

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL MINUTES JANUARY 30, 2001

PRESENT: Mayor Peter J. Kelly  
Deputy Mayor Jerry Blumenthal  
Councillors: Steve Streach  
Gary Hines  
Ron Cooper  
Harry McInroy  
Brian Warshick  
Condo Sarto  
Bruce Hetherington  
Jim Smith  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Diana Whalen  
Linda Mosher  
Stephen Adams  
Brad Johns  
Robert Harvey  
Len Goucher  
Reg Rankin  
Gary Meade

ABSENT: Councillors: Keith Colwell  
John Cunningham (regrets)

STAFF: Mr. Ken Meech, Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Julia Horncastle, Assistant Municipal Clerk

TABLE OF CONTENTS

1.	INVOCATION .....	04
2.	PROCLAMATIONS	
2.1	African Heritage Month - February 2001 .....	04
3.	APPROVAL OF MINUTES - NONE .....	04
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS .....	04
5.	BUSINESS ARISING OUT OF THE MINUTES .....	04
6.	MOTIONS OF RECONSIDERATION - NONE .....	04
7.	MOTIONS OF RESCISSION - NONE .....	04
8.	CONSIDERATION OF DEFERRED BUSINESS	
8.1	Councillor Sarto - Sign By-Law S-800 .....	05
8.2	Councillor McInroy - Highway 107 By-Pass Accident Jan. 12/2001 .....	05
9.	CORRESPONDENCE, PETITIONS & DELEGATIONS	
9.1	Petitions	
9.1.1	Councillor Cooper - Installation of Traffic Lights .....	06
9.2	Presentations	
9.2.1	Halifax School Replacement - Mr. Byrne Williams .....	06
9.2.2	Halifax-Mexico Community Alliance - Dr. John Kirk .....	06
10.	REPORTS	
10.1	MEMBERS OF COUNCIL	
10.1.1	Deleted	
10.1.2	Councillor Streach - Formation of a New Fire and Safety Commission .....	06
10.1.3	Councillor Rankin:	
i)	HRM Lands to the rear of the Hammonds Plains Fire Department .....	07

HALIFAX REGIONAL MUNICIPALITY  
COUNCIL MINUTES

	ii) Waste Water Charges for Landscaping .....	07
10.1.4	Councillor McInroy - Government Wharf Road -Eastern Passage .....	08
10.1.5	Councillor Hines - DARE Education Program .....	08
10.1.6	Councillor Adams - Private Roads Committee .....	08
10.2	REGIONAL TAXI & LIMOUSINE COMMITTEE	
10.2.1	First Reading By-Law T-115 (Various Amendment to By-Law T-108, the Taxi and Limousine By-Law) .....	08
10.3	CHIEF ADMINISTRATIVE OFFICER	
10.3.1	Tender 00-133 Springfield Lake STP Bar Screen .....	09
10.3.2	Fire Protection Charge - Beaver Bank Road, Phase 3 ....	09
10.3.3	Transfer of Local Improvement Charges and Liens Upon Approved Subdivision of Property .....	10
10.3.4	Graham Creighton Junior High School Community School Enhancement (request for deferral to Feb. 20) ....	10
11.	MOTIONS .....	10
12.	ADDED ITEMS	
12.1	Councillor Walker - Request to move Information Item #4 (Removal of Snow and Ice from Sidewalks) to Regular Agenda .....	10
12.2	Councillor Goucher - Legislative Ability to Deal with Dangerous and Unsightly Premises .....	12
12.3	Councillor Johns - Traffic Study .....	13
12.4	Deputy Mayor Blumenthal - One Call, "One Stop Shopping" - HRM Call Centre .....	13
12.5	Committee of the Whole Recommendation - January 23, 2001 .....	13
12.6	In Camera Recommendation re: Legal Services .....	13
13.	NOTICES OF MOTION .....	14
14.	ADJOURNMENT .....	14



1. **INVOCATION**

The meeting was called to order at 6:00 p.m. with the Invocation.

2. **PROCLAMATIONS**

2.1 **African Heritage Month - February, 2001**

Mayor Kelly proclaimed February, 2001 as African Heritage Month in Halifax Regional Municipality.

3. **APPROVAL OF THE MINUTES - NONE**

4. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

Additions

- 12.1 Councillor Walker - Request to move Information Item #4 (Removal of Snow and Ice from Sidewalks) to Regular Council agenda for discussion
- 12.2 Councillor Goucher - Legislative Ability to Deal with Dangerous and Unsightly Premises
- 12.3 Councillor Johns - Traffic Study
- 12.4 Deputy Mayor Blumenthal - One Call, "One Stop Shopping" - HRM Call Centre
- 12.5 Committee of the Whole Recommendation re: Education Funding - January 23, 2001
- 12.6 Ratification of In Camera Motion re: Legal Services

**MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.**

5. **BUSINESS ARISING OUT OF THE MINUTES**

6. **MOTIONS OF RECONSIDERATION - NONE**

7. **MOTIONS OF RESCISSION - NONE**

**8. CONSIDERATION OF DEFERRED BUSINESS**

**8.1 Councillor Sarto - Sign By-Law S-800**

- Correspondence from the Dartmouth Players groups was submitted for the record in support of an amendment to By-Law S-800, the Sign By-Law.

Councillor Sarto noted that, as a result of the enforcement of By-Law S-800, non-profit community groups are unable to place advertising signage throughout the community. The Councillor advised that, prior to the enforcement of the by-law, permission was given to these community to place small sandwich board advertising signs on various mediums throughout the cities. He noted, with this option no longer available, these groups have had to pay for advertising resulting in higher ticket prices.

**MOVED by Councillor Sarto, seconded by Councillor Warshick, that staff provide a report on whether a by-law amendment would be required in order to give the Chief Administrative Officer or his delegate the authority to authorize community groups to continue the practice of advertising on the various mediums.**

Councillor Mosher spoke on behalf of the Theatre Arts Guild in District 17 noting, the advertising sandwich boards are only up for a short period of time and do not block driving view plains. The Councillor stated these types of organizations should be allowed to promote community events and be exempt from the Sign By-Law.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**8.2 Councillor McInroy - Highway 107 By-Pass Accident Jan. 12/2001**

Councillor McInroy referenced a media communique that was issued by the Halifax Regional Police Service on January 12<sup>th</sup> regarding an accident that occurred on the Highway #107 By-Pass. The Councillor advised the communique stated the accident was within the RCMP jurisdiction and to contact the Cole Harbour Detachment but it did not provide any contact information. The Councillor stated the communique was brief and it did not reflect a high quality of communication and cooperation between the two police services.

**MOVED by Councillor McInroy, seconded by Deputy Mayor Blumenthal, that a report be requested from the Chief of Police with regard to the issues regarding the communique. MOTION PUT AND PASSED UNANIMOUSLY.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1            Petitions**

**9.1.1        Councillor Cooper**

Councillor Cooper submitted a petition on behalf of the resident of Cole Harbour wherein they are requesting traffic lights be installed at the intersection of Perron Drive and Cole Harbour Road due to safety concerns.

**9.2            Presentations**

**9.2.1        Halifax School Replacement - Mr. Byrne Williams**

Mr. Williams, reading from prepared text, addressed Council on the proposal to replace Halifax West High School with a 1500 student High School on the mainland north common in Clayton Park.

**9.2.2        Halifax-Mexico Community Alliance - Dr. John Kirk**

Dr. John Kirk made a presentation to Council on the Halifax-Mexico Community Alliance with Campeche, Mexico outlining some of the initiatives such as the export of goods and the exchange of students both at the high school and university level.

Following the presentation by Dr. Kirk, the following motion was placed.

**MOVED by Councillor Warshick, seconded by Deputy Mayor Blumenthal, that the presentation be forwarded to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.**

Later in the meeting, Councillor Rankin gave Notice of Motion on this item.

**10.           REPORTS**

**10.1        MEMBERS OF COUNCIL**

**10.1.1      Deleted**

**10.1.2      Councillor Streach - Formation of a New Fire and Safety Commission**

Councillor Streach noted there are approximately 1000 volunteer fire fighters in HRM. The

Councillor noted several of the rural fire departments had indicated they would separate from HRM fire services as they felt their ability to protect and serve residents was being compromised with blanket policies and lack of input on policy development. He advised nothing has changed to date and the problems have not been dealt with nor have they gone away.

The Councillor proposed Council enact a new fire and safety commission made up of members of the public and Council similar to the Police Commission or the Fire and Emergency Commission of the former City of Halifax. This committee would hear the concerns of the volunteers, would offer Councillor input on the development of policy relating to fire and safety issues and would offer a forum for the grass roots concerns in the Municipality.

**MOVED by Councillor Streach, seconded by Councillor Hetherington that, a staff report be provided, as soon as possible, providing Terms of Reference and suggestions for the creation of a new Fire and Safety Commission, accountable to Council, similar in structure to the Regional Police Commission, made up of members of the public and Council.**

Mr. Meech clarified that in sending this to staff there was an acceptance that if staff finds the suggested solution as not being the best direction in which to go, staff will provide alternatives and options.

Councillor Goucher spoke in support of the motion noting, the volunteer component in Bedford saves approximately \$1 million in taxes. He stated it is important that the volunteer component be recognized as it is decreasing.

Councillor Hines spoke in support of the motion.

Councillor Hetherington stated there are such things as safety issues that could be addressed by such a committee. He noted there are not only issues with the volunteer departments but also with the regular departments and fire stations. The Councillor stated it could be a forum for staff to address issues prior to them coming to Council.

Councillor Johns noted there is a requirement for a mediation process which is not currently taking place.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.3(i) Councillor Rankin - HRM Lands to the Rear of the Hammonds Plains Fire Department**



**MOVED by Councillor Rankin, seconded by Councillor Streach, that a staff report be requested on the possibility of declaring the land behind the Hammonds Plains Fire Department surplus. Further, if these lands are declared surplus, staff consider selling the property, for market value, back to the previous owner. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.3(ii) Councillor Rankin - Waste Water Charges for Landscaping**

Councillor Rankin advising this item was with regards to the waste water charge being placed on water bills for industries involved in landscaping. The Councillor advised these industries find this inequitable and unfair as the water used is not going to be discharged into the sewer system.

**MOVED by Councillor Rankin, seconded by Councillor Streach, that a staff report be requested on the possibility of amending By-Law S-100 Respecting Sewer Charges, to exempt from Environmental Protection and Waste Water Charges all water discharged to a municipal sewer from such sources as agricultural use, landscaping and where flow separation and/or metering can be achieved. MOTION PUT AND PASSED.**

**10.1.4 Councillor McInroy - Government Wharf Road - Eastern Passage**

**MOVED by Councillor McInroy, seconded by Councillor Hines, that a staff report be requested identifying ownership associated with the Government Wharf Road in Eastern Passage and, to recommend some process that would lead towards an ongoing maintenance of this road which would include basic repair and snow and ice control. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.5 Councillor Hines - DARE Education Program**

**MOVED by Councillor Hines, seconded by Councillor Sloane, that the DARE Education Program be referred to the Board of Police Commissioners for a report and the possibility of implementing same in HRM schools.**

Councillor Whalen suggested the Halifax Regional School Board be advised of the interest in the program.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.6 Councillor Adams - Private Roads Committee**

**MOVED by Councillor Adams, seconded by Councillor Goucher, that the Private Roads Committee be activated. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2 REGIONAL TAXI AND LIMOUSINE COMMITTEE**

**10.2.1 First Reading By-Law T-115 (Various Amendments to By-Law T-108, the Taxi and Limousine By-Law)**

- Correspondence from Paul D. Connors, Chair , Advisory Committee on Persons with Disabilities, dated January 24, 2001, was before Council.
- Correspondence from Mary Newcombe, Chair, Access-A-Bus Advisory Committee, dated January 17, 2001, was before Council.
- Report from Councillor Stephen Adams, Chair, Taxi and Limousine Committee, dated January 16, 2001, on the above noted, was before Council.

**MOVED by Councillor Adams, seconded by Councillor Cooper, that first reading be given to By-Law T-115 (Various Amendments to By-Law T-108, the Taxi and Limousine By-Law). MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3 CHIEF ADMINISTRATIVE OFFICER**

**10.3.1 Tender 00-133 Springfield Lake STP Bar Screen**

- A report prepared for Mr. K.R. Meech, Chief Administrative Officer, dated January 19, 2001, on the above noted, was before Council.

**MOVED by Councillor Johns, seconded by Councillor Hetherington, that Halifax Regional Council:**

- 1) increase the amount of the Approved Capital budget for Project CGR00779, Springfield Lake Bar Screen from \$60,000 to \$131,850 to provide for the full amount of the tender award recommendation.**
- 2) approve a resolution to withdraw an amount not to exceed \$71,850 from the Wastewater Treatment Plants Infrastructure Replacement Reserve (Q-122)**
- 3) award Tender No. 00-133, Springfield Lake Bar Screen to Northstar Construction for the supply and installation of an automated bar screen unit quoted for a Tender Price of \$107,869 and approve the total Project cost of \$124,050 which includes a 15% contingency allowance.**

In response to Councillor Uteck, Mr. Alan Brady, Manager, Waste Water Treatment, advised this project was approved in the 2000/01 budget and, the funds are being accessed from a separate reserve that is set up to be used specifically for existing wastewater treatment plants.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3.2      Fire Protection Charge - Beaver Bank Road, Phase 3**

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated November 30, 2000, on the above noted, was before Council.

**MOVED by Councillor Johns, seconded by Councillor Adams, that Council approve payment of the fire protection charge for the Beaver Bank Road sewer and water project, Phase 3, in the amount of \$239,832 with funding to be provided by the Capital Surplus Reserve (Acct #Q103). MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3.3      Transfer of Local Improvement Charges and Liens Upon Approved Subdivision of Property**

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated January 22, 2001, on the above noted, was before Council.

**MOVED by Councillor McInroy, seconded by Councillor Cooper, that:**

- 1) Halifax Regional Council confirm, in principle, the practice of allowing local improvement liens and charges to be allocated to all lots created by the approved subdivision of lands, pending amendment to By-Law S-400;
- 2) the maximum amount of such allocation not exceed 80% of the current market value of the lots so created;
- 3) that market value of lots so created must be confirmed either by the Director of Assessment or an accredited real estate appraiser with the higher value taken should two be submitted.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3.4      Graham Creighton Junior High School Community School Enhancement (request for deferral to February 20<sup>th</sup>)**

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated January 25, 2001, on the above noted, was before Council.

**MOVED by Councillor Cooper, seconded by Councillor Warshick that a three week extension to the February 20, 2001 Council Session be granted. MOTION PUT AND PASSED UNANIMOUSLY.**

**11. MOTIONS - NONE**

**12. ADDED ITEMS**

**12.1 Councillor Walker - Request to move Information Item #4 (Removal of Snow and Ice from Sidewalks) to Regular Council agenda for discussion**

**MOVED by Councillor Walker, seconded by Councillor Adams, that a staff report be requested on the following regarding By-Law S-300, Respecting Streets:**

- 1) The six hours allowed for removal of snow and ice from sidewalks following a snow storm be increased to twelve (12) hours;**
- 2) who is responsible for the pathway leading from a sidewalk abutting a property to a roadway (the By-Law does not spell out where the roadway ends);**
- 3) sidewalks that abuts any of the side properties (staff to examine sidewalks that appear in the rear yards which are not at the civic address or to the side);**

Referencing recommendation #2, Councillor Walker asked how much of the sidewalk is to be done by the homeowner. Does the roadway mean at the curb. If the snow plow has left three feet of snow at the curb and the cleared roadway, who is responsible for cleaning of that snow, the homeowner or HRM. He noted he has residents who have sidewalks in their back yards but have no access to these sidewalks. He requested that these property owners be exempt and for HRM to be responsible for these sidewalk noting, in some cases the homeowner has to walk a block to get to them.

Councillor Adams noted, after residents clean their sidewalks, the plow comes by and fills it in leaving huge chunks of ice which are difficult to move.

**MOVED by Councillor Adams, seconded by Councillor Walker, that staff also examine**

**those occurrences of the plow passing and leaving large chunks of ice in front of a driveway. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Mosher noted that sidewalks in a new subdivision are on one side of the street even though property owners on both sides pay for the sidewalk. The Councillor stated that clearing and liability issues apply only to the abutting property owner. The Councillor also asked who would be responsible for clearing those subdivisions that have lots with no residents.

Deputy Mayor Blumenthal noted that disabled persons are not able to use the sidewalks because the corner cuts are not cleared.

**MOVED by Councillor Whalen, seconded by Councillor Walker that staff look at bus routes or four lane roads for exemption from the sidewalk rules for property owners. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Whalen expressed concern with the strict standards that are being applied and suggested they be reviewed.

Councillor Cooper noted that traffic islands need to be cleaned as a priority as there is a danger to persons climbing down into the street. He requested staff consider this as a priority during the sidewalk clearing process. The Councillor requested By-Law Enforcement examine the possibility of issuing tickets to businesses that hire snow plows that leave snow across the sidewalks.

The motion as amended:

**MOVED by Councillor Walker, seconded by Councillor Adams, that a staff report be requested on the following regarding By-Law S-300, Respecting Streets:**

- 1) The six hours allowed for removal of snow and ice from sidewalks following a snow storm be increased to twelve (12) hours;**
- 2) who is responsible for the pathway leading from a sidewalk abutting a property to a roadway (the By-Law does not spell out where the roadway ends);**
- 3) sidewalks that abuts any of the side properties (staff to examine sidewalks that appear in the rear yards which are not at the civic address or to the side)**

- 4) staff also examine those occurrences of the plow passing and leaving large chunks of ice in front of a driveway;
- 5) staff look at bus routes or four lane roads for exemption from the sidewalk rules for property owners.

**MOTION, AS AMENDED, PUT AND PASSED.**

**12.2            Councillor Goucher - Legislative Ability to Deal with Dangerous and Unsightly Premises**

**MOVED by Councillor Goucher, seconded by Councillor Cooper, that legal staff request the Province to amend Part XV of the Municipal Government Act respecting Dangerous and Unsightly Premises to include the enforcement for those lots under construction or awaiting construction.**

Mayor Kelly advised the motion would require a notice of motion; therefore, without a vote being taken on the motion on the floor, the following motion was placed.

**MOVED by Councillor Goucher, seconded by Councillor Cooper, that the rules be suspended and the motion be allowed. MOTION PUT AND PASSED.**

Councillor Uteck suggested fines for by-law infractions also be examined.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.3            Councillor Johns - Traffic Study**

**MOVED by Councillor Johns, seconded by Councillor Mosher, that staff undertake a traffic study at the intersection of Jubilee, Sackville Drive and the Old Beaver Bank Crossroads.**

Councillor Johns advised the residents would like to have the report prior to April 15<sup>th</sup> and the study to be for at least a two week period.

**MOTION PUT AND PASSED.**

**12.4            Deputy Mayor Blumenthal - One Call, "One Stop Shopping" - HRM Call Centre**

**MOVED** by Deputy Mayor Blumenthal, seconded by Councillor Hetherington, that staff provide a report on the provision of additional staff for the HRM call centre in the event of a snow storm. **MOTION PUT AND PASSED UNANIMOUSLY.**

**12.5**            **Committee of the Whole Recommendation re: Education Funding - January 23, 2001**

**MOVED** by Councillor Rankin, seconded by Deputy Mayor Blumenthal, that:

**Whereas, previous governments committed to an Education Funding Formula of 90% Provincial and 10% Municipal;**

**Be it therefore resolved, that the Municipal Education Funding for fiscal 2001-2002 be calculated on the basis of that formula (90% Provincial, 10% Municipal)**

**MOTION PUT AND PASSED UNANIMOUSLY**

**12.6**            **In Camera Ratification re: Legal Services**

**CONFLICT OF INTEREST**

Councillor McInroy declared a conflict of interest as his brother is employed by one of the recommended firms.

**MOVED** by Deputy Mayor Blumenthal, seconded by Councillor Adams that, the law firms of Cox Hanson O'Reilly Matheson Huestis Ritch; and Patterson Palmer Hunt Murphy be retained for general legal service, that Russell Piggott Jones be retained for real estate services and Beverage Lambert & Duncan be retained for police work. **MOTION PUT AND PASSED. (Mayor Kelly voted against the motion)**

**13.**            **NOTICES OF MOTION**

**13.1**            **Councillor Rankin**

**“That Council reaffirm its support and continuance of the Halifax-Mexico Alliance and accept their proposed membership”**

**14.**            **ADJOURNMENT**

**MOVED** by Councillor Hetherington, seconded by Councillor Meade, that the meeting

**be adjourned at 7:50 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

**Vi Carmichael  
Municipal Clerk**