

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES MAY 2, 2000

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
Clint Schofield
Jerry Blumenthal
Graham L. Downey
Sue Uteck
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
David Merrigan
Bob Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

ABSENT:

Councillor Stephen D. Adams (Regrets)

STAFF MEMBERS:

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

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1. **INVOCATION**

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

2. **PROCLAMATIONS**

2.1 **Asian Heritage Month**

Mayor Fitzgerald proclaimed the month of May 2000 as Asian Heritage Month.

2.2 **Official Theodore Tugboat Day**

Mayor Fitzgerald proclaimed May 6, 2000 as Theodore Tugboat Day.

Acknowledgment

Mayor Fitzgerald also noted that today was Holocaust Memorial Day.

Presentation - Resource Recovery Fund Board Waste Diversion Award

Mr. Brian Smith, Director, Business Operations, introduced Mr. Adrian White, Chief Operating Officer for the Resource Recovery Fund Board. Mr. White commended Halifax Regional Municipality for the leadership role it has taken in solid waste management over the last couple of years. In recognition of these achievements, Mr. White presented an award from the Resource Recovery Fund Board to Mayor Fitzgerald.

Mr. Smith noted the per capita figure for waste diversion is in excess of 60 percent. In terms of tonnage, this is approximately 47 percent diversion.

Mayor Fitzgerald thanked the public for their efforts in solid waste management and expressed appreciation to Councillor Rankin for his work on this project. The Mayor reminded Council of the clean-up campaign that will take place in May and June which will be publicly announced on Wednesday, May 3, 2000. Councillor Schofield stated the annual District 9 clean-up will take place on May 13, 2000.

3. **APPROVAL OF MINUTES - April 18, 2000**

MOVED by Councillors Hetherington and Blumenthal that the minutes of April 18, 2000, 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:

- 13.1 Councillor Snow - District 2 Capital Fund Request
- 13.2 Councillor Colwell - Fire Department Hiring Practices

The following item was deleted from the agenda:

Item 8.2 - Development Adjacent to Hemlock Ravine Park - Scott Yetman

The following Information Item was added to the Information Items agenda:

- By-Law D-100 Respecting the Registration and Regulation of Dogs

The following item was circulated to members of Council:

- Summary Statement for Community Councils Allocation Funds to March 21, 2000

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

5. BUSINESS ARISING OUT OF THE MINUTES

Councillor Blumenthal inquired about the status of the report he requested at the April 18th Council meeting with respect to hiring of firefighters. The Councillor noted the deadline for applications is May 4th and requested that this date be extended until such time as the report is received by Council. Mr. Ken Meech, Chief Administrative Officer, agreed to follow up on this matter with Mr. Mike Eddy, Chief Director, Fire Services, with the intent to have a report to Council next week.

Councillor Stone requested that the report also include information as to why residents of Dartmouth and Halifax cannot become volunteer firefighters in other areas of the Municipality. Councillor Hetherington suggested the new hiring policy should be deferred for one year to allow applicants the opportunity to obtain the necessary educational requirement. The Councillor also suggested that the policy should have been brought before Council for discussion before it was implemented.

Councillor Cooper requested that the report include the ramifications of deferring the policy, in terms of obtaining qualified applicants. Councillor Sarto suggested there be a split in the number of people to be hired, and that a certain percentage be hired from Halifax and Dartmouth.

Later in the meeting, Councillor Colwell raised concerns regarding information that he has been given that applicants for firefighting positions must pay a \$1300 deposit with their application. It was agreed that this would also be clarified in the forthcoming report.

MOVED by Councillors Sarto and Greenough that this matter be referred to the Chief Administrative Office to follow up with staff with the intent to have a report to Council next week. MOTION PUT AND PASSED UNANIMOUSLY.

6. MOTIONS OF RECONSIDERATION

6.1 Councillor Blumenthal - Former Archbishop's Residence - 6541 Coburg Road

- The following motion was adopted during the April 25, 2000 Regional Council meeting:

MOVED by Councillors Uteck and Fougere that:

- 1. Council approve the sale of the former Archbishop's Residence at 6541 Coburg Road for the price of \$640,000, plus applicable HST to the Waegwoltic Club (the Club) and authorize the Mayor and Municipal Clerk to execute a Purchase and Sale Agreement incorporating terms as discussed in the April 14, 2000 staff report.**
 - 2. Council approve the granting of a license to the Club for occupancy of a portion of the Coburg Road extension right-of-way in exchange for a deed to HRM from the Club conveying whatever interests it has in the extension of Coburg Road on the condition that, if the Club property is sold, the lands within the right-of-way would be vacated, would revert to the HRM, and the license extinguished.**
 - 3. The closings for the transactions set out in each of the preceding recommendations are to take place no later than August 30, 2000; with the Agreement of Purchase and Sale based upon the Municipality's standard terms for the purchase and sale of surplus property to be signed by no later than May 31, 2000, at which time the Municipality would receive a 5% deposit on the purchase price.**
 - 4. With the proviso that the repurchase price to HRM would be \$640,000, plus applicable HST, and that the property will remain zoned Parks & Institutional.**
- At the April 25, 2000 meeting, Councillor Blumenthal served a Notice of Motion of Reconsideration with respect to this matter.

MOVED by Councillors Blumenthal and Hetherington that the above motion adopted by Regional Council on April 25, 2000 be reconsidered.

In support of the Motion to Reconsider, Councillor Blumenthal stated this property is the last piece of available land around the North West Arm and it is his belief that it is worth more than \$640,000. The Councillor stated there are people interested in this property for residential purposes. Councillor Blumenthal suggested the property should not be sold at this time, as it is part of the Recreation Master Plan for the future. The Councillor stated this is a valuable piece of property and the citizens should have more say in its use. In closing, Councillor Blumenthal asked Council to reconsider this motion and not sell the property at this time and have it re-opened for public input.

Councillor Blumenthal requested a **Recorded Vote**.

Members of Council voting **in favour of** the Motion of Reconsideration: Councillors Streach, Cooper, McInroy, Hetherington, Schofield, Blumenthal, Read, Merrigan, Harvey and Kelly.

Members of Council voting **against** the Motion of Reconsideration: Mayor Fitzgerald, Deputy Mayor Cunningham, Councillors: Snow, Colwell, Greenough, Sarto, Downey, Uteck, Fougere, Walker, Stone, Rankin and Mitchell.

MOTION DEFEATED (13 Against, 10 For) (Councillor Adams was absent.)

7. **MOTIONS OF RESCISSION - NONE**

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

8.1 **Tender 00-175 Spring Garden Road Library Exterior Repairs (deferred April 25, 2000)**

- A staff report prepared for K. R. Meech, Chief Administrative Officer, dated March 29, 2000, regarding the above, was previously circulated to Council.
- A Supplementary Report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was circulated to Council for its consideration.

Councillor Downey thanked staff for the supplementary report stating it addressed his concerns. The Councillor noted a motion to award the Tender was put on the floor at the April 25, 2000 meeting, but no vote was taken. Therefore the vote was now taken on the following motion:

MOVED by Councillors Harvey and Mitchell that Council award Tender 00-175 to the low bidder, Procon Restoration Services Ltd., for the total lump sum price of

\$62,643.95 (including taxes) and that a contingency of \$6,000.00 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Development Adjacent to Hemlock Ravine Park - Scott Yetman (deferred April 25, 2000)

This item was deleted from the agenda during Approval of the Order of Business.

9. PUBLIC HEARINGS

9.1 Case 00152 - Amendments to the MPS for former County Planning Districts 14 and 17 (Shubenacadie Lakes)

- A report from the Marine Drive, Valley and Canal Community Council regarding the above, was previously circulated to Council on April 11, 2000.
- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was previously circulated to Council on April 11, 2000.
- Correspondence from Debbie and Robert Chipman, expressing concerns regarding the environmental impact this will have on the lakes, was before Council for its consideration.
- Correspondence from Paul MacLean, Vice President, LWF Hardball Association and Carla and Wendell MacNeil, as well as a petition signed by 12 residents in support of the proposal, were circulated to Council for its information.

With the use of overheads, Mr. Kurt Pyle, Planner, presented the staff report which recommended that Council reject the amendment to the Municipal Planning Strategy for Planning Districts 14 & 17 and/or the Subdivision By-Law for the former Halifax County Municipality, as per Attachments IV to VII in the staff report, to permit an increase in the number of lots that can be created on the lands situated to the south of the Windsor Junction Community Centre. Mr. Pyle stated staff has determined that the existing right-of-way does not satisfy all of the required criteria to be listed as a Schedule "A" road. Two options proposed by staff were as follows:

- 1) Amend the "Area of Land Date" under the Subdivision By-Law; or,
- 2) Amend the Criteria for Listing a private Right-of-Way as a Schedule "A" road under the Subdivision By-Law.

Mr. Pyle stated a Public Information meeting was held regarding these options, and the majority of those in attendance support both options. Also, the Marine Drive Valley and

Canal PAC and Community Council reviewed and supported both options. However, staff does not support either option for the following reasons:

- The existing subdivision exemptions and MPS policy already provide adequate subdivision potential which allowed for the creation of current five lots on the subject lands.
- The amendments would result in more residential development occurring without road frontage on either a public or private road, which is inconsistent with the intent of the MPS.
- The amendments would be setting a precedent for additional similar requests in the future which will require significant staff resources to go through the process on a case-by-case basis.
- The limited subdivision potential for the subject site is not unique, thus no special requirements should apply.
- The adoption of site specific amendments raises the issue of fairness to others in the same situation.

In conclusion, Mr. Pyle stated staff is recommending that Council not approve either option. However, staff would support listing McGuire Lane under the Subdivision By-Law, as per Attachments VI and VII of the staff report dated April 4, 2000, as it would set less of a precedent relative to future requests.

PUBLIC HEARING

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

Ms. Debbie Mclsaac

Ms. Debbie Mclsaac, spokesperson for the three families who purchased the subject property in 1995, addressed Council regarding this matter. The other property owners present were Mr. Scott MacLean, Mr. Hugh Mclssac and Mr. Dan Butler. Ms. Mclsaac stated the property owners have been in discussion with Councillor Snow and the Planning Department regarding this issue for almost four years in an attempt to subdivide two additional lots. Ms. Mclssac stated the construction of a 66 foot wide public road is physically impossible, leaving the property owners with the two options presented by staff, either of which is fine with the property owners.

Ms. Mclsaac reviewed the background history of this situation and the reasons why the property owners believe their application should be approved, details of which were included in Marine Drive, Valley and Canal PAC January 12, 2000 Public Meeting minute extract included in the staff report dated February 4, 2000.

In closing, Ms. McIsaac reminded Council of the following:

- This is a site specific amendment for a unique piece of property and circumstances. The property owners, the public, the PAC and the Community Council believe the application has legitimate merit and should be approved.
- The Windsor Junction Community Centre, which is serving a growing community, will benefit under this proposal.
- The existing right-of-way can be easily upgraded to meet HRM safety regulations and standards, and it intersects a 25 foot wide legal right-of-way which does provide deeded access to a public road. The addition of two lots will not impact significantly on a roadway of 25 feet.

Mayor Fitzgerald thanked Ms. McIsaac for her comments.

Mayor Fitzgerald called three times for any additional speakers. Hearing none, the following motion was put on the floor:

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

COUNCIL DECISION

Councillor Snow spoke in support of the property owners application and put forth the following motion:

MOVED by Councillors Snow and Streach that Council adopt Option 2 which is to amend the criteria for listing a private right-of-way as a Schedule "A" road under the Subdivision By-Law.

Speaking in support of the motion, Councillor Streach commended Mr. Pyle for his work in this matter, but stated this is a situation where the Municipality needs to go the extra step. The Councillor stated there were no negative comments expressed at the public information meeting regarding the proposal, and the public is in support of it.

MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS & DELETIONS

10.1 Correspondence

- Correspondence from Dan P. McDougall, Chief Administrative Officer, Municipality of the District of Guysborough, regarding the federal transfer payment for health care, was before Council for its consideration.

MOVED by Deputy Mayor Cunningham and Councillor Sarto that the correspondence from Dan P. McDougall, Chief Administrative Officer, Municipality of the District of Guysborough, regarding the federal transfer payment for health care, be received and filed.

In response to concerns expressed by Councillors Sarto and Kelly, Mayor Fitzgerald stated if this matter is not addressed by FCM or UNSM, it can be brought back to Regional Council for reconsideration.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Petitions

10.2.1 Councillor Read - Crosswalk and Sidewalk Request

Councillor Read served a petition containing approximately 655 signatures of residents of the St. Margarets Bay Road Area requesting a crosswalk in the Keddy's Hotel/Green Gables vicinity, and a sidewalk on the north side of the road between the first bus stop and the residential area immediately following 23 St. Margarets Bay Road. The Councillor requested that the petition, including the comments, be forwarded to Transportation Services.

10.3 Presentations

10.3.1 Commuter Rail Feasibility Study - Rebecca O'Brien

Ms. Rebecca O'Brien, TRAX, made a presentation to Council regarding Phase One of a Commuter Rail Feasibility Study. In her presentation, Ms. O'Brien made the following comments:

- Dependence on cars creates an ever-ending cycle of widening roads, building roads, constructing new highways, repaving, extending and maintaining roads and parking lots.
- Car traffic will continue to increase given the escalating developments outside the Peninsula.
- The health of children is suffering as a result of this traffic congestion.
- Funding is drying up paying for transportation habits.
- The global climate is changing due to the amount of pollutants being pumped into the air.
- Options to move away from this dependence on the car need to be provided, and commuter rail is one of these options.
- Commuter rail has the potential to play an important role in a comprehensive investment in transit in HRM.
- Federal funding is now becoming available to address the reduction of greenhouse gas emissions in municipalities across Canada.
- Unless action is taken by HRM, on September 1, 2000, CN will be removing the tracks that could serve a commuter rail system in HRM.

Mayor Fitzgerald thanked Ms. O'Brien for her presentation.

10.3.2 Proposal to Re-institute a Ferry Service Across the North West Arm:

- i) **Mr. Hugh Pullen**
- ii) **Ms. Michelle Raymond**

Mr. Hugh Pullen and Ms. Michelle Raymond made a presentation to Council regarding a proposal to re-instate a ferry service which once ran from the foot of Oakland Road across the North West Arm. Mr. Pullen addressed the Peninsula side and Ms. Raymond spoke to the Dingle or Mainland side. A copy of their presentation was submitted for the record.

Mayor Fitzgerald thanked Mr. Pullen and Ms. Raymond for their presentation.

11. REPORTS

11.1 MEMBERS OF COUNCIL

11.1.1 Councillor Hetherington - District 8 Capital Expenditures

MOVED by Councillor Hetherington and Deputy Mayor Cunningham that Council approve the expenditure of District 8 Capital Funds on the following two projects:

- 1) To increase the size of the parking lot at the North Woodside Community Centre - \$15,000**
- 2) To improve the access driveway to the South Woodside Community Centre and security doors for the facility - \$10,000**

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.2 Councillor McInroy

- i) Auxiliary Buildings (Including Storage Sheds) Located in Front of Yard Areas of Residentially Zone Properties**

Councillor McInroy reiterated a request he previously made at a Harbour East Community Council meeting in the summer of 1999 with respect to having the appropriate amendments prepared to preclude the location of auxiliary buildings, as noted above, in the Cole Harbour/Westphal and Eastern Passage/Cow Bay plan areas. Councillor McInroy requested a staff report with respect to suggestions or proposals for plan amendments and the process to implement these changes.

Council agreed to the request for a staff report.

- ii) Parking of Large Commercial/Industrial Vehicles in R-1 Zones in Cole Harbour/Westphal and Eastern Passage/Cow Bay Plan Areas**

Councillor McInroy requested a staff report regarding the current restrictions with respect to parking of large commercial/industrial vehicles in R-1 zones in Cole Harbour/Westphal and Eastern Passage/Cow Bay Plan Areas. The Councillor requested that the report contain definition and vehicle weight descriptions, as required, to be comprehensive. Councillor McInroy noted he originally made this request at a Harbour East Community Council meeting in the summer of 1999.

MOVED by Councillors McInroy and Hetherington that this matter be referred to staff for a report.

Councillor Sarto suggested the report be expanded to include all of Dartmouth and Councillor McInroy had no objection to this request. Councillor Hetherington expressed concern with the noise problem created by these commercial/industrial vehicles, particularly refrigeration units. The Councillor noted there is regulation under the Provincial Motor Vehicle Act that restricts the commercial/industrial vehicles from parking in any residential area to a four hour maximum.

Councillors Read and Schofield stated similar problems occur in their respective Districts. Councillor Schofield suggested the requirements under R-1 zoning may need to be amended to deal with this problem. Councillor McInroy noted the R-1 zoning polices vary from one part of HRM to another.

Councillor Stone asked that the staff report also address the size and type of the commercial vehicles being parked in residential areas.

It was agreed that the matter would be referred to staff for a report to be placed on the regular agenda for open discussion.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.3 Councillor Downey - District 12 Capital Fund Request

MOVED by Councillor Downey that Council approve the following District 12 Capital Fund requests:

- 1. Uptown Gottingen Street Merchants Association - \$3,000**
- 2. Downtown BIDC - \$3,000**
- 3. Spring Garden Road BIDC - \$3,000**
- 4. Gottingen Street Business Association - \$2,000**

There was no seconder to the motion.

Councillor Hetherington expressed concern that these organizations are not HRM owned or operated groups and questioned if they meet the criteria for capital funds. Mayor Fitzgerald suggested they could be approved, subject to confirmation that they in fact meet the criteria. Councillor Hetherington stated he would prefer to have the information before voting on the matter.

Councillor Downey stated the BIDCs will be using the funds for capital projects.

In response to Councillor Hetherington's concerns, Mr. Meech suggested the requests could be approved with the understanding that approval is conditional upon the requests meeting the criteria.

Councillor Read stated he would prefer to have a staff report confirming what these capital expenditures are for before they are passed, rather than the reverse which is being proposed.

Councillor Downey stated the BIDCs are paying tax dollars towards this funding, and they are only looking for something in return for these tax dollars.

MOVED by Councillors Hetherington and Read that this matter be referred to staff to determine if the requests meeting the criteria for capital funding and then brought back to Council for approval. MOTION PUT AND PASSED.

11.1.4 Councillor Fougere - Bike Racks - Spring Garden Road Area

- Correspondence from Debbie Paul, Event/Office Coordinator, Spring Garden Area Business Association, regarding the above, was before Council for consideration.

Councillor Fougere requested a staff report containing information or suggestions regarding securing funding for bike racks in the Spring Garden Road area as well as other areas of downtown Halifax and Dartmouth.

Council agreed to the request for a staff report.

11.2 NORTH WEST COMMUNITY COUNCIL

11.2.1 911 System in the Beaver Bank Kinsac Fire Protection Area (Councillor Merrigan) (oral)

Councillor Merrigan raised concerns regarding the 911 system in the Beaver Bank Kinsac Fire Protection Area. The Councillor noted several incidents where response has been

delayed or misdirected which have been brought to the attention of the North West Community Council.

Councillor Merrigan stated in November 1999 there was a call in the fire district of Beaver Bank Kinsac in an area outside of HRM. It took over an hour for a response. A letter was sent to the 911 Coordinator and a response from the Minister of Health was received indicating that it was a problem of HRM, and there have still not been any answers. Councillor Merrigan stated it has now been five months and the people of the area are concerned. Another incident occurred when a call was received from Harold T. Barrett Junior High School, which is in the area of the Beaver Bank/Kinsac Fire Department, and the Sackville Fire Department was dispatched. In the same week, 911 dispatched emergency vehicles to an incorrect address in Beaver Bank.

Councillor Merrigan requested a staff report, as soon as possible, to address these concerns.

MOVED by Councillors Merrigan and Hetherington that the matter be referred to staff for a report.

Councillor Hetherington requested that the staff report also address concerns regarding the similarity of phone numbers for the 911 system and MTT's 811 service number, and the potential problems this may create.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3 CHIEF ADMINISTRATIVE OFFICER

11.3.1 Award of Tender No. 00-301 - Materials Testing & Inspection 200

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

MOVED by Councillors Greenough and Sarto that Regional Council award Tender No. 00-301, Materials Testing & Inspection 2000 to Maritime Testing Ltd. based on the unit prices quoted for a total tender price of \$137,143.25 with funding provided as outlined in the Budget Implications Section of the staff report dated April 17, 2000.

Mr. Ted Tam, Manager, Design Services, responded to a question of Councillor Blumenthal stating this work would be completed, as required, throughout the year, and the total amount may not necessarily be spent.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3.2 Award of Tender No. 00-223, Sidewalk Renewals - West Region

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

MOVED by Councillors Blumenthal and Fougere that:

1. Council authorize the transfer of funds in the amount of \$27,627.00 from Account No. CRESPOOL, the Capital Pool to the Capital Accounts as summarized in the Budget Implications Section of the staff report dated April 18, 2000.
2. Council award Tender No. 00-223, Sidewalk Renewals - West Region to Northstar Construction Ltd. for materials and services listed at the unit prices quoted for a Tender Price of \$179,611.89 and a Total Project Cost of \$206,554.00, with funding authorized as per the Budget Implications Section of the staff report dated April 18, 2000.

Responding to questions of Councillor Kelly, Mr. Kulvinder Dhillon, Director, Engineering and Transportation Services, stated cost estimates are made based on the available information at budget time. During the detailed design, information could be different. However, Mr. Dhillon stated the overall yearly cost needs to be examined and he assured Council that they will be within the budget at the end of the season.

In response to a question of Councillor Greenough, Mr. Dhillon clarified that any surplus from one account cannot be transferred to another account as it needs to go to the CRESPOOL first and then transferred out.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3.3 Award of Tender No. 00-221, Sidewalk Renewals - Halifax

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

MOVED by Councillors Fougere and Walker that:

1. Council authorize the transfer of funds in the amount of \$30,321.00 from Account No. CRESPOOL, the Capital Pool to the Capital Accounts as

summarized in the Budget Implications Section of the staff report dated April 17, 2000.

2. Council award Tender No. 00-221, Sidewalk Renewals - Halifax to G. & R. Kelly Enterprises Limited for materials and services listed at the unit prices quoted for a Tender Price of \$198,418.13 and a Total Project Cost of \$228,181.00 with funding authorized as per the Budget Implications Section of the staff report dated April 17, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.4 Award of Tender No. 00-229, Traffic Signal Upgrade Portland Street at Caldwell Road

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

MOVED by Councillors McInroy and Hetherington that Council award Tender No. 00-229, Traffic Signal Upgrade, Portland Street at Caldwell Road to Black & McDonald Limited for materials and services listed at the unit prices quoted for a Tender Price of \$47,337.45 and a Total Project Cost of \$54,440.00, with funding authorized as per the Budget Implications Section of the staff report dated April 17, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.5 Award of Tender No. 00-231, Street Upgrading, Resurfacing Part 1, West Region

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

MOVED by Councillors Blumenthal and Downey that Council award Tender No. 00-231, Street Upgrading, Resurfacing Part 1, West Region to Dexter Construction Company Limited, for materials and services listed at the unit prices quoted for a Tender Price of \$425,845.00, and a Total Project Cost of \$489,722.00 with funding authorized as per the Budget Implications Section of the staff report dated April 26, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.6 Award of Tender No. 00-219, Paving Renewal, New Concrete Curb and Gutter, at Aspen Crescent, Sackville

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

MOVED by Councillors Harvey and Mitchell that Halifax Regional Council:

- 1. Approve the recovery of Local Improvement Charges for the replacement of asphalt curb on Aspen Crescent in Sackville with concrete curb and gutter by an area rate applied to the entire of District 20.**
- 2. Authorize the transfer of funds from Capital Account CRESPOOL in the amount of \$7,320.00 to Capital Account Number CYR00982 Aspen Crescent.**

3. Award Tender No. 00-219, Paving Renewal, New Concrete Curb and Gutter, Aspen Crescent to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$385,250.00 and a Total Project Cost of \$443,038.00 with funding authorized as per the Budget Implications Section of the staff report dated April 25, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.7 Tender #00-16, Pavement Markings West/Central Region

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

MOVED by Councillors Kelly and Streach that Council authorize the award of Tender #00-16, Pavement Markings West/Central Region, to the lowest bidder, Carvery's Painting Ltd., at a cost of \$79,280.00, H.S.T. extra, with the funding authorized as per the Budget Implications Section of the staff report dated April 19, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.8 Metro Food Bank Commemorative Project - Victoria Park

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

MOVED by Councillors Rankin and Mitchell that Council direct staff to work with the Metro Food Bank and the Spring Garden Merchants Association to design and develop upgrades to the north end of Victoria Park on Spring Garden Road to incorporate a performance plaza to commemorate the 15th anniversary of the Metro Food Bank as outlined in the staff report dated April 26, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.9 First Reading By-Law P-800 Respecting the Regulation of Pesticides, Herbicides and Insecticides (By-Law Option "A") (supp report)

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

MOVED by Councillors Hetherington and Schofield that Council give First Reading to the By-Law P-800 Respecting the Regulation of Pesticides, Herbicides and Insecticides, as attached to the supplementary staff report dated April 27, 2000, and refer the proposed By-Law to a Public Hearing on May 23, 2000.

Councillor Fougere noted a typographical error on Page 4, Item 2 (k) of the By-Law. The phrase "within within" should read "within".

MOTION PUT AND PASSED.

11.3.10 Street Closure - Portion of Douglas Avenue - Parcel D

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

MOVED by Councillors Stone and Walker that Council set a date for a Public Hearing of May 23, 2000, for consideration of Halifax Regional Municipality Administrative Order SC-21, respecting the closure of a portion of Douglas Avenue as shown on Attachment "A" of the staff report dated April 19, 2000; further, that subject to approval of the street closure, Parcel D comprising approximately 108 square feet be sold to the owner of Lot D-4, Douglas Avenue. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.11 Release of In Camera Reports

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

MOVED by Councillors Greenough and Sarto that:

- 1. Council amend Administrative Order Number One by substituting for the present subsection (8) of Section 9 thereof the following subsection:

(8) Staff reports submitted to In Camera Meetings of Council and details of the matters discussed at and the minutes kept of such meetings, except background information, shall be maintained by the Clerk as confidential information for a period of five years following the date of the In Camera meeting unless Council earlier determines that the information or any part thereof be made available to the public pursuant to subsection (10).**
- 2. That staff be directed to include in all In Camera reports that may be released to the public a recommendation to that effect.**

Councillor Kelly stated he would prefer that all In Camera reports be made public unless otherwise voted by Council, rather than the reverse which is being proposed, and, therefore, would not be supporting the motion on the floor.

At this point in the meeting, Councillors Streach and Stone raised concerns regarding a document circulated to Council entitled "Summary Statement for Community Councils Allocation Funds to March 21, 2000". Councillor Streach requested that the report be

amended to reflect the fact the approximate \$60,000 spent in District 1 was done so before his election to Council. Later in the meeting, Councillor Stone requested that further clarification be provided to the "Visa Purchase - Springvale Nurseries" and stated that this was for "Visa Purchase - Parks and Grounds Landscaping." The Councillor stated if In Camera reports are to be released, the information provided needs to be correct.

Responding to a question of Councillor Cooper, Mr. Wayne Anstey, Municipal Solicitor, stated background information is specifically defined in the Freedom of Information and Protection of Privacy Act, and basically deals with information such as third-party studies, scientific studies, engineering studies, environmental studies, etc. Other than clarifying wording, Mr. Anstey stated the present recommendation is essentially the practice that has been followed to date. Staff analysis indicated that in more cases than not the reports would not be released. Therefore, it was deemed more appropriate that the report not be released unless otherwise identified.

Councillor Cooper expressed concern that Council would not be making the decision as to whether or not a report should be released in each individual case. The Councillor suggested there should be recommendation in each In Camera report regarding the release of the report following Council dealing with the item.

In response to a question of Councillor Kelly, Mr. Anstey stated an acceptable amendment would be to change the second part of the recommendation so that the issue of release is addressed one way or the other in each report.

Councillor Kelly requested a **Recorded Vote** on the motion when the vote is taken.

MOVED by Councillor Walker and Cooper that the motion be amended to change the second recommendation to read as follows:

2. **That staff be directed to include in all In Camera reports a section recommending whether or not the report should be released to the public.**

MOTION PUT AND PASSED UNANIMOUSLY.

A Recorded Vote was then taken on the Main Motion, as amended, which read as follows:

MOVED by Councillors Greenough and Sarto that:

1. **Council amend Administrative Order Number One by substituting for the present subsection (8) of Section 9 thereof the following subsection:**

(8) Staff reports submitted to In Camera Meetings of Council and details of the matters discussed at and the minutes kept of such meetings, except background information, shall be maintained by the Clerk as confidential information for a period of five years following the date of the In Camera meeting unless Council earlier determines that the information or any part thereof be made available to the public pursuant to subsection (10).

2. That staff be directed to include in all In Camera reports a section recommending whether or not the report should be released to the public.

Members of Council voting **in favour of** the motion: Mayor Fitzgerald, Deputy Mayor Cunningham, Councillors: Streach, Snow, Colwell, Greenough, Sarto, Hetherington, Schofield, Blumenthal, Uteck, Fougere, Walker, Stone, Read, Merrigan, Rankin and Mitchell.

Members of Council voting **against** the motion: Councillors: Cooper, McInroy, Downey and Kelly.

MOTION PUT AND PASSED. (18 in favour, 4 against) (Councillors Adams and Harvey were absent.)

In response to concerns expressed by Councillor Schofield regarding the limited explanations providing during ratification of In Camera items, it was agreed that greater effort would be placed on these explanations in the future.

11.3.12 School Crossing Guard Request - Windward Avenue Area/Topsail Boulevard at Lea Street

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

Councillor Sarto expressed appreciation to staff for carrying out the survey providing the recommendation in the staff report.

MOVED by Councillors Sarto and Greenough that Council approve the staff recommendation that neither a school crosswalk nor a crossing guard supervised crosswalk is required at the Windward Avenue Area/Topsail Boulevard at Lea Street intersection, as it does not meet the necessary warrants.

Councillor Uteck expressed concern with the current warrants for crosswalks and crossing guards, and suggested that enough consideration is not always given to the human factor.

The Councillor suggested the policy may need to be re-examined in the future. It was agreed that this matter should be referred to staff for a report to be discussed at a future Committee-of-the-Whole meeting.

MOTION PUT AND PASSED UNANIMOUSLY.

12. MOTIONS

12.1 Councillor Colwell

“That a toll free telephone line be installed by HRM for the purposes of Animal Control within HRM to allow equal access to Animal Control Services to all residents at no cost to the individual resident.”

Councillor Colwell stated that toll free lines to access all HRM services should be provided so everyone in the Municipality has equal opportunity to access these services at no cost. The Councillor requested that his motion be amended to include toll free service to all HRM services, and not just Animal Control.

MOVED by Councillors Colwell and Cooper that toll free telephone line be installed by HRM for the purposes of all municipal services within HRM to allow equal access for all residents at no cost to the individual resident.

Mayor Fitzgerald stated that this would be a new motion and should be referred to staff for a report. In response, Councillor Colwell stated he would move his original motion, and put forth a new motion at a future meeting to deal with toll free numbers for all HRM services.

Mayor Fitzgerald suggested the matter should still go to staff for report before approval.

MOVED by Councillors Greenough and Blumenthal that the matter be referred to staff for a report.

Councillor Streach stated he has been advised by staff that there is an 800 number in HRM that will connect a caller to all departments. However, it was not known if this 800 number could connect to Animal Control, which is contracted out. The Councillor suggested the staff report could address this as well.

Councillor Mitchell noted District 23 has five different telephone exchanges which creates a problem for residents of this area wishing to contact the Municipality. The Councillor noted he has raised this concern with MTT.

MOTION PUT AND PASSED UNANIMOUSLY.

13. ADDED ITEMS

13.1 Councillor Snow - District 2 Capital Fund Request

MOVED by Councillor Snow and Blumenthal that Council approve the following District 2 Capital Fund Requests:

- **L.C. Skerry & Waverley Memorial School - Community playground - \$10,000**
- **Grand Lake Hall - Upgrading for Handicapped Services - \$10,000**
- **Sign - Lakeview Park - \$2,500**

Councillor Stone suggested these requests should be checked to ensure that they fit the new guidelines. In response, Mayor Fitzgerald stated the item can be approved now, and if there is any problem, the matter will be brought back to Council.

MOTION PUT AND PASSED.

13.2 Councillor Colwell - Fire Department Hiring Practices

Councillor Colwell raised concerns regarding information that he has been given that applicants for firefighting positions must pay a \$1300 deposit with their application. The Councillor stated that if this information is correct, it is prejudicing any applicant who cannot afford this fee. As requested earlier in the meeting, Councillor Colwell stated the current employment competition should be stopped until this matter is resolved. It was agreed that this would also be clarified in the forthcoming report regarding hiring of firefighters (see Business Arising from the Minutes, Page 6).

14. NOTICES OF MOTION - None

15. ADJOURNMENT

**MOVED by Councillors Sarto and Hetherington that the meeting adjourn at 8:05 p.m.
MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk

