

HALIFAX REGIONAL MUNICIPALITY

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES

MINUTES

FEBRUARY 18, 2002

PRESENT: Paul Connors, Chair
Councillor Meade
Jane Cale
Peggy Brown
Betty MacDonald
Cynthia Street
Bob Venus
Joeanne Coffey
Elsie Cholette
Anne Langille
Maureen Reynolds

ALSO PRESENT: Charla Williams, Diversity Program Coordinator
Kevin Hindle, Supervisor, Special Services, Metro Transit
Lynne Le Boutillier, Assistant Municipal Clerk

REGRETS: Sally Campbell, Ben Marston, Councillor Sarto

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The meeting was called to order by the Chair in the HR Training Room at 4:00 p.m. Mr. Connors introduced Kevin Barrett, HRM Planner associated with item 5.7, Sidewalk Cafes and Mr. Kevin Hindle, who will be replacing Roel Vis, as the Transit Services' staff representative.

1.0 **APPROVAL OF AGENDA, ADDITIONS AND DELETIONS**

The Chair proposed moving item 5.7, Sidewalk Cafes up on the agenda following item 3.0, Election of Chair and Vice-Chair.

The agenda was adopted by consensus.

2.0 **APPROVAL OF MINUTES**

The following changes were made to the January 21, 2002 minutes:

- C page 3, second to last paragraph. Reference to Ms. Cale making the statement is incorrect. Her name will be replaced with the words 'a member'.
- C page 4, item 3.2, second sentence - Delete.
- C page 5, first paragraph - add 's' to Connor.

The minutes, as amended, were adopted on motion of Councillor Meade and Ms. Cholette.

3.0 **ELECTION OF CHAIR AND VICE-CHAIR**

Councillor Meade called for nominations for Chair. Ms. Brown nominated Paul Connors. Ms. Reynolds seconded the nomination. There being no further nominations after three calls, Mr. Connors was declared Chair.

Ms. Cale indicated that she did not wish to reoffer as Vice-Chair. It was decided to defer the election of Vice-Chair to the next meeting.

5.0 **BUSINESS ARISING FROM MINUTES**

5.7 **SIDEWALK CAFES**

- C Memo from Kevin Barrett, HRM Planner dated February 11, 2002 re Proposed Overview of New Sidewalk Café Policy and Implementation Strategy to which was attached the proposed Sidewalk Café Policy for HRM.

In his presentation Mr. Barrett provided the members with a brief history. He noted that a number of years ago, it was proposed that sidewalk cafes be allowed on a trial basis. A policy was drafted which has been used ever since. He acknowledged there have been problems with sidewalk cafes, one of which was they restricted the accessibility of the public to the sidewalks. Other concerns were also touched upon. HRM hired a consultant to look into the situation. The consultant held Public Information meetings and conducted interviews. The outcome of which were proposed guidelines, which staff are trying to develop into policy, through the creation of a by-law. He emphasized the need to make the policy enforceable.

In addition to this meeting, the proposed Sidewalk Café Policy will be taken to the Heritage Advisory Committee, February 27, 2002 and a Public Information meeting will be held February 28, 2002, in Halifax Hall, City Hall at 2:00 to 4:00 p.m. He noted that business owners will be in attendance and it would be worthwhile for as many members to attend to speak out on accessibility issues. If any of the members' issues are not addressed at today's meeting, he encouraged the members to contact him directly or attend the Public Information meeting.

Reference was also made to a date to be set for a Public Hearing by Regional Council sometime in March on this subject. The members are to be advised of this date. The Public Hearing will likely be held in April. While staff would like to see the Policy in place for the upcoming season, as adoption will be so late in the year, enforcement is not likely.

He reviewed the key issues related to the new requirements. He referred to the ideal situation being one where there could be a sidewalk café and 7' left of sidewalk to accommodate pedestrians. Unfortunately, it is recognized that these conditions don't generally exist, so satellite cafes are being proposed. The diagram displayed illustrated how these might be achieved, i.e. a seven foot width of sidewalk, enough to allow two wheelchairs to pass, would be left open between the business and the satellite café. Essentially the café portion would be adjacent the street in the area usually used for parking. It is proposed that planters of a certain size and design would be used to separate the café from the street. To conform with regulations associated with the selling of liquor, an overhead connection would be required from the building to the sidewalk café. Patrons would not be allowed to carry their own drinks between the bar and café, servers would have to. He felt that accessibility issues will far outweigh this minor inconvenience. Research has revealed that this concept is used and well received in other locales.

In addition to the seven foot requirement for unobstructed sidewalk width, a kickplate along the edge of the railings associated with the satellite cafes, is also being proposed to aid those using a cane. The designs would have to comply with the CSA Design Standards for accessibility. In addition, all surfaces are to be non-slip and non-glare. All associated slopes must meet the CSA standards and railings provided for all ramps. The minimum

dimensions of the café must be navigable for those in wheelchairs.

How to deal with enforcement was discussed. An enforcement tool will be very important. Rather than using the Occupancy Permit approach and the loss of a Liquor License. Mr. Barrett noted that Legal Services suggested there be a bond requirement. If the business did not make required changes, HRM could do the work and charge it against the bond. Ms. Williams reflected that this may cause a hardship to small enterprises, just starting out. Mr. Barrett noted that it usually does not involve a large sum of money up-front.

Ms. Reynolds questioned whether the density of cafes, in any given location, has been addressed. She noted that smoking will likely be allowed and it would be difficult for someone with sensitivities, associated with secondhand smoke, to make their way along the sidewalk if there was a whole row of such establishments. Mr. Bennett agreed that the whole issue of density is a big issue. It is not only the smoking issue which needs to be considered, but loss of parking spaces. Staff is considering limiting the number on any given street. When staff reviews applications, they will keep such issues in mind. To date they had not addressed the smoking issue.

Ms. Cholette referred to Granville Street which has been closed to traffic. Mr. Barrett noted that similar examples can be found in other jurisdictions, whereby the street or a portion of a street is shutdown except for delivery and emergency vehicles.

When installing railings, Ms. Brown felt for the visually impaired, they should not installed too low. It was noted that a cane bar/rail is required. She also suggested that the edge of the sidewalk café to the sidewalk should be painted, to identify the change of surface. Mr. Barrett indicated that staff would instruct the applicant on such matters.

Councillor Meade questioned whether the proposed design of satellite cafes has been run by the Traffic Department. He noted that 18" for clearance is required back from the curb to allow for an automobile's bumper swing.

Ms. Coffey posed a question about the CSA standards. Mr. Barrett noted that the current establishments did not conform to these standards as they were only temporary in nature, thus they did not have to build to Code. The proposed by-law would assure accessibility.

Mr. Barrett noted that applications for sidewalk cafes have to be renewed each year. Any modifications can be addressed at that time. Information would be provided to the applicant by staff and staff would check to determine if the plans reflect the standards.

Problems with a sidewalk café established on Quinpool Road were brought to Mr. Barrett's attention. He will check into. It was noted that installation of the sidewalk café has reduced the accessibility to the building.

Mr. Hindle questioned whether accessible parking areas or bus stops would be taken away to accommodate sidewalk cafes. Mr. Barrett assured him that if there was a need for such areas they would not be taken away, however in some instances changes might be warranted.

Mr. Venus expressed a concern regarding wheelchair users gaining access to washroom facilities associated with the sidewalk cafes. He noted there is often a lip at the entrance to the buildings which is difficult to negotiate. Mr. Barrett noted that the policy does not address such matters. However, in the event substantial changes are planned for such premises, they would be required to meet the new standards.

Ms. Reynolds cautioned against the use of pressure treated wood in sidewalk café construction. Arsenic has been identified as a problem associated with exposure to pressure treated wood. Referring to section 17, (j). 5th paragraph, she suggested the words 'not recommended' be replaced with 'not permitted'.

Reference was made to the Press Gang Café at Prince and Argyle. Ms. Williams commented its location does not only pose a danger to those in wheelchairs, but the public in general. This situation led to a discussion of allowing for year round cafes. If this approach was taken, better, longer lasting building materials would likely be utilized.

The Chair reflecting on earlier comments that it is not likely that the new standards will be enforced this year, suggested that notice be given to the list of applicants to alert them to the upcoming changes. Mr. Barrett noted that the Public Information meeting will also play a role in giving them a heads up.

The Chair also expressed some reservations about how disruptive it will be to have servers passing through a pedestrian passageway when serving liquor. Mr. Barrett felt it will be up to the servers to manoeuvre in such situations.

Mr. Connors questioned the need for a 7' sidewalk when the average sidewalk is 5' in width. It was noted that the downtown sidewalks are generally 10' in width.

Referring to the Enforcement section, Ms. Williams questioned why a 7 day period is given to those who don't comply (section 4), while 30 days is given if an owner fails to remove the sidewalk café (section 3), i.e. illegal installations are given more time than legal ones that don't meet the requirements. Mr. Barrett felt this may be a typo.

Councillor Meade explained why the Committee will likely see the enforcement deferred.

Mr. Barrett, referring to his earlier involvement on the Committee, indicated to the members that he plans to send a memo to his Director that when considering issues which

might have an aspect of accessibility, they be brought to the Committee for its input.

4.0 **NEW BUSINESS**

4.1 **PARTNERSHIP FOR ACCESS AWARENESS NOVA SCOTIA - THE MEL HEBB HOURGLASS AWARDS**

Information pertaining to the Mel Hebb Hourglass Action Awards was provided in the agenda package. Ms. Cholette encouraged the members to consider who or what they might nominate for the reward. The Chair noted that the Committee could lend its endorsement as well.

5.0 **BUSINESS ARISING FROM MINUTES (cont'd)**

5.1 **FEDERAL DISABILITY COMMISSIONER PROPOSAL**

Ms. Williams and Ms. Cholette advised the members that the proposal did not go through. All disability matters are being handled by the HRDC. Ms. Williams personally felt this was a better approach.

5.2 **MOTORIZED WHEELCHAIRS - INFO PROGRAM**

Item deferred until next month. Mr. McCusker to respond.

5.3 **AREA RATE FOR SNOW PLOWING DISTRICT 15**

Information provided on the next meeting of the Chebucto Community Council and brochure respecting the Community Councils in general provided.

5.4 **MEMBERSHIP - APPOINTMENTS & REAPPOINTMENT UPDATES**

A list of members and the terms of their appointments provided.

5.5 **ENDORSEMENT OF THE POLICY STATEMENT OF THE COMMUNITY AND RACE RELATIONS ADVISORY COMMITTEE**

Ms. Cale advised that the Community and Race Relations Advisory Committee did not have a quorum at their February meeting and Mr. Lahey was not in attendance. Item

deferred to March.

5.6 **POLICE SERVICES - SIGN LANGUAGE INTERPRETERS FOR THE DEAF**

This item was deferred to the next meeting with the agreement of Ms. MacDonald.

5.8 **CRIME PRESENTATION GUIDE**

The Committee discussed whether it would be appropriate to invite Michael Landry, Police Services to a meeting or was it premature. Ms. Brown recalled the initiative was started by Metro Transit. Some input had been given by Gary Martin, HRP Services. Ms. Cale noted that Gary Martin is involved in business matters, while Michael Landry is involved with residential aspects. It was suggested by Ms. Brown that they both be invited, but Ms. Williams felt such a decision should be left with Police Services.

It was concluded that it would be nice to have them attend at some point, but more for the purpose of acquainting them with the work of the Committee and vice-versa, than in relation to the Guide.

5.9 **DRAFT CORRESPONDENCE TO MAYOR, HOUSING CONCERNS OF THOSE WITH CHEMICAL SENSITIVITY - REFORMATTING INTO REPORT TO REGIONAL COUNCIL**

Deferred to March meeting.

5.10 **WEST END MALL CONCERNS**

Mr. Hindle gave the Committee some background on this development. He noted that Metro Transit was advised of changes to be made by mall management. They were told they were going to be moved, a bus lane was to be dedicated and what facilities would be built. Very few options were left to Metro Transit. From the start Metro Transit had concerns and are still working with the mall management group regarding the functionality of the proposal. He noted that similar facilities have been installed by the Halifax Shopping Centre group in other areas of the country. For insurance reasons related to large vehicles, they locate the bus terminals away from the front doors of the building.

In response to a query from Ms. Williams, he confirmed issues of accessibility were raised by himself, Kenny Silver and Doug Mosher. Laughie Rutt, CPA continues to pursue problems associated with the lack of cutaways, etc.

It was noted that Blaise Morrison is the Mall Manager.

Ms. Williams questioned if anyone in the HRM Planning would have approved the design of the general facility. She will call the business unit tomorrow to find out who the contact is. Any information she will endeavour to provide via e-mail. It was noted that there are a number of issues outside transit matters regarding the development. It was noted that in addition to Walmart and Sobeys, the Bay is also a component of the West End Mall.

The Chair made reference to the National Building Code and its guidelines.

5.11 **LOW FLOOR BUSES - UPDATE ON PROBLEMS IDENTIFIED BY BETTY MACDONALD AND NEED FOR WAY FOR DEAF TO COMMUNICATE WITH DRIVERS**

Deferred.

5.12 **JOINT MEETING WITH TAXI AND LIMOUSINE COMMITTEE**

5.12.1 **DRAFT MINUTES**

Draft minutes of the joint December meeting were previously circulated. Ms. Cale identified some incorrect references in the minutes, which the Clerk will relay to Ms. Murphy.

5.12.2 **TRANSPORT CANADA AIRPORT GROUP - VIDEO**

The Chair reflected on his viewing of the video. It was suggested that it be turned over to the Corporate Library to be borrowed when the members required it. He noted that the video is designed for training persons in the workplace on how to improve communications with those with disabilities. In the interim, it was decided to set up a viewing of the video prior to the March meeting at 3:00 p.m. It is yet to be determined if there is closed captioning.

5.12.3 **SUBSIDY FOR ACCESS-A-BUS MEMO FROM CHAIR, TAXI AND LIMOUSINE COMMITTEE TO GEORGE MCLELLAN, CAO**

Deferred.

5.13 **BUS NUMBERS - PEGGY BROWN TO UPDATE COMMITTEE**

Deferred.

5.14 **PLAYGROUNDS FOLLOW-UP (CHAIR AND CHARLA WILLIAMS)**

Deferred.

5.15 **CROSSING AT ALMON - VICINITY OF CNIB (CHAIR/MCCUSKER)**

Deferred.

5.16 **SPECIAL EVENTS - INTERPRETER/SIGNING - UPDATE**

Ms. Williams assured the Committee that the issue is being dealt with internally, ie. the development of a policy for all events. She suggested that the item be transferred to the Status Sheet, as she did not think there would be anything concrete to report for a couple of months.

6.0 **STATUS SHEET**

Deferred.

7.0 **NEXT MEETING**

The next regularly scheduled meeting is Monday, March 18 at 4:00 p.m. This meeting will be preceded by a viewing of a video at 3:00 p.m., for interested members.

8.0 **ADJOURNMENT**

The meeting adjourned before the agenda could be completed at approximately 6:00 p.m. Ms. Cholette suggested that perhaps the meetings should start at 3:30 p.m. to allow for more time to complete agendas. The Chair felt that a decision should be postponed on changing the meeting time. He expressed confidence that the Committee should be able to catch up at the next meeting.

It was felt that some of the business arising items need to be transferred to the Status Sheet. Rather than spend a lot of time on how to approach streamlining the agenda, the Chair will give it some thought. The members were encouraged to review the status sheet.

Before closing, an information item provided by Ms. Brown re a Public Health Care Forum, March 6, 2002 was circulated.

Lynne Le Boutillier

Assistant Municipal Clerk