

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES December 2, 2003

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Steve Streach
Councillors: Krista Snow
David Hendsbee
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Jim Smith
John Cunningham
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Len Goucher
Robert Harvey
Reg Rankin
Gary Meade

ABSENT

WITH REGRETS:

Councillor Bruce Hetherington

STAFF:

Mr. Dan English, Deputy Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Acting Municipal Clerk
Ms. Sherryll Murphy, Legislative Assistant

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1. INVOCATION

The meeting was called to order at 6:00 p.m. with Councillor Rankin leading the invocation.

1A. SPECIAL PRESENTATION - HALIFAX METRO CENTRE - SCOT FERGUSON

Scot Ferguson, Metro Centre, on behalf of the Board of the Trade Center Limited, Mr. Fred MacGillivray and staff, presented a cheque to the Halifax Regional Municipality in the amount of \$300,000. In his comments, Mr. Ferguson noted that the Trade Centre has enjoyed success over the last number of years and consequently were in a position to turn money back to HRM this year.

Mayor Kelly thanked Mr. Ferguson and the Trade Centre noting that HRM was very appreciative of these funds and looked forward to future returns on the taxpayers investment.

2. APPROVAL OF MINUTES

MOVED by Councillor Blumenthal, seconded by Councillor Harvey that the Regional Council minutes of November 18, 2003, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

The Clerk noted regrets from Councillor Hetherington who is on a Council approved Leave of Absence.

Additions:

- 12.1 Councillor Hendsbee - Change of District Name
- 12.2 Councillor Fougere - Cost Shared Capacity Study: Halifax-Dartmouth Bridge Commission
- 12.3 Councillor Smith - Exemption to rules governing District Capital Fund
- 12.4 Property Matter - Regatta Point Walkway

At the request of Councillor Adams, Council agreed to the addition of the following item:

- 12.5 Councillor Adams: Hurricane Juan and the Clean up

9.1.1 Correspondence from Region of Queens Municipality re: Disaster Financial Assistance Program (DFAP)

4. **BUSINESS ARISING OUT OF THE MINUTES** - None

5. **MOTIONS OF RECONSIDERATION** - None

6 **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS** - None

8. **PUBLIC HEARINGS**

8.1 **By- Law O-105, Respecting Open Air Burning**

- First Reading of By-law O-105 was given on November 4, 2003. A previously circulated staff report dated October 31, 2003 was before Council for consideration.

Mike Eddy, Chief Director, Fire Services, briefly introduced the matter noting that the rationale behind By-law O-103, Respecting Open Air Burning, was the protection of property, enhancement of the quality of life in terms of the health of residents and the protection of the environment. Based on this rationale, staff is recommending that the By-law as it exists be maintained.

Councillor Sarto commented that he believed this amendment had been brought forward in response to clean up from Hurricane Juan and suggested that a timeframe should be placed on the amendment.

Mr. Eddy indicated that he believed most of the clean up had been completed. He went on to comment that the Fire Department had worked many volunteer hours helping with this effort. Mr. Eddy further noted that all the brush collected by HRM had been chipped rather than burned.

Richard DeLong, Hammonds Plains

Mr. Richard DeLong addressed Council making the following points:

- He applauded Council for this move to amend the By-law, but held that the amendment did not go far enough
- He has been accustomed to burning for some time and would like to continue to do so

- The clean up from Hurricane Juan has been difficult with 100+ trees down or leaning on his property
- Has investigated chippers, but financially this is not feasible
- Would like to see Council move even further with regard to this amendment

Angela Griffiths, Clean Nova Scotia

Ms. Griffiths addressed Council making the following points:

- Clean Nova Scotia would like to see more restrictions on residential burning
- In a study done in the community of Preston, 2/3 of 200 residents who were contacted indicated their greatest health and environmental concern was residential burning
- In 1999 residential burning was identified as the third largest source of dioxins and pherons in the environment, a very serious problem across the Province
- Residential burning creates particulate which can have serious respiratory implications
- Not everyone has the opportunity to turn off their air exchanger as not everyone knows when their neighbours are burning
- Clean Nova Scotia is proposing a program for children in high schools and elementary schools to educate on the dangers of residential burning and proper burning practices
- Encourage HRM to think about the health and environmental impact of residential burning

Lisa Sutherland, Director of Health Initiatives, Nova Scotia Lung Association

Ms. Sutherland addressed Council commenting as follows:

- One in four Nova Scotians has asthma, over 56,000 Nova Scotians have been diagnosed with emphysema and/or bronchitis
- Smoke in the air is a serious problem for anyone having a lung health problem, it significantly impacts their ability to breathe
- The Nova Scotia Lung Association has problems with any amount of burning, and we encourage the concept of keeping burning away from other people
- Smoke often acts as a trigger for asthma and other lung diseases
- Urge Council to seriously consider the concept of keeping the distances intact

In response to a question from Councillor Hendsbee regarding the possibility of providing for exclusion areas around those people who are sensitive to smoke, Ms. Sutherland indicated that this would be difficult given the numbers that suffer with lung/breathing problems.

Gordon Totten, Annapolis Royal

Mr. Gordon Totten, addressed Council making the following points:

- He is the owner of a ½ acre building lot on Hwy 333 and since Hurricane Juan has had difficulty burning the brush
- He is concerned that city by-laws are being imposed upon rural areas
- The previous system whereby the Fire Department checked the sites on which residents planned to burn and either approved or denied the request worked well
- There should be some way for the Fire Department to have responsibility for the burning
- Council must bear in mind that what is appropriate for suburbia, is not necessarily appropriate for the rural area
- He has spent upwards of \$3,000 having his lot cleared and now has to deal with the branches
- Intent is not to create bad breathing space, but to come up with a solution to bad situation

Polly Ench, Bayside

Ms. Lynch, addressed Council noting the following:

- She suffers with severe lung disease
- She requested that the burning be extended
- On her 2.5 acre lot she lost almost all the trees
- Far from being cleaned up and the main concern is the branches
- It will be months and months before the property is cleared

Walter Regan, Sackville Rivers Association

Mr. Regan addressed Council making the following points:

- Requested that the 68 meter buffer zone be maintained
- The Sackville Rivers Association is using the Atlantic Salmon as an indicator of water quality in the Sackville River
- Open burning results in acid rain which negatively impacts the Atlantic Salmon
- The single greatest pollutant to the Sackville River watershed is acid rain
- Any initiative which results in the reduction of production of acid rain is a positive one
- The Rivers Association believes the buffer to be such an initiative

His Worship called three times for persons wishing to speak.

Hearing none, it was **MOVED by Councillor Smith, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Meade, seconded by Councillor Rankin **that Halifax Regional Council approve Second Reading of By-law O-105, as follows:**

Respecting an Amendment to the Open Air Burning By-law

BE IT ENACTED by the Council of the Halifax Regional Municipality that By-law O-103 the Halifax Regional Municipality Open Air Burning By-law be amended as follows:

1. **Clause (e) of Section 4 of said By-law O-103 is repealed and the following substituted therefor:**
 4. **(e) Notwithstanding any other sections of this bylaw but subject to sections 5,6, 12 & 13 no person shall conduct burning less than 125 feet from the nearest adjacent dwelling outside the No Burn Zone.**

Councillor Sloane submitted on behalf of the Ecology Action Centre a letter dated December 2, 2003 urging Council not to reduce the required distance to 125 feet.

A lengthy discussion ensued with members of Council making the following points **in favour** of the proposed amendment:

- HRM has a burning by-law to allow burning, however, under the present by-law only a handful can burn
- The intent of the by-law is to enable residents to burn
- Urban and rural areas are different with respect to burning
- The Fire Department has guidelines in place for burning permits. These guidelines establish 30 criteria which must be met to allow burning
- Clean up of trees and brush from Hurricane Juan must continue if the forest fire index is to be controlled next year

Members of Council made the following points **against** the proposed amendment:

- HRM has adopted a Smoking By-law which addresses very similar health concerns
- Believe that Council must follow the recommendations of its expert staff as it relates to Fire Safety
- Other solutions must be sought to facilitate the clean up of the trees and brush
- There are both air quality and health implications to this amendment

MOVED by Councillor Sarto, seconded by Councilor Smith **that the motion to be amended to provide that a 125' restriction be put into place until April 15th allowing**

those needing it to clean up their brush, and further that the By-law come back to council for further review by April 1, 2004.

A brief discussion ensued and the **MOTION TO AMEND WAS PUT AND DEFEATED.**

Members of Council voting **in favour** of the motion to amend were Mayor Kelly and Councillors Snow, Hendsbee, McInroy, Warshick, Sarto, Smith, Fougere, Walker, Goucher, and Rankin.

Members of Council voting **against** the motion to amend were Deputy Mayor Streach and Councillors Cooper, Cunningham, Blumenthal, Sloane, Uteck, Hum, Mosher, Adams, Johns, Harvey, and Meade.

Councillor Hetherington was not present for the vote.

After a further short discussion, the **MOTION WAS PUT AND PASSED.**

Members of Council voting **in favour** of the motion were Deputy Mayor Streach and Councillors Snow, Hendsbee, Warshick, Smith, Uteck, Fougere, Mosher, Adams, Johns, Goucher, Rankin and Meade.

Members of Council voting **against** the motion were Mayor Kelly and Councillors Cooper, McInroy, Sarto, Cunningham, Blumenthal, Sloane, Walker, Hum, and Harvey.

Councillor Hetherington was not present for the vote.

8.2 By-Law N-200, Respecting Noise Exemption Application - Maxim 2000 Inc. re: 1233 LeMarchant Street

- A staff report dated November 19, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

CONFLICT OF INTEREST

His Worship Mayor Kelly declared a conflict of interest as a family has an interest in a property at 1233 LeMarchant Street.

Mayor Kelly leaves the meeting and Deputy Mayor Streach takes the Chair.

Mr. Allan Waye, General Manager, Community Projects, briefly reviewed the November 19, 2003 staff report noting that staff was recommending that Regional Council approve the application for exemption.

Referring to the time period over which the concrete finishing will take place, Councillor Blumenthal asked if this activity would be ongoing through the Christmas season. He went on to suggest that it would be inappropriate to have this work carried out on certain days during Christmas.

Mr. Wayne noted that the application did not include specific dates, however, if Council felt that more exact dates should be sought from the contractor, staff would endeavour to do so.

In response to questions from members of Council, Mr. Wayne indicated it was not the intention of Maxim to work 24 hours per day, that concrete work was weather dependent and that staff was encouraging Maxim to begin early (7:00 a.m.) so that work could cease at a reasonable hour at night. Mr. Wayne further confirmed that Maxim has already been cited for violations.

The Deputy Mayor Chair called for persons wishing to address Council in favour of or against the application.

Adele Evans, 6178 South Street

Ms. Evans addressed Council making the following points:

- She has been sleep deprived due to violations by Maxim of By-law N-200
- Maxim has the propensity to begin before 7:00 a.m.
- Maxim has disregarded the laws of HRM and been untruthful to Dalhousie -Maxim indicated to Dalhousie that they had an exemption from the By-law
- Maxim continues to violate N-200
- Maxim should be required to plan their time - the size of slabs poured should be planned
- If Maxim plans their time/pouring of slab, working only to 11:00 p.m. and not on Sunday's should be possible
- Maxim should be fined if there are further violations
- The above suggestions should be included as provisos of any exemption

Brad McCrea, 5163 South Street

Mr. McCrea addressed Council pointing out that:

- He is concerned that Maxim will misrepresent any exemption and take this it as an approval to work as long as they want, when they want
- He is suffering from lack of sleep, his children are suffering from lack of sleep
- Mr. McCrea provided pictures and an audio to illustrate what the neighbourhood has suffered in terms of noise to date
- Maxim have not been good neighbours and should not be rewarded

Aidan Evans, South Street

Mr Evans addressed the matter indicating that:

- He believed it was a waste of time to address this issue as Maxim continued to violate even after they were told they were in violation of By-law N-200
- A blanket exemption is not reasonable
- Urged Council not to approve the exemption

Eric Thompson, Owner of the adjacent property

Mr. Thompson addressed Council advising that:

- He had canvassed the students in his building who indicated that Maxim often started earlier than 7:00 a.m.
- The students in his building (approximately 100) are quite concerned the noise will continue as they have exams in the near future
- As a developer, he would like to see that development proceeds, however, if this exemption is granted there should be restrictions
- Specific time periods should establish in which the work can proceed and HRM staff should be on site to supervise with the cost being borne by Maxim
- If Maxim goes over the specified time period, they should be subject to significant fines
- A more restrictive timeframe should be developed with certain days during the Christmas period being exempted altogether.

Beverly Miller, 6182 South Street

Ms Miller indicated that:

- An exemption is a privilege and not a right and, in her opinion, Maxim does not deserve this privilege
- If the exemption is to be granted it should not be a blanket exemption and work should only be carried out between 7:00 a.m. and 11:00 p.m.

Hans Blau, 6126 South Street

Mr. Blau addressed Council indicating that HRM must build into any exemption granted, controls that will restrain Maxim from working through the night.

Valerie Blau, 6126 South Street

Ms. Blau noted that Council should be aware that the noise is a significant inconvenience not only for the adjacent properties, but for the full block.

MOVED by Councillor Smith, seconded by Councillor Blumenthal that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Uteck addressed the matter noting that work on the development has not been well planned. Maxim has wilfully violated the by-law and the residents of the neighbourhood are concerned.

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that the application for exemption from the provisions of the By-law made by Maxim 2000 Inc. relative to 1233 LeMarchant Street be rejected.

A discussion and questioning of staff ensued. Concern was expressed that denying this exemption will not correct the situation, but merely place the contractor in a position where he/she continues to violate the By-law.

MOVED by Councillor Harvey, seconded by Councillor Cunningham that this matter be deferred for one week to allow the contractor to provide a more detailed and tighter application.

A further discussion ensued and the **MOTION TO DEFER WAS PUT AND DEFEATED.**

The **MOTION WAS PUT AND PASSED.**

The individual Councillor vote was not available on this matter due to a print out malfunction. Fifteen (15) members of Council voted **in favour** of the motion while five (5) voted **against**.

Mayor Kelly assumes the Chair and Deputy Mayor Streach resumes his seat in Council.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

9.1.1 Correspondence from Region of Queens Municipality re: Disaster Financial Assistance Program (DFAP)

- Correspondence dated November 19, 2003 from John G. Leefe, Mayor, Region of Queens Municipality to Mr. John Schmal, President of the Federation of Canadian

Municipalities, regarding the Disaster Financial Relief Program, was distributed to Council.

MOVED by Councillor Walker, seconded by Councillor Blumenthal that Halifax Regional Council endorse the November 17, 2003 resolution of the Region of Queens regarding the Disaster Financial Assistance Program and further that Councillor Russell Walker present this matter to the Federation of Canadian Municipalities Annual Conference. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 Petitions

Councillor Warshick submitted a petition on behalf of the Home & School Association of Michael Wallace School requesting that Mountbatten Avenue and Andover Street, two streets which lead directly to Michael Wallace School, be placed on a priority list for salting and sanding.

MOVED by Councillor Johns, seconded by Councillor Cooper that agenda item 11. 1 be considered at this time. MOTION PUT AND PASSED.

11.1 Deputy Mayor Streach - Termination of Halifax Regional Library Board and Creation of Halifax Regional Municipality Library Advisory Board

- Notice of Motion, as follows, was given by Deputy Mayor Streach at the November 25, 2003 meeting of Halifax Regional Council.

“To request staff to report and recommend as to the procedure and implications of terminating our agreement of April 1, 1996 with the Province of Nova Scotia as it relates to the continuance of the Halifax Regional Library Board. Furthermore, develop terms of reference for the creation of an HRM Library Advisory Board operating under the jurisdiction of the Halifax Regional Municipality.”

- Correspondence, as follows, was received:
 - < Letter from Ilga Leja, library user, dated November 27, 2003 in support of the existing library system
 - < Letter from David Lewis, President, NSUPE Local 14, dated November 28, 2003, in support of the existing library system
 - < Letter from Debbie Costelo, Halifax Library Association President 2003-04, dated November 29, 2003, in support of the existing library system

- < Presentation to Halifax Regional Council from Madeleine Lefebvre, President, Canadian Library Association, dated November 28, 2003, in support of the existing library system
- < Letter from Rick Walker, President, Canadian Association of Public Libraries, dated November 30, 2003, in support of the existing library system
- < Letter from Peter Doig, Chair, Halifax Regional Library, dated December 1, 2003, in support of the existing library system
- < Letter from Diana Whalen, former Board Member and a client, dated December 2, 2003, in support of the existing library system

Deputy Mayor Streach addressed Council and indicated that over the past week his motions has attracted the attention of the very dedicated and passionate volunteers and staff of the Library Board. Based on this input and discussion with his colleagues, the Deputy Mayor indicated that he had decided to temper his motion somewhat.

MOVED by Deputy Mayor Streach, seconded by Councillor Blumenthal:

Therefore be it resolved that Regional Council request staff to report and recommend as to the options and implications thereof, as it relates to the continuance of the current agreement and structure of the Halifax Regional Library Board, and further provision of Library Services in Halifax Regional Municipality. As well, to identify any further synergies or other opportunities for greater co-operation as they exist in the provision of said services and, furthermore, to seek the input of the current Library Board and administration to achieve the identified goals.

In response to whether or not the Deputy Mayor's revised motion was in order, Mr. Anstey indicated that the gist of the motion that the Deputy Mayor gave notice of last week was to request staff to report with respect to the governance of the Regional Library. Although he has changed the tenor of the motion significantly, it appears that the essence of the report that he is requesting remains the same. Mr. Anstey clarified that the Deputy Mayor is asking for a report on the future governance of the Library and ruled that the motion was in order.

Deputy Mayor Streach noted that in his opinion the October information report was not comprehensive enough. He went on to indicate that his motion was not intended to personally attack or slander anyone, but simply meant to ask if the initial report was enough or do we as the elected representatives want to look further.

Councillor Fougere addressed Council recognizing a number of people present this evening having an interest in this matter. She further went on record as disagreeing with the ruling of the Municipal Solicitor that the current motion is in order. Councillor Fougere commented that Council has been done a discourtesy by ignoring our process as written in the Rules of Order.

She went on to note that the intent of the previous motion and the current motion are vastly different.

A lengthy debate ensued with Councillors making the following points in opposition to the motion:

- Believe that the citizen and Councillor appointments to the Library Board provide the desired accountability
- The cost savings realized would be insignificant given that the library service is efficient and well run
- Staff did not recommend in the October 7, 2003 Information report any change to the governance of the Library
- Concern that the HRM Workplace Act has been violated by comments made about an individual employee and concern that HRM not be implicated in any legal action to be taken
- Concern that funding received through the Province, grants and bequests will be lost should the library become a line department
- The existing form of governance for the Library is the common form across North America
- Cost efficiencies through cooperation in such areas as Financial and Information Services are already being explored
- Library Board has been very effective and have a number of success stories for which they have been recognized
- The revised motion would have this Council going in opposing directions
- Suggest that if senior administration had concerns with regard to the present structure, Council would have been made aware of these

Members of Council speaking in favour of the motion indicated they would like to see a report which provides more detail regarding the implications of the library becoming a line department. It was also noted that more information regarding this issue will enable Council to make an informed decision

In response to a question from Deputy Mayor Streach as to whether HRM would be in jeopardy of losing Provincial funding for the libraries, the Deputy Chief Administrative Officer advised that he believed that this would not be an issue provided the Province agreed with the delivery method. He went on to indicate that it is not a foregone conclusion that funding would not be forthcoming and that it was a question which would have to be posed to the Province.

Deputy Mayor Streach requested that the motion be split as follows:

MOVED by Deputy Mayor Streach, seconded by Councillor Blumenthal:

Therefore be it resolved that Regional Council request staff to report and recommend as to the options and implications thereof, as it relates to the continuance of the current agreement and structure of the Halifax Regional Library Board, and further provision of Library Services in Halifax Regional Municipality.

The **MOTION WAS PUT AND DEFEATED.**

Members of Council voting **in favour** of the motion were Mayor Kelly, Deputy Mayor Streach and Councillors Snow, Hendsbee, Smith, Blumenthal and Meade.

Members of Council voting **against** the motion were Councillors Cooper, McInroy, Warshick, Sarto, Cunningham, Sloane, Uteck, Fougere, Walker, Hum, Mosher, Adams, Johns, Harvey, Goucher, and Rankin.

Councillor Hetherington was not present at the meeting.

MOVED by Deputy Mayor Streach, seconded by Councillor Blumenthal:

And further that staff identify any further synergies or other opportunities for greater co-operation as they exist in the provision of said services and, furthermore, to seek the input of the current Library Board and administration to achieve the identified goals.

Members of Council voting **in favour** of the motion were Mayor Kelly, Deputy Mayor Streach and Councillors Snow, Hendsbee, Cooper, Warshick, Sarto, Smith, Cunningham, Blumenthal, Sloane, Mosher, Adams, Harvey, Goucher, and Meade.

Members of Council voting **against** the motion were Councillors McInroy, Uteck, Fougere, Walker, Hum, Johns and Rankin.

Councillor Hetherington was not present at the meeting.

MOVED by Councillor Adams, seconded by Councillor Goucher that agenda item 12.5 be dealt with at this time. MOTION PUT AND PASSED UNANIMOUSLY.

12.5 Councillor Adams: Hurricane Juan and the Clean up

- This matter was added to the agenda during the setting of the agenda.

MOVED by Councillor Adams, seconded by Councillor Walker that:

1. **An information report be prepared on the feasibility of engaging youth groups, including but not limited to, Boy Scouts, Air Cadets and Boys and Girls Clubs, to assist with the clean up of our parks and green areas as a result of Hurricane Juan.**
2. **HRM provide a monetary contribution to the participating groups in recognition of their community involvement and clean up efforts.**
3. **The information report outline what procedures are required for this initiative to be put in effect.**

Councillor Goucher advised of a Metro United Way program through which volunteer groups needing help with the clean up from Hurricane Juan can apply for and receive a grant. The Councillor indicated that he believed the maximum amount of funds would be \$1,000.

MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that agenda item 10.2.1, Councillor Blumenthal - Abandoned Shopping Carts and Scavenging, be deferred to the December 9, 2003 meeting of Halifax Regional Council. MOTION PUT AND PASSED UNANIMOUSLY.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 03-143, Eisenhauser Field Lighting

- A staff report dated November 24, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Rankin, seconded by Councillor Meade that Regional Council award Tender No. 03-143 to XL Electric Limited for materials and services specified as the lump sum price quoted of \$63,700.00 plus net HST, for a total project cost of \$67,795.27 from Capital Account No. CPC00304, Ball Field Upgrades and C170, Hammonds Plains Common Rate Account, as outlined in the Budget Implications of the November 24, 2003 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Tender 03-173, Bicentennial Theatre Audio Visual & Lighting System Upgrades

- A staff report dated November 24, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Streach, seconded by Councillor Sarto that Regional Council award Tender No. 30-173 to Backman Vidcom, for the upgrades to the Audio/Visual and Lighting Systems in the Bicentennial Theatre, Musquodoboit Valley, for a lump sum tender price of \$109,554.09 plus net HST, for a total project cost of \$116,597.32 from Capital Account #CBG00300, Bicentennial Theater Upgrades, as outlined in the Budget Implications section of the November 24, 2003 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Case 00614: Halifax Municipal Planning Strategy and Land Use By-law Amendment - 5620 South Street

- A staff report dated November 26, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Fougere, seconded by Councillor Blumenthal that:

1. **Halifax Regional Council instruct staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and Land Use Bylaw to enable a development agreement to permit an apartment building at 5620 South Street.**
2. **Public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Proposed Amendments to the Municipal Government Act relative to Vacant Dwellings

- A staff report dated November 18, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Sarto, seconded by Councillor Sloane that:

1. **Regional Council direct staff to prepare a formal request to the province to adopt the amendment to the Municipal Government Act (MGA) as outlined in Appendix B of the November 18, 2003 staff report.**

- **If the Province approves the amendment to the MGA, that Council instruct the By-Law Working Group to draft a Vacant Dwellings By-Law for Councils consideration.**

In response to a question from Councillor Smith, the Municipal Solicitor confirmed that the Province would seek input from the Union of Nova Scotia Municipalities (UNSM).

Councillor Walker indicated that he would raise the matter at the next meeting of the UNSM being held on December 12, 2003.

After a brief discussion, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

10.1.5 Administrative Order # 34, Respecting the Incorporation of Municipal Districts 1,2 & 3 into the Marine Drive, Valley and Canal Community Council Motion - Deputy Mayor Streach - Adopt Administrative Order # 34

- Notice of Motion regarding this matter was given at the November 25, 2003 meeting of Regional Council.

MOVED by Councillor Streach, seconded by Councillor Snow that Halifax Regional Council adopt Administrative Order Thirty-four (34) as follows:

BE IT RESOLVED as a policy of the Council of the Halifax Regional Municipality as follows:

Short Title

1. This Administrative Order may be cited as Administrative Order Number Thirty-four, the Marine Drive Valley and Canal Community Council Administrative Order.

Community Council

2. There is hereby established a Community Council to be know as the Marine Drive Valley and Canal Community Council for the area of the Halifax Regional Municipality that on the 1st day of April 1996 was included in polling district 1, Eastern Shore - Musquodoboit Valley, polling district 2, Waverley-Dutch Settlement, and polling district 3, Preston-Porters lake.

3. Sections 526 through 528 of the *Municipal Government Act* applies to the Community Council.

4. The Community Council shall not pass any resolution or make any decision which could potentially result in Financial consequences for the Municipality which are contrary to those which would result from a previous decision of the Regional Council, unless and until the financial consequences are presented to the Regional Council and approved by it.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 MEMBERS OF COUNCIL

10.2.1 Councillor Blumenthal - Abandoned Shopping Carts and Scavenging (Info item # 6 Nov.25/03)

This matter was dealt with earlier in the meeting. See page 17.

11. MOTIONS

11.1 Deputy Mayor Streach - Termination of Halifax Regional Library Board and Creation of Halifax Regional Municipality Library Advisory Board

This matter was dealt with earlier in the meeting. See page 13.

12. ADDED ITEMS

12.1 Councillor Hendsbee - Change of District Name

- This matter was added to the agenda during the setting of the agenda.

Councillor Hendsbee addressed the matter noting that there is concern that the present name of Preston/Porter's Lake does not truly reflect the broad communities of District 3. The Councillor asked what the process would be to have the District 3 name changed to the Chezzetcooks, Lawrencetowns, Prestons and Lakes.

The Municipal Solicitor responded that the Districts had been named by the Utility and Review Board (UARB) at the time of amalgamation. He went on to note that the matter of HRM Districts is presently before the UARB and suggested the Councillor make representation to the Board to have the name for District 3 changed.

Councillor Hendsbee expressed concern that a unilateral action of a Councillor could result in the change of a District name. He indicated that he would be more comfortable if the change was supported by a motion of Council.

MOVED by Councillor Hendsbee, seconded by Deputy Mayor Streach that the Halifax Regional Municipality recommend to the Utility and Review Board that the name for District 3 be changed to the Chezzetcooks, Lawrencetowns, Prestons and Lakes.

Councillor Walker expressed concern that this recommendation was coming from Council without the benefit of a staff report.

MOVED by Councillor Walker, seconded by Mosher that a change of District name for District 3 to the Chezzetcookes, Lawrencetowns, Prestons and the Lakes be referred to staff for a report with the intent of having an exact name for the District.

A brief discussion ensued and the **MOTION TO REFER WAS PUT AND PASSED.**

Members of Council voting **in favour** of the motion were Mayor Kelly, Deputy Mayor Streach, and Councillors Snow, Hendsbee, Warshick, Sarto, Cunningham, Sloane, Fougere, Walker, Hum, Rankin, and Meade.

Members of Council voting **against** the motion were Councillors Cooper, McInroy, Smith, Blumenthal, Uteck, Mosher, Johns, Harvey, and Goucher.

Councillors Hetherington and Adams were absent for the vote.

12.2 Councillor Fougere - Cost Shared Capacity Study: Halifax-Dartmouth Bridge Commission

- This matter was added to the agenda during the setting of the agenda.

Councillor Fougere referred to the cost shared Capacity Study for the bridges which had been agreed to by the Bridge Commission and HRM. She noted that the study was to include not only the bridges and their accesses, but the streets leading to the bridges as what happens on them impacts the bridges. The Councillor indicated that the Bridge Commission was somewhat concerned with the delay in the study and would like an update on the status of the study.

MOVED by Councillor Fougere, seconded by Councillor Warshick that HRM staff contact the Bridge Commission in writing with a status report and time line regarding the cost shared Capacity Study on the bridges.

Mr. English provided a brief update on the matter noting that HRM had not budgeted for its portion of the cost of the study (\$30,000) in the 2003/04 budget. The intent is to propose to the Bridge Commission that the study be carried out in two phases with HRM paying for the second phase. Mr. English indicated that staff would clarify this with the Bridge Commission.

Councillor Hendsbee referred to a report received some time ago from the Bridge Commission regarding entrances and exits to the bridge, and in particular, the MacDonald Bridge. The Councillor noted the report had addressed the widening of approaches in the area of Metropolitan Place and asked the status of that report in terms of the progress of the capital improvements. Concluding his remarks, Councillor Hendsbee suggested that the Capacity Study should include the possibility of a second left turning lane off the MacDonald Bridge on the Dartmouth Plaza and that the bicycle lane be moved to the south side of the Bridge.

Councillor Fougere noted that the bicycle lane on the bridge was being addressed by the HRM Bicycle Plan.

The **MOTION WAS PUT AND PASSED.**

12.3 Councillor Smith - Exemption to Rules Governing District Capital Fund

- This matter was added to the agenda during the setting of the agenda. Councillor Smith addressed the matter noting that he was bringing this forward on behalf of a resident who has a unique situation where he requires a fence along his driveway over which HRM has an easement for sewer and water. The Councillor asked if it was possible to have an exemption to the rules governing capital District Funds, to permit the total or partial cost of a fence to be erected on this property.

The Municipal Solicitor advised that as there was no municipal purpose being served by the erection of the fence, the policy does not permit the use of district Capital Funds. Mr. Anstey indicated that he would provide this response in writing.

Councillor Smith requested the response include a definition of municipal purposes.

12.4 Property Matter - Regatta Point Walkway

- This matter was considered at an in camera session of Council held earlier today and was now before regular Council for ratification.

MOVED by Councillor Mosher, seconded by Councillor Sloane that Council authorize the Mayor and Municipal Clerk to execute an Agreement with the Trustee of the Greek Orthodox Church allowing for uninterrupted rights of access to the Greek Orthodox Church. MOTION PUT AND PASSED UNANIMOUSLY.

12.5 Councillor Adams - Hurricane Juan and the Clean up

This matter was dealt with earlier in the meeting. See Page 17.

13. NOTICES OF MOTION

13.1 Notice of Motion: Councillor Cooper re Appointment to Halifax Regional Water Commission

Councillor Cooper gave Notice of Motion of his intention to introduce, at the next regular meeting of the Halifax Regional Council to be held on December 9, 2003, a motion to rescind the motion of November 25, 2003 concerning that portion of Appointments to Boards and Committees pertaining to the appointments to the Halifax Regional Water Commission and to have the Membership Selection Committee reconsider this matter.

13.2 Notice of Motion: Councillor Walker re Amendment to Administrative Order Number 12 - Appointment of Traffic Authority

Councillor Walker gave Notice of Motion of his intention to introduce a motion, at the next regular meeting of the Halifax Regional Council to be held on December 9, 2003, for adoption of an amendment to Administrative Order Number 12 the purpose of which is to appoint Ken Reashor, P. Eng., as Traffic Authority for the Halifax Regional Municipality.

13.3 Notice of Motion: Councillor Jim Smith re Appointment to the Board of Police Commissioners

Councillor Smith gave Notice of Motion of his intention to introduce a motion, at the next regular meeting of the Halifax Regional Council to be held on December 9, 2003, that the Halifax Regional Municipality Council Membership Committee, when nominating members to the Police Board of Commissioners, shall ensure, unless no qualified or appropriate candidate has applied, at least one member of the Board, at any time, is of the female gender and that at least one other member, at any time, is of a visible minority.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 9:50 p.m.

Jan Gibson
Acting Municipal Clerk