

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL MINUTES May 7, 2002**

**PRESENT:**

Mayor Peter J. Kelly  
Deputy Mayor Robert P. Harvey  
Councillors: Stephen Streach  
Gary Hines  
Keith Colwell  
Ron Cooper  
Harry McInroy  
Brian Warshick  
Condo Sarto  
Bruce Hetherington  
Jim Smith  
John Cunningham  
Jerry Blumenthal  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Diana Whalen  
Linda Mosher  
Stephen D. Adams  
Brad Johns  
Len Goucher  
Reg Rankin  
Gary Meade

**STAFF MEMBERS:**

Mr. George McLellan, 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 Kelly called the meeting to order at 6:00 p.m. with the Invocation being led by Deputy Mayor Harvey.

**ACKNOWLEDGEMENTS**

Councillor Cunningham requested that the Mayor write a letter of congratulations to Dartmouth Subway for coming in second place at the National Midget AAA Championships.

Councillor Uteck commended Prince Andrew Woodlawn Environmental Enhancement and Conservation Association (PAWEECA) in the launch of the virtual web site for Point Pleasant Park as well as their other contributions to the municipality.

Deputy Mayor Harvey extended thanks to PAWEECA for their excellent work in the interest of the environment. In celebration of National Forest Week, the Deputy Mayor noted PAWEECA, in partnership with Forest Products Association of Nova Scotia (FPANS), has developed the "Trees of Kids Campaign." Of the ten thousand seedlings donated by Kimberly-Clark Nova Scotia, two thousand have been delivered to Dartmouth elementary schools to support this campaign to raise money for the IWK. The remaining 8,000 will be available from Thursday, May 9th to Saturday, May 11th, at four local Sobeys' locations: North and Windsor, Clayton Park, Cole Harbour and Penhorn Mall.

Councillor Walker acknowledged the presence in the gallery of the 1st Clayton Park Cub Pack.

Deputy Mayor Harvey acknowledged the presence in the gallery of former County Councillor Archie Fader.

Later in the meeting, Councillor Johns acknowledged the presence in the gallery of Mr. Barry Barnet, MLA, Sackville.

**2. PROCLAMATIONS**

**2.1 Multiple Sclerosis Awareness Month - May 2002**

May 2002 was proclaimed to be Multiple Sclerosis Awareness Month.

**2.2 Asian Heritage Month - May 2002**

May 2002 was proclaimed to be Asian Heritage Month.

**2.3 Drinking Water Week - May 5 - 11, 2002**

The week of May 5 -11 was proclaimed to be Drinking Water Week.

**2.4 Royal Bank Cup Week - May 4 - 12, 2002**

The week of May 4 - 12, 2002 was proclaimed to be Royal Bank Cup Week.

**2.5 Emergency Preparedness Week - May 6 - 12, 2002**

The week of May 6 - 12, 2002 was proclaimed to be Emergency Preparedness Week.

**SPECIAL PRESENTATION - Cultural Diversity Recognition Award**

**(i) Cst. Cedric Upshaw**

On April 27th, 2002, at the Cultural Diversity Recognition Awards hosted by The Centre for Diverse Visible Cultures, Cst. Cedric Upshaw was the recipient of the Community Service Award which is presented to distinguish those who professionally and personally, by their accomplishments, demonstrate a high degree of multicultural sensitivity and awareness to help create, and further, an understanding of93 as well as a sincere appreciation for all cultures and ethnicities both at work and in their community.

**(ii) Charla Williams**

On April 27th, 2002, at the Cultural Diversity Recognition Awards hosted by The Centre for Diverse Visible Cultures, Ms. Charla Williams was the recipient of the Special Commendation Award which recognizes activities performed by individuals from a public agency/government department, which because of its process, subject and/or effect, results in better understanding, acceptance and positive relations among people of different cultural backgrounds.

On behalf of staff and Council, Mr. George McLellan, Chief Administrative Officer, expressed thanks and congratulations to both Cst. Upshaw and Ms. Williams.

**3. APPROVAL OF MINUTES - April 16 & 23, 2002**

**MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the minutes of April 16 & 23, 2002 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 Uteck - School Closure Policy
- 13.2 Legal Matter: Settlement of Claim
- 13.3 Legal Matter: Halifax Harbour Solutions

It was agreed to deal with Item 13.3 Legal Matter: Halifax Harbour Solutions following Item 9 - Public Hearings.

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

**5. BUSINESS ARISING FROM THE MINUTES**

**6. MOTIONS OF RECONSIDERATION - NONE**

**7. MOTIONS OF RESCISSION - NONE**

**8. CONSIDERATION OF DEFERRED BUSINESS**

**8.1 Heritage Case H00063 - Heritage Registration Hearing, 2535 Robie Street, Halifax, All Nations Christian Reformed Church**

C Correspondence from Daniel S. Walker, on behalf of the Council of All Nations Church, dated April 19, 2002, regarding the above, was before Council for its consideration.

C A report from the Heritage Advisory Committee, dated February 6, 2002, regarding the above, was previously circulated to Council.

At the request of the property owner, Councillor Sloane put forth the following motion:

**MOVED by Councillor Sloane, seconded by Councillor Goucher, that the request for heritage registration for 2535 Robie Street, Halifax, be withdrawn. MOTION PUT AND PASSED UNANIMOUSLY.**

**8.2 Tender 02-150, Halifax Family Court Renovations (deferred April 23/02)**

C A supplementary report prepared for Mike Labrecque, Director, Real Property Services, regarding the above, was before Council for its consideration.

**MOVED by Councillor Uteck, seconded by Councillor Blumenthal, that:**

1. Council approve an increase to the Capital Budget, Account CBA00627, from \$1,500,000 to \$1,729,750 as noted in the Budget Implications Section of the supplementary report dated April 17, 2002, on the basis that the proposed increase is fully recoverable from the Tenant under the lease agreement.
2. Council award the tender to the low bid from Blunden Construction of \$1,216,283 net of taxes. Funds available in account CBA00627. MOTION PUT AND PASSED UNANIMOUSLY.

9. **PUBLIC HEARINGS**

9.1 **Second Reading - By-Law L-109 Respecting Local Improvement Charges - Beaver Bank**

- C By-Law L-109 Respecting Charges for Local Improvements, Beaver Bank Phase III and Future Water and Sewer Projects passed First Reading on April 16, 2002 and was now before Council for Second Reading.
- C A staff report prepared for George McLellan, Chief Administrative Officer, regarding the above, was previously circulated to Council.

Mr. Reg Ridgley, Manager, Strategic Capital Project Support, presented the staff report to Council.

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

**MOVED by Councillor Sloane, seconded by Councillor Hetherington, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

**MOVED by Councillor Johns, seconded by Councillor Hetherington, that Council give Second Reading to By-Law L-109 Respecting Charges for Local Improvements, Beaver Bank Phase III and Future Water and Sewer Projects. MOTION PUT AND PASSED UNANIMOUSLY.**

9.2 **Project 00106 Sackville Drive Secondary Planning Strategy & Land Use By-Law**

- C A supplementary report prepared for Paul Dunphy, Director, Planning and Development Services, regarding the above, was before Council for its consideration. The report recommended that: *Council approve:*

- (a) *the proposed Secondary Planning Strategy and Land Use By-Law for Sackville Drive with changes as highlighted in Attachment A of the staff report dated April 29, 2002.*
- (b) *repealing the existing sections of the Sackville Municipal Planning Strategy and Land Use By-Law that pertain to the Commercial Corridor Designation of Sackville Drive as shown in Appendix B of the staff report dated February 20, 2002; and,*
- (c) *re-designating and rezoning lands within the Sackville Municipal Planning Strategy identified by Map 2 as shown in the staff report dated February 20, 2002 from Commercial Corridor Designation and Commercial Corridor (C-3) Zone to Urban Residential Designation and Multiple Dwelling (R-4) Zone.*

C Correspondence from Andrew Whittemore, Planner II, HRM, to Robert Powell, Deloitte and Touche, dated May 2, 2002, was before Council for its consideration.

C Correspondence from David Aalders, dated May 6, 2002, regarding the above, was before Council for its consideration.

C Correspondence from Robert Grant, Stewart McKelvey Stirling Scales, dated May 7, 2002, regarding the above was before Council for its consideration.

C Correspondence from Charles Passey, Owner/Operator: U-First Auto Sales, regarding the above, was before Council for its consideration.

C Correspondence from Dr. Cathy Conrad, Professor of Geography, Saint Mary's University, dated April 30, 2002, regarding the above, was before Council for its consideration.

C Correspondence from Dennis and Ruth Baxter dated March 17, 1997 to their supporters was circulated to Council.

C Copies of the decision of the Supreme Court of Nova Scotia between Dennis and Ruth Baxter and Armoyan Properties Limited, Exotic Auto Sales Limited and George R. Armoyan, dated August 9, 1996 were circulated to Council.

Ms. Thea Langille-Hanna, Planner II, and Mr. Andrew Whittemore, Planner II, presented the staff report to Council.

Responding to a question of Councillor Fougere regarding bicycle parking areas, Ms. Langille-Hanna stated there is a section in the proposed Land Use By-Law that sets forth a requirement for a specific number of bicycle racks per square footage of a building. In addition, she noted there are works underway with community groups for trail development in that area.



In response to a question of Councillor Sarto, Mr. Whittemore stated there are a number of new zones proposed in the Land Use By-Law. Some zones along Sackville Drive will have a decrease in permitted uses. The Councillor expressed concern that down-zoning will have a negative effect on the resale value of these properties. In response, Ms. Langille-Hanna stated it would depend on how the property is being marketed. She stated it is anticipated that the reorganization of the street will present some new marketing options for several properties.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the proposed changes to the Municipal Planning Strategy and the Land Use By-Law.

**Mr. David Secord**

Mr. David Secord, Heritage Credit Union, addressed Council stating the Credit Union recently purchased its property on Sackville Drive. Although he supported the spirit of the plan, Mr. Secord stated he was under the impression when the sale was finalized that it was zoned C-3. Mr. Secord noted his main concern was with the increase in the setback distance from 10 feet to 20 feet. He noted the Credit Union's proposal is only for 1800 square feet and it would be impossible to fit it under these restrictions. Mr. Secord asked Council for special consideration for the Credit Union property with respect to the landscaping and setback requirements. The Credit Union is proposing a 15 foot setback with eight parking spaces on Sackville Drive with complete landscaping.

**Mr. Gordon Morgan**

Mr. Gordon Morgan, President, Sackville Community Development Association, and former Chair of the Sackville Drive Area Advisory Committee, addressed Council, stating the Committee attempted to address concerns of all groups with respect to this issue. Mr. Morgan stated the new regulations are designed to make Sackville Drive safer, more efficient and more attractive, yet also more pedestrian friendly. With regards to the notification process, Mr. Morgan stated the Committee walked up and down Sackville Drive, on two occasions, delivering letters to all businesses. The Committee attempted to provide added protection for the environment, additional recreation possibilities for the future and a decent commercial corridor which will encourage more pedestrian traffic. Mr. Morgan stated the business community's opinion was sought in all the Committee's work. With regard to used car lots, he stated the Committee is not against them and recognizes the economic potential of these businesses. The Committee's main concern was to attempt to halt the establishment of fly-by-night operations that have no consideration for community standards. Mr. Morgan stated there are currently approximately 150 businesses on Sackville Drive, and many of the operators favour the new regulations. However, he noted it must be recognized there are 40,000 other residents in Sackville who are profoundly affected by the activities of the businesses on Sackville Drive. Mr. Morgan stated the establishment of the new centre lane on Sackville Drive will make it much safer for both vehicles and pedestrians. With regards to the setback, Mr. Morgan acknowledged

that it does create problems for some people, but he clarified there is already a 10 foot setback in the current by-law so it is only an increase of 10 feet. He stated the increase is needed to gain better control over ground water runoff which is presently overloading the sewer systems and waterways. In closing, Mr. Morgan stated it is time for improvement in this area and this can begin by Council approving the new regulations before it at this time.

**Mr. Iginio DiGiacinto**

Mr. Iginio DiGiacinto addressed Council noting he owns the largest property with the greatest potential for development in the new Pedestrian Retail (PR) Zone on Sackville Drive. Mr. DiGiacinto explained to Council why he believes this zoning change is a threat to his security. A copy of his presentation was provided for the record. Mr. DiGiacinto stated the zoning change will create a devaluation of his property as he will lose 21 permitted commercial uses for this property and will only be permitted to have a commercial building or structure up to 5,000 square feet without any obstacles in the way. Mr. DiGiacinto stated the proposal is expropriation without compensation, and he suggested it would be more appropriate to have his property included in the Low Density Thoroughfare (LD) Zone, thus minimizing the detrimental effect.

**Mr. Walter Regan**

Mr. Walter Regan, Executive Director, Sackville Rivers Association, addressed Council reviewing the various projects in which the Association has been involved. Mr. Regan stated the Association supports the approval of the new Secondary Planning Strategy and Land Use By-Law for Sackville Drive, as it believes it will be a benefit to Sackville by giving Sackville Drive a new identity and a new start that is long over-due. Mr. Regan stated one concern he has is site approval and suggested for the public to give up this right that all new development and major renovations should pay a one percent levy to help pay for the Sackville Drive upgrades. Mr. Regan expressed thanks and appreciation to HRM Planning Staff for their work and assistance in this project. In closing, Mr. Regan stated the document will not only allow for better business and growth in the area, it will also protect the environment of Sackville and the Little Sackville River, and he urged Council to approve it.

**RECESS**

A five minute recess was taken at 7:10 p.m. The meeting reconvened at 7:15 p.m.

**Mr. Kevin Kingston**

Mr. Kevin Kingston, 350 Sackville Drive, addressed Council noting he was on the Sackville Drive Design Study Group and he stated he agrees with a lot of the presentations put

forward at this meeting. Mr. Kingston stated it is important that people know there was a lot of thought and discussion put into this process, and he believes it will be good for both the residents and businesses of Sackville. In closing, Mr. Kingston stated, at the current time, people do not have confidence in the way Sackville Drive is presented, nor in its future. He suggested that the people and representatives of Sackville have to take a serious look at this.

**Mr. Allan Jean-Joyce**

Mr. Allan Jean-Joyce, Sackville resident, spoke in favour of the plan, but stated he does not think it takes enough into account with respect to bicycles. With respect to potential property devaluation, Mr. Jean-Joyce stated if Sackville continues to develop in the current manner, the community, as a whole, will be devalued.

**Mr. Robin Barrett, 20 Maplewood Court**

Mr. Robin Barrett addressed Council and expressed thanks to the Committee for its work, but expressed concern that the efforts made were not effective. Mr. Barrett stated the Heritage Credit Union was not informed of the proposed new regulations, and he urged Council and staff to look for better methods of communication in the future. He also expressed concern with regard to some of the changes in that they might be entrenching the future use of Sackville Drive. Mr. Barrett urged Council to ensure there is a mixture of commercial and residential uses in the community to make it strong. He also expressed concern with special consideration being given to large businesses and international corporations, noting the smaller landowners appear to be the most impacted by the down-zoning. In closing, Mr. Barrett showed Council an illustration of the Heritage Credit Union building, noting they have gone to a lot of work in their design and they are a part of the community.

**Mr. Frank Wormald**

Mr. Frank Wormald, Cavalier Drive, Sackville, addressed Council stating he is greatly affected by the secondary planning strategy in that it allows some coordinated effort to be put into improving Sackville Drive. Mr. Wormald stated he fully supports the initiative.

**Mr. Dennis Baxter**

Mr. Dennis Baxter, Sackville Drive, addressed Council reading from prepared text which was circulated to Council for its consideration. Mr. Baxter stated it is his belief that the present zoning is more than adequate for the needs along the Sackville Drive corridor. Although he noted there are a few changes he would like to see implemented on his properties specifically. For the most part, Mr. Baxter stated he and his wife do not wish to see any changes in the zoning. He urged Council to consider the proposed planning

strategy very carefully and to protect, not only his interests, but the interests of all the businesses and landowners along Sackville Drive. Mr. Baxter stated it is his view that this planning strategy will be approved, and therefore, requested that a portion of 344 Sackville Drive come under the Low Density Zoning as well as the Outdoor Display Zoning. With respect to 315, 323 and 341 Sackville Drive, Mr. Baxter noted he would like to see the R4/C3 zoning maintained. However, should the proposal be approved, he stated he would like to have his properties permitted both the Low Density Zoning and the Outdoor Display Zoning. In closing, with regard to the 20 foot setback, Mr. Baxter stated he views this as expropriation without compensation, and it will reduce the value of the properties on Sackville Drive.

**Mr. Archie Fader**

Mr. Archie Fader, Acadia Recreation Club, addressed Council regarding the proposal and suggested that all lands related to Acadia lands should bear that name. Mr. Fader stated Acadia lands have been acting as Sackville Village Centre since 1924, and they would be proud to continue on bearing that designation in the coming years. Mr. Fader stated the Acadia Recreation Club feels strongly that all mention of the Village Centre should refer to it as the Acadia Village Centre and that the overall village centre bears the name of Acadia Village Centre and not as shown on the street map on Page 63 (a) of the document before Council. Mr. Fader further stated that the Club believes that all reference to development of the Acadia lands must bear the name "Acadia" in honour of those that gave so much to the Sackville community.

**Mr. Rick Fredericks**

Mr. Rick Fredericks, Sackville Drive, stated he approves of the proposal 100 percent, noting the used car industry would benefit from the improvements as a better customer base would be brought to the area.

**Mr. Glen Boone**

Mr. Glen Boone, Real Estate, Halifax Shopping Centres Sobeys' Leased Properties, addressed Council noting he was one of the business representatives on the sub-committee. Mr. Boone stated he was speaking on behalf of a group of companies with Empire, noting they have approximately 2,000 feet of frontage on Sackville Drive. He stated this planning strategy is an opportunity that is long overdue. Mr. Boone stated the process to achieve the document was very open and public, and included a number of consultation processes. He outlined the steps and meetings held throughout the process. Mr. Boone stated this strategy will put into place a site plan approval system which is a very important and positive step for planning, and his organization is very supportive of it.

**Mr. David Barrett, 2 Maplewood Court**

Mr. David Barrett addressed Council stating he has been involved with community organizations all his life and has been involved in the planning process for Sackville, Beaver Bank and Hammonds Plains. As a result, Mr. Barrett stated he is cynical of the processes being taken. He expressed concern that what is told to the residents will happen does not always take place. With regards to the Baxter property, Mr. Barrett stated Council should not make a decision on that issue today or it should remain the way it is now.

**Ms. Karen Stadnyk**

Ms. Karen Stadnyk, member of the North West Planning Advisory Committee, addressed Council stating she believes the Pedestrian-Retail corridor is essential. She also stated that she supports the 20 foot setback for environmental reasons. Ms. Stadnyk suggested that the document be sent to the North West Planning Advisory Committee annually for review to determine how well it is working so any necessary changes can be made in a more timely manner.

**Mr. Robert Grant**

Mr. Robert Grant, Stewart McKelvey Stirling Scales, addressed Council reviewing his correspondence to Council which was circulated. Mr. Grant requested that Council continue to permit Outdoor Display Court use at 7 and 8 Walker Avenue.

Mayor Kelly thanked the presenters for their comments and called three times for any additional speakers. Hearing none, the following motion was put on the floor:

**MOVED by Councillor Johns, seconded by Councillor Blumenthal, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

Mr. Whittemore and Ms. Langille-Hanna briefly clarified some of the issues raised during the Public Hearing for the benefit of Council making the following points:

- C There are some new opportunities provided for the down-zoned properties such as multiple dwellings as of right.
- C In the Pedestrian-Retail Zone, uses over 5,000 square feet can take place but they have to be considered by Council through a development agreement.
- C A monitoring plan is included so staff can look at issues that arise along the way and continue to review the policy and make recommendations for change as needed.

- C If it is Council's wish, staff would consider any name changes to reflect the Acadia land reference to be appropriate.
- C With respect to the Baxter's issue, staff have met with them several times to outline and discuss their properties on Sackville Drive, and staff have agreed to place the Outdoor Display Zone on one of their properties, as requested.

In response to a question of Deputy Mayor Harvey, Ms. Langille-Hanna stated in all of her discussions regarding Walker Avenue, the focus was on Civic No. 8.

Deputy Mayor Harvey expressed appreciation and thanks to Ms. Langille-Hanna and Mr. Whittemore and the North West Planning Advisory Committee for their work on this project, as well as to all those who participated in the public process. The Deputy Mayor stated this is an opportunity for Sackville to redefine itself, and it will provide the greatest good for the greatest number of people. Deputy Mayor Harvey put forth the following motion which reflected some changes to the staff recommendation to address some of the concerns raised during the public process:

**MOVED by Deputy Mayor Harvey, seconded by Councillor Johns, that Halifax Regional Council approve:**

- (A) **The proposed Secondary Planning Strategy and Land Use By-Law for Sackville Drive with changes as highlighted in Attachment A of the Supplementary Report dated April 29, 2002, with the following revisions:**
  - (1) **Part 7 Parking Lots, Driveways and Loading Areas of the Sackville Drive Land Use By-Law be amended by adding the following: "Section 23 (14): Notwithstanding Section 23 (3) and (4), a maximum of eight (8) parking spaces may be permitted within the front yard of PID 40003766 (541 Sackville Drive) provided the parking spaces are divided by a pedestrian pathway connecting Sackville Drive and the front facade of the building."**
  - (2) **Part 7 Landscaping of the Sackville Drive Land Use By-Law be amended by adding the following - "Section 50: Notwithstanding Section 41, the required 6.1 meters (20 ft.) landscaped area may be reduced to a minimum of 4.6 meters (15 ft) on PID 40003766 (541 Sackville Drive)."**
  - (3) **The proposed Sackville Drive Zoning Map (Schedule B) be amended to zone Lot AX-1 (PID 41052275) as Outdoor Display Court (ODC).**
  - (4) **Appendix C: Existing Uses of the Sackville Drive Land Use By-Law be amended by adding a new land use under the Large Scale Commercial**

(LS) zone category entitled “Existing Outdoor Display Courts, PID 40184269, 8 Walker Avenue.”

- (b) Repeal the existing sections of the Sackville Municipal Planning Strategy and Land Use By-Law that pertain to the Commercial Corridor Designation of Sackville Drive as shown in Appendix B of the staff report dated February 20, 2002; and,
- (c) Redesign and rezone lands within the Sackville Municipal Planning Strategy identified by Map 2 as shown in the staff report dated February 20, 2002 from Commercial Corridor Designation and Commercial Corridor (C-3) Zone to Urban Residential Designation and Multiple Dwelling (R-4) Zone.

Councillors Goucher, Hines and Sarto spoke in support of the motion and expressed thanks to staff, the North West Planning Advisory Committee and the public.

**MOTION PUT AND PASSED.**

As agreed to during Approval of the Order of Business, Council addressed Item 13.3 Legal Matter: Halifax Harbour Solutions, at this time.

**13.3 Legal Matter: Halifax Harbour Solutions**

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

**MOVED by Councillor Mosher, seconded by Councillor Hetherington, that:**

**WHEREAS it is proposed that the Halifax Regional Municipality (“HRM”) enter into seven (7) agreements with the Halifax Regional Environmental partnership et al with respect to the Halifax Harbour Solutions Project, namely a Development Agreement, Halifax Operating and Maintenance Agreement, Halifax License, Dartmouth Operating and Maintenance Agreement, Dartmouth License, Herring Cove Operating and Maintenance Agreement and Herring Cove License (collectively, the “Project Agreements”);**

**AND WHEREAS Council has reviewed drafts dated April 10, 2002 of the Development Agreement, the Halifax Operating Agreement and the Halifax License;**

**AND WHEREAS HRM has made a request to the Government of Canada and to the Province of Nova Scotia for funding assistance in order to implement the Halifax Harbour Solutions Project.**

**NOW THEREFORE BE IT RESOLVED as a Resolution of Council that:**

1. HRM agree in principle to enter into the Project Agreements with Halifax Regional Environmental Partnership, Suez, Onedo North America Inc., United Water Resources Inc. and United Water Services Canada LP substantially in the form of the draft Project Agreements presented to and reviewed by Council, which Projects Agreements shall be subject to the following conditions precedent:
  - (a) advice from the Federal Government and the Province of Nova Scotia that its request for funding has been approved; and
  - (b) the receipt of a decision from the Responsible Authorities that the environmental effects of the project are acceptable under the Canadian Environmental Assessment Act.
2. Before they are executed on behalf of HRM, the final form of the Project Agreements (including all Schedules) be presented to Council together with a summary of all material changes made from the April 10, 2002 drafts, which changes shall be generally consistent with the RFP and with HREP's Proposal.

A **Recorded Vote** was requested.

Members of Council voting **in favour** of the motion: Mayor Kelly, Councillors: Streach, Hines, Colwell, McInroy, Sarto, Hetherington, Cunningham, Blumenthal, Uteck, Fougere, Mosher, Adams, Johns, Goucher, Rankin and Meade.

Members of Council voting **against** the motion: Councillors: Cooper, Warshick, Smith, Sloane, Walker and Whalen.

**MOTION PASSED. (17 in favour, 6 against) (Deputy Mayor Harvey was absent for the vote.)**

However, Councillor Walker served a **NOTICE OF MOTION OF RECONSIDERATION**, seconded by Councillor Sloane, of this item for May 14, 2002.

**10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**10.1 Correspondence- None**

**10.2 Petitions**



**10.2.1 Councillor Cooper - Entrance to Cole Harbour High**

Councillor Cooper served ten letters from residents expressing concern regarding the entrance into Chameau Crescent off Forest Hills Parkway to get to Cole Harbour High School.

**10.2.2 Councillor Adams - School Bus Service**

Councillor Adams served two letters and a petition from residents expressing concern regarding school bus stops and schedule changes.

**10.2.3 Councillor Whalen - Safety Concerns: Kearney Lake Rd./Castle Hill Drive/BROADHOLME Lane**

Councillor Whalen served a petition from residents expressing safety concerns with respect to the intersection at Kearney Lake Rd./Castle Hill Drive/Broadholme Lane.

**10.2.4 Councillor Uteck - Closure of Ecole Beaufort**

Councillor Uteck served a petition containing over 800 names of Halifax residents who do not support the School Board's decision to close Ecole Beaufort.

**10.2.5 Councillor Uteck - Request for Graffiti By-Law**

Councillor Uteck served a petition from residents requesting that Council implement and enforce a by-law against the unsightly, embarrassing and financial burden of graffiti.

**10.2.6 Councillor Rankin - Request for Skate Park in Bedford/Hammonds Plains/Tantallon Area**

Councillor Rankin served a petition from residents requesting a skate park for the Bedford/Hammonds Plains/Tantallon area.

**10.3 Presentations**

**10.3.1 Wastewater Management Landscaping Charges**

**(i) Terra Nova Landscaping - Grant Mosher, President**

**(ii) Atlantic Gardens - Peggy Godfrey, President**

C Correspondence from Mr. Grant Mosher, President, Terra Nova Landscaping, dated March 15, 2002, regarding the above, was before Council for its consideration.

- C Correspondence from Ms. Peggy Godfrey, President and CEO of Atlantic Gardens Inc., dated April 23, 2002, regarding the above, was before Council for its consideration.

### **CONFLICT OF INTEREST**

As her father was one of the presenters, Councillor Mosher declared a **Conflict of Interest** on this matter and removed herself from the discussion.

Mr. Grant Mosher, President, Terra Nova Landscaping, and Ms. Peggy Godfrey, Atlantic Gardens, made presentations to Council requesting that Council make amendments to By-Law S-100 to make it fair to their industry. In their presentations, they noted that most of the water consumed by the horticultural industry is used to grow or sustain product for re-sale and is not discharged to the sewer.

Mayor Kelly thanked the representatives for their presentation.

Councillor Rankin asked that Item 11.3.9 Waste Water Charges for Landscaping be brought forward at this time. However, the Councillor's request did not receive the required two-thirds majority consent and was denied.

#### **10.3.2 Victoria Park Legacy Project**

- (i) Spring Garden Area Business Association - Jane MacLellan, Chair**
- (ii) Metro Food Bank - Diane Swinemar, Executive Director**

Ms. Jane MacLellan, Chair, Spring Garden Area Business Association, and Ms. Diane Swinemar, Executive Director, Metro Food Bank, made a presentation to Council regarding the Victoria Park Legacy Project. A brochure providing more information regarding the project was circulated to Council.

Councillor Sloane requested that Information Item #2 - Memorandum from Director, Parks and Recreation Services, dated April 16, 2002 re: Victoria Park Legacy Project be brought forward at this time. However, the Councillor's request did not receive the required two-thirds majority consent and was denied.

Councillor Johns referenced the upcoming fund-raising auction to be held by the Metro Food Bank, and put forth the following motion:

**MOVED by Councillor Johns, seconded by Councillor Sloane, that Mayor Kelly's former Councillor's chair (if it can be located) be donated to the Metro Food Bank for its upcoming fund-raising auction. MOTION PUT AND PASSED UNANIMOUSLY.**

Deputy Mayor Harvey congratulated Ms. Swinemar on her recent receipt of an honorary degree.

Mayor Kelly thanked the representatives for their presentation.

**11. REPORTS**

**11.1 NORTH WEST COMMUNITY COUNCIL**

**11.1.1 Case 00414 Plan Amendment to the Bedford Municipal Planning Strategy and Land Use By-Law - 1091 - 95 Bedford Highway**

C A report from the North West Community Council, regarding the above, was before Council for its consideration.

**MOVED by Councillor Goucher, seconded by Councillor Rankin, that Regional Council initiate the process to look at the 50/50 commercial/residential mix requirement for a commercial/residential mix building in the Commercial Mainstreet Zone of the Bedford Municipal Planning Strategy and Land Use By-Law.**

Councillor Goucher requested that no meetings take place in July or August with respect to this issue and advised that he has already raised this with Planning staff. The Councillor stated the North West Planning Advisory Committee would liked to have been able to look at the Commercial Mainstreet Zone in a total perspective of the Municipal Planning Strategy. However, due to staff limitations they were advised that what is before Council is all that could be done at this time. In response, Mr. McLellan reminded Council there was considerable discussion last year during budget deliberations regarding how much could be accomplished with respect to municipal planning strategies and amendments while the regional planning process was being undertaken. Mr. McLellan stated it was understood at the time that the limitation would be present. Councillor Goucher stated his comments were not meant to be negative towards staff, rather it is a staff resource issue due to regional planning.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2 GRANT COMMITTEE**

**11.2.1 Dartmouth General Hospital & Community Health Centre Foundation: Capital Grant Request**

C A report from the Grant Committee, regarding the above, was before Council for its consideration.

Ms. Peta-Jane Temple, Coordinator, Grant Program, presented the Committee's report which recommended *that the capital grant request be denied on the basis of the following:*

- a. *The direct provision of public medical facilities is the responsibility of the Nova Scotia Department of Health: Capital District Health Authority and the Federal Government;*
- b. *The budget capacity and funding priorities of the HRM Grants Program which presently cannot meet demand for assistance in programming that does fit within the municipality's mandate;*
- c. *The capital budget capacity, debt capacity, and funding priorities of the HRM 2002-2003 budget.*
- d. *The Foundation's established capacity for fund-raising and current investment equity.*

Councillor Cunningham stated the Dartmouth General Hospital is an integral part of the community and the people of Dartmouth deserve the support of Regional Council in the current upgrade of the Emergency Department of the hospital. The Councillor expressed concern with the argument that health is a provincial responsibility, noting education is also a provincial responsibility but Council gives \$80 million of the property taxpayer's money every year to education, \$20 million of which is supplementary. Councillor Cunningham questioned why \$500,000.00, spread over five years, cannot be granted to the Dartmouth General Hospital. The Councillor stated health issues are becoming more important to society every year. Councillor Cunningham noted supplementary education funding has remained relatively constant over the years, yet student enrolment continues to fall, while on the other hand, the senior population escalates and health care becomes more important. The Councillor noted the Dartmouth General Hospital serves many people from outside the boundaries of the former City of Dartmouth, and put forth the following motion:

**MOVED by Councillor Cunningham, seconded by Councillor Warshick, that Council support a grant to the Dartmouth General Hospital of \$100,000 per year for five years.**

Speaking in support of the motion, Councillor Sarto stated it would be money well spent.

Although he supported the idea of giving money to hospitals, Councillor Blumenthal stated there are roles and responsibilities Council needs to take into consideration. The Councillor stated health is the responsibility of the provincial and federal governments, and HRM needs to take care of its own responsibilities. Councillor Blumenthal noted that HRM

already paid out the previous commitment of the former City of Dartmouth to the Dartmouth General Hospital.

Speaking against the motion, Councillor Walker noted the commitment of the former City of Dartmouth will not be fully paid by HRM until 2002-03. The Councillor stated there is no money in the Grant Program Budget to pay for any additional support.

Mr. McLellan noted the double-entry accounting system needs to be taken into consideration. If this motion passes, Mr. McLellan requested that Council provide staff with some direction as to where to find the money in the budget for this item. He also noted that if this request is granted, similar requests will come forward from other health care facilities in HRM.

Councillor Goucher stated if \$200,000 was taken from the Grant Program Budget to fund this request, and the one from the Cobequid Multi-Service Centre, it would decimate the program. The Councillor suggested if Council decides to support these two requests, it has to do it in the context of the budgeting process. Therefore, the earliest funding could commence is next year. In response, Councillor Cunningham stated that would be acceptable. Both the Mover and Seconder of the motion agreed to amend it as follows:

**MOVED by Councillor Cunningham, seconded by Councillor Warshick, that Council support a grant to the Dartmouth General Hospital of \$100,000 per year for five years, commencing next year.**

Councillor Streach suggested the Cobequid Multi-Service Centre should be included in the motion as well.

Councillor Uteck noted Council cannot approve funds for next year. Mayor Kelly agreed and stated it was his understanding that the motion was to refer the matter to next year's budgetary process. Based on this, the Mover and Seconder of the motion agreed to amend it as follows:

**MOVED by Councillor Cunningham, seconded by Councillor Warshick, that this matter be referred to next year's budgetary process.**

Deputy Mayor Harvey noted the previous Council made a decision not to get involved in long-term allocations to health care facilities. The Deputy Mayor stated if this is approved, Council will have to be prepared to entertain other grants to other health care facilities and to enlarge the Grant Program budget to accommodate these requests.

Speaking against the motion, Councillor Rankin noted there was no money paid by the former City of Dartmouth towards its capital commitment to the Dartmouth General Hospital during the two years before amalgamation. With regard to the appropriateness of

considering such capital requests, Councillor Rankin questioned how HRM could support something outside of its mandate when it cannot meet the needs of its own responsibilities. The Councillor suggested the matter should be referred back to staff before it goes to next year's budgetary process.

Councillor Johns stated giving these organizations false hope is not doing any justice to them as they need to know who they can count on for financial support.

Speaking against the motion, Councillor Uteck stated it would be sending a dangerous message to the Province.

Councillor Adams stated Council needs to understand its roles and responsibilities and suggested it is only fair to stop the process now and explain to the organizations why their requests need to be denied.

Councillor Streach stated health care is a top concern for Nova Scotians no matter whose responsibility it is. The Councillor expressed concern with the continuous reference to what the former municipalities did or did not do in the past and suggested it is time to move forward into the future.

**MOTION DEFEATED.**

**MOVED by Councillor Walker, seconded by Councillor Blumenthal, that Council deny the capital grant request from the Dartmouth General Hospital & Community Health Centre Foundation on the basis of the following rationale:**

- a. **The direct provision of public medical facilities is the responsibility of the Nova Scotia Department of Health: Capital District Health Authority and the Federal Government;**
- b. **The budget capacity and funding priorities of the HRM Grants Program which presently cannot meet demand for assistance in programming that does fit within the municipality's mandate;**
- c. **The capital budget capacity, debt capacity, and funding priorities of the HRM 2002-2003 budget.**
- d. **The Foundation's established capacity for fund-raising and current investment equity.**

**MOTION PUT AND PASSED.**

**11.2.2 Cobequid Multi-Service Centre Foundation: Capital Grant Request**

- C A report from the Grant Committee, regarding the above, was before Council for its consideration.

Ms. Peta-Jane Temple, Coordinator, Grant Program, presented the Committee's report to Council.

**MOVED by Councillor Walker, seconded by Councillor Fougere, that Council deny the capital grant request from the Cobequid Multi-Service Centre Foundation on the basis of the following rationale:**

- a. The direct provision of public medical facilities is the responsibility of the Nova Scotia Department of Health: Capital District Health Authority and the Federal Government;
- b. The budget capacity and funding priorities of the HRM Grants Program which presently cannot meet demand for assistance in programming that does fit within the municipality's mandate;
- c. The capital budget capacity, debt capacity, and funding priorities of the HRM 2002-2003 budget.
- d. The Foundation's fund-raising capacity.

**MOTION PUT AND PASSED.**

At this time, Councillor Johns put forth the following motion:

**MOVED by Councillor Johns, seconded by Councillor McInroy, that Council deal the following items next on the agenda:**

- 11.3.13 First Reading - By-Law T-209, Respecting Tax Exemptions for Non-Profit Organizations
- 11.3.14 First Reading - By-Law L-104, Respecting Local Improvements Charges - Cow Bay Sewer & Water
- 11.3.15 First Reading - By-Law L-108, Respecting Local Improvement Charges - Beaver Bank Sewer & Water

**MOTION DEFEATED.**

**MOVED by Councillor Adams, seconded by Councillor Johns, that the meeting extend to 10:30 p.m. MOTION DEFEATED.**

**11.3 CHIEF ADMINISTRATIVE OFFICER**

**11.3.1 Tender 02-033, Video Inspection of Sewers 2002**

- C A staff report prepared for Rick Paynter, Acting Director, Public Works and Transportation Services, regarding the above, was before Council for its consideration.

**MOVED by Councillor Sarto, seconded by Councillor Uteck, that Regional Council award Tender No. 02-033, Video Inspection of Sewers 2002, to Melanson's Waste Management Inc. based on the unit prices quoted for an estimated cost of \$168,825.00 plus net HST for a Total Project Cost of \$179,679.00 with funding provided as outlined in the Budget Implications Section of the staff report dated April 29, 2002. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3.2 Tender 02-034, Materials Testing & Inspection 2002**

- C A staff report prepared for Rick Paynter, Acting Director, Public Works and Transportation Services, regarding the above, was before Council for its consideration.

**MOVED by Councillor Fougere, seconded by Councillor McInroy, that Regional Council award Tender No. 02-034, Materials Testing and Inspection 2002 to Jacques Whitford Materials Ltd., based on the unit prices quoted for an estimated cost of \$148,278.00 plus net HST for a Total Project Cost of \$157,810.00 with funding provided as outlined in the Budget Implications Section of the staff report dated April 29, 2002. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3.3 Tender 02-037, Twelve (12) Model 2003 4-Door Sedan Patrol Cars**

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

**MOVED by Councillor McInroy, seconded by Councillor Blumenthal, that Council authorize the award of Tender No. 02-037 to Taylor Ford Lincoln at a price of \$27,818.41 (tax included) per unit for a total project cost of \$333,820.92 (tax included) with funding from Account CVK00287 as outlined in the Budget Implications Section of the staff report dated April 29, 2002. All prices include the non-refundable portion of the HST.**

Responding to a question of Councillor Cunningham, Chief David McKinnon, Police Services, stated Ford is the only car manufacturer that makes a full-sized sedan with rear wheel drive.



**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3.4 Tender 02-038, Three (3) Model 2003 4-Wheel Drive Utility Vehicles**

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

**MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that Council authorize the award of Tender No. 02-038 to Taylor Ford Lincoln at a price of \$36,759.51 (tax included) per unit for a total project cost of \$110,278.53 (tax included) with funding from Accounts CVK00089, CVK00090, CVK00288 as outlined in the Budget Implications Section of the staff report dated April 29, 2002. All prices include the non-refundable portion of the HST. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3.5 Tender 02-039, Two (2) Model 2002 3/4 Ton Cargo Vans**

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

**MOVED by Councillor Uteck, seconded by Councillor Fougere, that Council authorize the award of Tender No. 02-039 to Carroll Pontiac Buick Ltd. at a price of \$27,772.65 (tax included) per unit for a total project cost of \$55,545.30 (tax included) with funding from Account CVK00287 as outlined in the Budget Implications Section of the staff report dated April 29, 2002. All prices include the non-refundable portion of the HST. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3.6 Tender 00-287, Bi-Hi Ramps to Joseph Howe Drive**

- C A staff report prepared for Rick Paynter, Acting Director, Public Works and Transportation Services, regarding the above, was before Council for its consideration.

**MOVED by Councillor Walker, seconded by Councillor Fougere, that Halifax Regional Council approve an increase in Capital Account No. CTU00028, Highway 102 Ramps to Joseph Howe Drive, in the amount of \$180,982.00. These funds are available as a withdrawal from Account No. CRESPOOL as outlined within the Budget Implications Section of the staff report dated May 1, 2002. MOTION PUT AND PASSED UNANIMOUSLY.**

As it was now 10:00 p.m., the meeting adjourned. The following agenda items were deferred to May 14, 2002:

- 11.3.7 Plowing of Sidewalks on Major Arterial Roads
- 11.3.8 Harbour Solutions Project - staff presentation (oral)
- 11.3.9 Waste Water Charges for Landscaping
- 11.3.10 Capital Project CW100272, Otter Lake Equipment Replacement
- 11.3.11 Lot Grading By-Law Amendments
- 11.3.12 Recreation Area Rate Policy
- 11.3.13 First Reading - By-Law T-209, Respecting Tax Exemptions for Non-Profit Organizations  
Councillor Walker - Move First Reading
- 11.3.14 First Reading - By-Law L-104, Respecting Local Improvements Charges - Cow Bay Sewer & Water  
Councillor McInroy - Move First Reading
- 11.3.15 First Reading - By-Law L-108, Respecting Local Improvement Charges - Beaver Bank Sewer & Water  
Councillor Johns - Move First Reading
- 11.4 MEMBERS OF COUNCIL
  - 11.4.1 Councillor Cunningham - Shopping Carts & By-Law Enforcement
  - 11.4.2 Councillor Johns - Litter Clean Up
  - 11.4.3 Councillor Mosher - High School Volunteer Community Service
  - 11.4.4 Councillor Whalen Processes regarding Park Land Acquisition and Park Facilities
- 12. MOTIONS  
Councillor Adams  
"To establish a body to protect the interests of all Volunteer Firefighters in HRM. This body will have input and representation in its formation and structure from volunteer firefighters throughout HRM."
- 13. ADDED ITEMS
  - 13.1 Councillor Uteck - School Closure Policy
  - 13.2 Legal Matter: Settlement of Claim

Vi Carmichael  
Municipal Clerk