

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES June 1, 1999

PRESENT:

Deputy Mayor Larry Uteck
Councillors: Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
Jerry Blumenthal
Graham L. Downey
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Stephen D. Adams
Barry Barnet
Bob Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

**ABSENT WITH
REGRETS:**

Mayor Walter Fitzgerald
Councillor John Cunningham

STAFF MEMBERS:

Mr. George McLellan, Acting 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

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

2. PROCLAMATIONS

2.1 Leukemia Awareness Month

On behalf of Deputy Mayor Uteck, Councillor Fougere proclaimed June 1999 as Leukemia Awareness Month.

2.2 National Kids Day

On behalf of Deputy Mayor Uteck, Councillor Walker proclaimed June 12, 1999 as National Kids Day.

3. APPROVAL OF MINUTES - May 18, 1999

MOVED by Councillors Greenough and Hetherington that the minutes of May 18, 1999 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 requested to be added to the agenda:

- 13.1 Councillor Kelly - Rocky Lake Road Noise Problem
- 13.2 Councillor Barnet
 - i) Millwood Commons
 - ii) Park Lot at Tynes Court and Boxwood Crescent
- 13.3 Report from Chair, Harbour East Community Council - 1999/2000 Capital Projects
- 13.4 Legal Matter - Black Point
- 13.5 Capital Project - Cell #2 Otter Lake Residual Disposal Facility
- 13.6 Councillor Stone - FCM Conference Update
- 13.7 Councillor Schofield - Closure of India Road, Status Report

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

5. BUSINESS ARISING FROM THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION

6.1 Councillor Cunningham - Amendment to Administrative Order Number 1

- A Notice of Motion of Reconsideration was given by Councillor Cunningham on May 25, 1999, with respect to the following motion:

MOVED by Councillors Adams and Walker that Administrative Order Number One be amended by deleting Section 11 thereof and by substituting therefor the following Section: "A Council meeting shall end when the Order of Business as identified on the approved agenda has been completed."

MOVED by Councillors Sarto and Dooks that the above motion adopted by Regional Council on May 25, 1999, be reconsidered.

As Councillor Cunningham was unable to attend the meeting due to an injury, the following motion was put on the floor:

MOVED by Councillors Blumenthal and Sarto that the matter be deferred to June 22, 1999. MOTION PUT AND PASSED.

7. MOTION OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS - NONE

9. PUBLIC HEARINGS

9.1 Second Reading By-Law E-200 Respecting Encroachments Upon, or Over a Street

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

Mr. Jim Donovan, Coordinator, Special Projects, Planning Services, presented the staff report, noting the following correction in the proposed By-Law: Section 7(2): the phrase "the provision of subsection 6(2) shall not apply" should read "the provision of subsections 5(2) and 6 shall not apply."

Responding to concerns expressed by Councillor Hetherington with respect to replacement work being done on existing building related encroachments, staff agreed to clarify in the By-Law that such replacement work will not be subject to the fees.

Responding to a question of Councillor Fougere, Mr. Donovan stated the daily rental fee applies to temporary structures, and the annual fee is for more permanent encroachments.

In response to a question of Councillor Schofield, Mr. Wayne Anstey, Municipal Solicitor, stated in cases where the encroachment is a minor part of a building, mortgage companies generally accept a comfort letter from the Municipality. However, in the case of India Road, where almost half of the building is on the street, the only option to correct the situation is to close the street.

Councillor Hendsbee suggested the fees should be extracted from the By-Law and covered by an Administrative Order, so they can be adjusted on a periodic basis without requiring a By-Law amendment. At a later point in the meeting, the Councillor served a Notice of Motion with respect to this suggestion (Item 14.1).

Councillor Hetherington suggested residential use appeals should be heard by the respective Community Council rather than Regional Council. Mr. George McLellan, Acting Chief Administrative Officer, stated the By-Law can be structured to provide for this.

Deputy Mayor Uteck 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 Councillors Greenough and Hetherington that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

Councillor Adams suggested, to ensure flexibility and consistency through the By-Law, it should be amended by renumbering subsection 10 (b) to 10 (c) and inserting the following as subsection 10 (b):

“Enter into an agreement with a gas distribution company which has been approved by the Utility Review Board to distribute gas within the HRM, or communications company licensed by the CRTC, permitting the construction or maintenance of an encroachment upon such terms and conditions that Council may deem appropriate. The provisions of this by-law shall not apply to such encroachments, and the fees payable shall be determined by Council.”

Mr. Donovan noted this matter was brought to staff’s attention subsequent to the introduction of the By-Law, and he agreed this proposed amendment would provide more flexible arrangements with distribution companies.

Due to the several proposed amendments to the By-Law, Deputy Mayor Uteck suggested Second Reading should be deferred to allow staff to redraft the By-Law to include these amendments.

MOVED by Councillors Greenough and Fougere that Second Reading of By-Law E-200 Respecting Encroachments Upon, or Over a Street be deferred to June 15, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 Case 00073 - Development Agreement to Permit a Five Storey Office Building at 1559 Brunswick Street

- A staff report prepared for Donna Davis-Lohnes, General Manager, Planning Services, regarding the above, was previously circulated to Council.
- Correspondence from Ms. Beverly W. Miller, opposing the development agreement, was before Council for consideration.

With the use of overheads, Mr. Gary Porter, Planner, presented the staff report which recommended that Council approve a development agreement, attached as Appendix "A" to the staff report dated May 10, 1999, to permit a five storey office building at 1559 Brunswick Street.

Councillor Harvey inquired what action will be taken with respect to the developer proceeding without a permit. Mr. Ed Thornhill, General Manager, Development Services, stated it was not the intention of Development Services to prosecute the owner given the circumstances. However, if Council rejects the development agreement, it is expected that prosecution will follow. Councillor Harvey suggested some punitive measure should be taken with respect to the permits, but not necessarily the removal of the fifth storey. Mr. Paul Dunphy, Acting General Manager, Development Services, stated that basically the Municipality's powers of enforcement and prosecution are to bring about compliance. Mr. Anstey added that prosecution is looked upon to be a last resort to obtain compliance. In this particular case, if the matter had gone to court while this application was in process, the court probably would have deferred levying any fine or penalty pending the outcome of Council's deliberations.

Councillor Sarto inquired about a previous development agreement that was approved for this site. Mr. Porter replied that particular agreement was for a four storey apartment building and the agreement has lapsed and is no longer valid.

Councillor Fougere inquired if the development agreement was approved, would it be impossible to prosecute on the basis of construction without a permit or failing to comply with a stop work order. Mr. Anstey replied prosecution could be followed in either case, but obtaining a significant fine would not likely result. If the stop work order involved a safety issue, prosecution may be more likely; however, this particular case was more of a planning matter than a safety issue.

Responding to a question of Councillor Kelly, Mr. Porter stated if the development agreement is approved, the Municipality will recapture all applicable fees in the amount of approximately \$2800.

With respect to an inquiry of Councillor Schofield regarding height of the development, Mr. Porter stated it will be several feet lower than the Cambridge Suites.

In response to a question of Councillor Cooper, Mr. Porter stated the issue of the fifth storey came to light when the matter came before the Heritage Advisory Committee on March 24, 1999. The first stop work order was issued on April 6, 1999. The work completed on the fifth storey includes the columns to support the fifth floor roof and most of the outside brick work.

Councillor McInroy inquired why the second stop work order was issued. Mr. Porter replied some work continued after the first stop work order, and, therefore, the second one was issued.

Deputy Mayor Uteck called for members of the public wishing to speak either in favour of or against the proposal.

Mr. George Ramia, First Eastern Land Bank Inc.

Mr. Ramia stated both he and the investors are concerned that the event associated with the addition of the fifth floor of this project may have put some Councillors, staff and Committee members in a difficult situation. This was never the intention, and, if this is the case, Mr. Ramia expressed apologies for doing so. He stated the information before Council will explain the difficult circumstances leading up to the financial decision that had to be made regarding the addition of the fifth floor.

In response to questions from members of Council, Mr. Ramia made the following points:

- Some construction continued after the first stop work order due to timing constraints. This involved the removal of staging to allow work on the rest of the building to continue safely.
- After the second stop work order was issued, the only work done was with respect to some safety anchors, which HRM staff indicated was permissible.
- The site contamination was a factor in the decision to add a fifth storey to help recover costs.
- Increasing square footage rental charges for a four storey building was not viable.
- The developer was aware the development agreement had to go before the Heritage Advisory Committee, but the time frame would not allow them to do so.
- The two adjoining properties support the addition of a fifth storey.

- An environmental report was included in the purchase of the site indicating there was contamination. However, the extent was not known until mass excavation was commenced.

Mr. Hugh Pullen, 6262 Oakland Road, Halifax

Mr. Pullen, President, Peninsula South Community Association, stated there is a public perception that the developers have an inside track with Municipal staff. Whether or not this is true, Mr. Pullen stated the perception is there. Mr. Pullen questioned if the footings for this development were originally designed to support a fifth storey. In closing, Mr. Pullen stated he may not necessarily be opposed to the proposal.

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

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

COUNCIL DECISION

Mr. McLellan stated there appears to be general support for the project in terms of the development agreement, but there is concern as to what this does to the integrity of HRM's process and regulations.

Mr. Dunphy stated this case is a very rare exception and he did not believe this would set a precedent that would undermine the integrity of the planning process. In previous cases such as this, when the Municipality has pursued legal action, the court has always deferred proceedings pending Council's processes being exhausted. Mr. Dunphy noted most developers in the downtown area are well aware of the regulations and processes and follow them in order to protect their reputations. He stated this type of issue has not occurred previously in the downtown area, and it is not expected to occur again.

Councillor Fougere stated the Heritage Advisory Committee was not allowed to evaluate the entire building, as the first four floors were built as-of-right. Only being permitted to evaluate the fifth floor put the Committee in a very awkward situation, and, therefore, the Committee found itself unable to make a recommendation. The Councillor suggested staff should be examining the rules and regulations as they apply to development agreements and buildings abutting heritage properties to ensure they are effective.

MOVED by Councillors Downey and Blumenthal that Council approve a development agreement, attached as Appendix "A", to the staff report dated May 10, 1999, to permit a five storey office building at 1559 Brunswick Street. Further, that Council

require that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

In response to an inquiry of Councillor Hetherington with respect to the footings, Mr. Thornhill stated analysis of the footings originally designed for the four storey building were found to be capable of supporting a fifth floor.

Councillor Read stated the key question is whether or not a five storey building on this site is in the best interest of HRM. However, the Councillor stated he shares Mr. McLellan's concerns regarding the integrity of the planning process. He also expressed concern with the Municipality having to grant concessions due to site contamination, and suggested there should be a process in place where a developer can recover clean up costs from the polluter or the previous owner.

Councillor Cooper suggested there should be a fine or fee process in place to recover the costs of HRM staff time needed to address this situation. Deputy Mayor Uteck replied the Municipality is not allowed to levy fines, but suggested there may be some means of billing the individual for actual costs.

Councillor Harvey spoke in support of the motion, noting there must be other ways to protect the integrity of the process other than requiring the fifth floor to be removed. Councillor Blumenthal agreed, stating the mistake by the developer was not made to intentionally harm the Municipality.

Speaking in support of the motion, Councillor Greenough stated the building appears to fit in appropriately with the surrounding properties which are in support of a fifth floor.

Mr. McLellan suggested Council could request staff to review the implications of what this means for future situations, and to come back to Council with a report.

Councillor Rankin spoke in support of the motion, stating unforeseen circumstances created the necessity for a business decision to add the fifth floor, which, in the final result, was not contrary to HRM's interests.

Councillor Schofield stated he hopes there will be changes to deal with this type of situation in the future.

On a point of information, Councillor Hendsbee stated if this development was in an area covered by a Community Council, this matter would not have been before Regional Council.

MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Fougere and Harvey that staff be directed to review the appropriate policies and by-laws, particularly when a change in the status of an as-of-right development requires movement to a development agreement or other such process.

Councillor Rankin stated that this should not be limited to the business sector, and should also include residential development.

MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS

10.1 Petitions

10.1.1 Councillor Barnet - Closure of Old Sackville Road

A petition was submitted by Councillor Barnet from 21 residents opposing the closure of Old Sackville Road. The Councillor requested that the petition be forwarded to the Traffic Authority.

11. REPORTS

11.1 MEMBERS OF COUNCIL

11.1.1 Councillor Cooper

i) Street Mapping Update - Community Safety

Councillor Cooper requested that a staff report from Fire Services be provided for the next Council meeting identifying the steps that are taken to keep firefighters up to date on street changes, and to address the issue of staff relocation and lack of familiarity with the area. Council agreed with the request for a report.

ii) Old Fire Station - Cole Harbour Road

Councillor Cooper requested a staff report in one month regarding the old fire station on Cole Harbour Road detailing the condition of the building and suggested uses for it, bearing in mind any community needs. Council agreed with the request for a report.

11.2 WESTERN REGION NEEDS ASSESSMENT COMMITTEE

11.2.1 Western Region Needs Assessment Conceptual Plan

- A report entitled "Planning for the Western Common" dated February 1999, prepared by Environmental Design and Management Limited for the Western Region Needs Assessment Committee, was before Council for consideration.
- A report from the Western Region Needs Assessment Committee, regarding the above, was before Council for consideration.
- Correspondence from Mr. Stuart Dow, Indian Lake Golf Course, regarding the above, was circulated to Council.

With the use of overheads, Mr. Darryl Haley, Chairman, Western Region Needs Assessment Committee, and Ms. Margo Cantwell, Environmental Design and Management Limited, presented The Western Region Needs Assessment Conceptual Plan to Council.

Councillor Mitchell expressed thanks to Mr. Haley, Ms. Cantwell, the Western Region Needs Assessment Committee, staff and Councillor Rankin for their work on this project.

Councillor Rankin stated the report meets the objective of the Executive Summary and is an asset to both the community and the Municipality. The Councillor noted if not for this community there would have been a major crisis in trying to site a landfill, and, now, there is a positive opportunity for this same land. Councillor Rankin stated the concepts of the study are good and suggested Council should support the plan in principle and that this project be a priority.

Deputy Mayor Uteck stated the study will require a staff report followed by a Public Hearing. Mr. McLellan stated the project is a priority, but the preference would be to have it referred to staff first. He noted when senior staff worked with this community to locate the RDF and the above ground facility at Otter Lake, it was done on a response to a community led process that did not call for host community fees to be granted, and this was approved by former Councils and Halifax Regional Council. Senior staff supported the idea of utilizing Mr. Haley and other members of the community and their ideas to try to come up with something that would inadvertently represent a benefit to that community,

and supported this process on that basis. It has always been senior staff's position that this project is an entitlement to that area. However, there are a number of features in the study that staff would like to put into context.

Mr. Hubley stated they have been approached by substantial private sector interests on at least three of the four components of this project willing to partner with the Municipality in this development. He suggested that this interest should not be left hanging for too long.

MOVED by Councillors Mitchell and Rankin that staff be instructed to recommend to Council, in a timely fashion, the appropriate process associated with Recommendation #1 of the report dated February 17, 1999 which reads as follows:

Initial Phase: 1) Establishing Planning Policy and Land Use Regulations: A motion establishing a new by-law under the planning policy and land use regulations. This motion would allow for the establishment of a Comprehensive Development District and provide consistent protection of the area.

Mr. Austin French, Regional Coordinator, Planning Services, stated the recommendation of the Program and Service Review Committee concerning the Planning Services Department Work Plan was deferred by Council until June 15, 1999. There had been reference to the Western Region Needs Assessment project in the Work Plan, and suggested the issues could be address more fully at that time.

Councillor Hendsbee stated the report does not address the cultural and historical significance of some of the properties in the area, such as Beech Hill, and suggested that staff look into this issue.

Councillor Stone suggested the Committee should be thanked for its work and then dismantled. The Councillor expressed concern with giving control of buying and selling land to a Committee rather than being a responsibility of Regional Council. Councilor Stone stated Council should just refer the complete study to staff for a report. Deputy Mayor Uteck noted the motion is to only refer Recommendation #1 to staff for a report, and to refer the entire study to staff for a report would take an extensive amount of time.

With respect to Recommendation #1, Mr. McLellan stated staff will come back with a response integrated in the Planning Services Work Plan on June 15, 1999. The recommendations that follow the first recommendation, will take several months to review due to their significance.

Councillor Read stated he supports the emphasis on the wilderness aspect of the area. However, any further activity on this plan should await review of planning strategies in other areas and the development of a regional planning strategy. Deputy Mayor Uteck noted staff has indicated that this will be taken into context.

Councillor Cooper expressed concern with the current resources and workload of Planning Services. The Councillor suggested this project will have to be integrated into the regional plan so other projects are not jeopardized.

In closing the debate, Councillor Mitchell stated there are three Districts involved in this project and a lot of hard work has gone into the process.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3 REGIONAL TAXI & LIMOUSINE COMMITTEE

11.3.1 First Reading Amalgamated HRM By-Law T-108 Respecting Taxis and Limousines

- A report from the Taxi and Limousine Committee, regarding the above, was before Council for consideration.

Mr. Peter James, Regional Coordinator, By-Law Enforcement, presented the staff report, reviewing the significant improvements. Mr. James noted the following policy issues remain to be resolved:

- transferability of owner licenses
- “use it or lose it” clause for owner licenses
- taxi passenger and driver “bill or rights”
- options for increased enforcement without increased cost

Councillor Schofield stated he has received complaints from residents regarding the condition of taxi vehicles and the dress code of taxi drivers. Mr. James responded that the new By-Law addresses both of these issues.

MOVED by Councillors Adams and Cooper that HRM By-Law T-108 Respecting Taxis and Limousines be given First Reading. MOTION PUT AND PASSED UNANIMOUSLY.

11.4 GRANT COMMITTEE

11.4.1 1999-2000 Grant Recommendation - Scouts Canada - Camp Management Board

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

MOVED by Councillors Hendsbee and Dooks that Council approve a one time grant in the amount of \$5,000 to Scouts Canada for a replacement wash house at Camp Lone Cloud, to be paid upon submission of invoices to HRM. MOTION PUT AND PASSED UNANIMOUSLY.

11.5 HARBOUR EAST COMMUNITY COUNCIL

11.5.1 Case PA-DAR-06-96 - Craigwood Estates, Dartmouth

- i) **MPS and Land Use By-Law Amendments - First Reading and Set date for Public Hearing; Development Agreement - Notice of Motion to Set Date for Public Hearing**
 - ii) **Supplementary staff report**
- A report prepared for Donna Davis-Lohnes, General Manager, Planning Services, for the Harbour East Community Council, dated May 17, 1999, regarding the above, was before Council for consideration.
 - A supplementary report from the Harbour East Community Council, dated May 27, 1999, regarding the above, was before Council for consideration.

MOVED by Councillors Greenough and Sarto that First Reading be given to recommendations (a) and (b) of the staff report dated May 27, 1999, and to set June 22, 1999 as the date for a public hearing to consider items (a) and (b) and that said public hearing be a joint public hearing with Harbour East Community Council in respect of the development agreement as indicated as item (c) of the staff report. MOTION PUT AND PASSED UNANIMOUSLY.

11.6 CHIEF ADMINISTRATIVE OFFICER

11.6.1 Tender 99-040R Metro Transit Route Maps & Schedules - Four Colour Processing Printing - Two Year Contract

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

MOVED by Councillors Stone and McInroy that:

1. **Council authorize the award of Tender #99-040R, Metro Transit Route Maps and Schedules to Advocate Printing and Publishing Company Ltd. for a period of two years and a total contract price of \$63,951.50, including taxes, per year.**
2. **The second year of the contract be contingent on funding being approved in the 2000/2001 Operating Budget. MOTION PUT AND PASSED UNANIMOUSLY.**

11.6.2 Tender 99-327 Resurfacing, Various Streets, East Region

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

MOVED by Councillors Sarto and Hetherington that Council award Tender No. 99-327, Resurfacing Various Streets, East Region, to Dexter Construction Co. Ltd. for materials and services specified at the unit prices quoted for Option B for a Total Tender Price of \$218,316.00 and a Total Project Cost of \$251,063.00, with funding availability as noted in the Budget Implications section of the staff report dated May 25, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

11.6.3 Emerald Drive - Private Street

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

MOVED by Councillors Hendsbee and McInroy that Council waive the paving requirement for acceptance of Emerald Drive as a public street provided all the other requirements are met as per the approved policy of Halifax Regional Municipality for the Procedure for Acceptance of Private Streets.

Councillor Stone suggested something should be added to the waiver so that the residents do not come back looking for paving in the next four or five years. Mr. McLellan stated he did not anticipate there would be a problem with that, and it would just reinforce the intent of the report. Councillor Hendsbee noted this is upgrading the pre-existing road and an application was made in 1997 to do so. The residents also want the road extended, and the paving of this extension would be the responsibility of the developer. Mr. Kulvinder Dhillon, Director, Engineering and Transportation, stated it is his understanding HRM is taking over the gravel road as if it would have been taken before the By-Law came into effect. With regards to the paving, Council would look at this project along with other

projects when the Capital Budget is set. The cost sharing for the paving would be with the Department of Transportation.

MOTION PUT AND PASSED UNANIMOUSLY.

11.6.4 Crosswalk Safety Report

- A Crosswalk Safety Report prepared by Traffic Services and Police Services, was before Council for consideration.

With the use of overheads, Mr. David McCusker, Manager, Traffic and Transportation Services, presented the staff report.

Councillor Fougere expressed thanks to Mr. McCusker and Inspector Dave Murphy, as well as other staff who worked on this report.

MOVED by Councillors Fougere and Downey that Council approve the recommendations contained in the Crosswalk Safety Report dated June 1999.

Responding to a question of Councillor Fougere, Mr. McCusker stated the Provincial Task Force has not met yet, but an initiation meeting date is scheduled. Mr. McCusker suggested he may have more information regarding Terms of Reference and a time line after that meeting.

Councillor Fougere noted accidents have also occurred at crosswalk locations with crossing guards. The Councillor requested that Police Services consider the reinstatement of the School Safety Patrol Program as part of the education process, and to look at the budget implications of providing a higher wage to attract more people to work as crossing guards. Councillor Fougere expressed concern with the three month enforcement program not being offered in September when there is an influx of university students in the area. The Councillor requested that this concern be relayed to the Police Chief.

In response to questions of Councillor Walker, Mr. McCusker stated the region wide database to track frequency of crosswalk accidents will be set up in about two months. The high visibility green/yellow crosswalk signs will not be installed without a directive from the Province, as they are currently not legal signs. The current ones were installed on an evaluation basis, and they are being considered for a Provincial wide application. Councillor Walker inquired if any consideration has been given to make the sign white with a black figure, as is the case in New Glasgow. Mr. McCusker stated the black sign with a white figure is the national standard for Canada, and staff believe it is important to follow this standard. Councillor Walker stated he has been told such signs also appear in

Bedford, and requested that staff look into this. The Councillor stated he believes the white sign stands out much better.

With respect to the yellow-green crosswalk signs, Councillor Barnet stated he received a significant number of calls from residents who were extremely pleased with these signs. The Councillor suggested the Task Force should speak to the residents in the areas where these are currently located to obtain their opinion on them.

Councillor Barnet raised concerns with the public information program and suggested the a letter should be sent to the Halifax Regional School Board requesting that they provide an interim crosswalk safety program until such time that the Provincial Task Force has implemented a province-wide program. The Mover and Secunder of the motion agreed that this request be incorporated into the motion. The motion now read as follows:

MOVED by Councillors Fougere and Downey that Council approve the recommendations contained in the Crosswalk Safety Report dated June 1999, and that a letter be sent to the Halifax Regional School Board requesting that they provide an interim crosswalk safety education program until such time that the Provincial Task Force has implemented a province-wide program.

With regards to the old crosswalk signs, Mr. McCusker advised the majority of these are being replaced with the special crosswalk standard on a priority basis.

Responding to a question of Councillor Barnet regarding warrants applied for crosswalks, Mr. McCusker stated the warrant itself does consider proximity to other crosswalk locations in terms of closeness, but it does not consider it in terms of remoteness. Councillor Barnet requested that he be provided with the warrants used to determine crosswalk locations so he can properly respond to inquiries.

In response to concerns expressed by Councillor Blumenthal regarding trees and poles blocking the view of crosswalks, Mr. McCusker stated the supplementary pole beacons should help address these concerns.

Councillor Adams expressed concern with the RA-5 signals, and inquired if it would be possible to change the rhythm of the flashing light to help distinguish it from a regular flashing amber light. Mr. McCusker replied the RA-5 controls do not have the complexity to allow the flash rhythm to be altered.

Responding to a concern of Councillor Cooper regarding wide single traffic lanes being utilized as two lanes and the suggestion of moving the yellow centre line, Mr. McCusker stated this has been done in other areas of the Municipality without success as drivers

ignore the line. He stated staff's preference would be to use raised concrete for the crosswalks rather than paint.

Councillor Cooper inquired if the RCMP are participating in this project. Inspector Murphy replied RCMP participation has not yet been discussed, but it is expected they will have representation at the upcoming Provincial Task Force meeting.

Councillor Harvey spoke in support of the report and the action plan. However, the Councillor stated the measures being taken will not work without a proper education program for both pedestrians and drivers.

Councillor Stone spoke in support of the florescent signage, and provided a photograph of one, provided by a resident. With respect to the multi-lane roadways with crosswalks, Councillor Stone stated they should all have the stop bars overhead. The Councillor inquired about the communication video, and Mr. McCusker replied that this appears to have been delayed. Councillor Stone suggested police enforcement needs to be increased with respect to crosswalk safety.

Councillor Dooks inquired about the removal of the crosswalk sign in Musquodoboit Harbour and requested that staff look into who was responsible for removing it.

Councillor Sarto requested that the possibility of reducing the maximum speed in school zones be raised with the Provincial Task Force.

Councillor Snow suggested the painted "X" at crosswalk locations should be reinstated. Mr. McCusker replied these were removed from the national standards, and, as a result, the Municipality has discontinued them.

Responding to a question of Councillor Hendsbee, Mr. McCusker stated this study applies to any crosswalks for which the Municipality is responsible, which goes beyond the urban core to a limited degree.

Councillor Read suggested there should be marked crosswalks at every intersection to emphasize pedestrian right-of-way. With respect to crosswalk markings, the Councillor expressed concern with the paint used in Halifax, noting it is very slippery. Councillor Read also expressed concerns with views of crosswalks being hampered by trees and poles. Councillor Read also expressed concern with the increased number of higher sport vehicles and stated the effect on the traffic mix needs to be considered.

In closing the debate, Councillor Fougere encouraged all Councillors to use their respective newsletters to encourage crosswalk safety amongst both pedestrians and motorists in HRM.

MOTION PUT AND PASSED UNANIMOUSLY.

11.6.5 Case 6720 - Peninsula North Area 8 - Gottingen Street Commercial Area - Secondary Planning Strategy - Polling District 12 (supp report) (First Reading and set date for public hearing)

- A staff report prepared for Donna Davis-Lohnes, General Manager, Planning Services, regarding the above, was before Council for consideration.

MOVED by Councillors Downey and Read that Council give First Reading and set a Public Hearing date of June 22, 1999 to consider the Secondary Planning Strategy for Area 8 of Peninsula North. MOTION PUT AND PASSED UNANIMOUSLY.

11.6.6 Access-A-Bus Access in Bedford

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

MOVED by Councillors Kelly and Barnet that the Access-a-Bus service boundary be changed to include the Hammonds Plains Road (and adjacent subdivision) between the Bicentennial Highway and Kearney Lake Road.

Councillor Walker expressed concerns that this boundary extension may adversely affect the current service areas. It was agreed staff would monitor the service for a one month period and then report back to Council indicating any concerns or problems.

MOTION PUT AND PASSED UNANIMOUSLY.

12. MOTIONS

12.1 Councillor Hendsbee - Amendment to Administrative Order Number One

“At a future Council meeting, I request the full consideration and debate of Council with regard to the prepared staff report of draft amendments of language to Section 36, subsection 1 of Administrative Order Number One to include specific parameters and guidelines for all Councillors, the Deputy Mayor, and the Mayor to abide by in reference to proper dress code and the appearance of such apparel not to clearly demonstrate or display any logos, trademarks, labels, advertisements and/or emblems of any private enterprise, goods or services during any Council meeting, and that these rules be applied to municipal staff during such meetings; and furthermore, that Council give full consideration and debate to the proposed draft amendments pertaining to the proper decorum of Council Chambers, public gallery and Councillors’ desk area.”

- Proposed amendments to Administrative Order Number One with respect to the above were circulated to Council.

MOVED by Councillors Hendsbee and Barnet that Administrative Order Number One, the Procedure of Council Administrative Order be amended as follows:

1. **Administrative Order Number One is amended by adding immediately following Section 7 thereof, the following Heading and Section:**

Member's Attire

7A A member of Council, while in attendance at a meeting of Council, and any member of the municipal staff appearing before Council shall dress appropriately respecting the formality and traditions of the Council proceedings and the member shall not wear any apparel that is designed to advertise the sale or a service or product, provided however, that this prohibition shall not extend to a manufacturer's logo on an article of clothing.

Member's Desk

7B A member of Council, while a Council session is in progress, shall keep the member's desk free of any materials visible to the public that are designed to advertise the sale of a service or product.

Conduct In Gallery

7C Member of the public present in the Council Chamber shall maintain order and not in any way disrupt or interfere with the proceedings and without limiting the generality of the foregoing, shall not take part in any protests or demonstrations or show any verbal or other display of support or non-support for Council or any member thereof or display any signs not part of a formal presentation to Council.

In speaking in support of the motion, Councillor Hendsbee stated currently there are no rules to address dress code and it is currently enforced by conformity. Referencing other past practices of previous Councils, the Councillor noted many have been changed to reflect the times. With respect to this particular issue, Councillor Hendsbee reviewed several examples where various forms of dress and corporate advertising have been accepted or criticized by Council, illustrating discrepancy in the standards followed. In closing, the Councillor stated there should be rules that are explicit rather than implied, and, if not, such rules should not be imposed in the future.

Councillors Fougere, Dooks, Blumenthal spoke against the motion stating dress is a personal issue and regulating it is not necessary to show respect to Council.

Councillor Cooper suggested the motion should be split and votes taken on each amendment separately.

MOVED by Councillors Cooper and Hendsbee that the motion be split into three separate motions. MOTION DEFEATED.

Speaking in support of the motion, Councillor Schofield stated Councillors should dress for the position they serve.

A Recorded Vote was requested.

A Recorded Vote was taken on the motion on the floor. (3 in favour, and 17 against the motion)

MOTION DEFEATED.

Members of Council voting **in favour** of the motion: Councillors Hendsbee, Schofield and Harvey.

Members of Council voting **against** the motion: Deputy Mayor Uteck, Councillors Dooks, Snow, Cooper, Greenough, Sarto, Hetherington, Blumenthal, Downey, Walker, Stone, Read, Adams, Barnet, Kelly, Rankin and Mitchell

(Councillors McInroy and Fougere were absent for the vote.)

13. ADDED ITEMS

13.1 Councillor Kelly - Rocky Lake Drive Noise Problem

Councillor Kelly requested a staff report to address the problem of on-going repeated violations of the former Town of Bedford Noise By-Law on Rocky Lake Drive. The Councillor stated residents have been awakened by noise during the early morning hours, prior to the Noise By-Law time frames. Council agreed to the request for a staff report.

13.2 Councillor Barnet

i) Millwood Commons

Councillor Barnet request that staff provide an update and report on the status of the Millwood Commons project as soon as possible. The Councillor stated he had been previously advised by staff that on June 15, 1999 the next phase of this project will be awarded to a contractor, and work on the final phase will be done throughout the summer. The Councillor expressed concern that if the next phase is awarded on June 15, the

original phase will not be completed, as no work has been done on it as of yet. Councillor Barnet requested that the project be moved ahead as quickly as possible so there are no further delays this summer. The Councillor noted the report need not come back to Council, and that staff can report directly to him.

MOVED by Councillors Barnet and Adams that staff provide Councillor Barnet with an update with respect to the Millwood Commons project as soon as possible. MOTION PUT AND PASSED UNANIMOUSLY.

ii) Park Lot at Tynes Court and Boxwood Crescent

Councillor Barnet noted this issue is a result of a letter written by the North West Community Council to the Department of Housing and Consumer Affairs in 1997. The Councillor noted there are a number of lots remaining unsold in the Tynes Court area, as they were not suitable for residential development. The neighbours asked that the Department of Housing be requested to turn the lands over to the Municipality for the development of a small park lot. The Province responded to the request two weeks after receipt of the letter, forwarding the deeds to the Municipality, but nothing has been done to develop the land into a park. Councillor Barnet stated the property is currently being used by the HRM as a dump site for fill material.

MOVED by Councillors Barnet and Adams that staff be directed to immediately provide a plan to Council to resolve the park lot issue and to carry forward with the capital project and to clarify the legal issues, if any, with respect to the land transaction. MOTION PUT AND PASSED UNANIMOUSLY.

As it was now 10:00 p.m., the following motion was put on the floor:

MOVED by Councillors Adams and Walker that the meeting extend beyond 10:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

13.3 Report from Chair, Harbour East Community Council - 1999/2000 Capital Projects

- A report from the Harbour East Community Council regarding 1999/2000 Capital Projects was before Council for consideration.

MOVED by Councillors Hetherington and Greenough that Council approve the 1999/2000 Capital Projects as submitted by the Harbour East Community Council, as presented in the report. MOTION PUT AND PASSED UNANIMOUSLY.

13.4 Legal Matter - Black Point

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

MOVED by Councillors Mitchell and Walker that the In Camera recommendation to authorize the Mayor and Municipal Clerk to enter into a license agreement with the Canada Post Corporation authorizing the use of the Black Point Fire Station site designated herein as a site for relocating the super mailboxes, be adopted by Regional Council. MOTION PUT AND PASSED UNANIMOUSLY.

13.5 Capital Project - Cell #2 Otter Lake Residual Disposal Facility

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

MOVED by Councillors Rankin and Mitchell that the In Camera recommendation to authorize staff to proceed with the complete construction of Otter Lake Cell #2 in 1999, utilizing the \$3 million designated in the approved 1999/2000 Capital Budget, and accept MIRROR's offer to privately finance the remaining \$8,435,000, be adopted by Regional Council.

Councillor Cooper inquired if the In Camera report is now considered to be public information, to which Mr. McLellan replied in the affirmative.

MOTION PUT AND PASSED UNANIMOUSLY.

13.6 Councillor Stone - FCM Conference Update

Councillor Stone provided a brief update regarding the upcoming FCM Conference to be held in Halifax Regional Municipality from June 4 - 7, 1999. Deputy Mayor Uteck expressed thanks to Councillor Stone for his great work in the preparation of this conference.

13.7 Councillor Schofield - Closure of India Road, Status Report

Councillor Schofield requested a staff report on June 15, 1999 providing a status report with respect to the closure of India Road.

14. NOTICES OF MOTION

14.1 Councillor Hendsbee - Amendment to Administrative Order Number 15

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on **June 15, 1999**, I intend to introduce a motion to amend Administrative Order Number 15 to include the encroachment agreement license fees and annual rental fees as prescribed in the HRM By-Law E-200 respecting encroachments upon, under or over a street.

14.2 Councillor Adams - - Amendment to Administrative Order Number 15

TAKE NOTICE that at a regular meeting of the Halifax Regional Council to be held on **June 22, 1999**, I intend to move a motion that Administrative Order Number 15 "Respecting License, Permit and Processing Fees" be amended to include for taxi and limousine licensing fees in accordance with HRM By-Law T-108 "Respecting Taxis and Limousines."

14.3 Councillor Cooper - Amendment to Administrative Order Number 15

TAKE NOTICE that at the next regular Regional Council meeting, to be held on Tuesday the **15th day of June 1999**, I propose to introduce for adoption by Council as a policy pursuant to Section 49 of the **Municipal Government Act** an amendment to Administrative Order 15 the purpose of which is to establish the permit fees under By-Law O-100, the Open Air By-Law.

15. ADJOURNMENT

It was noted there will be no Regional Council meeting on June 8, 1999, due to the FCM Conference. The next regular meeting will be held on June 15, 1999.

MOVED by Councillors Blumenthal and Hetherington that the meeting adjourn at 10:15 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
Municipal Clerk