

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES OCTOBER 5, 1999

PRESENT: His Worship Mayor Walter Fitzgerald
Deputy Mayor Larry Uteck
Councillors: Gordon R. Snow
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry S. Blumenthal
Graham L. Downey
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Stephen D. Adams
Robert P. Harvey
Peter J. Kelly
Reg Rankin
Jack Mitchell

**ABSENT WITH
REGRETS:**

STAFF MEMBERS: Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Barbara Moar, Assistant Municipal Clerk

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1. INVOCATION

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

MOMENT OF SILENCE

A Moment of Silence was observed in memory of Mr. Mel Hebb, Chair, Access-A-Bus Advisory Committee, who passed away on October 3, 1999.

2. PROCLAMATIONS

2.1 World Mental Health Day

Mayor Fitzgerald declared October 7, 1999 as World Mental Health Day in the Halifax Regional Municipality.

2.2 Mi'kmaq History Month

Mayor Fitzgerald declared the month of October 1999 as Mi'kmaq History Month.

2.3 Women's History Month

This item was deleted.

Presentations:

i) Duncan Kelly (1866 Shilling)

Councillor Greenough introduced Duncan Kelly who had been present at the annual payment of the one Shilling for the rental of Point Pleasant Park. At that time, it was mentioned that some of the Shillings were missing from the collection, including the year 1866. Duncan Kelly remembered this and when visiting Scotland earlier this year with his parents, he purchased an 1866 Shilling from an antique dealership. He presented the Shilling to Mayor Fitzgerald. Mayor Fitzgerald thanked him on behalf of the citizens of HRM acknowledging his thoughtfulness and civic mindedness. In payment for the Shilling, Mayor Fitzgerald gave Duncan Kelly a cheque for \$35.00.

ii) Brian MacLeod - Ocean View Manor

Councillor McInroy expressed his concern that this item was on the Agenda. On July 13 Council gave staff direction to initiate negotiations with the non-profit group of Ocean View

Manor, and it is his understanding that a draft Letter of Intent is being finalized. Councillor McInroy said it is clear that Mr. MacLeod is asking Council to reconsider this decision, and he asked Council not to have this presentation until after it has dealt with the Ocean View Board.

MOVED By Councillors McInroy and Hetherington THAT any presentation regarding the Ocean View Manor would be deferred until after Council has fully dealt with the matter of the negotiation for the transfer of the facility to the Ocean View Board of Management as a 'not for profit society' following Council's direction of July 13, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF MINUTES - September 21 & 28, 1999

MOVED by Councillors Blumenthal and Greenough THAT the Minutes of September 21 and 28, 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 Information Report from Director of Administrative Services, dated October 1, 1999 re Report of Commissioner Under Private Ways Act
- 13.2 Information Report #2 - Lot Grading Review Process brought forward on regular Agenda
- 13.3 Appointment of Deputy Mayor

MOVED BY Councillors Cooper and Kelly THAT the Order of Business and Additions and Deletions be approved, as amended. 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 Encroachment License - Lockview Road, Fall River

- A staff report, dated August 27, 1999, prepared for George McLellan, Acting Chief Administrative Officer, regarding the above, was before Council for consideration.
- A supplementary staff report dated September 23, 1999, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED BY Councillors Snow and Blumenthal THAT Halifax Regional Council approve the draft Encroachment License Agreement to be granted to Scotia Learning Centres for the construction and maintenance of a private water supply line located on Lockview Road in Fall River. MOTION PUT AND PASSED UNANIMOUSLY.

9. PUBLIC HEARING

9.1 Project 00092 - Plan Review for Beaver Bank, Hammonds Plains and Upper Sackville (former County Planning Districts 15, 18 & 19) - Water Service District Boundary: Maplewood on the Lakes

- Report from North West Community Council, prepared for Peter J. Kelly, Chair, regarding the above, was before Council for consideration on August 24, 1999.
- A staff report, dated August 16, 1999, prepared for Ken Meech, Chief Administrative Officer, regarding the above, was before Council for consideration on August 24, 1999. A Public Hearing date was set for October 5, 1999, with a request for staff to prepare a Supplementary Report to include a water serviceable district boundary for Maplewood on the Lakes Subdivision.
- A Supplementary Report, dated August 31, 1999, prepared for Donna Davis-Lohnes, General Manager, Planning Services, recommending an amendment to the By-law to include a water service district boundary to include Maplewood on the Lakes subdivision, was before Council for consideration on September 14, 1999
- A letter dated September 29, 1999, from Rebecca Norris, Candidate for Councillor, District 19, re concerns regarding the public hearing for changes in the Municipal Plan for Upper Sackville and Beaverbank being conducted while there is no one representing these communities sitting on Council, was before Council for consideration.
- A letter dated October 5, 1999 from Miller Campbell & Associates, re setback for

temporary crusher operations, was before Council for consideration.

- A letter dated October 5, 1999 from Wallace Macdonald Lively, re lands of DRL Investments, was before Council for consideration.

It was suggested that the Public Hearing be held, but that there be no decision made until a Councillor had been appointed for this District (District 19). But, it was noted that if the Councillor for the District was not present for the Public Hearing he/she could not vote on the motion. It was agreed to proceed with the Public Hearing.

Ms. Grace Ho, Planner, advised Council that this Public Hearing brings forward the remainder of the issues of the review of the revised Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville. Ms. Ho gave a brief overview of the major differences between the original plan and the revised plan.

As detailed in the August 16, 1999 Supplementary Report, Ms. Ho reported that the Area Advisory Committee had proposed an 800 meter setback from residents and institutional uses for temporary rock crushers. In response to concerns raised at public open houses, staff had proposed a setback for temporary rock crushers at 90 meters, in keeping with provincial pit and quarry guidelines. She pointed out that HRM has some control over the facilities associated with a pit or quarry operation and their associated uses, but these activities are fundamentally under the jurisdiction of the Province.

The NWPAC provided no specific direction as to the scale of the proposed increase for setbacks from temporary rock crushes, and in the absence of any objective criteria, staff are now proposing that the minimum setback distance be set at 450 meters. This represents the approximate mid-point between the 90 meter setback used by the Province and the 800 meter setback proposed by the Area Advisory Committee.

MOVED By Councillors Schofield and Hetherington THAT Council hear from the public on the proposed amendments to the Municipal Planning Strategy and Land Use By-Law for Beaver Bank, Hammonds Plains and Upper Sackville. MOTION PUT AND PASSED UNANIMOUSLY.

Mayor Fitzgerald called for members of the public wishing to speak for or against the proposed amendments.

David Boyd, Lakeview Avenue, Middle Sackville

Mr. Boyd stated that he supported development in the area, conditional to environmental issues being addressed. He stated his concern that Springfield Road may be continued

through the area, but it was pointed out by Ms. Ho that this issue was not dealt with under the plan review. It would require the land owner to apply for a plan of subdivision for the area.

Ron Hiltz, P.Eng., Wallace Macdonald & Lively

Mr. Hiltz represents a land owner in the Beaver Bank area, DRL Investments Ltd. Referring to a letter that had been distributed to Council, Mr. Hiltz addressed the issue of serviceability of lands belonging to this client that were rezoned to CDD. He noted that the lands are within the water service boundary, but, they are not within the sanitary sewer service boundary. He requested that the sanitary sewer service boundary in this area be amended to coincide with the water service boundary. Mr. Hiltz also asked that the policy be amended to allow for serviced development to be considered under the CDD zoning, where services are available immediately adjacent to undeveloped land.

Mr. Hiltz pointed out ways that amending the sanitary service boundary to coincide with the water service boundary in this area would benefit HRM, and asked Council to consider this matter.

Paul Miller, Miller Campbell & Associates, Solicitor

Mr. Miller represents some of the residents of Hammonds Plains and Upper Sackville who have been involved in quarry matters in their communities. Referring to a letter that had been distributed to Council, Mr. Miller spoke to Council on the appropriate minimum setback for temporary crusher operations re the construction of residential subdivisions, or in pit operations.

Referring to current Provincial Guidelines the minimum setback requirements for quarry operations, for blasting purposes, is 800 metres. He noted that the Guidelines do not distinguish between a temporary crushing operation or a permanent operation. If a rock crusher were to be operated in a pit (as opposed to a quarry) the minimum separation distance is either 30 meters from the pit property boundary, or 90 meters from the foundation of an off-site structure.

Mr. Miller referred to the establishment of an Area Advisory Committee (AAC) that held numerous public meetings to seek input into the proposed plan amendments, including pit and quarry activities, and the operation of temporary rock crushers. It was concluded by the AAC that the minimum setback for temporary rock crushing activities should be the same as for quarries, i.e. 800 meters. However, this recommendation was later ignored in the process when it was decided by one planner to recommend a reduction of the setback for temporary crushers to 90 meters.

Mr. Miller continued in his presentation referring to myths about temporary rock crushers, and a survey that was done by his office of other municipalities and provinces to determine how they dealt with temporary crushing operations. He also gave a cost/benefit analysis relative to the contractor/developer versus nearby residents. He concluded his presentation with a request that Council adopt the recommendations of the AAC and set minimum setbacks for temporary rock crusher operations at 800 meters.

Joyce Evans, Hammonds Plains

Ms. Evans spoke of the length of time that this process has taken involving attendance by planners, clerks and residents at lengthy meetings, and Public Hearings listening to all the varying opinions. These opinions were recorded by the hard working planners and clerks and she thanked them for all their efforts. Since 1991, Ms. Evans stated that residents of Hammonds Plains have been asking their provincial and municipal governments for an adequate separation distance between homes and quarries and/or facilities associated with quarries. She stated that HRM cannot rely on old provincial guidelines, it should set the guidelines, and as a member of the AAC, she strongly recommended that these guidelines be 800 meters.

Barbara Verge, Hammonds Plains

Ms. Verge stated that she also supported minimum setbacks for temporary rock crusher operations at 800 meters. She questioned what is the criteria for allowing the use of temporary rock crushers in other communities, pointing out that it should be the same for all of HRM making it easier to enforce. Ms. Verge questioned how a request to extend the use of the rock crushing operation would be handled. Ms. Verge added other areas of concern including the need to improve Hammonds Plains Road, accountability for approvals of septic fields, the need to have a bus added between Hammonds Plains and Bedford, and traffic lights at the intersection of Hammonds Plains and Kearney Lake Roads.

Rosemary Godin, Middle Sackville

Ms. Godin stated that if HRM is going to allow temporary rock crushing operations, that it should be HRM that enforces the By-Law to ensure that it is being operated properly, not the Province.

Ann Merritt , Hammonds Plains

Ms. Merritt, a member of the AAC, spoke on the increased population moving into Hammonds Plains between 1991-1996, compared to other areas of HRM. She pointed out

that many of the people are moving into unserviced areas and stressed the need to have some control so that development can happen in an orderly way. She asked that HRM begin as soon as possible regional planning to address environmental issues, including the protection of watersheds.

Betty Stacey, Hammonds Plains

Ms. Stacey, a member of the AAC, supported minimum setbacks for temporary rock crusher operations at 800 meters as recommended by the AAC. This was a compromise from some people wanting no separation distance to people wanting no crushers. She expressed a concern that staff would change the distance from 800 meters to 90 meters at the request of one member of the public. She asked that the 800 meter distance be reinstated. In closing, she suggested that the school sections should be updated.

David Barrett, Beaver Bank

Mr. Barrett suggested that if the setback is 800 meters, there would be no temporary rock crusher operations. He pointed out that money is saved by having the rock crushed on site rather than trucking it to other locations for crushing. If rock is crushed on the site, this material is used for foundations, otherwise, this would have to be trucked into the site. He suggested there would be less damage done to the roads by trucks going in and out of the site. He referred to the trails, flood plains, etc. noting that there is no mention of motorized vehicles, and suggested that this should be looked at similar to temporary bridges required in forestry guidelines. He also suggested that members of Advisory Boards should have a balance of people.

David Merrigan

Mr. Merrigan had a concern about senior citizen housing being restricted to R-1 zoning. He suggested that consideration be given to extending the zones. He also asked Council not to make a decision on this issue tonight but rather wait until the new Councillor is appointed. Although the Councillor would not have a vote, he/she would know what the people want and could relay this to Council.

Barry Barnet, MLA

Mr. Barnet said the main issue of concern is the location of temporary quarries, which many of the residents fear may become permanent facilities. The planning strategy has addressed this somewhat by putting in timeframes, including that an operator can only be in one location for 30 days. Another concern is that there is nothing to prevent temporary quarry operators from bringing products in from other locations and crushing it on site.

Referring to other amendments, Mr. Barnet spoke of the amendment to garage sizes included in the plan. The size has been increased from 750 square feet to 1,000 square feet as requested by many residents. In closing, Mr. Barnet asked Council to look at the entire package and consider all its options.

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

MOVED By Councillors Hetherington and Sarto THAT the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Snow said he had 5 quarries and 1 mining operation in his District, and that permanent or mobile operations makes no difference to the noise, stress and to the number of calls. He is very disappointed that 450 meters is being suggested. He stated that the residents want 800 meters and they should have it. He believes even 800 meters is too close, and stated very strongly that there is no such thing as a dustless quarry.

Councillor Rankin thanked all those that spent considerable time working on the AAC and everyone that has presented tonight. Referring to the temporary crushers, he understands from staff that the setback from the Province is 90 meters and would assume that in other areas of HRM, unless identified in the MPS, that it would be 90 meters. Staff are proposing 450 meters which is 5 times the Provincial guidelines. Councillor Rankin said the question had to be answered whether 450 meters is enough, and what are the implications for other areas. Is it fair to impose 800 meters on only one area. Councillor Rankin asked staff to confirm with the Province that the setback is 90 meters.

Councillor Read stated he was disappointed that some of the environmental issues and matters were not included, but were left off for a regional plan. Referring to his previous experience with a crusher operation, he suggested that it would be easier to soundproof and dustproof a permanent installation than a temporary installation. He said 90 meters is not enough, but if Council demands too much separation, would this create a bigger problem. With an 800 meter setback, this would effectively ban temporary crushers. He questioned which would be preferred - a short term crushing operation or trucks going back and forth for weeks at a time.

Ms. Ho responded to the issue of temporary crushers and whether or not outside material can be brought to a site to be crushed and then taken to other sites. She said the AAC had addressed this issue and wording in the plan states that the temporary crusher cannot be used for the production of gravel for another site.

Councillor Mitchell described a personal experience he has had with a quarry located 500

meters from a property he owns. He stated very clearly that 450 meters is not enough, it has to be 800 meters.

Councillor Hetherington suggested copies of any changes should be made available to others, not only to the two Associations listed.

MOVED By Councillor Rankin and Deputy Mayor Uteck THAT this issue be referred back to staff requesting a report for the November 16 Council meeting. MOTION PUT AND DEFEATED.

MOVED By Councillors Hetherington and Walker THAT this issue be referred back to staff requesting a report as soon as possible. MOTION PUT AND PASSED.

10. CORRESPONDENCE, PETITIONS

10.1 Councillor Greenough - Re Halloween

Councillor Greenough submitted a petition on behalf of approximately 160 residents of HRM asking that Halloween be moved from Sunday (October 31) to Saturday (October 30) and to continue this practice each year that Halloween falls on a Sunday. It was pointed out that the Jewish Sabbath is Saturday, and the Muslim is Friday. If HRM was legally able to change this date that it would interfere with their Sabbath.

MOVED BY Councillor Greenough THAT the petition be referred to legal staff to determine HRM's jurisdiction in this regard. There was no seconder, motion was lost.

It was agreed to receive and file the petition.

10.2 Councillor Fougere - Re Traffic Lights at Connaught Avenue and Jubilee Road

Councillor Fougere submitted a petition of an additional 300 names to the ongoing petition calling for the removal of the traffic lights at Connaught Avenue and Jubilee Road. This brought the total number of signatures to 1,300. The petition described an unsafe situation that has been set up by the installation of these lights. The petition will be referred to staff.

10.3 Councillor Read - Re a Path for Students attending Fleming Tower School

Councillor Read submitted a petition requesting a path for students attending Fleming Tower School. The students must cross a field owned by HRM to get to the school. There

is no path across the field, and winter conditions make the icy journey very dangerous. The petition will be referred to staff.

11. REPORTS

11.1 MEMBERS OF COUNCIL

11.1.1 Councillor Schofield - Dog By-Law

Referring to the Dog By-law, which he believes is a good by-law, Councillor Schofield expressed concern that it was not being enforced. He said he understood that there are staff problems, but stressed the importance of improving this situation, pointing out that calling the SPCA is not working. Mr. Peter James, Regional Coordinator, By-Law Enforcement, responded that when the contract was awarded to the SPCA on April 27, he was directed to come back to Council with a recommendation vis a vis the continuation of the contract with the SPCA. This review is ongoing, and a report will be coming back to Council.

Mr. James stated that there have been numerous incidents with respect to the enforcement of D-100 by the SPCA, and he has scheduled monthly meetings with them. He is meeting with the Animal Control Officers on October 6th to review the By-law and to give a very clear direction as to the expectation of Council and HRM staff on the enforcement of the By-law.

Councillor Blumenthal referred to a meeting he had with a number of seniors in the north end of Halifax who have expressed their concern about walking in an area where there are dogs. He is supporting Councillor Schofield's request to have the Dog By-law enforced.

In response to a question from Councillor Adams on the length of time left on the contract with the SPCA, Mr. James said it can be cancelled with 7 days notice. Councillor Adams said he is not suggesting cancelling the contract, but this is another case where a contract that previously was between two companies is now being done by one. He suggested that the amount of responsibility is too much for one company, and consideration should be given to having this done by two companies when the contract is renewed. He noted how well this worked when it was separate municipalities. Councillor Adams said he had also raised some concerns with Mr. James asking that the complaints be dealt with in a timely manner.

Councillor McInroy spoke on the problems being experienced in his District with dogs incessantly barking, day and night, sometimes for 4 hours or more. He has contacted the SPCA and had either no response or was questioned on how the Councillor wanted the

SPCA to handle the problem. Councillor McInroy felt the SPCA should know what had to be done. The Councillor said he also had a great concern with other areas of by-law enforcement, including unsightly premises, and stressed that HRM has some major difficulties, and they have to be addressed. He stated that there are situations that continue repeatedly year after year with the same staff dealing with the same situations that do not get resolved. Councillor McInroy suggested that it may be at the point where privatization may be needed, or contracts not renewed to get the results that are needed.

Councillor Greenough said he has also received many complaints about dogs barking day and night. He suggested this could also be addressed under the Noise By-law. He acknowledged that staff have tried to solve these problems, but have not been too successful. He agreed that other measures may be necessary to solve the problem.

Councillor Fougere said the calls she has had relate to confusion on what is meant by effective control of the off-leash dog. Mr. James reported that last week was *Park Awareness Week* and one component of that was looking at the enforcement of by-laws in the Park, including the Dog By-law. He said Point Pleasant Park is the only HRM Park that is a lease optional park, conditional to the dog being under the continuous and effective control of the owner at all times. The debate now is what does *continue and effective control* mean. For example, when does a dog become one that is running at large as opposed to one that is under continuous and effective control. These types of decisions have to be made by the Enforcement Control Officer on site.

Councillor Downey asked how many people have been charged under the By-Law. Mr. James was unable to respond but would provide this information to Councillor Downey. The Councillor asked staff to write a letter to the Minister of Housing asking for an update on the status of a regulation that existed previously where dogs were not allowed in public housing.

Councillor Read said the only way to ensure that a dog is under effective control is to have the dog on a leash.

As stated earlier in the meeting, Mr. James is preparing a staff report to bring back to Council addressing many of the concerns expressed previously and this evening.

11.1.2 Councillor Sarto:

(i) Traffic Concerns - Main St/Woodlawn Rd/Caledonia Rd.

Councillor Sarto read correspondence from employees at the Akerley Campus, Nova Scotia Community College in Dartmouth dealing with the issue of the turning left lane and

light off of Main Street heading West onto Woodlawn Road. Details of the problem and suggestions on how to solve it were included in the correspondence. The report was tabled and will be sent to staff.

(ii) Crosswalk - Mount Edward Road at Ridgecrest Drive

Councillor Sarto requested a staff report on a possible pedestrian crosswalk on Mount Edward Road at Ridgecrest Drive.

11.2 MARINE DRIVE, VALLEY & CANAL PLANNING ADVISORY COMMITTEE

11.2.1 Case 00040: Application by Neil and Margaret Williams to rezone property at 38 Roblea Drive in Porters Lake from RA (Residential A) Zone to RE (Rural Enterprise) Zone

- A report, dated September 27, 1999, from Keith Boutilier, Chair, Marine Drive, Valley & Canal Planning Advisory Committee, regarding the above, was before Council for consideration, recommending *that Regional Council pursue Alternative 3 outlined in the staff report dated September 9, 1999, to introduce policy to consider oversized accessory buildings by development agreement or to introduce a site specific policy for the Williams' property. Either of these options would require a formal amendment to the Municipal Planning Strategy for Planning Districts 8 & 9 and approval by Regional Council.*
- A staff report, dated September 9, 1999, prepared for Donna Davis-Lohnes, General Manager, Planning Services, regarding the above, was before Council for consideration, *recommending that Halifax Regional Council not approve the application by Neil and Margaret Williams to rezone property at 38 Roblea Drive in Porters Lake from RA (Residential A) Zone to RE (Rural Enterprise) Zone for the reasons outlined in the staff report.*
- A petition containing 11 names was before Council opposing the rezoning application. Individual letters were also before Council that were received from some of the residents who signed the petition - Linda Nichols, John Young and Peggi MacKenzie-Young, E. Sullivan, W. Stewart, Debora Walker-Goldsmith and K. Cantwell. A request was made asking Council to defer this issue until after the election in October.

Mr. Jim Donovan, Coordinator, Planning Services, reported that the applicants applied for an amendment to the Land Use By-law to rezone their property, to allow for an accessory building that was constructed in violation of the Land Use By-Law and without any permits.

The applicants applied for this amendment after prosecution efforts commenced.

Mr. Donovan stated that the Planning Advisory Committee tried to accommodate the applicants because there was very little representation voicing any concerns. Consequently, the Advisory Committee recommended to Council that it pursue introducing a policy to consider oversized accessory buildings by development agreement or to introduce a site specific policy for the Williams' property. This was one of the alternatives listed in the staff report dated September 9, 1999. But, Mr. Donovan said it is staff's recommendation that Council not approve the application to rezone the property, and that the prosecution proceedings continue.

Councillor Kelly said Council should not reward illegal construction, and should make it very clear that this is not acceptable.

MOVED By Councillors Kelly and Hetherington THAT Halifax Regional Council not approve the application by Neil and Margaret Williams to rezone property at 381 Roblea Drive in Porters Lake from RA (Residential A) Zone to RE (Rural Enterprise) Zone for the reasons outlined in the September 9, 1999 staff report.

Councillor Hetherington agreed with Councillor Kelly suggesting that if Council did approve the Advisory Committee's recommendation or put it forward for Public Hearing, it would appear that Council endorsed what had been done. He did not feel Council had any option except to support staff.

Councillor Cooper asked if any residents attended the meeting when this application came before the Planning Advisory Committee. Mr. Donovan said only the applicant attended the meeting. For clarification, Mr. Donovan said there was a Public Information Meeting on this proposal on June 9th. The normal procedure is to notify property owners within 500 feet of the subject lands that there is going to be a Public Information Meeting on an application and they are invited to listen to a presentation by the applicant and speak in response. A similar notification procedure is not followed with regular meetings of the local Planning Advisory Committee. In this particular instance, the residents did not follow through and attend the Planning Advisory Committee. The only persons who received a copy of the report were the applicants and that is why they were the only ones that showed up at the meeting.

Councillor Cooper responded that he was under the impression that because of the number of residents that attended the Public Information Meeting, they were told they would be advised when this application went before the Planning Advisory Committee. Mr. Donovan said that was not his understanding, and that is not recorded in the Minutes of the Public Information Meeting. Councillor Cooper expressed his concern that there is no

Councillor from that area to argue, for either side, as to how the community may feel about it. He asked if it might be appropriate to defer a decision to give the community an opportunity to speak on this application. Mayor Fitzgerald pointed out that Council had received a petition with 10+ names strongly opposing the rezoning.

MOVED By Councillor Cooper THAT this issue be deferred until a Councillor has been elected for the area, and that there be a further Public Information Meeting so that there can be adequate input.

There was no seconder, the motion was lost.

Councillor Stone stated that Council does have all the information. It is very clear to him that the residents in the area do not want this zoning change. The Councillor pointed out that if Council agrees to a zone amendment in this instance, then it would change it for the whole area, and he does not feel this would be appropriate. He supported staff's recommendation not to approve rezoning of the property.

Councillor Read also supported staff's recommendation. Looking at this issue from a planning point of view, changing the zoning, or what is permitted on this site would be inconsistent with the neighbourhood, and the planning strategy.

Councillor Snow, a member of the PAC, and on the evening of the PAC meeting, he was advised that the residents were informed of the meeting. But, following that meeting he received many, many telephone calls from residents objecting to the Committee's decision, stating that they were not informed of the meeting. The Councillor said at that PAC meeting, the members relied on information that they had received which was that the public had been informed. It is possible there may have been a different decision made by the PAC if they had received all the information now before Council.

MOTION PUT AND PASSED.

11.3 CHIEF ADMINISTRATIVE OFFICER

11.3.1 Tender 99-246 (Modified), Aerotech Water Treatment Plant - Generator Building

- A report, dated September 29, 1999, prepared for George McLellan, Acting Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED BY Councillors Snow and Sarto THAT Council

1. approve the award of Tender No. 99-246 (modified), Aerotech Water Treatment Plant- Generator Buildings to Amber Construction Limited, for materials and services listed at the unit prices quoted for a Total Tender Price of \$86,600.00 and a Total Project Cost of \$99,590.00, with funding authorized as per the Budget Implications section of the September 29, 1999 staff report.
2. approve the appointment of SNC Lavalin for part-time supervision and project management services during construction, for an estimated fee of \$8,800.00 (incl. HST), with funding as outlined in the Budget Implications section of the September 29, 1999 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3.2 Amendment to By-Law P-100 Respecting the Board of Police Commissioners

- A report 'Memorandum of Understanding', dated September 15, 1999, submitted by Hon. Alan Abraham, Chairman, Halifax Regional Board of Police Commissioners, regarding the above, was before Council on September 21, 1999.
- An Information Report 'Staff Complements - RCMP and HRP', dated September 20, 1999, prepared for Dan English, Deputy Chief Administrative Officer, was distributed to Council on September 21, 1999.

MOVED By Councillors Stone and Hetherington THAT Halifax Regional Council give First Reading and set a public hearing date for October 26, 1999 to consider an Amendment to By-Law P-100 Respecting the Board of Police Commissioners.

In response for clarification from Councillor Cooper, Mr. Anstey stated that the Agreement approved previously by Council sets out the working relationship between the RCMP and the Police Board. This By-law extracts those parts of the Agreement that are pertinent to the responsibilities of the Police Commissioners and puts them into by-law form. The Police Act requires that the by-law sets out the Police Board's rules and responsibilities.

The previous document actually dealt with the issue of the RCMP enforcing all penal laws within their jurisdiction. This one does not add or subtract anything from that. Mr. Anstey said under the Memorandum of Agreement the RCMP agreed that they would enforce all municipal by-laws in their area of jurisdiction. This by-law does not deal with that issue.

Councillor Kelly referred to the wording *The municipal council shall only exercise global budget approval and shall only accept.....* in Section 2. (e), and suggested that the word

shall be changed to read *may*.

The Mayor stated that this is First Reading and these issues can be debated and discussed at the Second Reading.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3.3 Winter Parking Ban

MOVED By Councillors Walker and Adams THAT Council defer the presentation of the report on the Winter Parking Ban until October 12, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.4 Case 00174: Billboards - Additional Interim Amendments to the Land Use By-Laws for the former Cities of Dartmouth and Halifax (First Reading)

- A report, dated September 30, 1999, prepared for Ken Meech, Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED By Councillors Blumenthal and Greenough THAT Halifax Regional Council give First Reading and set a public hearing date for OCTOBER 26, 1999 to consider amendments to the Halifax Peninsula Land Use By-Law, as set forth in Attachment 1 of staff report dated September 30, 1999, said hearing to be held jointly with Harbour East Community Council and Chebucto Community Council, where similar amendments will be considered for the By-Laws under their respective jurisdictions. MOTION PUT AND PASSED UNANIMOUSLY.

12. MOTIONS - None

13. ADDED ITEMS

13.1 Information Report from Director of Administrative Services dated October 1, 1999 re Report of Commissioner Under Private Ways Act

There was no discussion on this item.

13.2 Information Report #2 Lot Grading Review Process

This Information Report was brought forward to regular Agenda. Staff responded to

requests from Councillors Cooper and Kelly for clarification on subdivision and individual inspections and certification. In response to a question from Councillor Kelly on whether deposits are required for inspections, staff will respond with a report.

13.3 Appointment of Deputy Mayor

Councillor Schofield asked staff for a report on whether legislation would allow having two Deputy Mayors for HRM, instead of one. The remuneration would be split between the two Councillors appointed. This issue would be referred to legal staff for a report.

14. NOTICES OF MOTIONS - None

15. ADJOURNMENT

Before adjourning the meeting, Councillor Hetherington referred to Information Item No. 3. Correspondence from the Office of the Commissioner of Competition, dated September 29, 1999 re Price of Gasoline and Heating Oil. Councillor Hetherington said this is a response to a letter that was sent to the Commissioner of Competition on gasoline prices on a motion made by Council in August. He read a section of the letter which states that "... the Competition Bureau has announced that it is examining increases in the price of gasoline which took place this July. The Bureau is contacting representatives of the petroleum industry as well as other informed sources in order to collect information about the events leading up to the recent prices increases. Should the Bureau obtain any information of conduct contrary to the Act, you may be assured that appropriate action will be taken." Councillor Hetherington said he would like to thank Mr. Chandler, Deputy Commissioner, for following through on Council's request.

**MOVED by Councillors Adams and Mitchell THAT the meeting adjourn at 9:00 p.m.
MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk