

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES June 27, 2000 (afternoon session)

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor John Cunningham
Councillors: Stephen Streach
Keith Colwell
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
Graham L. Downey
Sue Uteck
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Stephen D. Adams
David Merrigan
Bob Harvey
Peter Kelly
Jack Mitchell

**ABSENT WITH
REGRETS:**

Councillors: Gordon R. Snow
Jerry Blumenthal
Reg Rankin

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 4:45 p.m. with the Invocation.

It was agreed to deal with Item 13.7 Committee-of-the-Whole Recommendation re: Supplementary Education Funding at this time.

13.7 **Committee-of-the-Whole Recommendation re: Supplementary Education Funding**

- This matter was discussed at a Committee-of-the-Whole meeting held prior to the Regular Session, and was now before Council for ratification.

MOVED by Councillors Greenough and Harvey that the following Committee-of-the-Whole recommendation regarding supplementary education funding be adopted by Regional Council: that the document, entitled Supplementary Funding Allocation: Halifax County/Bedford, dated June 27, 2000, as distributed to Regional Council on June 27, 2000, be the entire use for this year, which is that everything be used in the classroom.

With regards to the list of supplementary funding allocations, Councillor Walker stated the additional 6.5 teaching positions should be music teachers, family studies teachers, tech teachers and art teachers, and not classroom teachers. The Councillor stated the motion adopted by Council approving the supplementary funding for the Halifax County/Bedford area was clear that it was to be used for support workers only.

Councillor Harvey spoke in support of the motion stating the recommendations have come through the families of schools. However, the Councillor noted there is not enough money in the system to do everything that should be done. Councillor Harvey noted there is one way to infuse \$1 million into the system, without an impact on the budget or rates, and that is to reconsider and release the \$1 million windfall from the mandatory rate set in this year's budget.

Councillor Colwell stressed the need for accountability from the School Board as to how the supplementary education funding is spent. The Councillor expressed disappointment with the manner in which speakers were handled during the Committee-of-the-Whole session, stating the School Board was given more opportunity to speak than anyone else. Councillor Colwell stated he would prefer to have more information before a decision is made. The Councillor stated a separate debate should be held with respect to

supplementary education funding for the former cities of Halifax and Dartmouth. The issue being discussed today is the \$2.3 million for the former Halifax County Municipality and Bedford. Councillor Colwell stated there should have been public consultation as to how this money would be spent as it is derived from an area rate, and there needs to be a level of comfort in the community as to how this money will be used. In closing, Councillor Colwell reiterated accountability is required from the School Board for the use of the taxpayers' money.

Councillor Merrigan reminded Council that the School Board was present at the Committee-of-the-Whole meeting today, on the invitation of Council, to provide the information requested by Council regarding supplementary education funding. The Councillor stated he believes that the School Board has shown some accountability. Councillor Merrigan stated Council needs to focus on the present and not what has occurred in the past.

Councillor Uteck stated she could support the motion if there was an addendum that the \$325,000 administration fee come back to the supplementary fund including the \$625,000 that the School Board originally left out to try to get through to this fiscal budget year. In response, Mr. George McLellan, Acting Chief Administrative Officer, stated the rationale for the administration fee goes back to before the \$2.3 million was approved. At that time, the members of the School Board from the County and Bedford area, in review of its budget, inquired how much administration time goes towards managing the supplementary fund from the General Fund. And since the County and Bedford area only has the General Fund, they questioned how much of it in value is actually spent in the County and Bedford. The members requested that a charge for this amount come back to the General Fund, so the areas that do not get supplementary funds are not disadvantaged. Mr. McLellan stated there is basic agreement that this is a one time situation and will not appear again.

Councillor Cooper stated he believes Council has accomplished what it asked for, and noted the information provided was generated by the system and the schools themselves, and not the School Board.

Councillor Read spoke in support of Councillor Merrigan's comments, and stated this is not the place to be micro-managing, and it is time to deal with the issue.

MOTION PUT AND PASSED.

Councillor Harvey stated that he will put forth a Notice of Motion later in the meeting to rescind the reserve of the \$1 million windfall to allow for a further motion to be put forth to forward the money to the School Board. In response, Mr. McLellan cautioned Council that there is an \$11 million hit coming from the Province, and suggested that Council wait to

consider the \$1 million in light of, at least, the first quarter financial statements before making any decisions. Mr. Larry Power, Canadian Union of Public Employees, stated, if the \$1 million was allocated to the School Board, the only way it would be beneficial would be if it was specifically earmarked to be used for the Halifax and Dartmouth positions that have been cut.

Council agreed to deal with Item 11 - Reports, at this time.

11. REPORTS

11.1 MEMBERS OF COUNCIL

11.1.1 Councillor Adams - Private Roads (deferred June 14th)

Councillor Adams requested a staff report to examine the possibility of striking a committee of Council to deal with private road issues in both the rural and urban areas. Council agreed to the request.

11.2 CHEBUCTO COMMUNITY COUNCIL

11.2.1 Billboards on CN Lands

- A report from the Chebucto Community Council regarding the above, was before Council for its consideration.

MOVED by Councillors Walker and Hetherington that this matter be referred to staff to prepare billboard acquisition cost estimates to determine how much it will cost to have the CN billboards removed. MOTION PUT AND PASSED UNANIMOUSLY.

11.3 CHIEF ADMINISTRATIVE OFFICER

11.3.1 Tender - Demolition of 611 Portland Street, Dartmouth

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

MOVED by Councillors Hetherington and Sarto that Tender No. 00-269, 611 Portland Street Demolition be awarded to Leverman Construction Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$26,312.00, and

a Total Project Cost of \$30,259.00, to be funded from the Sale of Land Account.
MOTION PUT AND PASSED UNANIMOUSLY.

11.3.2 Tenders

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

MOVED by Councillors Greenough and Hetherington:

Tender 00-227 Sidewalk Renewals - East Region

THAT Council:

1. **Approve the recovery of Local Improvement Charges for the replacement of asphalt curb on Hershey Road with concrete curb and gutter by an area rate applied to the entire area of District 8.**
2. **Authorize the transfer of funds from Account No. CRESPOOL, the Capital Pool, to various Capital Accounts to cover the shortfall, and transfer of unallocated funds to CRESPOOL, the Capital Pool, as summarized in the Budget Implications section of the staff report dated June 21, 2000, as per approved Capital Pool Procedures.**
3. **Award Tender No. 00-227 Sidewalk Renewals - East Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$126,393.05 and a Total Project Cost of \$145,355.00, with funding authorized as per the Budget Implications section of the staff report dated June 21, 2000.**

Tender 00-247 - New Sidewalks, Montague Road - Westphal and Waverley Road - Waverley

THAT Council:

1. **Approve the recovery of Local Improvement Charges for new concrete sidewalk and new concrete curb and gutter installation on Montague Road in Westphal by an area rate applied to the entire area of District 4.**

2. Authorized the transfer of funds between Account No. CRESPOOL, the Capital Pool, and the Capital Account as summarized in the Budget Implications section of the staff report dated June 21, 2000.

2. Award Tender No. 00-247, New Sidewalks, Montague Road and Waverley Road to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$87,963.50, and a Total Project Cost of \$101,159.00, with funding authorized as per the Budget Implications Section of the staff report dated June 21, 2000.

Tender 00-253 Resurfacing Projects - Raymond Street, Raymoor Drive, Spikenard Street and Glencoe Drive, Westphal

THAT Council:

1. Approve the recovery of Local Improvement Charges for the replacement of asphalt curb on Glencoe Drive in Dartmouth with concrete curb and gutter by an area rate applied to the entire area of District 6.

2. Award Tender No. 00-253, Resurfacing Projects - Raymond Street, Raymoor Drive, Spikenard Street and Glencoe Drive, East Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$358,707.50, and a Total Project Cost of \$412,514.00, with funding authorized as per the Budget Implications section of the staff report dated June 19, 2000.

Tender 00-263 Surface Sealing, Various Locations

THAT Council award Tender No. 00-263, Surface Sealing, Various Locations, to Industrial Cold Milling Ltd., for revised materials and services listed at the unit prices quoted for a Tender Price of \$661,230.00, and a Total Project Cost of \$760,415.00, with funding authorized as per the Budget Implications Section of the staff report dated June 21, 2000.

Tender 00-272 Kaye Street, Resurfacing, Sackville

THAT Council:

1. **Approve the recovery of Local Improvement Charges for the replacement of asphalt curb on Kaye Street in Sackville, with concrete curb and gutter by an area rate applied to the entire area of District 20.**
2. **Award Tender No. 00-272, Kaye Street, Resurfacing - Sackville, to Dexter Construction Company Limited, for materials and services listed at the unit prices quoted for a Tender Price of \$156,400.00 and a Total Project Cost of \$179,860.00, with funding authorized as per the Budget Implications section of the staff report dated June 19, 2000.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.3.3 Federal Infrastructure Program (Info Item #7, May 23)

It was agreed to deal with this item later in the meeting (see Page 20).

It was agreed to deal with Item 12 - Motions at this point in the meeting.

12. MOTIONS

12.1 Councillor Fougere

“To amend By-Law S-400 respecting charges for street improvements to provide for a revised charge for new asphalt paving of chip sealed and stone and oil streets as outlined in the Information Report of May 23rd to be set at 2/3 of the local improvement change rate for new paving.”

Councillor Fougere withdrew her motion based on consultation with the Municipal Solicitor, who advised there is a satisfactory alternative method to deal with this issue.

Council agreed to add the following item to the agenda and deal with it at this time:

13.8 Audio/Visual System - Council Chamber

Due to the numerous problems experienced with the audio/visual system, Councillor Hetherington put forth the following motion:

MOVED by Councillors Hetherington and Cooper that the Council Chamber audio/visual system either be fully repaired during Council’s four week summer break or it be removed. MOTION PUT AND PASSED UNANIMOUSLY.

RECESS

MOVED by Councillors Hetherington and Greenough that Council recess at 5:20 p.m. until 6:00 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

The meeting recessed at 5:20 p.m. and reconvened at 6:00 p.m.

**HALIFAX REGIONAL COUNCIL
MINUTES
June 27, 2000
(evening session)**

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor John Cunningham
Councillors: Stephen Streach
Keith Colwell
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
Graham L. Downey
Sue Uteck
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Stephen D. Adams
David Merrigan
Bob Harvey
Peter Kelly
Jack Mitchell

**ABSENT WITH
REGRETS:**

Councillors: Gordon R. Snow
Jerry Blumenthal
Reg Rankin

STAFF MEMBERS:

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

The meeting reconvened at 6:00 p.m.

2. PROCLAMATIONS - NONE

Presentations:

Dr. John Kirk, Halifax Mexican Community Alliance

This item was deferred to July 4, 2000.

Dan Norris & John O'Brien - Halifax City Hall Brochure

Mr. John O'Brien, Corporate Communications Officer, presented the brochure on the history of Halifax City Hall which will be available to visitors to City Hall.

3. APPROVAL OF MINUTES - JUNE 13/14, 2000

MOVED by Councillors Sarto and Greenough that the minutes of June 13/14, 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 Kelly - Hammonds Plains/Kingswood Fire
- 13.2 Councillor Uteck - CN Bridges
- 13.3 Property Matter - Lease - Joint Emergency Operations Centre Eric Spicer Building
- 13.4 Legal Matter - Claim Settlement
- 13.5 Property Matter - 6541 Coburg Road - Former Archbishops Residence
- 13.6 Legal Matter - Communication Towers

The following item was deleted from the agenda:

- 1. Item 11.3.3 - Federal Infrastructure Program be deferred for two weeks.

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

5. BUSINESS ARISING FROM THE MINUTES - NONE

6. **MOTIONS OF RECONSIDERATION - NONE**

7. **MOTIONS OF RESCISSION - NONE**

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

9. **CORRESPONDENCE, PETITION S & DELEGATIONS**

9.1 **Petitions - None**

9.2 **Presentations - 6:00 p.m.**

9.2.1 **Point Pleasant Park - John Simmons and Stephen King (oral)**

- Correspondence from Mr. Bill Mont, Eastern Passage, dated June 27, 2000, on the above noted was circulated to Council.

Mr. Stephen King, Manager, Parks and Natural Services, provided an overview of the situation regarding the Spruce Longhorned Beetle infestation in Point Pleasant Park.

Mr. John Simmons, Works Supervisor, Parks and Natural Services, provided an overview of the work entailed with the eradication efforts in the Park and the time lines involved in these efforts.

Mr. Simmons advised the trees that have been affected would be cut, and any usable portion of the tree would be sold for use for building supplies. The outer bark would be burned. It was noted that a replanting would take place sometime in the future.

9.2.2 **Point Pleasant Park Spruce Bark Beetle - Christine Anne Smith and Stephanie Roberts**

- Correspondence from Christine Anne Smith, EnviroSmith Atlantic, dated June 13, 2000, was before Council
- A copy of a report entitled "Point Pleasant Park, Halifax, Nova Scotia, Bark Beetle Survey, by S. Robertson was submitted to Council.

Ms. Christine Anne Smith and Ms. Stephanie Roberts addressed Council regarding the Spruce Bark Beetle infestation in Point Pleasant Park, expressing concern with the tree cutting taking place. It was noted the cutting in the park may expand to the Nova Scotia forests and impact on the forestry industry and the export of forestry products.

10. **PUBLIC HEARINGS - 6:00 P.M.**

10.1 **Second Reading - Amendment to By-Law T-108 Respecting the Regulation of Taxis and Limousines (Minimum Wheel Base Size) (prev circ May 23)**

- A extract from the May 23, 2000 Regional Council minutes was circulated to Council

Mr. Peter James, Regional Coordinator, By-Law Enforcement, advised the amendment is to include wheelbase size when licencing taxis and limousines, noting the recommended wheelbase size for a taxi, starting in licencing year 2002, will be 105 inches which will ensure taxis in the HRM are full size vehicles.

Mayor Fitzgerald called for members of the public wishing to speak either in favour of or against the By-Law Amendment. Hearing none, the following motion was placed before Council.

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

Decision of Council

In response to Councillor Read, Mr. Peter James, By-Law Enforcement Coordinator, advised the intent of the By-Law is to gradually upgrade the quality of vehicles used as taxis.

Councillor Adams advised the amendment will allow for larger vehicles which will in turn allow for more comfort and more capacity for passengers and luggage. The Councillor noted this amendment does not take effect until 2002.

MOVED by Councillors Adams and Cooper that Halifax Regional Council give Second Reading to By-Law T-113 which amends By-Law T-108 Respecting the Regulation of Taxis and Limousines to provide for a minimum wheelbase size for taxi vehicles. MOTION PUT AND PASSED.

10.2 **Continuation of Public Hearing - Project 00095 - Downtown Dartmouth Secondary Planning Strategy and Land Use By-Law (prev circ May 23 and June 20)**

- Correspondence from Mr. Mike Brownlow, Bicentennial School, Dartmouth, dated June 23, 2000, was circulated to Council.

- Correspondence from Alasdair McKay, dated June 26, 2000, regarding the above, was circulated to Council.
- Correspondence from Amanda McGunnigle, Downtown Dartmouth Resident Steering Committee, dated June 13, 2000, regarding the above, was circulated to Council.

Ms. Jacqueline Hamilton, Planner, recapped the staff recommendation, advising this was a continuation of the public hearing for the Downtown Dartmouth Plan.

Mr. Colin May

Mr. Colin May, stated the residents have an investment in their properties but also in their community. He noted the developer of the proposal for One Park Avenue has not been involved in the community and the property has been vacant since the 1960's. He recommended the plan be adopted as is.

Ms. Patricia Richards

Ms. Patricia Richards, Connor Architects, noted the objective is the continuing of Downtown Dartmouth as a core area of HRM with a vibrant waterfront. She noted areas in Downtown Dartmouth have continued to deteriorate and the residential base is not there to revitalize the Downtown. Ms. Richards advised the One Park Avenue site is 2.3 acres and the developer would like to see that site developed to continue confidence in the Downtown by bringing people into the area. She noted the site could be part of the business district and could be developed by development agreement allowing for public consultation and public involvement.

Ms. Pat MacKay

Ms. Pat MacKay, 35 Edward Street, Dartmouth, with the aid of slides, provided a brief overview of the history of the One Park Avenue site, advising her home is adjacent to the site. She advised the neighbourhood began to rejuvenate and redevelop in the 1970's and became the community it is today. She noted the Harbour East Community Council had approved 35 units per acre on all sites including One Park Avenue. Council was requested to pass the plan as presented. To do otherwise would negate the planning process of the past two years.

Ms. Donna King

Ms. Donna King, 22 North Street, Dartmouth, stated the zoning on the One Park Avenue property would allow for single family home or townhouse development which would attract new families to the area. She recommended Council adopt the plan as presented.

Mr. Robert Leek

Mr. Robert Leek stated Council has to decide how the community needs will best be met, noting there is community consensus and all endorse the plan. He noted the owner of One Park Avenue does not live in the area, has not developed the property since its acquisition in the 1960's nor has he participated in the process. He suggested development be on a scale with the surrounding neighbourhood and encouraged Council to accept the plan as is and reject the proposal by Connor Architects for the development of One Park Avenue.

Mr. Bernie Dockrill

Mr. Bernie Dockrill, 19 Eaton Avenue, stated he owns property at 69-71 Prince Albert Road which he is planning to develop with single family homes once this plan is approved. He noted some sites need to be looked at on an individual basis, recommending Council approve the plan as presented.

Mr. Glen Wilson

Mr. Glen Wilson, 15 North Street, stated there is a strong community spirit and expressed concern with resulting traffic impacts if the One Park Avenue site is developed as proposed. He noted consideration has to be given to the fact that the streets are narrow and there are steep hills in the area of this proposal. He requested Council look at the work accomplished by the planning department staff, the community and all those who were involved with the process from the beginning and pass the entire document as presented.

Ms. Frances Howard

Ms. Frances Howard, representing Mr. Tom Howard, advised no development has taken place on the One Park Avenue site even though the owner has been able to do so under the old plan. She expressed concern with the long term prosperity of Dartmouth and stated this issue should have been dealt with and settled prior to the plan being presented to Council. She noted there are currently a number of businesses along Portland Street and they would like to see development so that the people who work in the downtown also live there.

Mr. Peter Delefos

Mr. Peter Delefos, President, Heritage Trust of Nova Scotia, addressed Council regarding the Starr Manufacturing site and requested Council reword the policy to deal with the Starr Building to save the heritage components of the site. He requested Council reconsider it's

decision to demolish the Starr buildings and allow community groups time to put together a viable plan for reuse of the buildings and the site.

Ms. Lindsay May

Ms. Lindsay May, 10 Dahlia Street, Dartmouth, stated Council has to think very carefully when a process has taken two years with a lot of hard work and involvement by the community. She advised the people in the community have looked at the balance of development required and have come with a plan that will work for everyone.

Ms. Jody Wood

Ms. Jody Wood, 16 Pine Street, Dartmouth, advised the process used in the development of the plan allowed for community input and consultation and the MPS Committee addressed every issue and concern that was brought forward. The Committee asked for input, the process was public and drafts of the plan were available. Community meetings were held to discuss the drafts as they were being developed. The plan was developed in cooperation with the community and is supported by the community and the Harbour East Community Council as well as HRM staff. She stated this plan should be supported by Council without approval of the amendment.

Ms. Brenda Gorman-Wright

Ms. Brenda Gorman-Wright, 11 North Street, Dartmouth, advised the participants in process believe that this is a model that can be used in any area of HRM and the decision Council makes regarding this plan affects more than the downtown community but will establish the precedent, the example to be followed in all future planning in the HRM. She noted the owner of the One Park Avenue property was notified early in the process but chose not to become part of the process and their proposal contradicts all the major goals and objectives of the plan. She stated there had been no development on this site when the owner had the zoning and the permits allowing him to develop. She advised the community had been adamant about keeping the R2-TH zoning but had compromised to allow 35-40 units per acre for the good of the plan.

She stated to allow the One Park Avenue development to proceed would:

- throw the whole plan into question by going against it's goals and objective;
- it would say to all other communities in HRM that there is special treatment for large property owners;
- it would tell other developers in HRM communities that they may also ignore the process;

- it would completely discredit all of the hard work and good will created by staff;
- it will make it impossible for them to gain the confidence of citizens in other communities;
- it completely ignores the fact that the community HRM and the three elected representatives from all three levels of government support this document.

Ms. Jill Brogan

Ms. Jill Brogan, 58 Hazelhurst, Dartmouth, stated the plan should be adopted as is and if it is not then Council will be sending a message that the community planning process is a sham and the entire integrity of the community process will be put in jeopardy. She encouraged Council to look at the wishes of the community as a whole and adopt the plan before Council.

Mr. Don Chard

Mr. Don Chard, 85 Newcastle Street, Dartmouth, congratulated HRM planning staff and the members of the community for the plan. He advised the community has been very involved and has demonstrated willingness to compromise. He urged Council to pass the MPS as is. He referenced the One Park Avenue proposal, stating if this property is excluded from the process it will send a very bad message to the community and may destroy the trust that has been built up over the last number of years.

Ms. Gretchen Pohlkamp

Ms. Gretchen Pohlkamp, 82 Shore Road, Dartmouth, stated that to take this process and emphasize only one property would be a disrespect to the process as it has been a beneficial one for the whole community. She stated it would also be contrary to the democratic process to take a piece out of a plan as well as contrary to the vision that Dartmouth is trying to build of a core of people working together to build a community.

Mr. Lewis MacKay

Mr. Lewis MacKay, Dartmouth, expressed concern with the gradual deterioration of the core of Downtown Dartmouth. He suggested the Municipality should have the ability to look at individual pieces of property under the development agreement process rather than limiting the potential and making it more difficult to have development in the downtown core.

Ms. Wendy Lill, MP

Ms. Wendy Lill, MP, spoke in favour of and urged Council to adopt the plan.

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

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

Decision of Council

MOVED by Deputy Mayor Cunningham and Councillor Read that the Plan be accepted as presented.

Ms. Hamilton advised Council was being asked to deal with the site specific request and to support, in principle, the Plan with formal adoption being on July 4, 2000.

Without a vote being taken on the motion on the floor, the following motion was placed before Council.

MOVED by Councillors Hetherington and Streach that decision be deferred for two weeks to July 11, 2000. MOTION DEFEATED.

MOVED by Deputy Mayor Cunningham and Councillor Kelly that Council approve the staff recommendation and refuse the request by Dartmouth Investments Limited to initiate the process to consider amending the Dartmouth Municipal Planning Strategy and Land Use By-Law for the property located in Downtown Dartmouth on the corner of King, North, and Edward Streets and Park Avenue.

Deputy Mayor Cunningham thanked the residents and all who worked in developing the Plan. The Deputy Mayor noted many compromises had been made, one of which was the 35 units per acre. He advised the homes in this area are very old and historic with narrow streets and traffic from such a large development would negatively affect these streets. Deputy Mayor Cunningham further stated over development of this land will cause a serious negative impact on the surrounding properties, noting 35 units per acre will allow for a mix of development that will revitalize the downtown area.

Councillor Merrigan spoke in the favour of the amendment, noting the community is in favour of development and have presented a good plan, but does not wish large scale development on the One Park Avenue site.

Councillor Sarto noted that the involvement of the community, staff and business sector has shown a positive commitment to the development of downtown and over time will bring people to the downtown and enhance the area.

Councillor Colwell stated it is important to listen to the community and Downtown Dartmouth needs revitalization.

Councillor Schofield stated he did not agree that 35 units per acre was enough for development of the One Park Avenue site and received clarification that there would be opportunity to amend the plan when it comes forward for final approval.

Deputy Mayor Cunningham called for a **Recorded Vote** (with 16 members voting):

Those voting **in favour** of the motion were: Mayor Fitzgerald, Deputy Mayor Conningham and Councillors Colwell, Greenough, Sarto, Uteck, Fougere, Stone, Read, Merrigan, and Kelly.

Those voting **against** the motion were: Councillors, Streach, Hetherington, Schofield, Downey, and Mitchell

The following Councillor were not eligible to vote as they were not present for both meetings: Councillors Cooper, McInroy, Walker, Adams, and Harvey. Councillors Snow, Rankin and Blumenthal were absent.

MOTION PUT AND PASSED. (11 in favour, 5 against)

Mr. Anstey, Municipal Solicitor clarified that as a result of the vote the requested amendment will not be incorporated in the By-Law.

MOVED by Councillors Greenough and Hetherington that decision on the Plan be deferred for two weeks to July 11, 2000. MOTION PUT AND PASSED.

11. REPORTS

11.1 MEMBERS OF COUNCIL

11.1.1 Councillor Adams - Private Roads (deferred June 14th)

This item was addressed earlier in the meeting (see Page 6).

11.2 CHEBUCTO COMMUNITY COUNCIL

11.2.1 Billboards on CN Lands

This item was addressed earlier in the meeting (see Page 6).

11.3 CHIEF ADMINISTRATIVE OFFICER

11.3.1 Tender - Demolition of 611 Portland Street, Dartmouth

This item was addressed earlier in the meeting (see Page 6).

11.3.2 Tenders

This item was addressed earlier in the meeting (see Page 6).

11.3.3 Federal Infrastructure Program (Info Item #7, May 23)

This item was deferred to July 11, 2000 under the approval of the Order of Business.

12. MOTIONS

12.1 Councillor Fougere

This item was addressed earlier in the meeting (see Page 9).

13. ADDED ITEMS

13.1 Councillor Kelly - Hammonds Plains/Kingswood Fire

MOVED by Councillors Kelly and Mitchell that staff proceed with the review of the fire in Hammonds Plains/Kingswood and bring back a report and, if it is found that the company in question is at fault, the Municipality explore the opportunity to recoup its costs either against the company and/or its insurer. MOTION PUT AND PASSED.

13.2 Councillor Uteck - CN Bridges

Councillor Uteck requested a staff report regarding CN initiating immediate repairs to its bridges in District 13 and any other Districts that need it. The Councillor noted staff has previously written to CN on this matter and, to date, no action has been taken. Councillor Uteck advised these bridges are in such a state that whole slabs of concrete have fallen onto the tracks from the one on Tower Road; and, therefore, requested an engineering assessment be done to ensure these bridges can even pass a safety test.

13.3 Councillor Sarto - In Camera Information Item No. 6 - Legal Matter - Communication Towers

Councillor Sarto noted that legal have advised that Clearnet and MTT have followed all the rules and regulations to construct two towers on Mount Edward Road. He advised the community is not happy with the location of the towers and are requesting that they be relocated to another site. The Councillor requested a staff report looking at alternate sites such as the Burnside Industrial Park, land abutting Highway 111 or some other location that will take those two towers entirely out of the community.

13.4 Property Matter - Lease - Joint Emergency Operations Centre Eric Spicer Building

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

MOVED by Councillors Hetherington and Fougere that Council authorize the Mayor and Municipal Clerk to enter into Lease Agreements with the Province of Nova Scotia and the Government of Canada for space at the Eric Spicer Building based on the terms and conditions outlined in the June 16, 2000 staff report. It is further recommended that the June 16, 2000 staff report not be released. MOTION PUT AND PASSED UNANIMOUSLY.

13.5 Legal Matter - Claim Settlement

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

MOVED by Councillors Stone and Mitchell that Council settle the claim brought by Michael Bonomo in the amount of \$12,500.00 as settlement in full upon obtaining a full release from Michael Bonomo from any further claims arising out of the accident which occurred on March 19, 1998. It is further recommended that the June 20, 2000 staff report may be released. MOTION PUT AND PASSED UNANIMOUSLY.

13.6 Property Matter - 6541 Coburg Road - Former Archbishop's Residence

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

MOVED by Councillors Uteck and Downey that Council amend motion #4 approved at Regional Council on April 25, 2000 to read "that the repurchase price to HRM would be fixed for a period of 10 years at \$640,000, plus applicable HST and beyond that period the price will be based on appraised market value assuming Park and Institutional as highest and best. In addition, the property will remain zoned Parks

and Institutional while under the ownership of the Waegwoltic Club. It is further recommended that the June 21, 2000 staff report may be released. **MOTION PUT AND PASSED.**

14. NOTICES OF MOTION - NONE

15. ADJOURNMENT

MOVED by Councillors Hetherington and Greenough that the meeting be adjourned at 9:10 p.m. MOTION PUT AND PASSED.

**Vi Carmichael
Municipal Clerk**