

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL MINUTES April 2, 2002**

**PRESENT:**

Mayor Peter J. Kelly  
Deputy Mayor Robert P. Harvey  
Councillors: Stephen Streach  
Gary Hines  
Keith Colwell  
Ron Cooper  
Harry McInroy  
Brian Warshick  
Condo Sarto  
Bruce Hetherington  
Jim Smith  
John Cunningham  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Diana Whalen  
Linda Mosher  
Stephen D. Adams  
Brad Johns  
Len Goucher  
Gary Meade

**ABSENT:**

Councillors: Jerry Blumenthal (Regrets)  
Reg Rankin

**STAFF MEMBERS:**

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

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1. **INVOCATION**

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Mosher.

2. **PROCLAMATIONS - NONE**

**Acknowledgements**

On a Point of Personal Privilege, Councillor Adams spoke in support of the community of Herring Cove and the surrounding area. The Councillor stated the community has recently been the focus of some unfair media coverage due to one unfortunate event and two allegations. Councillor Adams noted the community has held many events to help the less fortunate members of the community and suggested the media should give credit where it is due when examining events in particular communities. The Councillor saluted the community's efforts and stated he is proud of what they have done.

Councillor Whalen acknowledged the presence in the gallery of Ms. Mary Ann McGrath, MLA, Halifax - Bedford Basin.

Later in the meeting, Councillor Sloane expressed thanks to those that attended the recent benefit held for Kevin McMichael, a musician of HRM who is ill with brain cancer.

Councillor Hines congratulated Jill Robertson, Fall River Village, for being chosen Atlantic Canada's most valuable hockey mom.

Councillor Colwell acknowledge the presence in the gallery, and introduced the members, of the 1<sup>st</sup> Porter's Lake Girl Guides.

3. **APPROVAL OF MINUTES - NONE**

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

The following items were added to the agenda:

- 12.1 Board and Committee Appointments
- 12.2 Councillor Adams - Independent Review - Herring Cove Fire Department
- 12.3 Legal Matter - Shubie Campground

**MOVED by Councillor Hetherington, seconded by Councillor Goucher, that the Order of Business and Additions and Deletions be approved. 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 - NONE**
9. **CORRESPONDENCE, PETITIONS & DELEGATIONS**

9.1 **Petitions**

There were no petitions served at this meeting.

10. **REPORTS**

10.1 **HERITAGE ADVISORY COMMITTEE**

10.1.1 **Heritage Case H00070 - Proposed Addition to 5133 Morris Street, Halifax**

i) **Report from Heritage Advisory Committee**

- C A report from the Heritage Advisory Committee regarding the above, was before Council for its consideration. The report recommended that Council **not approve** the proposed addition.

ii) **Report from Planning and Development Services**

- C A staff report prepared for Paul Dunphy, Director, Planning and Development Services, regarding the above, was before Council for its consideration. The report recommended that Council approve: 1) the addition to 5133 Morris Street, as proposed in the staff report dated October 16, 2001; and, 2) the encroachment for the proposed addition to 5133 Morris Street, as proposed in the report dated October 16, 2001, as per Section 4 of By-Law E-200.

Mr. Kevin Barrett, Planner, presented the staff report to Council.

Responding to a question of Councillor Uteck, Mr. Barrett stated the street has been raised and the original height of this location would have been lower.

In response to questions of Councillor Sloane, Mr. Victor Syperek, the applicant, stated the chamber in the wall goes back almost four feet under the sidewalk, and it is exactly the same as the back door of the house. Mr. Syperek noted when the chamber was excavated, the remains of an old set of wooden steps and a door frame were found. He

stated he wants to restore an old feature of the house which would make the street scape more interesting.

Responding to a further question of Councillor Sloane, Mr. Barrett stated the distance from the front facade of the building to the curb is approximately 10 feet 4 inches. He noted the encroachment component has been reviewed by staff and it meets the municipal standards and Building Code requirements.

**MOVED by Councillor Sloane, seconded by Councillor Uteck, that Council approve:**

- 1) the addition to 5133 Morris Street, as proposed in the staff report dated October 16, 2001; and,**
- 2) the encroachment for the proposed addition to 5133 Morris Street, as proposed in the staff report dated October 16, 2001, as per Section 4 of By-Law E-200.**

Speaking against the motion, Councillor Meade stated the Heritage Advisory Committee believed that the opening was a coal chute and not a front entrance to the building. The Councillor noted that service entrances were normally located at the rear of buildings. Councillor Meade inquired when the street was raised. In response, Mr. Barrett stated he did not know the exact date. Councillor Meade stated he could not locate any proof that the street was, in fact, raised.

Responding to a question of Councillor Streach, Councillor Uteck stated Mr. Allan MacLellan, Chair, Heritage Advisory Committee, would like to explain the Committee's position on this matter. Council agreed to the request.

Mr. MacLellan addressed Council noting the Committee was divided on this issue. He stated the Committee is aware of Mr. Syperek's good work in the municipality. However, based on the information it had, it was the majority opinion of the Committee that the opening was a coal chute. Mr. MacLellan noted it may have been retrofitted at one point beyond its original construction date to add a stairwell, but there was little documentation to support that. Although the Committee applauded Mr. Syperek's efforts in the restoration of the building as a whole, it could not recommend approval of the stairwell due to the lack of substantiation.

Mr. Barrett clarified the process for applications for alterations to heritage properties, noting if the Committee does not recommend approval of a Level Three Design Review, which is the case in this instance, the application may be forwarded to Regional Council for review.

Councillor Uteck noted there were different views of opinion on the Heritage Advisory Committee, and it was her opinion that the opening was not a coal chute. Councillor Uteck stated Mr. Syperek is taking what she hopes will be the first of a series of fix-ups on these row houses. Councillor Uteck further stated that she is a heritage realist and whether or not this was a coal chute or doorway, more importantly, she supports the restoration of this heritage property.

Speaking in support of the motion, Councillor Colwell stated it is his opinion that the opening was a doorway as coal chutes were typically at an angle. Responding to a question of the Councillor, Mr. Barrett stated staff visited the site before the photographs were taken and, at that time, there was a set of steps inside which were removed during the applicant's restoration efforts.

Deputy Mayor Harvey noted the Committee previously approved major alterations to heritage buildings, such as a third floor with a new roof line, without having substantial proof that it was an original feature of the building. The Deputy Mayor stated this proposed door is a much smaller alteration and, therefore, he would be inclined to approve it.

Speaking in support of the motion, Councillor Cunningham stated it cannot be proven that the opening was not a door. The Councillor noted the proposed alteration would be an improvement to the building. Councillor Cunningham further noted that the Heritage Advisory Committee recommendation was not unanimous.

Also speaking in favour of the motion, Councillor Mosher noted there is evidence of a door frame and wooden steps. The Councillor stated this planned restoration will further enhance the community and Council should support it.

Responding to a question of Councillor Smith, Mr. Barrett stated Council would also be approving the railing and the staff report indicates the material that would be used. The proposal was reviewed by staff, in terms of the encroachment, and it meets the Building Code requirements, and staff believe it is a feature that would be reasonable for a building of that era. Although he had concerns with the railing, Councillor Smith stated he would support the motion.

Speaking in favour of the motion, Councillor Sarto stated the proposal is a vast improvement to the street scape of Morris Street. With regards to the railing, Mr. Barrett stated the purpose of it is to enclose the stairs to provide pedestrian safety.

Councillor Meade stated he still believed the opening was a coal chute, and noted that eight coal chutes on Barrington Street were closed off in 1979 which were similar in appearance to this opening. In response to a question of the Councillor, Mr. Barrett stated the stairwell would come out approximately 36 inches and the railing itself would probably take up a maximum of one foot.

In response to a question of Councillor Streach, Mr. Barrett stated encroachments into the street right-of-way have to be approved by Regional Council. Responding to a further question of the Councillor, Mr. Barrett stated the main benefit of registration is to have the property recognized and to promote heritage.

Closing the debate, Councillor Sloane stated the proposed design is beautiful and efforts to restore historic properties in the downtown area should be commended.

**MOTION PUT AND PASSED.**

**10.2 CHIEF ADMINISTRATIVE OFFICER**

**10.2.1 Tender 01-355 Mid-Life Refit, Dartmouth III (Halifax-Dartmouth Ferry**

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

**MOVED by Councillor Cunningham, seconded by Councillor Sarto, that:**

- 1. Halifax Regional Council approve an increase to Capital Account No. CVD00054, Mid-Life Refit (Dartmouth III) in the amount of \$150,461.88 with funding to be provided by a transfer from CRESPOOL.**
- 2. Halifax Regional Council authorize the award of Tender #01-355 to Shelburne Ship Repair (STENPRO) at a cost of \$1,248,077.98 plus a 5% contingency for a total of \$1,310,481.88 with funding from Capital Account CVD00054, Mid-Life Refit (Dartmouth III) as outlined in the Budget Implications Section of the staff report dated 26 March 2002). All prices include the non-refundable portion of the HST. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2.2 Tender 02-213 Sidewalk Renewals - Western Region**

C A staff report prepared for George McLellan, Chief Administrative Officer, regarding the above, was before Council for its consideration.

**MOVED by Councillor Uteck, seconded by Councillor Fougere, that Council award Tender No. 01-213 Sidewalk Renewals - Western Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$114,200.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$133,697.00 from Capital Account CKU00141, Sidewalk Renewals, with funding authorized as per the Budget Implications Section of the staff report dated March 27, 2002. MOTION PUT AND PASSED UNANIMOUSLY.**



**10.2.3 Tender #60100636 - Joint Tender with Province of NS for Traffic Paint**

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

**MOVED by Councillor Uteck, seconded by Councillor Fougere, that Council award Tender #60100636 for traffic paint to Laurentide Atlantic Ltd. for a tender price of \$68,844.80, plus net HST, for a Total Project Cost of \$73,270.83 from Account Number R748 6517 as per the Budget Implications Section of the staff report dated March 27, 2002.**

Responding to a question of Councillor Hetherington, Mr. Phill Cochrane, Manager, Streets and Roads, stated the tender is just for the paint for the painting of traffic lines that HRM does in-house on HRM roads in the service core area. In response to an additional question of the Councillor, Mr. Cochrane stated all the edge and centre line markings are done in-house and a portion of the pavement markings are done in-house. Councillor Hetherington requested a staff report regarding line painting to explain what work is done by HRM staff and how much work is being contracted.

In response to a question of Councillor Streach, Mr. Cochrane explained in this joint tender HRM Procurement will work with the Province to obtain its paint in the same tender so savings are achieved through the bulk purchase. Councillor Streach stated he would like to have some guidance and clarity regarding the relationship between HRM and the Province of Nova Scotia on various issues regarding transportation. Mayor Kelly suggested the Councillor meet with the Mayor and the Chief Administrative Officer, or other staff, to discuss this further.

Mayor Kelly noted there have been a number of complaints in the past when street lines have been painted and cars have been permitted to drive over them before the paint has dried. The Mayor inquired if there were penalty clauses in external contracts or for staff to go back and rectify the situation. In response, Mr. Cochrane stated the paint that is used for the traffic lines is heated and is expected to dry within 30-60 seconds. However, he noted there are occasions when traffic ignores the follow-up vehicle and go around it creating the problem. Mr. Cochrane stated re-painting can take place if necessary. With regarding to pavement markings (crosswalks, arrows, etc.), he stated they are supposed to be coned off until the paint is actually dry. Mayor Kelly suggested that more focus could be placed on doing the work in the best manner possible when it is being conducted.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2.4 Case 00385 Proposed Amendments to the Fairview**

- C** A staff report prepared for George McLellan, Chief Administrative Officer, regarding the above, was before Council for its consideration.

**MOVED by Councillor Walker, seconded by Councillor Mosher, that Halifax Regional Council:**

- 1. Instruct staff to initiate a process to:**
  - (a) amend the Fairview Secondary Planning Strategy and Mainland Land Use By-Law to allow recycling (Enviro) depots in minor commercial areas;**
  - (b) redesignate the western portion of lot B-B Civic No. 5 Rosedale Avenue, from Low Density Residential to Minor Commercial;**
- 2. Request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997. MOTION PUT AND PASSED UNANIMOUSLY.**

**11. MOTIONS**

**12. ADDED ITEMS**

**12.1 Board and Committee Appointments**

- C** A report from the Membership Selection Committee regarding the above was before Council for its consideration.

**MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that:**

- 1. Peter Doig's term on the Halifax Regional Library Board be extended to November 2002.**
- 2. Peter James be appointed to the Fences Arbitration Committee for a two year term to April 2004.**
- 3. The long serving citizen re-appointments to the Metropolitan Regional Housing Authority previously nominated by Council on December 11, 2001, be withdrawn, with replacements to be recommended to Council in the fall of 2002, when Council considers citizen nominations to external boards and committees and the time frame of those nominees. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2 Councillor Adams - Independent Review - Herring Cove Fire Department Events of February 26, 2002**

As a result of the events of February 26, 2002, Councillor Adams put forth the following motion:

**MOVED by Councillor Adams, seconded by Councillor Goucher, that the CAO appoint an independent external body to review the events of February 26, 2002, involving the Herring Cove and District Volunteer Fire Department. This review will examine all pertinent events leading up, including and following, February 26/02. Urgent consideration will be given to the Chief, Deputy Chief and the Captain with 20 years as a volunteer firefighter, and their status as rendered on February 26, 2002. The terms of reference are to be approved by Mayor Kelly and Councillor Adams and are to be prepared within 10 days.**

Mr. George McLellan, Chief Administrative Officer, clarified that a staff report would be required first indicating budget implications. He stated that it was his intent that this be brought forward next week so staff can still work within the time frames specified by Councillor Adams.

Councillor Streach stated many volunteers in his area have indicated to him that they were not pleased with this situation and wanted some resolution. The Councillor questioned if this was the proper way to proceed. In response, Mr. McLellan stated there are a number of matters involved in this issue, and it has to be addressed very carefully. He noted a number of events occurred that led to the action of February 26, 2002, and in some cases, they have been obscured by the manner in which they occurred. Mr. McLellan further noted that there are a number of information items required in order to deal with it. He also noted that it is his understanding of the Administrative Order that the Chief has sole authority in some of these matters, and in conducting this review, it will be done with the Chief's consent. Councillor Streach stated he could support the motion as long as the terms of reference are clear that it is site specific and it is not to deal with any other broader issues.

Councillor Hetherington stated Council should receive more information outlining the events before making a decision to conduct an independent study. In response, Mr. McLellan stated this would be possible, but noted he would like to discuss it with the Municipal Solicitor to see if it should be done In Camera, given the fact that some of the issues are still live in terms of litigation.

Councillor Adams stated the independent review would be one way for Council to receive all the facts in an unbiased manner whereby everyone is heard.

Mr. McLellan stated it would be staff's understanding that a report outlining much of the background and logistics with regard to this issue would be provided before this issue can be referred back to an independent study specific to that district.

Councillor Streach stated he believes this action will send a message from Council indicating that it is concerned about the community and the reputation of the volunteer service.

Closing the debate, Councillor Adams stated Chief Eddy also supports this process.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.3 Legal Matter - Shubie Campground**

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

**MOVED by Councillor Warshick, seconded by Councillor Sarto, that the Shubie Campground operations continue for another year under the existing terms as set out in the March 19, 2002 Private and Confidential Staff report and that Halifax Regional Municipality initiate a call for an Expression of Interest for the management of the facility as a campground in future years; and further that the contents of the March 19, 2002 confidential staff report not be released. MOTION PUT AND PASSED.**

**13. NOTICES OF MOTION - NONE**

**14. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:05 p.m.

Vi Carmichael  
Municipal Clerk