

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE MINUTES MAY 19, 1998

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

STAFF: Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jane Nauss, Acting Municipal Clerk
Ms. Julia Horncastle, Assistant Municipal Clerk

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Mayor Fitzgerald called the meeting to order at 6:10 p.m.

1. APPROVAL OF MINUTES

MOVED by Councillors Greenough and Schofield that the Minutes of April 21 (afternoon session), April 21 (evening session), and May 5, 1998 be approved as circulated. MOTION PUT AND PASSED.

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

Deletions

The Municipal Clerk requested deletion of the following items from the agenda:

6.2.1 - By-Law P-304

6.5.4 - Purchase of Computer Hardware

Additions

Councillor Harvey requested "Regional Museum of Cultural History" be added to the agenda (item 8.1)

Councillor Mitchell requested "Halifax Regional Search and Rescue" be added to the agenda (item 8.2)

Councillor Barnet requested "Traffic Lights, Beaver Bank Crossroad/Sackville Drive" be added to the agenda (item 8.3)

Deferred

Councillor Blumenthal requested that item 6.5.10, Audible Traffic Signals - CNIB, be deferred.

MOVED by Councillors Mitchell and Barnet that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.

3. BUSINESS ARISING OUT OF THE MINUTES - NONE

4. CANADIAN TULIP FESTIVAL - PRESENTATION BY MR. OWEN HAMLIN TO HALIFAX REGIONAL MUNICIPALITY

Mr. Owen Hamlin, Kings Orange Rangers, presented 1999 tulips and two trees to the Halifax Regional Municipality to be placed in a friendship bed.

Mayor Fitzgerald thanked Mr. Hamlin for making the presentation to the citizens of the Halifax Regional Municipality.

5. CITIZENSHIP AWARDS

Mayor Fitzgerald and Councillors presented 1998 Citizenship Awards to the following students from Junior High Schools throughout the Regional Municipality: Susan Spearns, Tyler Johnson, Mary Elizabeth Cameron, Jennifer Sears, Diana Toulany, Melanie Robinson, Bronwyn Burke, Stephanie Cox, Emily Beaton, Wing Yee Suen, Christina Simpson, Andrea Pellerine, Michelle Babineau, Andrew Guindon, Patricia Ssebazza, Katherine Thomas, Jennifer Lewandowski, Robert McCormack, Tara James, Matthew O'Malley, Amanda Armsworthy, Jan Messervey, Michael Cormier, Andrea Young, Candice Webber, Alexandra Malone, Kevin Johnston, Ashley Thomas, Meghan MacDonald, Cormekia Clayton, and Kyle Bodnarchuk.

Mayor Fitzgerald congratulated the students on winning the awards.

At this point in the meeting, Mayor Fitzgerald recognized Mr. Terry Sullivan and Mr. Bill Estabrooks, MLA, Timberlea - Prospect, who were present in the audience.

6. REPORTS

6.1 MEMBER OF COUNCIL

6.1.1 COUNCILLOR SCHOFIELD - INTERSECTION OF WYSE ROAD/ JAMIESON AND BROOKSIDE ROAD

C A memorandum prepared for Councillor Schofield on the above noted was before Committee of the Whole for discussion.

Councillor Schofield advised that with the reconstruction of Wyse Road there is a problem of access to driveways, by businesses, at the corner of Wyse Road, Jamieson Street and Brookside, indicating that reconstruction of Jamieson Street may be necessary.

MOVED by Councillors Schofield and Hetherington that it be recommended to

Council that a staff report be requested. MOTION PUT AND PASSED.

6.2 DARTMOUTH PENSION COMMITTEE

6.2.1 BY-LAW P-304

This item was deleted from the agenda at the commencement of the session.

6.3 CHEBUCTO COMMUNITY COUNCIL

6.3.1 CASE 7504 - REQUEST FOR AN AMENDMENT TO THE HALIFAX MUNICIPAL PLANNING STRATEGY - MELVILLE RIDGE (POLLING DISTRICT 17)

C A report, prepared for Councillor Bill Stone, Chair, Chebucto Community Council, on the above noted, was before Committee of the Whole for discussion.

Councillor Hanson stated there are ongoing discussions relative to this application and put forth the following motion:

MOVED by Councillors Hanson and Stone that the application for an amendment to the Halifax Municipal Planning Strategy - Melville Ridge (Polling District 17) go forward without recommendation.

Councillor Cooper noted the lot indicates an incursion on Ramsgate Lane and requested staff investigate and comment as to whether the lot goes onto the street and how the lot affects the street.

MOTION PUT AND PASSED.

6.4 NORTH WEST PLANNING ADVISORY COMMITTEE

6.4.1 CASE 7645: DEVELOPMENT AGREEMENT APPLICATION TO PERMIT A LOUNGE IN THE EXISTING BUILDING AT 9564 HIGHWAY NO. 3, QUEENSLAND

C A report, from Helen Matheson, Chair, North West Planning Advisory Committee, on the above noted, was before Committee of the Whole for discussion.

The North West Planning Advisory Committee was recommending that the Development Agreement application to permit a lounge in the existing Moore's Landing Restaurant and

a permanent roof over the existing decks facing St. Margaret's Bay at the rear and west side of the building, as presented in the staff report dated April 6, 1998, be rejected by Halifax Regional Council.

MOVED by Councillors Mitchell and Sarto that it be recommended to Council to adopt Option #2 of the staff report to refer the application to a public hearing. MOTION PUT AND PASSED.

6.5 CHIEF ADMINISTRATIVE OFFICER

6.5.1 TENDER 98-307, RESURFACING PART II, VARIOUS LOCATIONS - WEST DISTRICT

C A report, prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted, was before Committee of the Whole for consideration.

MOVED by Councillors Stone and Blumenthal that it be recommended to Council to award Tender No. 98-307 to Dexter Construction Co. Ltd. for materials and services specified at the unit prices quoted for a Total Tender Price of \$387,550.00 and a Total Project Cost of \$445,683.00 with funding from the Capital Account number noted in the Budget Implications section of this report. MOTION PUT AND PASSED.

6.5.2 TENDER 98-332, RESURFACING - EAST DISTRICT

C A report, prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted, was before Committee of the Whole for consideration.

It was noted that the recommendation contained a typographical error in that it referenced Dexter Construction Ltd.

MOVED by Councillors Hetherington and Sarto that it be recommended to Council to award Tender No. 98-332 to LeFarge Canada Inc. for materials and services specified at the unit prices as quoted for a Total Tender Price of \$379,730.00 and a Total Project Cost of \$436,690.00 with funding from the Capital Account number noted in the Budget Implications section of this report. MOTION PUT AND PASSED.

6.5.3 TENDER 98-057, FOUR (4) 1998 - 4X4 PICK UP TRUCKS WITH EXTENDED CAB

C A report, prepared for George McLellan, Deputy Chief Administrative Officer, on the

above noted was before Committee of the Whole for consideration.

MOVED by Councillors Mitchell and Walker that it be recommended to Council to award Tender 98-057 for four (4) 4x4 Pick-Up Trucks with Extended Cab to Fairley & Stevens, the lowest evaluated bidder for a total price of \$101,204.60. Funds from Capital Account #02-95118-6710. MOTION PUT AND PASSED.

Councillor Sarto requested information on what it would cost the Municipality to lease the vehicles for a period of five years.

6.5.4 PURCHASE OF COMPUTER HARDWARE

This item was deferred at the commencement of the session.

6.5.5 BY-LAW B-300 RESPECTING BLASTING

C A report, prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted, was before Committee of the Whole for consideration.

Councillor Dooks noted that the by-law does not address the issue of blasting in cemeteries and advised the design of many rural cemeteries is such that machinery cannot enter or cross the cemetery to get to a certain plot. The Councillor stated that due to the soil conditions and rocky nature of the land, it is sometimes necessary to blast graves. Councillor Dooks requested an exemption or guidance for this type of situation.

Mr. Phil Francis, Planning Engineer, advised there are many types of small blasts including those for grave sites. That is why exceptions are not noted in the by-law. Mr. Francis stated that grave sites could be handled administratively.

Councillor Dooks stated he does not want a fee of \$100.00 applied to a blasting permit application for individuals as the result of a death. The Councillor expressed concern there would be no opportunity to apply for a permit during the weekends, when Municipal offices are closed. Staff was requested to incorporate a guideline whereby a church could have an exemption for graves in District 1.

Mr. Kulvinder Dhillon, Director, Engineering and Transportation Services, stated it is difficult to exempt certain properties as there could be similar blasts in areas other than graveyards. Mr. Dhillon stated however, that accommodations can be made in emergency situations. It was suggested the by-law be moved forward for Second Reading and, at that time, Council can make exceptions.

Councillor Dooks stated he wished the amendment be made before the by-law went to Second Reading.

MOVED by Councillors Dooks and Hendsbee that By-law B-300 Respecting Blasting be amended to exempt blasting in graveyards in District 1.

Councillor Hendsbee suggested this exemption be applied to all cemeteries in the Regional Municipality.

Councillor Dooks stated he was requesting the exemption for those graveyards that are designed in such a way that machinery cannot access the graveyard.

No vote was taken on the motion. Another motion was put on the floor:

MOVED by Councillors Hetherington and Greenough that it be recommended to Council that a staff report come forward at the June 2, 1998 Committee of the Whole. MOTION PUT AND PASSED.

Councillor Dooks stated, if there is to be a staff report, that staff visit the community to familiarize themselves with the graveyards in District 1.

Councillor Kelly enquired if there is an approval for a temporary quarry or quarry operation, does the Municipality have the right to ask that the applicant, prior to issuance of the permit, provide proof of approval by other levels of government. In response, Mr. Francis advised the Municipality could seek any Provincial approval.

Councillor Kelly stated that before an applicant is given the final permit to proceed, that individual should show proof that he/she has received permission to do so from the Province of Nova Scotia. It was requested this be included in the by-law even though it is understood that the Province regulates pits and quarries stating this would act as extra insurance for the residents and any area that may be affected.

Councillor Kelly stated that in the event there is a pits and/or quarry approval given by the Province of Nova Scotia, the applicant must show proof of same prior to the issuance of the HRM permit.

MOVED by Councillors Kelly and Hetherington that a clause be put in proposed by-law B-300 Respecting Blasting which states that blasting permits will be issued after all other permits have been received. MOTION PUT AND PASSED.

Councillor Kelly referenced the setback distance of 150 metres and asked what the provincial

setback requirement was and on what basis have staff chosen the 150 metres. The Councillor enquired if staff has done an overall analysis to determine the number of complaints that have been received and what was the radius of the area covered by these complaints.

Deputy Mayor Rankin assumed the Chair (7:05 p.m.).

In response, Mr. Francis advised some former by-laws did not specify a distance and the 150 metres was chosen as it was the most restrictive.

Councillor Kelly questioned whether the former setbacks were restrictive enough and asked if any formal analysis has been done to determine when blasting has taken place as to where complaints, if any, have come from, and do they fall within a certain setback requirement. In response, Mr. Francis stated that anything more than the 150 metre distance may be more than necessary.

Mr. Dhillon stated if the distance is more than 150 metres, the costs will increase accordingly.

Councillor Kelly wished to ensure those persons who are outside the boundary have some recourse for compensation for any damage that may have been done.

Councillor Kelly referenced Clause 19(3) regarding blasting on weekends and holidays and enquired if there would be a public notice through paper advertisement. In response, Mr. Francis advised that the blaster would be required to notify the residents within 150 metres that there will be blasting.

Councillor Kelly, referencing velocity and decibels, asked if there was an increase or decrease in this element of protection. In response, Mr. Francis advised these are the most restrictive of the former by-laws.

At this point in the meeting, Councillor Walker recognized the First Clayton Park Scout Troop who were in attendance as a component of obtaining their Citizenship Badges.

Councillor Stone enquired when there is actual damage to residences how will staff proceed with having someone look at the damage, recognize it and make a claim. He enquired if there was some way the by-law could be amended to have the blasting insurance review possible claims from the homeowners perspective.

Councillor Stone requested that the respective Councillor be notified when an application is issued and provided with the name and phone number of the staff contact person.

Councillor Cooper referenced the pre blast survey and enquired if the person who carries out same has to have any specific qualifications. In response, Mr. Francis stated the by-law does

not require this. The Councillor further noted there is no definition of what a survey should entail.

Councillor Cooper suggested the by-law include the requirement for an internal and external survey of the premises in the blast area. Mr. Dhillon replied that the survey will be undertaken before the permit is issued.

Councillor Cooper requested that staff have available a copy of standards that the industry uses for pre-blast surveys at Second Reading.

Councillor Adams expressed concern for those residents that are outside the 150 metre limit who may sustain damage as a result of the blasting. The Councillor expressed concerns with wells relative to water levels and contamination as a result of a blast. The Councillor requested consideration be given, in the draft by-law, for assurances that individuals outside a certain radius, be protected such that they can be notified and will be provided an opportunity to request a pre-blast inspection.

MOVED by Councillors Adams and Hendsbee that consideration be given to protecting those residents who may be outside the radius but may experience damage as a result of a blast.

Councillor Adams also expressed concern that the building inspector should be the person to determine whether or not a blast area should be extended. The Councillor stated he would like to ensure that the persons making the decisions regarding rock formations have the knowledge and, if they don't have that knowledge, the information would be made available to them.

Mr. Dhillon advised the blasting company will have an expert to monitor blasts.

MOTION PUT AND PASSED.

Councillor Hendsbee suggested ground water tables and local well recovery rates should be part of the pre-blast survey.

Councillor Sarto suggested that blasting hours on weekends and holidays be from 10 a.m to 6 p.m.

Councillor Barnet referenced the 150 metre distance noting it does not clearly define exactly what types of buildings have to be notified. The Councillor expressed concern with blasting in the vicinity of schools. He reiterated the suggestion of well testing being a component of the pre-blast survey with such testing to include arsenic content and static level of the well.

MOVED by Councillors Barnet and Kelly that the Municipality provide a greater buffer zone in terms of checking for wells and tests for arsenic and static levels. MOTION PUT AND PASSED.

Mayor Fitzgerald assumed the Chair (8:00 p.m.).

6.5.6 BY-LAW S-401 TO AMEND S-400 RESPECTING STREET IMPROVEMENTS

C A report, prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted, was before the Committee of the Whole for consideration.

MOVED by Councillors Barnet and Uteck that it be recommended to Council to proceed to Second Reading to By-law S-401, Respecting Street Improvements.

In response to an enquiry from Councillor Sarto, Mr. Dhillon advised that there would have to be either a frontage charge or an area rate for properties on Tacoma Drive and Ilsley Avenue.

Councillor Sarto enquired what the rate would be to the properties that front on Tacoma Drive. In response, Mr. Dhillon advised that a rate of \$8.00/linear foot has been established.

In response to an enquiry from Councillor Kelly, Mr. Dhillon advised that sidewalks would only have to be paid for on one side of the street, but curb and gutter is paid for both sides.

MOTION PUT AND PASSED.

6.5.7 BY-LAW T-400 RESPECTING TRUCK ROUTES

C A report, prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted, was before Committee of the Whole for consideration.

C A copy of a memorandum, dated April 29, 1998, from Councillor Robert Harvey to Ken Silver, Manager, Traffic and Transportation, regarding the proposed truck route by-law, was circulated to the Committee of the Whole.

MOVED by Councillors Harvey and Kelly that Glendale Drive be removed totally from the schedule and it not be a truck route. MOTION PUT AND PASSED.

Councillor Kelly referenced Rocky Lake Drive and stated there are three schools located on that street and the residents had been assured that truck traffic would be directed to an

alternate route.

MOVED by Councillors Kelly and Snow that Rocky Lake Drive be taken off the list as a truck route. MOTION PUT AND PASSED.

MOVED by Councillors Hetherington and Sarto that Caldwell Road and Hines Road be exempted from the by-law. MOTION PUT AND PASSED.

Councillor Blumenthal stated that in the early morning, trucks are going down the Robie Street extension and cutting onto the side streets. He further advised he was receiving calls from residents on Agricola Street with regards to trucks heading north to Young and then continuing north. The Councillor requested information regarding the enforcement of fines.

Mr. Anstey, Municipal Solicitor, advised the fine structure for truck route by-laws under the Motor Vehicle Act is different than other by-laws and the fee is the maximum allowable.

Councillor Kelly referenced Schedule B and noted that the name "John Gorham Drive" no longer exists. Further, the Councillor requested clarification if the fees can be increased through legislative changes.

MOVED by Councillors McInroy and Greenough that item #14 - Cow Bay Road between Pleasant Street (trunk 322) and Caldwell Road, and #53 - Pleasant Street (trunk 322) - Circumferential Highway (111) and Cow Bay Road be removed. MOTION PUT AND PASSED.

MOVED by Councillors McInroy and Hetherington that it be recommended to Council to proceed to Second Reading to By-law No. T-400, "By-law Respecting Truck Routes" incorporating the following approved amendments:

- C That Glendale Drive be removed totally from the schedule as a truck route**
- C That Rocky Lake Drive be taken off the list as a truck route**
- C That Hines Road and Caldwell Road be exempted from the By-law**
- C That item #14 - Cow Bay Road between Pleasant Street (trunk 322) and Caldwell Road be removed**
- C That item #53 - Pleasant Street (trunk 322) Circumferential Highway (111) and Cow Bay Road be removed.**

MOTION PUT AND PASSED.

6.5.8 BY-LAW L-100 RESPECTING CHARGES FOR LOCAL IMPROVEMENTS

- C A report, prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted was before the Committee of the Whole for consideration.

MOVED by Councillors Uteck and Adams that it be recommended to Council to proceed to Second Reading to By-law Number L-100, Respecting Charges for Local Improvements. MOTION PUT AND PASSED.

6.5.9 NS WATER TRAIL

MOVED by Councillors Schofield and Uteck that it be recommended to Council that this item be deferred. MOTION PUT AND PASSED.

6.5.10 AUDIBLE TRAFFIC SIGNALS - CNIB

This item was deleted at the commencement of the session.

6.5.11 1260 BLENHEIM TERRACE - APPLICATION TO AMEND HERITAGE AGREEMENT THROUGH LOT CONSOLIDATION

- C A report, prepared for Dan English, Deputy Chief Administrative Officer, on the above noted, was before the Committee of the Whole for consideration.

MOVED by Councillors Uteck and Stone that it be recommended to Council to:

- 1. amend the Heritage Agreement for Civic Number 1260 Blenheim Terrace to allow the consolidation of Lot 2-C and Lot 2-D into a new single family lot described as Lot 2-CD. The new lot is shown on the Plan of Survey prepared by Servant , Dunbrack, McKenzie and MacDonald, dated March 11,1998, as described in the written description of Lot 2-CD which will form part of Schedule A, of the amended Heritage Agreement;**
- 2. enter the revised Heritage Agreement within 120, or any extension thereof granted by Council on the request of the applicant, from the date of approval by Halifax Regional Council and any other bodies as necessary whichever approval is later, including any applicable appeal periods; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

7. PRESENTATIONS

7.1 REMOVAL OF TARIFF ON IMPORTED AUTOS ENTERING CANADA - STEVEN EDDY, PRESIDENT LOCAL 720, CANADIAN AUTO WORKERS UNION

C Correspondence, dated May 5, 1998, from Steven Eddy, President Local 720, Canadian Auto Workers Union, a copy of the presentation to the Federal Minister of Industry by Buzz Hargrove, President, Canadian Auto Workers Union and a copy of the resolution regarding the auto tariff campaign, was circulated to the Committee.

Mr. Steven Eddy, President Local 720, Canadian Auto Workers, addressed Council advising he worked at the Volvo car assembly plant in Bayers Lake Industrial Park. He advised Council of the following statistics:

- C Volvo was the first European car maker to set up a car assembly plant on North American ;
- C the plant employs over 200 people;
- C 164 unionized workers and 36 non-union;
- C over 8,000 cars will be produced in 1998;
- C Volvo participates in the Auto Pact;
- C when volvo first came to Halifax the tariff was approximately 17% on imported finished autos and has since been reduced to 6.7%;
- C Halifax provides good rail connections to Canadian and US destinations as well as an ice free harbour.

Mr. Eddy stated he was asking, on behalf of the members of Local 720 and the members of the Canadian Auto Workers Union, that Halifax Regional Municipality adopt a resolution in support of CAW's auto tariff campaign.

Mayor Fitzgerald thanked Mr. Eddy for his presentation.

MOVED by Councillors Blumenthal and Greenough that it be recommended to Council that the request be forwarded to staff for a report. MOTION PUT AND PASSED.

8. ADDED ITEMS

8.1 COUNCILLOR HARVEY - REGIONAL MUSEUM OF CULTURAL HISTORY

Councillor Harvey stated it is his understanding that a full report, on this issue, is coming to

Council on June 23, 1998 and, in anticipation of that report, he was requesting an information report on the museum and its future.

MOVED by Councillors Harvey and Hetherington that it be recommended to Council that a progress report be provided to Council. MOTION PUT AND PASSED.

8.2 COUNCILLOR MITCHELL - HALIFAX REGIONAL SEARCH & RESCUE

Councillor Mitchell circulated a coloured rendering of a proposed shoulder flash putting forward the following motion:

MOVED by Councillors Mitchell and Hetherington that it be recommended to Council that a staff report be requested regarding the adoption of the Halifax Regional Search and Rescue shoulder flash. MOTION PUT AND PASSED.

**8.3 COUNCILLOR BARNET - TRAFFIC LIGHTS - BEAVER BANK
CROSSROAD/SACKVILLE DRIVE INTERSECTION**

MOVED by Councillors Barnet and Harvey that it be recommended to Council that a staff report be requested as to whether or not signalized traffic lights are warranted at the intersection of Beaver Bank Crossroad and Sackville Drive. MOTION PUT AND PASSED.

9. ADJOURNMENT

MOVED by Councillors Blumenthal and Mitchell that the meeting be adjourned at 8:45 p.m. MOTION PUT AND PASSED.

Jane Nauss
ACTING MUNICIPAL CLERK

