which would allow the Community Task Force to design, construct and sustain a community garden in this location. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.21 Request for Assistance - King Edward Inn

CONFLICT OF INTEREST

Councillor McInroy declared a Conflict of Interest and removed himself from the discussions, as he was an employee of the Provincial Assessment Department.

- A supplementary report prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Downey and Hendsbee to authorize a letter to be written by the Mayor to the Minister of Housing and Municipal Affairs, requesting that a review be undertaken of all services offered by universities in the Province of Nova Scotia in order to determine those activities not directly related to the delivery of education and therefore potentially subject to municipal taxation.

Councillor Adams advised that the owners of the King Edward Inn felt there was unfair competition being levied by Dalhousie University. University residences are zoned U-2 and staff have agreed that hotel purposes are not permitted in such zoning. Although it has been suggested universities be "grandfathered" as they operated as a hotel before the law came into affect, the Councillor stated they only had a license to do so for the past two years. Accordingly, Councillor Adams suggested universities *may* be operating illegally.

Councillor Adams suggested that Council consider prosecution of universities, based on non-conforming use - operating as, and competing with, hotels with in the municipality - unfairly.

MOVED by Councillors Adams and Hetherington that Council consider prosecution of universities, based on non-conforming use - operating as, and competing, with hotels, within the municipality.

Councillor Hendsbee agreed that university residences should pay appropriate taxes.

Councillor Uteck advised there are 30,000 students who live in this municipality every year, with each student spending approximately \$5,000 - \$10,000. Every hotel in this municipality, therefore, benefits immensely from the students' presence (visiting friends and relatives, etc.). Nine months of the year, university residences are rented to students; for three months, during the summer months, those residences are booked out to convention and tournament groups who boost the economy. If this rental space was not available during the summer months, these monies would be lost.

Council was reminded by Councillor Uteck that two thirds of the students are "our" students whose tuition is subsidized by us as tax payers. If the universities are taxed, this will result in higher taxes, province wide. Councillor Uteck cautioned Council that this was a complicated issue and that the larger picture, and the implications of taxing universities, must be understood.

Councillor Uteck supported the Main Motion to obtain a perspective on the issue at hand, however, he suggested a prosecution would be "jumping the gun."

Councillor Greenough sympathized with the King Edward Inn, noting the Inn was losing business to the universities during the summer months. However, the accommodations provided by the universities were not for individuals but for groups (basketball tournaments, conventions). The Councillor suggested that statistics be obtained, as to the types of groups that utilize university residences during the summer months, prior to any prosecution moving forward. It was suggested these groups would not visit this area if the university space was not available. Councillor Greenough cautioned Council that prosecution has far reaching implications.

Councillor Greenough supported the Main Motion.

Councillor Adams stated the King Edward Inn offers a competitive business but does not pay the appropriate taxes. The Councillor stated he simply wished to determine if there was any wrong doing. As universities are a commercial entity at certain times of the year, a vote on the amendment should proceed.

Councillor Hetherington advised he would be supporting the Main Motion and the amendment.

A vote on the amendment took place. **MOTION DEFEATED.**

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

Councillor McInroy resumed his place at the meeting.

10.1.22 Paving - Stonemount Subdivision

- A memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillor Adams and Deputy Mayor Rankin, as recommended by the Committee of the Whole, to approve the revised priority list of streets to be paved and chipsealed in 1998, including Phase 1 of the Stonemount Subdivision.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.23 Local Improvement Charges - Greenwood Heights/Maplewood Subdivision

MOVED by Deputy Mayor Rankin and Councillor Walker, as recommended by the Committee of the Whole, to adopt Alternative #2 of the Information Report dated April 16, 1998 which states "If Council wishes to reduce the unit charge to reflect the credit from the sale of property, Council can instruct staff to prepare an amendment to the By-Law. " MOTION PUT AND PASSED UNANIMOUSLY.

10.1.24 Coopers & Lybrand - Program & Service Review Findings

MOVED by Councillors Greenough and Sarto, as recommended by the Committee of the Whole that:

- (a) The Audit Committee review the findings and options identified by Coopers & Lybrand and make recommendations to Council on how to proceed. In particular, the Audit Committee is to make recommendations on (1) the nature and extent of public input and consultation during the review process; and (2) the process Council should follow to change service levels and/or change the way services are delivered;**
- (b) Further, to direct staff to proceed with the implementation of Activity-Based Costing for all services offered by the Municipality. A 3-phase approach is suggested, with reports prepared and presented to Council at the conclusion of each phase. The workplan should be designed so that a full ABC model, covering all municipal services offered by HRM, will be available to support the budget debate for the 1999/2000 fiscal year.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.25 Halifax Harbour Solutions Stakeholder Advisory Committee Report

MOVED by Councillors Blumenthal and Hetherington, as recommended by the Committee of the Whole that:

- (a) **Council adopt the report of the Harbour Solutions Advisory Committee with its recommendations, and the framework it presents for the harbour solutions project. Appropriate elements of a “WINBY” approach should be adopted, as discussed on page 11 of the staff report dated March 19, 1998; and a final decision on ownership under possible public-private partnership approaches should be deferred for now, as discussed on page 16 of the staff report dated March 19, 1998;**
- (b) **Further, that Council approve, in principle, concurrent action on the following next steps in this process:**
- **Identification of specific candidate sites for facilities, and working with landowners of such prospective sites to reach agreement on availability;**
 - **Provide information on the process and solution scenarios to the general public and inform the public on progress to date as well as impending and future steps;**
 - **Further consulting work to refine treatment scenarios and select specific solutions in terms of sites, technology, collection infrastructure, etc.;**
 - **Issuance of a Request for Expressions of Interest to the private sector to identify prospective participants in further steps, should a PPP approach be adopted;**
 - **Initiating of appropriate procurement processes to develop facility designs, provide funding mechanisms and develop contractual arrangements for components of the selected treatment scenario.**

MOTION PUT AND PASSED UNANIMOUSLY.

15. ADJOURNMENT

MOVED by Councillors Blumenthal and Uteck to adjourn the meeting at 5:10 p.m. P.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
MUNICIPAL CLERK

