

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES June 15, 1999

PRESENT:

Mayor Walter Fitzgerald
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
Barry Barnet
Bob Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

REGRETS:

Councillors: John Cunningham
Stephen D. Adams

STAFF MEMBERS:

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

Table of Contents

1.	INVOCATION	5
2.	PROCLAMATIONS	5
2.1	National Aboriginal Day (June 21 st)	5
2.2	Pride Week (June 21 - 27)	5
2.3	ALS AWARENESS MONTH	5
3.	APPROVAL OF MINUTES - MAY 25 & JUNE 1, 1999	6
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	6
5.	BUSINESS ARISING FROM THE MINUTES - NONE	8
6.	MOTIONS OF RECONSIDERATION - NONE	8
7.	MOTION OF RESCISSION - NONE	8
8.	CONSIDERATION OF DEFERRED BUSINESS	8
8.1	Council Decision on Second Reading of By-Law E-200 Respecting Encroachments Upon, or Over a Street	8
	Administrative Order 15 Respecting License, Permit and Processing Fees	8
9.	PUBLIC HEARINGS	8
9.1	Second Reading By-Law O-100 Respecting Open Air Burning Administrative Order 15 Respecting License, Permit and Processing Fees	8
9.2	Second Reading By-Law S-402 Respecting Charges for Street Improvements	9
10.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	10
10.1	Presentations	10
10.1.1	Richard Collins - Crosswalk Safety	10
10.1.2	Steven Kempton, Chair, The Nova Scotia Highlanders' Heritage Paschendaele, Belgium (1917) and Request to become part of a Special Twinning Arrangement	10
10.1.3	Berit Pittman - Brain Injury Awareness Month	11
10.1.4	Alan Ruffman	11

	i)	Plaque to Mark Former Site of Mayflower Curling Rink	11
	ii)	Lack of Sidewalks on both sides of Barrington Street	12
	iii)	Improper Inclusion of Ferguson's Cove in the Urban Zone for Taxation Purposes	12
	iv)	Artifacts and Public Art Policy	12
10.1.5		Betty Lou Killen, Executive Director, and Bill Hatcher, Chairperson, Facility Development Committee - Proposal for Expansion of Sackville Sports Stadium	12
10.2		Petitions	13
10.2.1		Councillor Hendsbee - Paving of Country Lake Drive, Lake Echo	13
10.2.2		Councillor Schofield - Proposed Wire Fence at Northbrook Elementary School	13
10.2.3		Councillor Blumenthal - Sidewalk Replacement - Leaman Street	13
10.2.4		Deputy Mayor Uteck - Rezoning Request - McLean Street	13
11.		REPORTS	13
11.1		MEMBERS OF COUNCIL	13
11.1.1		Councillor McInroy - Cat By-Law	7
11.2		PROGRAM AND SERVICE REVIEW COMMITTEE	13
11.2.1		Planning Services Work Plan - 1999/2000	14
11.3		REGIONAL HERITAGE ADVISORY COMMITTEE	16
11.3.1		Permit Application 012351 - Addition to 15 Fort Sackville Road (The Scott Manor House)	16
11.3.2		Permit Application 007096 - Substantial Alterations to the Facade of 1813 Granville Street (The Smith Brothers Building)	16
11.3.3		1260 Blenheim Terrace - Development of Lot 2E	18
11.4		PESTICIDE BY-LAW ADVISORY COMMITTEE	18
11.4.1		Recommendation from Pesticide By-Law Committee	18
11.5		CHIEF ADMINISTRATIVE OFFICER	19
11.5.1		Tender 99-226 Park Identification Signage	19
11.5.2		Tender 99-218 Sidewalk Renewals - Halifax	19

11.5.3	Tender 99-304 Reconstruction - Stanley Street, Kempt Rd. to Robie St. Connector, West Region	20
11.5.4	Tender Q99-070 Millwood Common Landscaping Phase II	20
11.5.5	Proposed Street Closure - India Road	20
11.5.6	Project 00112 - Western Common Study	20
11.5.7	Case 00152 - Amendments to the MPS for Planning Districts 14 & 17 (Shubenacadie Lakes) and/or Subdivision By-Law for the former County Municipality	22
11.5.8	Case 00144 - Amendment to the MPS for St. Margarets Bay (Planning Districts 1 & 3) and the Halifax County Subdivision By-Law	23
11.5.9	Proposed Consolidated By-Law N-200 Respecting Noise	24
11.5.10	Sign, Planter and Lighting Encroachments - Lord Nelson Hotel	24
12.	MOTIONS - None	24
13.	ADDED ITEMS	24
13.1	Councillor McInroy - Millbrook Band Apartment and Commercial Development on Caldwell Road, Cole Harbour	7
13.2	Councillor Schofield - Grass Mowing and Maintenance in District 9	24
13.3	Report from the Grant Committee - Grant Committee Follow- Up Report on Fire Fighter Combat Challenge, Avalon Centre, North Preston Community Centre and Metro Turning Point	25
13.4	Sale of Property - Sale of Former Western Subsystem Office	26
13.5	Sale of Property - 5450 Russell Street	26
13.6	Sale of Property - 1469 Birmingham Street	26
13.7	Sale of Property - Shad Bay	26
13.8	MAPP Collective Agreement	27
14.	NOTICES OF MOTION	27
14.1	Councillor Hendsbee	27
15.	ADJOURNMENT	28

1. INVOCATION

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

ACKNOWLEDGEMENTS

Mayor Fitzgerald expressed appreciation and thanks to everyone involved in the recent Federation of Canadian Municipalities Conference, stating it was an overwhelming success.

At this time, Mayor Fitzgerald also expressed gratitude and appreciation to Deputy Mayor Uteck for his excellent work while filling in for the Mayor over the last few month during his recuperation from surgery.

At a later point in the meeting, Mayor Fitzgerald acknowledged Mr. Bill Estabrooks, MLA, Prospect/Timberlea/Lakeside as being present in the gallery.

MOMENT OF SILENCE

A Moment of Silence was observed by Regional Council in memory of Mr. Turney Manzer, former Chairperson of the Halifax Regional Heritage Advisory Committee and the former Dartmouth Culture and Heritage Committee, who recently passed away. Councillor Schofield noted Mr. Manzer was very active in the community and will be remembered by all.

2. PROCLAMATIONS

2.1 National Aboriginal Day (June 21st)

Mayor Fitzgerald proclaimed June 21, 1999, as National Aboriginal Day.

2.2 Pride Week (June 21 - 27)

Mayor Fitzgerald proclaimed the week of June 21 - 27, 1999 as Pride Week.

2.3 ALS AWARENESS MONTH

Mayor Fitzgerald proclaimed the month of June 1999 as ALS Awareness Month.

RECOGNITION

Mr. Patrick Hartling, Director, Human Resources, and Mr. Jack Novak, Henson College, presented the following HRM employees with Certificates in Local Government: Doug Branscombe, Coordinator, Northcliffe Centre; Phyllis MacNeil, Paralegal, Legal Services; Joan Mahoney, Communications Technician, 911 Emergency Services; Wade Tarbox, Senior Works Supervisor, Works and Natural Services; and, Nancy White, Legal Assistant, Legal Services.

3. APPROVAL OF MINUTES - MAY 25 & JUNE 1, 1999

MOVED by Councillors Blumenthal and Hetherington that the minutes of May 25 & June 1, 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 McInroy - Millbrook Band Apartment and Commercial Development on Caldwell Road, Cole Harbour
- 13.2 Councillor Schofield - Grass Mowing and Maintenance in District 9
- 13.3 Report from the Grant Committee - Grant Committee Follow- Up Report on Fire Fighter Combat Challenge, Avalon Centre, North Preston Community Centre and Metro Turning Point
- 13.4 Sale of Property - Sale of Former Western Subsystem Office
- 13.5 Sale of Property - 5450 Russell Street
- 13.6 Sale of Property - 1469 Birmingham Street
- 13.7 Sale of Property - Shad Bay
- 13.8 MAPP Collective Agreement

The following item was requested to be deleted from the agenda:

- 11.5.5 Proposed Street Closure - India Road

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

As he had to leave the meeting early, Councillor McInroy requested that Items 11.1.1 and 13.1 be moved up on the agenda to be dealt with next. Council approved the request.

11.1.1 Councillor McInroy - Cat By-Law

Councillor McInroy expressed frustration with the amount of time it is taking for this matter to be dealt with by Council, and requested a staff report with respect to the status of the draft Cat By-Law. The Councillor further requested that staff expedite the drafting of the by-law so that it will come before Council on or before July 6, 1999.

MOVED by Councillors McInroy and Hendsbee that staff be directed to provide a status report with respect to the proposed Cat By-Law, and that the matter be expedited so it can be dealt with by Council before or at its meeting on July 6, 1999. MOTION PUT AND PASSED.

13.1 Councillor McInroy - Millbrook Band Apartment and Commercial Development on Caldwell Road, Cole Harbour

Councillor McInroy stated the Millbrook Band has a planned development of six apartment buildings and an office building for its land holding on Caldwell Road in Cole Harbour. The Councillor noted this property immediately abuts single family dwellings on all sides, except the property of the Reserve itself. In addition, there are access roads that will connect to the single family subdivisions on two sides.

Councillor McInroy tabled a list of issues and concerns that have been compiled by residents in the area, and requested that staff be directed to review what is contained in the document. In particular, the Councillor requested a review of the sewage capacity in the Cole Harbour area. Councillor McInroy noted the subject lands have been assigned capacity and are within the serviceable boundary and can be developed, but there are limitations and constraints in terms of the density that has been approved for the entire area, and he suggested that may be something that needs to be reviewed.

Councillor McInroy also requested that a letter be sent, through the Mayor's Office, to representatives of the Millbrook Band to see if they may be prepared to discuss the development of the property in the context of a development agreement. The Councillor referenced an agreement that was negotiated with Millbrook Band representatives in 1988-89, when the sanitary sewer and water services were extended across the frontage of their property on Caldwell Road, and requested that staff resurrect that document and incorporate it in the review.

MOVED by Councillors McInroy and Cooper that the issue of the Millbrook Band Apartment and Commercial Development on Caldwell Road, Cole Harbour, be referred to staff for a report to respond to the above concerns raised by Councillor McInroy. MOTION PUT AND PASSED UNANIMOUSLY.

5. **BUSINESS ARISING FROM THE MINUTES - NONE**

6. **MOTIONS OF RECONSIDERATION - NONE**

7. **MOTION OF RESCISSION - NONE**

8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 **Council Decision on Second Reading of By-Law E-200 Respecting Encroachments Upon, or Over a Street**

Administrative Order 15 Respecting License, Permit and Processing Fees

- A Public Hearing regarding this By-Law was held on June 1, 1999. The Public Hearing was closed, and a Council decision was deferred to June 15, 1999.
- A supplementary staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration. The staff report recommended that a decision on Second Reading be deferred until July 6, 1999.

MOVED by Councillors Greenough and Sarto that a decision on Second Reading of By-Law E-200 Respecting Encroachments Upon, or Over a Street be deferred until July 6, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Greenough and Hendsbee that the Amendment to Administrative Order 15 Respecting License, Permit and Processing Fees, be deferred until July 6, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

9. **PUBLIC HEARINGS**

9.1 **Second Reading By-Law O-100 Respecting Open Air Burning**
Administrative Order 15 Respecting License, Permit and Processing Fees

- By-Law O-100 Respecting Open Air Burning received First Reading on May 18, 1999, and was now before Council for Second Reading.

Mayor Fitzgerald 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 Councillors Greenough and Fougere that the Public Hearing be closed.
MOTION PUT AND PASSED UNANIMOUSLY.**

COUNCIL DECISION

MOVED by Councillors Cooper and Hendsbee that By-Law O-100 Respecting Open Air Burning be given Second Reading, and that Administrative Order 15 be amended be adding immediately following number 1 thereof the following:

<u>By-Law #</u>	<u>Short Title</u>	<u>Section</u>	<u>Fee</u>
3	By-Law O-100	Open Air Burning By-Law	S. 5(8)(d)
	Residential		No Fee
	Commercial		\$50.00

Captain Mike LeRue, Fire Prevention Division, responded to a question of clarification of Councillor Kelly, with respect to the hours of burning.

Councillor Kelly inquired if it is possible to strengthen the fining provisions. Mr. Wayne Anstey, Municipal Solicitor, stated the minimum fines are a guideline only and the courts decide the amount of the fine.

Councillor Dooks noted although District 1 Fire Departments are exempt from this, the residents of District 1 still require a Department of Natural Resources permit for open air burning.

MOTION PUT AND PASSED UNANIMOUSLY.

9.2 Second Reading By-Law S-402 Respecting Charges for Street Improvements

- By-Law S-402 Respecting Charges for Street Improvements received First Reading on May 25, 1999, and was now before Council for Second Reading.

Mayor Fitzgerald 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 Councillors Greenough and Read that the Public Hearing be closed.
MOTION PUT AND PASSED UNANIMOUSLY.**

COUNCIL DECISION

MOVED by Councillors Walker and Blumenthal that By-Law S-402 Respecting Charges for Street Improvements be given Second Reading. MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Presentations

10.1.1 Richard Collins - Crosswalk Safety

Mr. Richard Collins made a presentation to Council with respect to crosswalk safety, copies of which were circulated to Council. In his presentation, Mr. Collins suggested moving light patterns could be utilized to greatly enhance crosswalk safety and restore public confidence in the crosswalk system. With the use of diagrams, Mr. Collins explained how these moving light patterns could work.

Councillor Blumenthal stressed the importance of crosswalk safety, and suggested the Municipality should do anything it can to improve the situation.

Councillor Sarto inquired about the possibility of a foot signal or sensor that could activate the crosswalk sign, noting many pedestrians do not push the hand signal. Mr. Collins suggested there may be some type of foot pedal that could accomplish this. The Councillor requested that this be explored by the Traffic Authority.

Mayor Fitzgerald thanked Mr. Collins for his presentation.

Council agreed that Mr. Collins' presentation and suggestions should be forwarded to the Traffic Authority for comment.

10.1.2 Steven Kempton, Chair, The Nova Scotia Highlanders' Heritage Paschendaele, Belgium (1917) and Request to become part of a Special Twinning Arrangement

Mr. Kevin Robins, Vice Chairman, The Nova Scotia Highlanders' Heritage Society, made a presentation to Council, seeking Council's moral support for the Society's efforts to preserve and maintain the 85th Battalion's Memorial, and to make a public announcement of such support. Secondly, Mr. Robins encouraged HRM to become part of a special twinning arrangement, one that seeks to strengthen ties between the birthplaces and the resting places of many soldiers of a justly famous battalion. Copies of Mr. Robbins' presentation were circulated to Council.

Councillor Harvey spoke in support of the request, noting he is a member of this Association, and his father was an original member of the Battalion.

Councillor Fougere also spoke in support of the request, stating she has an uncle who is buried at Paschendaele who was a member of the 85th Battalion.

MOVED by Councillors Harvey and Fougere that this request be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Berit Pittman - Brain Injury Awareness Month

Ms. Berit Pittman addressed Council with respect to June being Brain Injury Awareness Month. Copies of her address were provided to Council.

In her presentation, Ms. Pittman stated on September 24-25, 1999, the Brain Injury Association of Nova Scotia, with help from the IWK and the Nova Scotia Rehabilitation Centre, will be holding their annual conference, and she urged members of Council to attend. Ms. Pittman also encouraged Council to keep the shocking statistics of survivors of brain injury in mind when promoting business endeavours, community services, health care and education to MLAs, MPs and the business community.

In closing, Ms. Pittman stated although June is Brain Injury Awareness Month, brain injury awareness should be year-round.

Mayor Fitzgerald thanked Ms. Pittman for her presentation.

10.1.4 Alan Ruffman

i) Plaque to Mark Former Site of Mayflower Curling Rink

Mr. Ruffman stated the issue of recommendations for historic monuments regarding RMS Titanic has been on-going for almost two years. Mr. Ruffman noted this issue was originally initiated by a letter received from Mr. Michael Rudd, who is involved in the tourism industry and brings many visitors to the Municipality on Titanic tours. Mr. Ruffman reviewed the chronology of events that have taken place with respect to this issue, noting on October 6, 1998, Regional Council adopted a motion to mark the former site of the Mayflower Curling Rink due to its historical significance with respect to the Titanic. Mr. Ruffman noted this has not yet occurred, and expressed frustration with the delay in this matter. In closing, Mr. Ruffman urged Council to request staff to consider marking this site, noting there are a number of visuals that could be placed on a plaque to commemorate the site. Mr. Ruffman suggested the Mayflower Curling Rink may also be willing to assist in the process.

Mayor Fitzgerald replied staff will look into this matter in an effort to have it resolved.

ii) **Lack of Sidewalks on both sides of Barrington Street**

With the use of photographs, Mr. Ruffman illustrated the problems pedestrians, and in particular, wheelchairs, encounter due to the lack of sidewalks on both sides of a particular section of Barrington Street. Mr. Ruffman submitted the photographs for the record. Mayor Fitzgerald stated they will be forwarded to the appropriate staff for consideration.

iii) **Improper Inclusion of Ferguson's Cove in the Urban Zone for Taxation Purposes**

As Councillor Adams was not present, Mr. Ruffman chose not to speak on this matter at this time.

iv) **Artifacts and Public Art Policy**

Mr. Ruffman chose not to speak on this matter at this time.

10.1.5 Betty Lou Killen, Executive Director, and Bill Hatcher, Chairperson, Facility Development Committee - Proposal for Expansion of Sackville Sports Stadium

Ms. Betty Lou Killen, Executive Director, and Mr. Bill Hatcher, Chairperson, Facility Development Committee, presented a proposal for expansion of the Sackville Sports Stadium to Council. The request from HRM was to provide financing for the Sackville Sports Stadium expansion, to be repaid in full.

Mayor Fitzgerald thanked Mr. Hatcher and Ms. Killen for their presentation, suggesting the matter should be referred to staff for a report before a decision is made by Council.

Councillor Harvey spoke in support of the proposal, welcoming members of the Lake District Recreation Association to the meeting.

MOVED by Councillor Harvey and Deputy Mayor Uteck that this matter be deferred for one week to allow a staff report to be completed and presented along with this proposal, so a full and informed discussion can take place.

In response to a question of Councillor Schofield, Mr. Hatcher stated the Sackville Sports Stadium will be borrowing the money. Responding to a question of Councillor Read, Mr. Hatcher stated the \$1.5 million will be raised in the community. With respect to depreciation of equipment, Mr. Hatcher stated this is being done.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Petitions

10.2.1 Councillor Hendsbee - Paving of Country Lake Drive, Lake Echo

Councillor Hendsbee submitted a petition from residents of Country Lake Drive, Lake Echo, in support of paving this road and having the appropriate betterment charges assessed and applied in accordance with HRM Local Street Improvement By-Law.

10.2.2 Councillor Schofield - Proposed Wire Fence at Northbrook Elementary School

Councillor Schofield submitted a petition from over 375 residents opposed to the proposed wire fence to be erected at the Richmond Street entrance of the Northbrook Elementary School baseball field and park.

10.2.3 Councillor Blumenthal - Sidewalk Replacement - Leaman Street

Councillor Blumenthal submitted a petition from 15 residents requesting the immediate replacement of the sidewalk on Leaman Street - east side - Leeds to Normandy, due to safety reasons.

10.2.4 Deputy Mayor Uteck - Rezoning Request - McLean Street

Deputy Mayor Uteck submitted a petition from 26 residents of McLean Street requesting that their zoning be changed from R2-A to R1 in order to preserve the residential character of the neighbourhood.

11. REPORTS

11.1 MEMBERS OF COUNCIL

11.1.1 Councillor McInroy - Cat By-Law

This item was addressed earlier in the meeting.

(Mayor Fitzgerald left the meeting at 7:20 p.m. and Deputy Mayor Uteck assumed the Chair.)

11.2 PROGRAM AND SERVICE REVIEW COMMITTEE

11.2.1 Planning Services Work Plan - 1999/2000

- A report from the Program and Service Review Committee, regarding the Planning Services Work Plan 1999/2000, was before Council for consideration.

Ms. Donna Davis-Lohnes, General Manager, Planning Services, presented the Planning Services Work Plan 1999/2000 to Council, summarizing the following key points of the plan:

- a reduction of 4.5 FTEs
- 75% of projects are previous directives of Council
- no capacity within the Department to commence full plan reviews or issue based reviews
- no impact on current processing time frames for planning applications
- no commencement of site specific amendments unless they are reflective of a larger policy issue requiring redress because of the out datedness of a particular planning strategy or land use by-law
- projects start dates staggered throughout the year
- a modified approach to the first phase of the regional planning program - emphasis on visioning exercise versus focussed growth management project
- deferment of a number of projects previously requested by Council until resources permit their commencement.

Ms. Davis-Lohnes noted there will be a subsequent planning report to Council in the next few weeks that will address visioning. With respect to replacement of some projects with others previously requested or new projects, Ms. Davis-Lohnes stated a "double entry" approach should be used to making changes to the proposed work plan.

In response to a question of Councillor Kelly, Ms. Davis-Lohnes stated there is an opportunity for some of the issues related to District 21 to be addressed by applications staff. With respect to the ten percent park land dedication matter, Ms. Davis-Lohnes stated this is a regional issue, and work on this policy issue will be done in conjunction with Recreation. In regards to flag lots, she stated if Council agreed this was a priority, resources could be allocated for that purpose. With respect to site specific issues, Ms. Davis-Lohnes stated this work plan does not allocate staff resources to those specific applications. She suggested the most appropriate time to deal with site specific issues would be at the time of a plan review.

Responding to a question of Councillor Kelly, Mr. Ken Meech, Chief Administrative Officer, stated projects could be identified now for consideration when next year's work plan is developed.

(Mayor Fitzgerald returned to the meeting at 7:30 p.m. and returned to his place as Chair.)

In response to a question of Councillor Kelly regarding overall plan review, Ms. Davis-Lohnes stated the challenge for planning staff will be determining how the eighteen community plans will be managed.

Councillor Hetherington congratulated Planning staff for the amount of work they are required to complete. The Councillor stated he could support the reductions in the work plan for this year, but stated he hopes they can be reinstated next year.

Councillor Hendsbee strongly urged that Planning Services be the first to have funding restored to bring it back to where it should be, noting there are plans that are long over due for review.

Responding to a question of Councillor Snow, Ms. Davis-Lohnes stated the Fall River water service expansion and the District 2 Plan have not been identified as a "priority" for the next ten months.

In response to a question of Councillor Sarto, Ms. Davis-Lohnes stated the proposed plan for Downtown Dartmouth will be before Council in a few weeks.

Councillor Schofield inquired about the status of a previous request for an Adult Entertainment By-Law. Ms. Davis-Lohnes replied some limited background work has been done on this issue, but in terms of policy development, staff is recommending that no further work be done on it at this time.

Councillor Cooper inquired if there has been a decision by the Executive Management Team to concentrate work in the core area. Mr. Meech replied the key issue at this point is to develop a process for a regional exercise in terms of looking at some of the strategic issues. The expectation is that, as a result of that process, staff should be in a better position to determine the next phase of the overall plan. With respect to the Integrated Servicing Study, Mr. Meech stated this is expected to be received in the near future, and will be one of the key components in determining capacities of existing infrastructure. Ms. Davis-Lohnes stated Engineering and Planning Services have received the final copy of the study, and staff is putting together a report for Council. The purpose of the study is to provide detailed technical data regarding key pieces of HRM infrastructure.

In response to a question of Councillor Read, Mr. Meech stated staff is in the process of developing business plans for all the various activities of the Municipality, and from that process there will be a need to assess and reassess whether or not the resources fit the demands.

Councillor Stone, in supporting the work plan, complimented Planning Services.

MOVED by Councillors Greenough and Hetherington that Regional Council endorse the proposed Work Plan (presented by the Planning Services Department) with the understanding that in order to accomplish all of Council's objectives, there is a need for a review of the Planning Department's resources (during the 2000/2001 budget process.) MOTION PUT AND PASSED UNANIMOUSLY.

11.3 REGIONAL HERITAGE ADVISORY COMMITTEE

11.3.1 Permit Application 012351 - Addition to 15 Fort Sackville Road (The Scott Manor House)

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

MOVED by Councillors Harvey and Kelly that Council approve the addition to the Scott Manor House, as proposed in the staff report to the Heritage Advisory Committee, dated May 10, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.2 Permit Application 007096 - Substantial Alterations to the Facade of 1813 Granville Street (The Smith Brothers Building)

- A report from the Heritage Advisory Committee, regarding the above, was before Council for consideration. The report recommended approval of the substantial alteration with the exception of the installation of propane tanks.

Mr. Philip Levangie, the applicant, addressed Council regarding this matter, and provided Council with copies of a sketch illustrating the proposed location of the propane tanks. Mr. Levangie stated the use of propane at the restaurant is crucial to its success. With respect to the facade of the building, he stated by accurately restoring it to the 1850's provided an opportunity to place propane tanks behind the facade. The Fire Marshall has approved the application, however the Heritage Advisory Committee is opposed to the propane tanks.

Mr. Paul Erickson, Chair, Heritage Advisory Committee, addressed Council with respect to this issue, stating the Committee is recommending approval of the substantial alteration with the exception of the propane tanks. The reasons for rejecting the propane tanks were as follows:

- The proposed installation of propane tanks would alter a very substantial and visible portion of the front facade of the building which would not be sympathetic to its historic character.
- The staff report to the HAC indicated the installation would be temporary until natural gas is made available in downtown Halifax.
- The HAC wishes it could recommend accommodation of the owner's preference for propane but it cannot. Cooking with propane is not necessary, and was not used by the previous restaurant owner in this location.
- Staff has advised the HAC that the Province approved the use of propane without realizing that the building is located in a "no propane zone". The HAC does not believe Council should be endorsing this error, and creating a potential safety hazard for buildings and people.

Councillor Downey noted other heritage buildings in the downtown area are permitted to use propane. Mr. Erickson replied the Committee did not examine the presence or absence of propane on other heritage buildings.

Councillor Hendsbee spoke in support of permitting the propane, noting the restaurant across the street from this location has three propane tanks on the side of the building.

Councillor Hetherington spoke in support of the HAC recommendation, but also supported the installation of the propane tanks.

In response to a question of Councillor Dooks, Mr. Kevin Barrett, Planner, stated the Province will not retract their approval unless Council rejects the installation.

Responding to a question of Councillor Read regarding the "no propane zone", Mr. Barrett stated it is his understanding there are certain areas in the downtown core where there is no safe avenue to site propane tanks.

Councillor Stone suggested additional information should be obtained from staff regarding the propane tanks. Mr. Mike Eddy, Chief Director, Fire Services, stated he is not aware of a "no propane zone." Councillor Stone suggested if the applicant could make the facade in front of the propane tanks acceptable to the HAC, he would not have a problem with the tanks. Mr. Erickson replied when the matter was reviewed by the HAC, it was concluded there was not a good way to mask the propane tanks in light of the requirements they understood were in force with respect to enclosure of the tanks.

Councillor Downey stated if the Chief Director of Fire Services has no difficulty with the propane tanks, they should be permitted.

MOVED by Councillor Downey and Deputy Mayor Uteck that, based on the advice of the Chief Director of Fire Services, Council approve Permit Application 007096 - Substantial Alteration to the Facade of 1813 Granville Street, as presented to the Heritage Advisory Committee at its meeting of May 5, 1999, including the installation of the propane tanks.

Councillor Greenough suggested, regardless of this application, staff should look into the unanswered question of the “no propane zone.”

Councillor Read spoke against the installation of the propane tanks, noting the downtown facades are being diminished by the proliferation of propane tanks along the street. The Councillor stated he could not support the substantial alteration with the inclusion of the propane tanks.

MOTION PUT AND PASSED.

11.3.3 1260 Blenheim Terrace - Development of Lot 2E-2

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

MOVED by Councillors Schofield and Harvey that Council approve the modifications of the design of the new single dwelling unit for Lot 2E-2, as shown on the drawings attached to the staff report dated May 13, 1999, in accordance with the approved Heritage Agreement. **MOTION PUT AND PASSED UNANIMOUSLY.**

11.4 PESTICIDE BY-LAW ADVISORY COMMITTEE

11.4.1 Recommendation from Pesticide By-Law Committee

- A report from the Pesticide By-Law Advisory Committee, was before Council for consideration.

MOVED by Deputy Mayor Uteck and Councillor Fougere that the Halifax Regional Municipality re-advertise the following message (which was originally advertised last year, and also earlier this year):

“Before you apply pesticides to your lawn or garden ... Please consider any of your neighbours who are environmentally sensitive and could have medical reactions if exposed to chemicals. You should notify them well in advance that you intend to apply pesticides on your property. Let’s Be Neighbourly. You might also consider alternative non-chemical treatments

for your lawn and garden. Be courteous to your neighbours and everyone will breathe easier.”

Deputy Mayor Uteck noted the most recent citizens' survey indicated 80 percent of residents want some type of pesticide by-law.

Mr. Anstey stated the Department of Environment has indicated they will cost share in the cost of the advertisement again this year.

Councillor Read noted this is only a small measure in solving this very serious problem.

MOTION PUT AND PASSED UNANIMOUSLY.

11.5 CHIEF ADMINISTRATIVE OFFICER

11.5.1 Tender 99-226 Park Identification Signage

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

MOVED by Councillors Hetherington and Blumenthal that Tender No. 99-226, Park Identification Signage, be awarded to Eye Catch Signs Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$52,287.53, and a Total Project Cost of \$60,131.00, with funding authorized as per the Budget Implications section of the staff report dated May 31, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

11.5.2 Tender 99-218 Sidewalk Renewals - Halifax

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

MOVED by Councillors Blumenthal and Downey that:

- 1. Council award Tender No. 99-218, Sidewalk Renewals - Halifax, to Lafarge Canada Inc. for materials and services specified at the unit prices quoted for a Total Tender Price of \$179,400.00 and a Total Project Cost of \$206,310.00 with funding authorized from the Capital Account Numbers noted in the Budget Implications section of the staff report dated June 1, 1999.**
- 2. Council authorize the transfer of funds from Capital Account Number CKR00516, Edward Arab Avenue Sidewalk Renewal in the amount of**

\$3,012.00 to Capital Account Number CKR00520, Swaine Street Sidewalk Renewal. MOTION PUT AND PASSED UNANIMOUSLY.

11.5.3 Tender 99-304 Reconstruction - Stanley Street, Kempt Rd. to Robie St. Connector, West Region

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

MOVED by Councillors Blumenthal and Fougere that Council award Tender No. 99-304, Resurfacing - Stanley Street, Kempt St. to Robie Rd. Connector, West Region, to Ocean Contractors Ltd. for materials and services specified at the unit prices quoted for a Total Tender Price of \$48,415.00 and a Total Project Cost of \$55,677.00 with funding availability as noted in the Budget Implications section of the staff report dated June 2, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

11.5.4 Tender Q99-070 Millwood Common Landscaping Phase II

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

MOVED by Councillors Barnet and Hetherington that:

1. **Council award Tender #99-070 - Millwood Common Landscaping to Turf Masters Landscaping Ltd. at the tender price of \$117,999.20, applicable tax included. Funding for this project is available in capital account #CPC00302.**
2. **Council approve a contingency of 10%, in the amount of \$11,800.00 for this project for a total project cost of \$129,799.00. MOTION PUT AND PASSED UNANIMOUSLY.**

11.5.5 Proposed Street Closure - India Road

This item was deleted from the agenda during Approval of the Order of Business.

11.5.6 Project 00112 - Western Common Study

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

Councillor Mitchell introduced the members of the Western Region Needs Assessment Committee, and requested that Mr. Darryl Haley, Chairperson, be permitted to address a few issues in the report after the staff presentation.

Mr. Paul Morgan, Planner, briefly presented the staff report.

Councillor Mitchell expressed disappointment with the staff recommendation, noting a lot of the work respecting this matter has already been accomplished.

Mr. Darryl Haley, Chairperson, Western Region Needs Assessment Committee, stated it appears to be a bit redundant to do this work again after the Committee has already spent 2.5 years on it. However, he stated he is pleased to see it is moving forward. With respect to the role of the Committee, it has a mandate created by Council which goes until October 1999. Therefore, Mr. Haley questioned the need to create another role for the Committee. However, he advised there is a Committee meeting tomorrow and, if this recommendation is passed this evening, it will be presented to the Committee. Mr. Haley stated this project came out of the Western Halifax Development Association, and is part of volunteer and community action.

Councillor Hendsbee noted the Public Participation process is required by the statues of the Municipal Act and cannot be circumvented. The Councillor reiterated the importance of the heritage significance of the historical community of Beechville and stated it should not be ignored.

Responding to a question of Councillor Read, Mr. Morgan stated the public participation process is open to any member of the public. Specific locations of the meeting have not yet been determined.

Councillor Rankin stated the recommendations do not go far enough, but they do offer adequate direction for some progress to be achieved. The Councillor noted the project is HRM wide and not just for the Western Region. Councillor Rankin suggested resources required for next year need to be clearly identified to continue to expedite this plan, particularly in the context of next year's budget. The Councillor urged Council not to make this an in-house exercise and, to the extent possible, involve the public to move these concepts forward.

MOVED by Councillors Mitchell and Walker that:

- 1. A public participation program be initiated in September of this year to consider amendments to the Municipal Planning Strategies and Land Use By-Laws for Mainland Halifax, Timberlea/Lakeside/Beechville and Prospect**

(Planning District 4) needed to implement the land use recommendations of the Western Common Study; and,

2. That a staff team, with representation from Planning, Regional Operations, Recreational Facilities and Real Estate Services, be formed to review the study recommendations and provide advice to Council regarding implementation over the short, medium and long term (including outstanding requests to purchase or lease land from the Municipality) within the overall context for growth and change within the Municipality.
3. That the mandate of the Western Region Needs Assessment Committee be extended on an interim basis to provide advice to the staff team on any proposals or recommendations being put forward to Council. **MOTION PUT AND PASSED UNANIMOUSLY.**

11.5.7 Case 00152 - Amendments to the MPS for Planning Districts 14 & 17 (Shubenacadie Lakes) and/or Subdivision By-Law for the former County Municipality

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration. The staff report recommended that Regional Council **not** proceed with any amendments to the Municipal Planning Strategy for Planning Districts 14 and 17 and/or the Subdivision By-Law for the former Halifax County Municipality to permit and increase in the number of lots that can be created on the lands situated to the south of the Windsor Junction Community Centre.
- A submission from Ms. Debbie McIsaac, regarding the above, was circulated to Council.

Councillor Snow spoke in support of proceeding with the amendments, stating the residents who made the plan should have a say whether or not there is to be an amendment to it. The Councillor stated he has not heard of any concern regarding this amendment.

Ms. Donna Davis-Lohnes noted the request is for a plan amendment, and the Municipal Government Act requires public participation in advance of a public hearing. She noted this is an example of a site specific amendment which was addressed during the presentation of the Planning Services work plan.

MOVED by Councillors Snow and Hendsbee that Council proceed with the public participation process for amendments to the Municipal Planning Strategy for

**Planning Districts 14 and 17 and/or the Subdivision By-Law for the former Halifax County Municipality to permit and increase in the number of lots that can be created on the lands situated to the south of the Windsor Junction Community Centre.
MOTION PUT AND PASSED.**

11.5.8 Case 00144 - Amendment to the MPS for St. Margarets Bay (Planning Districts 1 & 3) and the Halifax County Subdivision By-Law

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration. The report recommended that Halifax Regional Council **not** initiate the process to amend the Municipal Planning Strategy for Planning Districts 1 & 3 (St. Margaret's Bay) and the Halifax County Subdivision By-Law as outlined in the motion of Council of April 6, 1999.

Councillor Mitchell spoke in support of proceeding with the amendments to the Municipal Planning Strategy, noting this is similar to the previous item.

MOVED by Councillors Mitchell and Walker that Council proceed with the process to amend the Municipal Planning Strategy for Planning Districts 1 & 3 (St. Margaret's Bay) and the Halifax County Subdivision By-Law as outlined in the motion of Council of April 6, 1999.

Councillor Fougere noted Council approved the Planning Services Work Plan earlier in the meeting, and these plan amendments were not part of it. Therefore, the Councillor stated she will not support this motion.

Responding to a question of Councillor Stone, Ms. Donna Davis-Lohnes stated it takes six to eight months to process a plan amendment. Mr. Meech stated the issue is staff does not believe there is justification to review the entire plan policies for these two particular issues.

Councillors Cooper and Read spoke in opposition to the motion.

Councillor Mitchell stated the original motion was passed by Regional Council on April 6, 1999. The Councillor expressed concern that some residents in the area are permitted to have a 20' road, and this one is not. If this amendment is not approved, this residence in question will have to construct a 66' right-of-way.

MOTION DEFEATED.

MOVED by Councillors Hetherington and Blumenthal that Halifax Regional Council not initiate the process to amend the Municipal Planning Strategy for Planning Districts 1 & 3 (St. Margaret's Bay) and the Halifax County Subdivision By-Law as outlined in the motion of Council of April 6, 1999. MOTION PUT AND PASSED.

11.5.9 Proposed Consolidated By-Law N-200 Respecting Noise

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.
- A report from the Board of Police Commissioners endorsing the proposed by-law, was circulated to Council for consideration.
- Correspondence from Charles and Roxanne Grosse, previously circulated to Council on March 31, 1999, regarding a noise problem, was re-circulated for Council's consideration.

As several Councillors had numerous questions regarding the proposed By-Law, it was agreed to defer this matter to next week to allow Councillors the opportunity to submit their questions to staff for a response. Mayor Fitzgerald stated Deputy CAO Dan English could be present at the next meeting when this is discussed to respond to any concerns.

MOVED by Councillors Greenough and Blumenthal that this matter be deferred for one week. MOTION PUT AND PASSED UNANIMOUSLY.

11.5.10 Sign, Planter and Lighting Encroachments - Lord Nelson Hotel

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

MOVED by Councillors Downey and Stone that Council approve the encroaching sign, planter and light standards at 1551 South Park Street. MOTION PUT AND PASSED UNANIMOUSLY.

12. MOTIONS - None

13. ADDED ITEMS

13.1 Councillor McInroy - Millbrook Band Apartment and Commercial Development on Caldwell Road, Cole Harbour

This item was address earlier in the meeting.

13.2 Councillor Schofield - Grass Mowing and Maintenance in District 9

Councillor Schofield expressed concern with the level of grass mowing and maintenance in District 9, in particular with the Metropolitan Regional Housing Authority properties on Leaman Drive and Lahey Road. The Councillor requested a letter be sent to the Metropolitan Regional Housing Authority asking them to address this issue to bring the level of maintenance of the lawns to the satisfaction of the community.

Councillor Schofield also requested a written response from Legal Services with respect to by-laws that relate to grass mowing and maintenance of private properties and the area between the sidewalk and curbs, and whether or not offenders can be fined if they do not maintain it to a satisfactory level.

As suggested by Mayor Fitzgerald, it was agreed that the Halifax Regional School Board should also be sent a letter with respect to grass mowing and maintenance of school properties.

13.3 Report from the Grant Committee - Grant Committee Follow- Up Report on Fire Fighter Combat Challenge, Avalon Centre, North Preston Community Centre and Metro Turning Point

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

MOVED by Councillors Hendsbee and Walker that Halifax Regional Council:

- 1. Award a grant to Fire Fighters Combat Challenge Event in the amount of \$2,500 subject to matching funds from Halifax Regional Fire Fighter Services.**
- 2. Award an additional grant to Avalon Centre, Services for Sexual Assault Victims in the amount of \$2,000.**
- 3. Award an additional grant to North Preston Community Centre Rehabilitation project in care of the HRM Recreation Programming Department in the amount of \$4,500.**
- 4. Approve a grant to Metro Turning Point Society in the amount of \$100,000 to be paid in increments of \$25,000 per year, starting in 1999-2000, subject to Province accepting responsibility for the balance of the required funds, in writing.**

Responding to a question of Councillor Blumenthal, Councillor Hendsbee stated the Grant Committee is compiling a database of information with respect to the Residential Partial

Tax Exemption program, and will be making a presentation to Council when that is complete.

Councillor Barnet suggested the commitment to Metro Turning Point Society should be paid out as soon as possible. He suggested \$25,000 should be paid this year, and that the additional \$75,000 be paid out of next year's budget, if possible. Council agreed to this suggestion.

MOTION PUT AND PASSED UNANIMOUSLY.

13.4 Sale of Property - Sale of Former Western Subsystem Office

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

MOVED by Councillors Mitchell and Stone that Council authorize staff to set a date for a public hearing with respect to the sale of this property. MOTION PUT AND PASSED UNANIMOUSLY.

13.5 Sale of Property - 5450 Russell Street

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

MOVED by Councillors Blumenthal and Fougere that Council authorize staff to set a date for a public hearing with respect to the sale of this property. MOTION PUT AND PASSED UNANIMOUSLY.

13.6 Sale of Property - 1469 Birmingham Street

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

MOVED by Councillors Downey and Stone that Halifax Regional Council approve the 1469 Birmingham Street to Calnen Photographic Images Ltd. for the sum of \$170,000 plus applicable taxes and authorize the Mayor and Municipal Clerk to execute a Purchase and Sale Agreement confirming terms and conditions of sale. MOTION PUT AND PASSED UNANIMOUSLY.

13.7 Sale of Property - Shad Bay

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

MOVED by Councillors Mitchell and Fougere that Regional Council authorize staff to create a reserve for public access and use of the beach portion of the property located at 39 Coolen's Road, Shad Bay, as per the plan attached to the staff report dated June 7, 1999; and, that Regional Council deem the property located at 39 Coolen's Road, Shad Bay as surplus and authorize staff to place the property on the open market for sale. MOTION PUT AND PASSED UNANIMOUSLY.

In response to a question of Councillor Walker, there was general agreement that the foregoing In Camera items, now approved by Council, will become part of the public record.

13.8 MAPP Collective Agreement

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

CONFLICT OF INTEREST

Councillor Fougere declared a Conflict of Interest with respect to this item, as her husband is an employee of Police Services, and removed herself from the discussion.

MOVED by Deputy Mayor Uteck and Councillor Hetherington that Council approve the Collective Agreement between the Municipal Association of Police Personnel and the HRM recommending the following salary increases: Year One: .9%, Year Two: 2.35%, Year Three: 2.68% and Year Four: 3.08%, for a total of 9.01% over a four year period. MOTION PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor Hendsbee

TAKE NOTICE that at the next regular Council meeting to be held on **June 22, 1999**, I intend to introduce the following motion:

WHEREAS the next Provincial Election could be called any day now;

AND WHEREAS HRM should be setting forth issues that ought to set the agenda for all the political parties to address in each of their respective campaign platforms;

AND WHEREAS political campaigns ought to be conducted on the basis of electoral fairness and equal opportunity for all;

AND WHEREAS, so far to date, we have three Councillors nominated as candidates to seek election to the Provincial Legislature;

AND WHEREAS publicity from HRM Council meetings should not be misconstrued as an unfair advantage to portray and promote anyone or all candidates from any of the political parties or as an independent candidate;

THEREFORE BE IT RESOLVED that the HRM Council grant a leave of absence, with pay, to any and all Councillors who are provincial candidates, for the duration of the writ period up to its end on Election Day; and

THAT IT BE FURTHER RESOLVED that no candidates or political parties be permitted to make presentations, with the exception of the Leaders of the Political Parties, or be acknowledged to any future HRM Council Meetings or Committee of the Whole Meetings or Public Hearings, until this provincial election is over.

15. ADJOURNMENT

MOVED by Councillors Fougere and Blumenthal that the meeting adjourn at 9:20 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
Municipal Clerk

