

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES August 17, 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
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Sheila Fougere
Graham Read
Barry Barnet
Peter Kelly
Reg Rankin
Jack Mitchell

REGRETS:

Councillors: Bruce Hetherington
Russell Walker
Bill Stone
Stephen D. Adams
Bob Harvey

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Barry Allen, Acting Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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1. **INVOCATION**

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

At this time, Mayor Fitzgerald extended congratulations to Councillor Bill Dooks, District 1, Eastern Shore - Musquodoboit Valley, Councillor David Hendsbee, District 3, Preston - Porter's Lake, and Councillor Barry Barnet, District 19, Upper Sackville - Beaver Bank, on their recent election to the Legislative Assembly of Nova Scotia.

2. **PROCLAMATIONS**

2.1 **Child Care Awareness Days**

Mayor Fitzgerald proclaimed August 23 - September 10, 1999 to be Child Care Awareness Days in the Halifax Regional Municipality.

3. **APPROVAL OF MINUTES - JULY 13, 1999**

MOVED by Councillors Blumenthal and Greenough that the minutes of July 13, 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 added to the agenda:

- 13.1 Councillor Rankin - Application to Erect a Fence by Three Brooks Subdivision
- 13.2 Councillor Sarto - Cranberry Lake
- 13.3 Councillor Read - Walkway, Abby Road - Chebucto Heights School
- 13.4 Legal Matter - Expropriation Countryview
- 13.5 Legal Matter - Expropriation Claims, 2564 Barrington Street

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

5. **BUSINESS ARISING FROM THE MINUTES**

6. **MOTIONS OF RECONSIDERATION - NONE**

7. **MOTIONS OF RESCISSION - NONE**

8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 Policing Issue (deferred June 22nd) (request for deferral)

- A memorandum from the Board of Police Commissioners requesting that this item be deferred until September 21, 1999, was before Council for consideration.

MOVED by Councillors Greenough and Mitchell that this item be deferred until September 21, 1999.

Councillor Kelly requested when the matter comes back before Council that an update be provided with respect to recruitment and the status of total staff complement for HRM Police Services and RCMP.

MOTION PUT AND PASSED UNANIMOUSLY.

9. PUBLIC HEARINGS

9.1 PA-ES(E)-10-97 - Application by William Crooker, on behalf of Maritime Shores Limited and Private Dream Estates Limited, to Amend the MPS and LUB for Eastern Shore (East) for the purpose of permitting private road development in excess of 600 feet

- A report from the Marine Drive, Valley and Canal Community Council, regarding the above, was previously circulated to Council on July 13, 1999.
- A staff report prepared for Donna Davis-Lohnes, General Manager, Planning Services, dated June 28, 1999, was previously circulated to Council on July 13, 1999.

With the use of overheads, Roger Wells, Planner, presented the staff report, which recommended that Council approve the proposed amendments to the Eastern Shore (East) Municipal Planning Strategy and Land Use By-Law as contained in the staff reports dated June 9th and 28th.

Mayor Fitzgerald called three times for members of the public wishing to speak either in favour of or against the application. Hearing none, the following motion was put on the floor.

**MOVED by Councillors Greenough and Dooks that the Public Hearing be closed.
MOTION PUT AND PASSED UNANIMOUSLY.**

COUNCIL DECISION

MOVED by Councillors Dooks and Hendsbee that Council approve the proposed amendments to the Eastern Shore (East) Municipal Planning Strategy and Land Use By-Law as contained in the staff reports dated June 9th and 28th. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 Second Reading By-Law N-200 Respecting Noise

- By-Law N-200 Respecting Noise received First Reading on July 6, 1999, and the revised By-Law was now before Council for Second Reading.
- Correspondence from Shirley E. Towill, Pauline LeBlanc & William MacDonald; Jean & Ruth Durrant; Jerry & Mary O'Neill & Family; Lana & Greg McDermott; June Trenholm & James Crouse; Kate Carmichael, Executive Director, Downtown Halifax Business Commission; Matthew Boates, Vice President, Sackville Golf Course; Brian Todd, First Vice President, Nova Scotia Yachting Association; Fred Hall; David Henry, Argyle Cobbler Ltd.; Stephane Robichaud, Director, Provincial Affairs, Canadian Federation of Independent Business; and, Deannie Sullivan-Fraser, Dartmouth Cove Area Residents Association, regarding the above, was received by Council.

Mr. Peter James, Regional Coordinator, By-Law Enforcement, provided Council with a general overview of By-Law N-200 Respecting Noise.

Ms. Angela Jones, Solicitor, Legal Services, reviewed some of the legal ramifications of the proposed By-Law, and addressed specific concerns that have been raised in regard to the proposed By-Law, making the following points:

- By-Law N-200 is a subjective by-law.
- The purpose of the By-Law is not to create a silent municipality, but to protect residents from unreasonable noise.
- Staff is recommending that Section 2 (i) be amended by replacing the word "*City*" with "*Municipality*" and by re-inserting the word "*only*" after "*zoned,*" as originally proposed at First Reading. If the word "*only*" is not included, the By-Law would greatly restrict business within the downtown core area.
- As per the request from the Nova Scotia Yachting Association, staff is recommending that Section 4 of Schedule A be amended to read as follows: *The discharge of firearms except when used as a signalling device in a sporting competition.*
- As per the request from the QEII Health Sciences Centre, staff is recommending that an exemption be added to Section 2 to read as follows: *(j) air ambulances.*
- As per the request from the construction industry, staff is recommending that the General Prohibition Section 3 (3) be amended to read as follows "*... evidence that*

*one neighbour is **unreasonably** disturbed or offended by a noise is prima facie evidence that the neighbourhood is **unreasonably** disturbed or offended by the noise.”*

- It is Legal staff's conclusion that the legal opinions provided by the Downtown Halifax Business Commission do not provide any information to lead them to believe that the by-law would be rendered invalid as proposed. With respect to the particular concern that “due diligence” was not being addressed in the By-Law, Ms. Jones stated this was intentionally left out of the By-Law after speaking with municipal solicitors from across Canada, as such a defence can result in cases being thrown out of court.
- As per the request from the Sackville Golf Course, staff is recommending that an exemption for mowing of golf courses is not necessary as there is nothing in the by-law that would prevent it.
- With respect to letters received from Bedford residents regarding snow removal and noises surrounding the Bedford Place Mall, Ms. Jones stated Section 24 of Schedule A specifically addresses these concerns.
- Activities not specifically listed in Schedule A can be addressed through the General Prohibition Clause 3 (1).
- With regards to the letter received from residents of the Dartmouth Cove area expressing concerns with noise from Secunda Marine Slips, Ms. Jones stated if the noises being emitted are not specifically listed in Schedule A, a charge can still be made under the General Prohibition Clause.
- Police officers have been informed that mediation is the best route to attempt to resolve any noise concerns. If this is unsuccessful, the officer may opt to lay a charge.
- Quantitative noise-by laws that have been in force across Canada have proven to be unenforceable and do not work, and are being replaced with subjective by-laws.
- Electronic decibel measuring devices are expensive and require complicated acoustic training for By-Law Enforcement Officers.

Responding to various questions of clarification from Councillors Kelly, Cunningham, Schofield, McInroy, Cooper, Sarto, Fougere, Blumenthal and Hendsbee, Ms. Jones and Mr. James made the following points:

- Exemptions granted by Council are meant for specific incidents that are important to the Municipality, such as the bridge construction.
- The Courts can be given the discretion to set the amount of the fine.
- Under the Municipal Government Act, the Municipality has the authority to pursue other options, such as a court injunction, to stop noise. However, there are specific conditions that have to be met before a Court will grant an injunction.

- Animal Control considers “persistent barking’ to mean that it occurs more than once for more than fifteen minutes straight.
- To enforce the By-Law, Police officers will subjectively use his/her discretion to decide whether the noise unreasonably disturbs the peace and tranquillity of the person making the complaint.
- In Section 2 (i), an area zoned only for residential use refers to the properties zoned R1 or R2 and not those zoned for mixed residential and commercial uses.
- The By-Law does not apply to Federally owned property.

Councillor Cooper requested that Ski-doods and Sea-doods be included in the definition of recreational vehicles, as they are currently not covered in the proposed By-Law. The Councillor also expressed concern with Section 4 (2), in particular with regards to “notwithstanding,” and stated he did not believe it was Council’s intention to provide no protection at all from noises resulting from the activities listed in this section. Councillor Cooper requested that this section be reviewed and amended.

(Mayor Fitzgerald left the meeting at 7:10 p.m. and Deputy Mayor Uteck assumed the Chair.)

Councillor Sarto expressed concern with the hours of operation of car washes, and suggested the 11 p.m. closing time should be reduced to 10 p.m. for car washes that abut residential properties.

Councillor Fougere noted the Peninsula area has many differently zoned properties within close proximity of each other, and inquired how the By-Law can be amended to assure residents they will have sufficient protection from noise. Ms. Jones stated Schedule A would not apply in this area, but Section 3 (1) would apply and provide the necessary protection. She noted this Section has been used across Canada and has proven to be very effective.

Councillor Hendsbee suggested the time frames in (A) and (B) of the Prohibited Times section be adjusted to 8:00 p.m. rather than 7:00 p.m.

Deputy Mayor Uteck called for members of the public wishing to speak either in favour of or against the proposed By-Law.

Mr. Fred Hall, 93 Union Street, Bedford

Mr. Hall addressed Council regarding the proposed By-Law, making the following comments:

- Concern was expressed with General Prohibition - Section 3 (2), stating, in his opinion, the activities occurring behind the Bedford Place Mall fit in this category.
- He suggested the noises listed in his 1998 report regarding noise pollution behind the Bedford Place Mall need to be included in Schedule A. Copies of the report were circulated to Council.
- Clarification was requested as to whether noise caused by concrete finishing machinery is being included or excluded in the Prescribed Exemptions.
- On occasion, there are up to four refrigeration trucks, with the refrigeration units running, lined up in the back of Bedford Place Mall waiting for their turn to unload. Mr. Hall suggested the units should be required to be turned off during the waiting period.
- Regarding Section 6 (4), notification should be extended to those individuals living further than 100 feet away from the property which will be the subject of the hearing.
- Further elaboration of Section 10, Repeal of By-Laws, Regulations and Ordinances, should be included to define "certain noises."
- With respect to Clause 2 of Schedule "A", Mr. Hall questioned how this will be regulated.

Mr. John Alphonse, President, Atlantic Federation of Musicians

Mr. Alphonse addressed Council regarding the proposed By-Law, making the following comments:

- The entertainment business is a serious business and contributes greatly to the downtown area.
- If the new By-law limits and restricts the performance of professional musicians, the tourist trade will be adversely affected.
- A consolidated By-law respecting noise for the entire HRM would be a disaster.
- The By-Law, as it currently reads, only gives discretion to industrial and institutional properties, and should be amended to include commercial properties.

Nicholas Carson, General Manager, Prince George Hotel

Mr. Carson addressed Council regarding the proposed By-Law, making the following comments:

- The word "only" should not be put back in Section 2 (i), as it would weaken the By-Law if it was reinstated.
- The biggest single complaint he has received over the last 20 years from 750,000 hotel guests is with respect to the noise from surrounding bars operating loud music at night.

(Mayor Fitzgerald returned to the meeting at 7:45 and assumed the Chair.)

Kate Carmichael, Executive Director, Downtown Halifax Business Commission

Ms. Carmichael addressed Council regarding the proposed By-Law, making the following comments:

- If the By-Law is approved as it is currently proposed, music in downtown Halifax is deemed to be unreasonable after 9:30 p.m. Monday through Friday, and after 7:00 p.m. on weekends. If the word “only” is reinserted in Section 2 (i), it will provide some discretion.
- Some measure of enforcement needs to be accomplished to address the needs of the various interests in the downtown area.

Deannie Sullivan-Fraser, Hazelhurst Street, Dartmouth Cove Residents Association

Ms. Sullivan-Fraser addressed Council regarding the proposed By-Law, making the following comments:

- Residents of Dartmouth Cove are seeking protection from industrial noise in the area which occurs 24 hours per day.
- Without a definition of “noise”, the By-Law is subjective. A defined limit would reduce confusion and unnecessary complaints.
- Due to the geographical characteristics of the area, it is a sound catchment, and sound carries further over the water than over land.
- Distances for public notification should be increased and the fine system needs to be further defined.

Mr. Luc Erjavec, Government Affairs Manager, Atlantic Canada, Canadian Restaurant and Food Services Association

Mr. Erjavec addressed Council regarding the proposed By-Law, making the following comments:

- Commercial districts should be excluded from the “residential area” definition by reinserting the word “only.”
- As written, the By-Law will restrict the hospitality industry’s ability to entertain its customers and provides very little room for discretion or compromise.
- Downtown Halifax bars, nightclubs and taverns account for \$40 million in sales and 800 jobs. If licensed establishments are included, this increases to \$170 million in sales and 5,000 jobs.

- The restricted hours of the By-Law are the main peak hours for the hospitality industry.

Mr. David Boyd, Lakeview Avenue, Middle Sackville

Mr. Boyd addressed Council regarding the proposed By-Law, making the following comment:

- The definition of recreational vehicle should include street and trail bikes, noting noise from these vehicles has been a concern of residents of Lakeview Avenue.

Mr. Joel Zemel, Connaught Avenue, Halifax

Mr. Zemel addressed Council regarding the proposed By-Law, making the following comments:

- Mr. Zemel expressed concern with enforcement of the By-Law, as far as residential areas are concerned.
- Acoustic science is an exact science. The use of decibel meters can be easily learned and it is not unreasonable to expect to have this equipment available to officers enforcing this By-law

Mr. Hugh Pullen, 6262 Oakland Road, Halifax

Mr. Pullen addressed Council regarding the proposed By-Law, making the following comments:

- The By-Law should be reviewed after a one year period to ensure it is still relevant and continues to enjoy public acceptance.
- The process to deal with complaints should be elaborated.
- Prescribed Exemptions, Section 4 (2) (e, f & g), may be in conflict with Schedule A, Clause 13.
- The speed of semi-trailers delivering containers to Hal-Term at night should be restricted.
- An operating schedule should be devised for roof mounted air conditioning units on neighbourhood drugstores and convenience stores.
- The night time use of HVAC units on office buildings neighbouring residences should be investigated for a possible solution.
- There are too many variables contained in the By-Law and it should be reworked.

Marie Brewer, Manager of a downtown Halifax cabaret

Ms. Brewer addressed Council regarding the proposed By-Law, stating she supports the reinsertion of the word “only” in Section 2 (i).

Allan Hayman, Burchell Hayman Barnes Law Firm, Halifax

Mr. Hayman addressed Council regarding the proposed By-Law, making the following comments:

- The net effect of combining Sections 3 (2) and 3 (3) would mean if just one individual in a residential zone hears an audible noise, than this is deemed to be an activity that unreasonably disturbs the peace and tranquillity of a neighbourhood. The word “deemed” in Section 3 (2) is severely damaging, and should be addressed as it could have a significant effect on the industrial element and sector of the area.
- The By-Law should be tabled and referred back to a group of stakeholders to see if some amendments can be made.

David Henry, 5142 Morris Street, Halifax

Mr. Henry addressed Council regarding the proposed By-Law, making the following comments:

- The reinstatement of the word “only” in Section 2 (i) should be implemented, as previously suggested by several other speakers. If not, many events and festivals in the downtown area will be closed down.

Shirley Marriott, Victoria Road, Halifax

Ms. Marriott addressed Council regarding the proposed By-Law, making the following comments:

- The proposed By-Law will put increased pressure on the current heavy workload of police officers.
- The noise from refrigeration trucks disturbs many residents throughout the night and should be addressed.
- The proposed restricted times for downtown business areas could be extended to 12 midnight rather than 9 p.m.

Michael Murphy, Fairview

Mr. Murphy addressed Council regarding the proposed By-Law, making the following comments:

- The noises from the nearby container pier do not occur continually, but only when ships are in port, and do not bother him personally.
- Sound level meters can be purchased for about \$40 each and are easy to use.

Beverley Miller, 6182 South Street, Halifax

Ms. Miller addressed Council regarding the proposed By-Law, making the following comments:

- There are 24 different zones on the Peninsula, providing diversity in the area.
- Removing the word "only" would affect residents in areas other than the downtown area.
- The goals of the Peninsula area with relation to development have to be taken into consideration.
- The By-Law should be approved, as is, and as previously suggested, reviewed in one year to see how it is working, rather than focussing on individual incidences at this time.

Rob Evans, President, Nova Scotia Restaurant Association

Mr. Evans addressed Council regarding the proposed By-Law, stating the proposed By-Law will have an adverse effect on the following: street cafes, music, festivals, shipyards, trains, economic growth, pubs, etc.

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

**MOVED by Councillors Blumenthal and Mitchell that the Pubic Hearing be closed.
MOTION PUT AND PASSED UNANIMOUSLY.**

COUNCIL DECISION

Councillor Downey stated there are problems with the proposed By-Law that need to be worked out, stressing the importance of the entertainment businesses.

Councillor Rankin stated it would be in the best interest of everyone for staff to review the suggested amendments before a decision is made by Council on Second Reading.

MOVED by Councillors Rankin and Fougere that By-Law N-200 Respecting Noise be referred back to staff for review of the proposed amendments and public submissions and that a report be brought back to Council in three weeks.

Councillor Blumenthal suggested the issue of downtown Halifax should be dealt with separately. The Councillor expressed concern with the affect this additional By-Law will have on the level of police protection in areas other than downtown.

Councillor Barnet requested that a provision for grass mowing at the Sackville Golf Course be included in the Local Exemption section.

Councillor Cooper asked staff to consider an Appendix to the By-Law that would delineate geographical areas that could have exemptions and include maps in the By-Law.

Councillor Read questioned why music has to be amplified to such an extent and level that exceeds the safety limits in industrial situations. The Councillor expressed concern with driving out residential and hotel development from the downtown area because of noise.

With respect to the Dartmouth Cove area, Councillor Cunningham requested a staff report, prior to the By-Law coming back before Council, addressing how the By-Law will impact the residents of Dartmouth Cove.

MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1. Correspondence

10.1.1 FCM - Town of Oakville and its Citizens' Committee - Resolution

- Correspondence from FCM seeking support of Regional Council for the Town of Oakville and its Citizen's Committee resolution regarding the Canadian National Railway, was before Council for its consideration.

MOVED by Councillors Sarto and Kelly that:

WHEREAS the Canadian Transportation Agency (the Agency) recently ruled in favour of the Oakville Stop–CN-in-Their Tracks Committee in its complaint against the Canadian National Railway (CN), and

WHEREAS CN has been granted an appeal of the Agency's Order with the Federal Court, and

WHEREAS the complainants requested an award of costs that was denied by the Agency:

BE IT RESOLVED that Halifax Regional Municipality endorses the Federation of Canadian Municipalities' support of the Town of Oakville and its Citizens' Committee in its case against CN, and

BE IT FURTHER RESOLVED that Halifax Regional Municipality urges Transport Canada to effect changes to federal regulations to ensure that Municipal Governments are consulted prior to major operational changes by the railways, and

BE IT FURTHER RESOLVED that Halifax Regional Municipality requests that the federal government review the process by which the Agency awards costs in matters of environmental concern. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.2 FCM - Airport Emergency Intervention Services - Resolution

- Correspondence from FCM, seeking support of Regional Council of a resolution with respect to the Aircraft Emergency Intervention Services Regulation, was before Council for its consideration.

MOVED by Councillors Kelly and Rankin that:

WHEREAS the Minister of Transport has announced the proposed Aircraft Emergency Intervention Services Regulation, CAR 308, that will apply to all non-designated airports with commercial passenger service; and

WHEREAS the Minister of Transport has not demonstrated that the requirements of the regulation will indeed result in saving lives and reducing personal injuries resulting from aircraft accidents at airports and that alternative safety measures would not be more efficient and effective, and

WHEREAS Municipal governments are not equipped to respond to this regulation, nor are they in a position to provide the funding to meet the requirements;

BE IT RESOLVED that Halifax Regional Municipality urges the Minister of Transport to justify the proposed regulation, CAR 308, on the basis of an independent risk assessment and cost/benefit analysis, and

BE IT FURTHER RESOLVED that Halifax Regional Municipality requests that if the regulation is ultimately approved and enforced, that any resultant, on-going,

incremental costs must be assumed by the federal government. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Presentation

10.2.1 Ms. Renee F. Lyons, Ph.D., Atlantic Health Promotion Research Centre - Bikeways within HRM

- A report prepared by Bikeways Research Team, Atlantic Health Promotion Research Centre, Dalhousie University, entitled "Active Transportation 2000, A Bikeway Strategy for the Halifax Regional Municipality" was before Council for consideration.
- Correspondence from Renee Lyons, Director, Atlantic Health Promotion Research Centre, Dalhousie University, and Carolyn Savoy, Chair, Bikeways Research Team, regarding the above, was before Council for consideration.

Mr. David McCusker, Manager, Traffic and Transportation Services, introduced Dr. Renee F. Lyons, Director, Atlantic Health Promotion Research Centre, Dalhousie University, who presented the report before Council entitled "Active Transportation 2000, A Bikeway Strategy for the Halifax Regional Municipality."

In her presentation, Dr. Lyons made the following recommendations:

- The Formation of a Bikeways Task Force
- Policy Development
- Bicycle Coordinator
- A Comprehensive Bicycle Plan
- Implementation of Pilot Planning Projects
- Community Consultation
- Promote Cycling in the HRM

In response to concerns expressed by Mayor Fitzgerald, Dr. Lyons stated the timing is right for this type of initiative which would involve all age groups.

Councillor Fougere spoke in support of the initiative, stating the formation of a Task Force is a good starting point. Also speaking in support of the initiative, Councillor Hendsbee suggested bicycle racks should be implemented on Metro Transit buses to promote and encourage the use of bicycles.

Councillor Read suggested the most work for the least amount of money could be accomplished through the creation and identification of bikeways on existing streets. The

Councillor also suggested a bicycle path across the MacKay Bridge should be considered in the future.

MOVED by Councillors Fougere and Hendsbee that Council approve the formation of a Bikeways Task Force. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 Petitions

There were no petitions submitted as this meeting.

11. REPORTS

11.1 MEMBERS OF COUNCIL

11.1.1 Councillors Fougere and Schofield - Green Cart Pickup During Summer Months

Councillor Fougere stated she has received a number of complaints regarding the insect and odour problem experienced by many residents with respect to the green carts. The Councillor requested a staff report exploring the feasibility of weekly collection of the green carts from June to the end of September. Councillor Fougere requested, if weekly collection is not possible, that staff examine other options to resolve this problem.

Councillor Blumenthal added his support to the request, noting a similar cart system is used in Florida with weekly pickup, and there are no problems with insects or odours.

Councillor Schofield reported he has also received many calls requesting weekly pickup in the summer months.

Councillor Mitchell noted the Solid Waste Resource Advisory Committee would like to examine the possibility of weekly pickup from May 15 - September 15.

MOVED by Councillors Fougere and Schofield that staff be requested to prepare a report examining the possibility of weekly pickup of the green carts during the period of June 1 - September 30. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.2 Councillor Schofield

i) Grass Cutting and Maintenance of Ball Diamonds and Sports Fields in District 9

With the use of photographs, Councillor Schofield raised concerns regarding grass cutting and maintenance of ball diamonds and sports fields in District 9. Stephen King, Manager, Parks and Natural Services, addressed the Councillor's concerns, noting fields across HRM are classified and each has a certain maintenance standard that needs to be met. Mr. King stated he would look into the Councillor's particular concerns with his staff.

Councillor Cunningham expressed concern with grass maintenance and litter in general on HRM properties, noting there appears to be a lot of areas that are falling behind in the level of maintenance received in the past. In particular, the Councillor mentioned problems at the waterfront park in Dartmouth, stating he hopes this problem will be resolved.

Councillor Barnet stated the problem with sports fields is more related to repairs rather than maintenance. In response, Mr. King noted staff recently received statistics from the City of Calgary, which states the national average cost for park maintenance and repair per resident is \$34, and HRM spends \$17.

ii) Increased Traffic on Highfield Park Drive

Councillor Schofield expressed concern with the increased heavy traffic on Highfield Park Drive, noting many trucks use it as a shortcut to the Burnside Industrial Park. The Councillor requested a staff report to review this situation.

iii) Cemetery Maintenance, Dartmouth Area

With the use of photographs, Councillor Schofield expressed concern with maintenance at Mount Hermon Cemetery, Dartmouth, in particular, with respect to unseeded year old graves and broken and overturned headstones. The Councillor requested a staff report explaining how future maintenance of this cemetery will be maintained. Mr. King noted Mount Hermon Cemetery will be expanded and it is staff's goal to set up an account from the sale of these lots for future maintenance. With regard to the particular graves referred to by Councillor Schofield, Mr. King stated it is his understanding an action plan is in place to address these concerns.

11.1.3 Councillor Stone - Billboards

On behalf of Councillor Stone, Councillor Read made the following motion.

MOVED by Councillors Read and Blumenthal that staff be requested to prepare a report with respect to controlling the type of advertising displayed on billboards within HRM. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 CHIEF ADMINISTRATIVE OFFICER

11.2.1 Tender 99-185 Robb Engineering Joist Repairs

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

MOVED by Councillors Snow and Hendsbee that:

- 1. Council approve the use of \$210,439.32 plus \$10,000 in contingency from the Capital Reserve Pool account.**
- 2. Tender 99-185 be awarded to the lowest bidder, Marid Industries Ltd., for the tendered price of \$442,021.74 plus net H.S.T. for a cost of \$470,439.32.**

In response to a question of Councillor Kelly, Mr. Barry Allen, Acting Municipal Solicitor, agreed to look at the issue to see what can be done legally to recoup some of the costs being incurred with respect to these joists.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2.2 Tender 99-242 Bissett Lake Pumping Station Power Backup

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

MOVED by Councillors McInroy and Cooper that Council:

- 1. Approve the award of Tender No. 99-242, Bissett Lake Pumping Station Power Backup to Amber Construction Ltd., for materials and services listed at the unit prices quoted for a Total Tender Price of \$407,675.00 and a Total Project Cost of \$468,826.00, with funding authorized as per the Budget Implications Section of the staff report dated August 11, 1999.**
- 2. Approve the appointment of SNC Lavalin for part-time supervision and project management services during construction, for an estimated fee of \$12,500.00 with funding as outlined in the staff report dated August 11, 1999.**
- 3. Authorize the transfer of funds in the amount of \$102,026.00 Capital Account No. CSR00390, Pollution Prevention Program to Capital Account No.**

CSR00505, Bissett Lake Pumping Station Power Backup. MOTION PUT AND PASSED UNANIMOUSLY.

11.2.3 Inflow/Infiltration Reduction Projects - Proposal No. 99-072

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

Councillor Kelly requested that, in the future, staff provide a full and comprehensive matrix breakdown to provide in-depth information regarding tenders.

MOVED by Councillors Mitchell and Blumenthal that Halifax Regional Council approve the award of Proposal No. 99-072, Inflow/Infiltration Reduction Projects to the firm of Porter Dillon Ltd. for a total cost of \$138,000 including HST, with funding approved as per the Budget Implications Section of the staff report dated August 4, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

11.2.4 Bremner Drive - Hackett's Cove

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

MOVED by Councillors Mitchell and Rankin that Council accept the private road Bremner Drive, Hackett's Cove, as a public gravel road as per the approved policy of Halifax Regional Municipality, subject to the final staff inspection and provision of appropriate documentation. MOTION PUT AND PASSED UNANIMOUSLY.

11.2.5 Water Service District Boundary: Maplewood on the Lakes

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration, *recommending that Council take no action until after the undertaking of a hydro geological study to determine whether there is any need to include the Maplewood-on-the-Lakes subdivision within a Water Service District boundary as illustrated on Map 1 attached to the staff report dated June 29, 1999. And, that Council give direction to staff on how the \$35,000 cost of this study should be paid for from among the alternative options outlined on Page 5 of the staff report dated June 29, 1999.*

Councillor Rankin spoke on this issue, noting its importance to the residents of the Maplewood Subdivision. The Councillor reviewed the chronology of events that have take place with respect to this matter, stating there is ample need to support a water serviceable district in this subdivision.

MOVED by Councillors Rankin and Mitchell that Halifax Regional Council refer this matter to staff for a report, in consultation with senior staff and the Halifax Regional Water Commission, in four weeks (Sept. 14) to review the water service district boundary to determine if there is ample need to support a water serviceable district for Maplewood on the Lakes. Councillor Rankin suggested a water service district may be justified based on Item 2 of the evaluative criteria which states: areas that are within a reasonable distance from the central water supply where there is a demonstrated need.

In response to a question of Councillor Cooper, Mr. Ken Meech, Chief Administrative Officer, stated it is his understanding that, after the staff review, if its determined that pertinent information is lacking, which would require the allocation of resources, the issue will have to be put on hold.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2.6 Alderney Landing (request for deferral)

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

MOVED by Councillors Cunningham and Sarto that this matter be deferred to August 24, 1999, as recommended by staff. **MOTION PUT AND PASSED UNANIMOUSLY.**

12. MOTIONS - None

13. ADDED ITEMS

13.1 Councillor Rankin - Application to Erect a Fence in Three Brooks Subdivision

Councillor Rankin submitted an application from a resident to erect a fence in Three Brooks Subdivision which exceeds the as-of-right height limit. The surrounding properties have no objection to this fence. The Councillor stated it is his understanding that there is a requirement for a 14-day public notice. Councillor Rankin requested that Council approve the application to proceed and that it be brought back to Council in three weeks.

MOVED by Councillors Rankin and Greenough that Council approve the 14-day public notice regarding the application to erect a fence at Lot 317, Three Brooks Subdivision, exceeding the as-of-right height limit, and that the matter be brought back to Council for approval in three weeks. **MOTION PUT AND PASSED UNANIMOUSLY.**

13.2 Councillor Sarto - Cranberry Lake

Councillor Sarto requested a staff report based on recent media information that the new storm sewer may have affected Cranberry Lake. The Councillor requested that the report also include a review of the Irving Oil Limited outflow pipe.

Councillor Cooper noted there is a development agreement with Irving in that area, and requested that the possibility of this having an impact on this matter be considered in the report. The Councillor also noted there is a large run off out of the Cranberry Subdivision that does not flow through the settling pond, but goes directly over the berm into the lake. Councillor Cooper requested that this be taken into consideration in the staff report.

Councillor Sarto also requested that the report incorporate some options to bring Cranberry Lake back to a reasonable pristine condition.

MOVED by Councillors Sarto and Greenough that this matter be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

13.3 Councillor Read - Walkway, Abby Road - Chebucto Heights School

Councillor Read requested a staff report regarding the construction of a short paved walkway to connect the end of Abby Road to the Chebucto Heights School yard. The Councillor noted this involves an area of about 50 feet of rough rocky ground, and suggested it is appropriate that an all-weather path be constructed. Councillor Read noted the school is being made wheelchair accessible, yet the only accessible route to the school from the nearby apartment building is very long.

MOVED by Councillors Read and Blumenthal that this matter be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

13.4 Legal Matter - Expropriation Countryview

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

MOVED by Deputy Mayor Uteck and Councillor Greenough that Council approve the payment of \$153,568.31 to McInnes Cooper and Robertson as full and final payment of all claims respecting the Countryview expropriation. MOTION PUT AND PASSED UNANIMOUSLY.

13.5 Legal Matter - Expropriation Claims, 2564 Barrington Street

- 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 Downey and Cunningham that Council approve a settlement of all the claims by the former owner and tenants of 2564 Barrington Street in the amount of \$448,000 according to the terms set out in the July 26, 1999 staff report, plus the payment of the claimants' legal and expert fees as required by the Expropriation Act. MOTION PUT AND PASSED UNANIMOUSLY.

14. NOTICES OF MOTION

There were no Notices of Motion served at this meeting.

15. ADJOURNMENT

MOVED by Councillors Hendsbee and Greenough that the meeting adjourn at 10:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
Municipal Clerk