

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES August 19, 2003

PRESENT:

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

ABSENT WITH
REGRETS:

Councillor Robert P. Harvey

STAFF:

Mr. Dan English, Acting Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Deputy Municipal Clerk
Ms. Patti Halliday, Legislative Assistant

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1. **INVOCATION**

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Sarto.

2. **APPROVAL OF MINUTES - JULY 8 & 15, 2003**

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that the minutes of July 8 & 15, 2003, be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

3. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

Councillor Sloane expressed appreciation to the volunteers who worked on the Natal Day events and suggested correspondence from HRM extending thanks to them should be sent. Mayor Kelly indicated the correspondence is currently being prepared.

Councillor Goucher expressed thanks to Mr. Matt Whitman and his crew for the organization of the Juvenile Diabetes Fun Run held last weekend.

The following items were added to the agenda:

- 12.1 Councillor Mosher - Blasting By-Law
- 12.2 Councillor Whalen - Gateway Quarry Operation
- 12.3 Property Matter - Proposed Lease - Lands at Trinity Way to Lakeside Royal Canadian Legion
- 12.4 Legal Matter - Supreme Court Decision - Upper Hammonds Plains Water Extension

The following item was added to the Information Items Agenda:

- 16. Memorandum from Director, Environmental Management Services dated August 13, 2003 re: Harbour Solutions Project - Infrastructure Development Agreement - Collection System

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that Council approve the Order of Business and Additions and Deletions. MOTION PUT AND PASSED UNANIMOUSLY.

4. **BUSINESS ARISING OUT OF THE MINUTES**
5. **MOTIONS OF RECONSIDERATION - NONE**
6. **MOTIONS OF RESCISSION - NONE**
7. **CONSIDERATION OF DEFERRED BUSINESS - NONE**
8. **PUBLIC HEARINGS**
- 8.1 **By-Law S-603 - An Amendment to By-Law S-600, Respecting Solid Waste Resource Collection and Disposal**

C By-Law S-603 passed First Reading on June 24, 2003, and was now before Council for Second Reading.

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was previously circulated to Council.

Mr. Brian Smith, General Manager, Solid Waste Resources, presented the report to Council, outlining the proposed by-law amendments, and responding to questions of clarification of Council.

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

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

COUNCIL DECISION

Councillor Uteck stated she would like to have a staff report regarding changes to the Municipal Government Act to require landlords to post garbage regulations inside all rental tenancies and that, as part of the standard lease, there be a check mark showing that notification of the HRM rules and regulations regarding solid waste have been given by the landlord.

MOVED by Councillor Smith, seconded by Councillor Cunningham, that Council give Second Reading to By-Law S-603, an Amendment To By-Law S-600, Respecting Solid Waste Resource Collection and Disposal. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 By-Law L-116, An Amendment to By-Law L-100, Respecting Local Improvement Charges - King's Road Bridge Construction

C By-Law L-116 passed First Reading on July 15, 2003 and was now before Council for Second Reading.

C A staff report prepared for Dan English, Acting 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 for members of the public wishing to speak either in favour of or against the By-Law.

Scott MacKnight, 41 Alben Lane, Wellington

Speaking in support of the by-law, Mr. MacKnight stated the Kings Road Bridge is extremely old and the residents have major concern with respect to the lack of fire protection.

Christopher Clark, 337 Kings Road, Chairman, Kings Road Bridge Association

Also speaking in support of the by-law, Mr. Clark stated there is a very great need for a new bridge due to concerns regarding the lack of fire protection. He noted there are 63 dwellings on the road that need fire protection, and he strongly encouraged Council to support and approve this by-law.

Bill Louch, 112 Kings Road, Wellington

Speaking against the proposed by-law, Mr. Louch acknowledged emergency services need to be restored to the people on Kings Road, but stated this is not an appropriate solution. Mr. Louch stated Kings Road is not owned by the people who live on it, rather it is owned by a serves of companies involved in land development in the Kings Road area who have failed in their obligation to maintain the road and have consistently turned to the residents for this responsibility. Mr. Louch suggested this proposed by-law plays to that further. He further stated the by-law is inappropriate because it transfers the costs to the residents, and, on a go forward basis, it puts HRM in an unfortunate situation. In closing, Mr. Louch asked Council to reconsider this issue and request staff to look at a more appropriate way to resolve this urgent matter.

Gerry Wilson, 349 Kings Road, Wellington

Speaking in support of the by-law, Mr. Wilson advised Council he has lived on Kings Road for ten years and since that time, three houses have burned down. He stated the residents want a bridge and the majority are willing to pay for it. Mr. Wilson asked for Council's support in approving this by-law.

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

MOVED by Councillor Cunningham, seconded by Councillor Warshick, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

Responding to a question of Councillor Cunningham, Mr. Ridgley explained the financing of the construction of the new bridge which will allow for the re-establishment of full service by Fire Services. Mr. Anstey stated to pursue the obligations of the developers in that area would not be something in which HRM would be involved, rather it would be an action that the residents would collectively pursue against the developers. He noted the vast majority of the residents felt that was not necessarily an approach they wanted to take as they did not want to spend money on legal fees and lawsuits; they wanted a bridge. The residents approached HRM to see if there was a way the Municipality could facilitate the process of obtaining a bridge. As a result, through cooperation with the developers to obtain some land, it was decided that this practical approach would be recommended to Council.

MOVED by Councillor Hines, seconded by Councillor Hetherington, that Council give Second Reading to By-Law L-116, an Amendment to By-Law L-100, Respecting Charges to Provide for the Construction of a Bridge on Kings Road (private road), Wellington.

Councillor Hines expressed thanks to staff, the community and Council for supporting the proposed direction to provide a bridge to resolve the safety concerns.

Also speaking in support of the by-law, Councillor Colwell congratulated staff for their innovative approach to resolve this private road problem, noting there are a lot of other private roads, such as Range Road, that may come forward with similar safety issues.

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor Adams - Fence and Street Signs Request, Keyworth Lane

Councillor Adams served a petition and correspondence from residents requesting a fence between the ballpark and the residential housing on Keyworth Lane and the installation of some street signs. The residents also requested that traffic barriers be installed at the entrance of the walkway beside 70 Keyworth Lane.

9.2.2 Councillor Sloane - Opposition to Application for a High Rise Apartment Building on Bishop Street

Councillor Sloane served a petition from residents requesting that the application for a high rise apartment building on Bishop Street, between Hollis and Water Streets, be denied.

10. REPORTS

10.1 HERITAGE ADVISORY COMMITTEE

10.1.1 Case H00115, Application for Registration of 289 Portland St., Dartmouth (to set Heritage Hearing date - Sept. 23/03)

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

MOVED by Councillor Cunningham, seconded by Councillor Sloane, that Council set the date of Tuesday, September 23, 2003, for a Heritage Hearing to consider the heritage registration of 289 Portland Street, Dartmouth.

Councillor Warshick requested that the typographical errors in the research report respecting the spelling of Dr. Lamplugh's name be corrected before the heritage hearing.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Case H00106, Application for Registration of 600-620 Francklyn St., Halifax (to set Heritage Hearing date - Sept. 23/03)

C A report from the Heritage Advisory Committee, regarding the above, was before Council for its consideration. The report recommended *that Council set the date of Tuesday, September 23, 2003, for a Heritage Hearing to consider the heritage registration of 600-620 Francklyn Street.*

- C An Information Report, prepared for Paul Dunphy, Director, Planning and Development Services, regarding the above was also before Council.

Referring to the Information Report, Councillor Uteck noted that since the time the Heritage Advisory Committee evaluated these properties for registration, the property owner has applied for demolition permits, which were issued in accordance with HRM's practices. Therefore, the Councillor put forth the following motion:

MOVED by Councillor Uteck, seconded by Councilor Fougere, that Council not proceed with the consideration of heritage registration of 600-620 Francklyn Street. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Case H00107, Application for Registration of 1 Camden St., Dartmouth (to set Heritage Hearing date - Sept. 23/03)

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

MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that Council set the date of Tuesday, September 23, 2003, for a Heritage Hearing to consider the heritage registration of 1 Camden Street, Dartmouth. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 CHIEF ADMINISTRATIVE OFFICER

10.2.1 Tender 03-262, Water Main Renewal and Street Reconstruction - Jamieson Street - East Region

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

MOVED by Councillor Smith, seconded by Councillor Cunningham, that Regional Council:

- 1. Approve an increase in the Gross Budget for CYR00991, Paving Renewals by \$82,579, with no change in the Net Budget to cover the cost of the water main renewal cost sharing from the Halifax Regional Water Commission.**
- 2. Award Tender No. 03-262 Water Main Renewal and Street Reconstruction - Jamieson Street to Sackville Trenching Limited for materials and services**

listed at the unit prices quoted for a Tender price of \$286,435, plus net HST for a total Project cost of \$304,850, with funding authorized from Capital Account No's. CYR00991, Paving Renewals and CGU00461, Sewer Lateral Replacement, as per the Budget Implications section of the staff report dated August 11, 2003. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.2.2 Tender 03-260, Storm Sewer and New Paving, Centre St., Central Region

C A staff report prepared for Dan English, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Goucher, seconded by Councillor Johns, that Regional Council:

- 1. Approve the recovery of Local Improvement Charges for the new paving of Centre Street by levy of frontage charges based on the 2003/04 rates approved by Council.**
- 2. Award Tender No. 03-260, Storm Sewer and New Paving, Centre Street, Central Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$87,560, plus net HST for a total of \$93,189 from Account Nos. CGR00782, Centre Street - Storm Sewer and CXR00332, New Paving of Subdivision Streets Inside the Core Area, with funding authorized as per the Budget Implications section of the staff report dated August 11, 2003. **MOTION PUT AND PASSED UNANIMOUSLY.****

10.2.3 Tender 03-154, Demolition of Former Halifax West School

C A staff report prepared for Dan English, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Walker, seconded by Councillor Whalen, that Council award Tender 03-154 Halifax West High School Demolition to Dexter Construction Limited for a cost of \$710,517.50, plus net HST for a total of \$756,196.67 to be funded from the Sale of Land Capital Reserve (Q101) as per the Budget Implications section of the staff report dated July 22, 2003.

Councillor Smith inquired about a request of the Lake City Woodworkers regarding the possibility of acquiring a large piece of woodworking equipment from the wood shop of the school. Mr. Mike Labrecque, Director, Real Property and Asset Management, agreed to

follow up on this request with the Councillor.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.4 By-Law V-101, Respecting Amendments to Various By-Laws to Include Minimum Fines (Summary Offence Ticket Provisions)

C A staff report prepared for Dan English, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

Mr. Alan Waye, General Manager, Community Projects, presented the report to Council.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Regional Council approve in principle and direct staff to arrange for formal adoption of the amendments to the 21 by-laws specified in Appendix A of the staff report dated August 8, 2003. These amendments provide the appropriate minimum fines for By-Law infractions and empower the HRM to invoke the summary offence ticket provisions of the Summary Proceedings Act.

Councillor Blumenthal inquired if there is now a fine for snow removal violations. In response, Mr. Wayne Anstey, Municipal Solicitor, stated any by-laws not mentioned in this report already have minimum fines contained in them. With respect to garbage removal, the Councillor stated he would like to see HRM have the ability to remove garbage inappropriately left at the curb and charge the homeowner. Mr. Anstey advised Council that the power to do that is already in the by-law. He clarified that these amendments are strictly limited to filling in a gap that was identified in a number of the by-laws, and once these are approved all the by-laws will have the ability to have summary offence tickets.

Councillor Cooper noted a typographical error in the report in Section 18 regarding wastewater charges and inquired if it should read "not less than \$100" or "not less than \$500." Mr. Anstey stated staff could clarify the amount before First Reading. Councillor Hines noted the provincial fine is \$750, and he suggested HRM may want to consider a similar amount. He also noted that a municipal fine may not be necessary if the provincial legislation already covers it.

Councillor Colwell suggested increasing the minimum fine for littering to \$500 could be examined in the future.

Councillor Uteck stated she would like to see SOTs for the Noise By-Law go directly to the assessed property owner as it would put the onus on the landlord to have their tenants under control. Mr. Anstey responded that this has been reviewed in the last few days and something to strengthen the by-law with respect to tenants would require an amendment to the Municipal

Government Act. He stated that staff would bring something forward to Council in the next few weeks regarding this.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.5 Proposed Public Roundtable Discussions - 2004/05 Budget

C A staff report prepared for Dan English, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Streach, seconded by Councillor Cooper, that Council approve the proposed roundtable discussions and schedule as set out in the staff report dated August 12, 2003.

Councillor Walker suggested additional meetings are required and put forth the following amendment:

MOVED by Councillor Walker, seconded by Councillor Goucher, that the motion be amended to add additional meetings in the following three locations: Halifax, Dartmouth and Bedford.

In response to questions of Council, Mr. Bruce Fisher, Manager, Financial Planning, explained the reasoning for the staff recommendation was to have four meetings in the urban core, two in the Western Region and two in the Eastern Region. The intent is to create an informal atmosphere to discuss various budget issues with members of the public. The general public will be invited to become a member of the roundtable which will consist of approximately fifteen people. If a larger number of people than expected express an interest, staff would consider holding additional meetings. Mr. Fisher noted these meetings are only one component of the public consultation process.

The vote was then taken on the amendment:

Members of Council voting **in favour** of the amendment: Mayor Kelly, Councillors: Streach, Hines, Colwell, Cooper, Warshick, Sloane, Uteck, Fougere, Walker, Whalen, Mosher, Adams, Johns and Goucher.

Members of Council voting **against** of the amendment: Deputy Mayor McInroy, Councillors: Sarto, Hetherington, Smith, Cunningham, Blumenthal, Rankin and Meade.

MOTION PUT AND PASSED. (Councillor Harvey was absent from the meeting.)

The vote was then taken on the main motion as amended.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3 MEMBERS OF COUNCIL

10.3.1 Deputy Mayor McInroy - Water Service Boundary Adjustment - Cow Bay Road, Eastern Passage

Deputy Mayor McInroy requested a staff report to review the feasibility and advisability of amending the water service boundary to initiate the process to amend the Eastern Passage Cow Bay MPS to adjust the water service boundary in an easterly direction on Cow Bay Road. The Deputy Mayor noted the basis for the request is the recent contamination of wells and to connect to the free standing Silver Sands system. He noted that this is just an exploratory review at this stage to examine the feasibility.

MOVED by Deputy Mayor McInroy, seconded by Councillor Hetherington, that this matter be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.2 Councillor Goucher - Noise By-Law N-200 (Hours of Operation during Construction)

MOVED by Councillor Goucher, seconded by Councillor Sloane, that Council request a staff report on the reduction of hours of heavy machinery use in and adjacent to residential areas.

Councillor Goucher noted the current by-law allows operation of this equipment in and adjacent to residential areas from 7:00 a.m. to 9:30 p.m., Monday - Friday; from 8:00 a.m. - 7:00 p.m. on Saturday; and from 9:00 a.m. to 7:00 p.m. on Sunday. The Councillor stated these hours are excessive and unreasonable in residential areas. Councillor Goucher noted many residents have had to leave their homes on the weekends due to the noise.

Speaking in support of the motion, Councillor Cunningham suggested the By-Law is something Council should be reviewing on a regular basis. The Councillor also noted that residents have suggested to him that Police Services are not as aware of the By-Law as they should be. Councillor Smith noted that Police Services takes over the enforcement of this by-law after hours, and noise complaints are a low priority in terms of other problems that are taking place. The Councillor suggested By-Law Enforcement staff hours should be enhanced to provide service at all times.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3.3 Councillor Warshick - Solid Waste Collection

MOVED by Councillor Warshick, seconded by Councillor Blumenthal, that Council request a staff report to address the following:

- 1. What plan of action is in place to inform residents when refuse pickup is missed, and**
- 2. Has HRM started implementing fines for non-performance under the contract.**

Councillor Warshick noted for the second time in five weeks, areas in Montebello have been missed in terms of solid waste collection. The Councillor stated he is looking for something proactive that can be done to inform the residents what they should be doing with their solid waste in cases such as this. Councillor Warshick also noted he would like to know if HRM has started implementing fines for non-performance under the contract as the grace period has now ended.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3.4 Councillor Colwell

(i) Traffic Congestion No. 7 Highway/Intersection of Forest Hills Drive

MOVED by Councillor Colwell, seconded by Councillor Warshick, that Council request a staff report on alternatives to help alleviate the traffic congestion in the No. 7 Highway/Forest Hills Drive area, such as having the two traffic lights better timed.

Councillor Warshick also requested that the report include an update on the 10 year plan for the revitalization of Main Street and traffic improvements. Councillor Cooper suggested all the traffic lights on Main Street should be signalized as was the intent of the original revitalization concept.

MOTION PUT AND PASSED UNANIMOUSLY.

(ii) Pesticide By-Law/Insecticide Permit Process

- c Correspondence from Mr. Bill Inglis, dated July 27, 2003, regarding the above, was before Council for its information, as well as a response to Mr. Inglis from Mayor Kelly, dated August 14, 2003.**

Councillor Colwell stated he has received many complaints regarding the slow response time for the processing of pesticide permit applications. The Councillor requested a staff report regarding how the permits may be issued more efficiently. Councillor Colwell suggested a structure could be set up to permit the spraying companies to review the site, under criteria determined by HRM, and to issue a permit through the proper process and then have it checked internally by By-Law Enforcement Officers to ensure the proper process has been followed. In response, Mr. Brad Anguish, Director, Environmental Management Services, stated staff have committed to a full review of the permitting process with Clean Nova Scotia providing data of what has occurred over the summer. Councillor Colwell suggested staff also speak to a sampling of those who have applied for permits as part of the review.

MOVED by Councillor Colwell, seconded by Councillor Goucher, that this matter be referred to staff for a report.

Responding to questions of Councillor Goucher, Ms. Angela Griffiths, Clean Nova Scotia, stated anyone can bring in the permit application on behalf of the homeowner, including the landscaping company. The Councillor stated he does not believe the landscaping companies are aware of this and suggested there needs to be immediate communication with people in the industry advising them of this.

In response to a question of Councillor Adams, Ms. Griffiths stated the turnaround time for the issuance of permits is an average of two to three days, or less. Councillor Adams provided staff with information regarding a permit application that took almost two weeks to be processed, and he asked that staff review the situation to see what caused the delay. Councillor Rankin suggested that permitting applications to be faxed may help resolve some of the delays.

Councillor Sloane requested that the financial costs for staff and advertising be included in the report.

Councillor Cunningham stated professional landscaping companies identifying infestations should be permitted to take care of the problem at the time, and Clean Nova Scotia could subsequently perform spot checks. The Councillor stated this would result in much better customer service and substantial costs savings for HRM.

Councillor Warshick suggested if a chinch bug problem has been identified, the municipality should be proactive and have the inspectors contact the adjacent property owners.

Councillor Streach requested that the staff report include an explanation of the relationship between HRM and Clean Nova Scotia, the dollar value of the contract, and how effective it has been.

Councillor Blumenthal stated HRM needs to address the leaf minor problem being faced by many of the city trees.

Councillor Fougere asked that the report include information on the notification provisions prior to full implementation of the by-law and for the present. Councillor Hines stated that since full implementation has take place the registry no longer exists, and he suggested there was better protection for those with environmental sensitivities prior to full implementation. He stated the registry needs to be reinstated so those residents receive notification prior to spraying taking place. Councillor Hines also asked that the staff report address the issue of compensation for those who have lost their lawns due to delays in the issuance of a permit.

Councillor Walker noted it has been suggested in the newspaper that the chinch bug problem can be addressed with warm soapy water, and he asked that the effectiveness of this be addressed in the report.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3.5 Councillor Smith - Nova Scotia Power Tuft's Cove Emissions

Councillor Smith expressed concerns regarding the pollution problem in his district as a result of emissions from the Tuft's Cove plant. The Councillor referenced newspaper articles dated July 1, 2003 and January 9, 2001, regarding this problem. Councillor Smith suggested that Nova Scotia Power could resolve the problem by using natural gas rather than crude oil as its primary fuel source. The Councillor stated more needs to be done to protect residents of the area. Councillor Smith acknowledged that Nova Scotia Power does good things for the community, but these efforts do not mitigate the problem of emission pollution.

MOVED by Councillor Smith, seconded by Councillor Cunningham, that Council request that the Mayor forward a letter to Nova Scotia Power Corporation outlining the residents' concerns. Also, that a letter be sent to the Provincial Department of Environment outlining the concerns and inquiring if they have received any complaints of environmental pollution around Tuft's Cove, and, if so, what action have they taken. Further, that Council ask Environmental Management Services to examine the situation and provide a report back to Council.

Councillor Warshick suggested the Mayor should also request a face-to-face meeting with the Minister of the Environment to address this issue.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3.6 Councillor Whalen - Traffic Warrants for Crosswalks

Councillor Whalen expressed concern that requests for crosswalks are routinely turned down due to the standards applied by HRM. The Councillor stated it is time HRM updates the warrants, and she requested a staff report to examine this. Councillor Whalen stated the Transportation Association of Canada has updated its guidelines to municipalities because many municipalities across Canada have developed their own standards. The Councillor asked that staff review the Association's revised guidelines as well as what other large municipalities are doing to look specifically at updating HRM's standards to better serve the public need. Councillor Whalen further requested that the report also address the following circumstances: proximity to seniors' residences, proximity to parks and schools, and proximity to bus stops.

MOVED by Councillor Whalen, seconded by Councillor Walker, that this matter be referred to staff for a report.

Speaking in support of the motion, Deputy Mayor McInroy reiterated his concerns regarding Caldwell Road and suggested there is no similar locale anywhere in Canada that does not have a crosswalk. The Deputy Mayor noted Mr. George McLellan, Chief Administrative Officer, advised him after the last review of the Caldwell Road situation, that a transportation body, primarily consisting of senior staff, would be set up to review processes and prerequisites. However, Deputy Mayor McInroy stated he does not believe this has taken place as of yet. The Deputy Mayor expressed strong concern that HRM continues to have a Traffic Authority that abides by guidelines and prerequisites that concede to the automobile and stated that changes need to be made in residential areas.

Also speaking in support of the motion, Councillor Goucher stated there needs to be a review of the issue of crosswalks as well as stop signs. The Councillor noted that he received correspondence from Mr. Rick Paynter, Director, Public Works and Transportation Services, which indicated that there is a review planned in the near future of the warrants for both. Councillor Goucher stated this is a safety issue and HRM has to be more constructive and open-minded on these two issues.

Councillor Johns expressed concern that if District 16, which is very urban and populated, does not meet the standards, areas such as Sackville and Beaver Bank have no hope of ever getting a crosswalk approved.

Councillor Smith noted that he has never seen a request for a stop sign or crosswalk approved since he was elected to Council. The Councillor suggested that the warrants are not in place to allow crosswalks and stop signs; they are in place to restrict them. Councillor Smith also stated the number of accidents should not be a criterion.

Councillor Sloane reiterated her concerns regarding the intersection of Lower Water and Prince Streets where she has been unable to obtain a crosswalk.

Councillor Hetherington noted many crosswalks and stop signs were approved by the former City of Dartmouth Council, and he questioned how this could be done if the Traffic Authority was in place at the time. In response, Mr. Wayne Anstey, Municipal Solicitor, stated he could only assume that the Traffic Authority in Dartmouth acquiesced with the desires of the Council because a stop sign not posted under the authority of the Traffic Authority is invalid. Councillor Hetherington stated this may be where the problem lies and suggested the Traffic Authority may need to start to think more like Council who are representing the residents who see the problems every day. The Councillor stated there is something wrong with the system and Council is requesting that it be fixed.

Mayor Kelly advised Council that staff have started the review process and a report will be forthcoming to Council in the near future.

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

12. ADDED ITEMS

12.1 Councillor Mosher - Blasting By-Law

Councillor Mosher noted this issue was first brought to Council in the fall of 2001, and was raised again a year later with respect to the Fairmount development. Although HRM staff did start to address the by-law, the public hearing that was to occur in May did not take place. The Councillor stated the recent incident in Clayton Park West has heightened concerns about blasting in in-filling areas. In this particular case, Councillor Mosher noted HRM issued the permit and is responsible to ensure compliance of the by-law. Responding to questions of the Councillor, Mr. Peter Duncan, Regional Planning Manager, made the following points:

- C Until it is known precisely what happened at the site, staff cannot comment on whether or not the incident could have been prevented if an effective by-law had been in place. Council will be receiving a report once the investigation is completed.
- C The new regulations are scheduled to be before the By-Law Rationalization Group on September 12, 2003, and the matter will be brought back to Council by the end of September at the latest. The Public Hearing would be held in October.
- C It is the intention of staff to bring the draft by-law to a Committee of the Whole session prior to First Reading.

Councillor Mosher stated she would like the proposed by-law to address the following:

- C the various geological formations in HRM and varied weather conditions
- C monitoring to be conducted by an independent third party
- C an increased pre-blast survey area with a minimum distance specified in all instances and the provision of proof that these were conducted
- C limits to the weight of the charge and provisions for multiple delay blasting to decrease the number of charges
- C minimum distance from public buildings such as schools and a blasting prohibition when children are on the school grounds (ie. recess)
- C further cooperation with the Department of Environment
- C the insurance issue
- C assurance that the increased summary offence fine can be enforced

Responding to a question of Councillor Goucher regarding municipal jurisdiction in quarry operations, Mr. Wayne Anstey, Municipal Solicitor, stated it appears from a recent case at the Supreme Court of Nova Scotia, that municipalities do not have any jurisdiction in quarry operations, however, this case is still being examined and will be addressed as part of the report regarding the Clayton Park West incident.

In response to a question of Councillor Streach regarding a recent blasting incident in Head of Jeddore, Mr. Duncan stated the permit regulates hours of work and any violation of this would be subject to the fine structure. He noted the issuance of a stop work order would normally be the first step taken.

MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Councillor Whalen - Gateway Quarry Operation

In response to a question of Councillor Whalen regarding the stop work order in place at the Gateway Quarry operation, Mr. Anstey stated if the stop work order was issued with respect to the blasting by-law, and HRM does not have jurisdiction over blasting in quarries, the municipal stop work order has no legal effect. However, as long as the provincial stop work order is in place, blasting would be illegal.

Councillor Whalen requested a staff report regarding the history of the quarry, the extent of the operation, when it was first approved, and any time or area restrictions of the approval to determine what the future holds. The Councillor also asked that the report address how the planning approvals were allowed for development so close to a quarry, and whether or not the minimum setbacks were considered at the time, and are they still being followed.

MOVED by Councillor Whalen, seconded by Councillor Walker, that this matter be referred to staff for a report.

Ms. Sharon Bond, Manager, Subdivision and Land Use Compliance, advised Council that staff have begun the research for this report and will be looking to the results of the investigation before finalizing the report. It is hoped the report will be to Council in early October.

Councillor Whalen asked that the report also address the following:

- C the extent of HRM's authority with regard to pits and quarries
- C whether or not HRM has the authority to restrict or regulate a quarry
- C do HRM's land use by-laws apply to quarries
- C does the land zoning have any bearing on the activity taking place on the site
- C are there different standards for quarry blasting versus construction blasting

Councillor Walker asked that the report also include information on the incident regarding how far the material traveled and at what height.

Closing the debate, Councillor Whalen requested that HRM staff work with the provincial counterparts in reviewing the recommendations of the investigative report. The Councillor also suggested there is a need for a working group to review all of the blasting regulations as there is an overlap of responsibility between the Municipality and the Province. Councillor Whalen also asked that the recommendations and findings of the investigation be brought to Council with the requested staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Property Matter - Proposed Lease - Lands at Trinity Way to Lakeside Royal Canadian Legion

- 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 Rankin, seconded by Councillor Goucher, that Halifax Regional Council authorize a lease of lands at Trinity Way to the Lakeside Royal Canadian Legion containing terms as discussed in the June 2, 2003 Private and Confidential report. MOTION PUT AND PASSED UNANIMOUSLY.

12.4 Legal Matter - Supreme Court Decision - Upper Hammonds Plains Water Extension

- 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 Hetherington, seconded by Councillor Cunningham, that the decision of the trial judge be appealed to the Nova Scotia Court of Appeal. **MOTION PUT AND PASSED UNANIMOUSLY.**

13. NOTICES OF MOTION

13.1 Councillor Hetherington - First Reading of By-Law V-101

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 26th day of August 2003, I propose to move First Reading of By-Law V-101, the purpose of which is to amend various by-laws to include minimum fines to invoke the summary offense ticket provisions of the Summary Proceedings Act.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 8:45 p.m.

Jan Gibson
Deputy Municipal Clerk