

HALIFAX REGIONAL MUNICIPALITY

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES MINUTES APRIL 28, 2003

PRESENT: Mr. Paul Connors, Chair
Mr. Bob Venus
Councillor Meade
Ms. Betty MacDonald
Ms. Joeanne Coffey*
Ms. Barbara LeGay*
Ms. Cynthia Street
Mr. Patrick Harrington
Ms. Anne Langille
Ms. Jane Cale*

ABSENT: Councillor Sarto (regrets)
Mr. Donald Mullins
Ms. Peggy Brown (regrets)
Ms. Elsie Cholette (regrets)
Ms. Sally Campbell
Ms. Maureen Reynolds (regrets)
Supt. Falkenham (regrets)

ALSO PRESENT: Ms. Charla Williams, Diversity Program Coordinator
Ms. Laura Bartlett, Interpreter
Mr. Chris Racine, Interpreter
Ms. Lynne Le Boutillier, Legislative Assistant

*members who attended the special session on the Status Sheet

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Special Session re the Status Sheet commenced at 3:00 p.m.

In attendance for this session were Jane Cale, Joanne Coffey and Barbara LeGay. Mr. Ed Goodhew of the Print Shop was also in attendance to lend his advice on what can or can't be done with the available software.

The group discussed the following:

- C What items should be put on the status sheet?
- C Format to be used so the status sheet can be brailled.
- C How do items get taken off?

The discussions concluded the following:

- C The information provided has to be simplified, i.e. only reference made to the last time the item was brought up, with the exception of the originating date. All events in between deleted from current status sheet.
- C A date for when the item needs to be addressed again - column 'Required By' added.
- C In light of the fact that columns can't be brailled, a straight text status sheet has to be used. Rather than the format presently used that listed four categories of activities, there will be no categories. The items will simply be listed in the order they arose.
- C It will be identified at the top of the status sheet the order the information will be provided in, i.e. date the item originated, item title, item #, action required/responsibility and date required by.
- C The above noted five categories will be presented in such a fashion that the reader of the braille can identify via 2 space indents. Each item will be separated by a line space or two.

The Secretary will do a draft status sheet to be provided to the Print Shop for brailing as soon as possible. Ms. LeGay will review the results and make any suggestions to be incorporated in the final version.

In order to get a handle on the status sheet, Ms. Cale proposed that a fifteen (15) minute period be set aside at the end of each meeting, exclusively to review it and determine what items can be removed.

Ms. Coffey requested that a **membership list** be provided to all the members.

With the arrival of Ms. Williams a general discussion followed on aspects of the **terms of membership** in relation to how long an individual can be on the Committee. A list had been provided in the agenda package of when the members terms were up to be taken in

consideration when nominations were made for Chair and Vice-Chair. Reference was made a response from the Solicitor in response to a enquiry from the Secretary. In the e-mail to the Solicitor she noted that the terms of reference adopted March 21, 2000 state "all appointments shall be for a two year term. Members may be reappointed for no more than three consecutive terms". Ms. Le Boutillier noted that some of the members had been on the Committee since amalgamation and whether the six years maximum allowed for in the terms of reference should start from March 2000 or when they joined the Committee.

The response from Mr. Anstey was as follows. "In the absence of some other writing indicating the intent was not to count time already served, my inclination would have been that past time would count."

A short discussion followed about the pros and cons of changing the terms of reference to allow individuals to stay on the Committee longer, if there is room.

Ms. Coffey expressed confidence that there would be more applications for membership on the Committee, if individuals with disabilities were aware of the opportunity, thus there would be a benefit in retaining the current wording.

1. **CALL TO ORDER AND INTRODUCTIONS**

The regular portion of the meeting was called to order by the Chair at 4:05 p.m. and the attendees introduced themselves.

2. **ELECTION OF CHAIR AND VICE-CHAIR**

This item was dealt with towards the end of the meeting as there were a number of guests at today's meeting.

Mr. Connors called three times for nominations for Chair.

MOVED by Ms. Cale and seconded by Ms. LeGay that Ms. MacDonald be nominated for Chair.

Ms. Langille nominated Ms. Cale for Chair, but Ms. Cale declined the nomination.

There being no further nominations, **Ms. MacDonald was declared Chair by acclamation.**

MOVED by Ms. Street and seconded by Mr. Venus the nomination of Ms. Coffey as Vice-Chair.

Ms. Langille nominated Ms. LeGay as Vice-Chair, but Ms. LeGay declined.

There being no further nominations, **Ms. Coffey was declared Vice-Chair by acclamation.**

Since Ms. Coffey had to leave the meeting early, Mr. Connors was asked to contact her regarding whether she agreed to take on the position of Vice-Chair.

3. **APPROVAL OF MINUTES**

Deferred to May.

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

With the agreement of the members, the Chair proposed that the emphasis of the meeting be on item 5.1, Capital District Task Force presentation and item 6.1, Sidewalk Cafes and they be dealt with immediately.

5. **NEW BUSINESS**

5.1 **CAPITAL DISTRICT TASK FORCE - URBAN DESIGN PROJECT**

Ms. Lesley Griffiths, Griffiths Muecke and Mr. Gordon Ratcliffe, Gordon Ratcliffe Landscape Architects were in attendance.

Circulated with the agenda package was a memo dated April 22, 2003 from Ms. Griffiths to which was attached a back grounder that explained the various components of the project.

The purpose of their attendance at today's meeting was to briefly describe the project's purpose and to consult the members on accessibility issues. It was indicated that they would like to return for more detailed discussions in May.

In the presentation, Ms. Griffiths introduced the project being carried out for HRM, with Mr. Ratcliffe concentrating on accessibility issues.

Ms. Griffiths highlighted the following areas of the project.

- C 5 main business areas of the downtown included in the Capital District of Halifax/Dartmouth.

- C The importance of distinguishing these special places for residents of HRM, the Province and visitors.
- C They have been asked to develop Urban Design Guidelines to help HRM when making decisions related to public places, i.e. sidewalks, streets, etc.
- C They will be doing research on best practices in other jurisdictions. The promotion of good urban design will be done in both public and private realms.
- C Wayfinding (pedestrian signage) system are to be prepared. They recognize the need of coordinating signage for both pedestrians and vehicular traffic.
- C Detailed streetlandscape plans are being developed.
- C Reference was made to the work being done with HRM about capacity building.

Mr. Ratcliffe listed the five streets which are the focus of the project:

- C Quinpool Road
- C Gottingen Street
- C Spring Garden Road
- C Alderney Drive/Portland Street
- C Barrington Street

He stressed they will be looking at the sidewalk area not roads. Aesthetics will be factored in to essentially green the streets and make them more interesting for visitors and residents.

The following elements will be considered:

- C pavement surfaces (one of the universal design principles)

Reference was made to their involvement with the Alderney Gate Landing development which included the input of Ms. Street and Mr. Venus. He referred to the involvement of Kevin Murphy, who advised on universal design elements with regard to wheelchair access. Mr. Murphy is also providing advice on this project and Mr. Ratcliffe has toured Barrington Street with Mr. Harrington and Orville to identify shortcomings. Mr. Harrington shared ideas and frustrations faced by the blind.

Mr. Ratcliffe apologized to Mr. Rutt of the CPA for not contacting them for their input yet.

A discussed followed on problems with the materials used to pave surfaces in the downtown such as bricks used in the past and paving stones being currently utilized to replace the bricks. Reference was made to the use of these concrete pavers in the Grand Parade and the problems disabled users are encountering with them.

Efforts are being made to find a better paving surface to meet all requirements.

C street crossings/curbs, etc.

Mr. Ratcliffe indicated these are two areas he and Ms. Griffiths are anxious to work with the Committee on in developing a list of priorities. He felt there might be some time savings, as the Committee represented a number of disabilities. They will bring a map to the next meeting to help identify locations which are most difficult and cause the most frustration when navigating. The Chair cautioned that the Committee doesn't represent all disabled groups, thus other sources of information will have to be sought out.

The Chair referred to the HRM having a braille printer and Griffiths Muecke using this resource when providing materials to the Committee in future. The process being to provide the materials in electronic format to the Secretary at least a week prior to the meeting for processing into braille.

Ms. Griffiths and Mr. Ratcliffe plan to attend the next meeting and bring a map of the areas being studied. Consideration was given to providing the maps in a format which the blind members could refer to, but this apparently was not feasible.

Referring to intersection design, Ms. Langille stressed the importance that they be designed for all seasons. Concern was expressed about snow removal. Mr. Ratcliffe noted that the maintenance of sidewalks and crossings associated with snow removal have been recognized. It is being suggested to HRM that they abandon their reliance on the adjacent property owner to clean the sidewalks in these areas.

Ms. Street questioned whether any consideration has been given to how businesses will impact a neighbourhood. She gave an example of a business which was expanded to cover 100% of a lot and the resultant loss of sunlight adjacent properties incurred. Apparently there is nothing in the Municipality's by-laws to deal with such a loss. Mr. Ratcliffe reflecting on Ms. Street's concern, noted that part of their project is to research best practices and identify problem areas in current by-laws. He will add this item to their list.

A general discussion followed on the concrete paving bricks being installed, the pros and cons. Mr. Harrington referred to earlier discussions with Mr. Ratcliffe regarding the use of different materials to identify corners. Mr. Harrington questioned whether seniors or those using walkers and canes have been contacted to reflect on the whether or not they find the concrete pavers a good surface. It was noted that the actual pavers aren't the problem but where they join which is beveled.

Ms. Griffiths assured the Committee that their recommendation for sidewalks will involve

air brushed concrete, with some sort of paver used to accentuate places.

Reflecting on comments about identifying priority intersections, Ms. Williams cautioned that she understood the point of the exercise was to allow people to move freely through the whole area. She emphasized the need to employ measures which meet the requirements of those who need a higher degree of accessibility, so they are not held captive in certain areas.

Ms. Griffiths noted that a fair portion of the budget may go to curb cuts this year as others aspects will not be ready for implementation. Mr. Harrington hoped the most recent design for curb cuts, i.e. one cut per corner rather than two at right angles isn't used.

Referring to the concrete pavers, Ms. Street wondered if it is the shape of them, their installation or maintenance which is the problem. It is noted that they can be slippery and lift. They have a beveled edge. Mr. Harrington felt that the ones installed to date are not likely to be removed. Ms. Street reflected that it appeared to her that if these were installed properly, i.e. level on a sand base they would be a good solution. It was pointed out that problems are nonetheless encountered by wheelchair and white cane users with these pavers.

In response to a question from Ms. Williams pertaining to aesthetics, Mr. Ratcliffe noted that the intention is to arrange trees, planters, benches and trash containers on and along the sidewalks to ensure there is a universally accessible pathway.

Ms. Williams referring to the signage, wondered if it will be useable by the blind. The consultants will give this consideration.

Ms. LeGay pointed out the problems encountered by the blind associated with the location of litter containers. In addition to sometimes presently an obstruction, she would like to see them made unmoveable, so the blind can identify where they can always be found.

An example of what can happen when a litter can is placed too high up was given. The need to place them in an area and at a height that is accessible was stressed.

The Chair noted the need for any structures on the sidewalk to have some sort of a ground level barrier for a cane to follow. He agreed with Mr. Harrington that the one curbcut per corner should not be used as it can direct the blind and those in wheelchairs into the centre of the intersection.

For those with partial sight, Ms. Williams identified the need for strong color contrasts indicating an area of change.

She suggested the consultants might wish to check into Winnipeg's Universal Design Guidelines. It was also noted that Victoria, B.C. has a great accessibility plan, which is recognized internationally.

Ms. Street referred to an accessibility evaluation guide in use. Mr. MacCallum, N.S. Disabled Persons Commission, advised that the University of Winnipeg also has something available. The consultants will contact Ms. Street for further input, as she won't be at the May meeting.

Reference was made by Ms. Langille to Allan Taylor of HRM telling her about International Guidelines for accessibility.

Referring to the curb cut issues, Ms. LeGay asked if there would be an opportunity for the blind to review what is being proposed. Mr. Ratcliffe proposed they develop a design, install it and then have it tested.

Mr. Harrington wondered if it would be possible to see samples of pavers before their installation. He would not want a lot of installation done before input is received from users of these surfaces.

Further discussion of both these issues will continue at the May meeting.

(Mr. Ratcliffe had to leave, but Ms. Griffiths stayed for the balance of the meeting.)

6. BUSINESS ARISING OUT OF THE MINUTES AND STATUS SHEET

6.1 SIDEWALK CAFES

Mr. Laughie Rutt, Executive Director, Canadian Paraplegic Association and Mr. Burke MacCallum, Nova Scotia Disabled Persons Commission were in attendance for this item. Mr. MacCallum was attending in the place of Judy Hughes of the Commission.

Circulated in the agenda package was an article authored by Mr. Rutt entitled "Outdoor Cafes must be made Accessible", which appears in the spring issue of "Total Access".

There was lengthy discussion of how to resolve problems associated with sidewalk cafes. Extreme frustration was expressed by Mr. Rutt. This has been an issue of concern for several years and Mr. Rutt indicted he felt there is not a willingness within HRM to solve the problem. It was noted that sidewalk cafes were introduced in 1998 and have not been a positive experience for those with disabilities.

Specific problems they pose to the disabled were listed as follows:

- C Some of the installation pose a safety hazard due to the difficulty getting around these obstacles.
- C The design of some of the sidewalk cafes block the accessible entrance to the indoor restaurant associated with them.
- C They don't conform to barrier free path of travel guidelines.

Mr. Rutt noted that after trying to deal with HRM directly on the issue, three years ago he had contacted the Committee. He felt it an issue for the Committee to deal with.

Reference was made to a public meeting held March 2002 attended by Ms. Street and Darrell Robar, former Chair, on the Committee's behalf. It was noted that there have been several public meetings on the subject of sidewalk cafes.

Mr. Rutt commented that last year HRM would not admit they fell under the Building Code. He referred to the string of HRM staff he has addressed this issue with over the past few years including Kevin Barrett and Phil Francis and he is not making any headway. He is going in circles.

He recalled the Committee made recommendations to Regional Council on the subject, but the will of the Committee has not been followed. He felt the recommendation pertained to the Committee wanting the provisions of the Nova Scotia Building Code followed.

Mr. Rutt noted from a conversation with Mr. Francis last week, that the policy associated with their installation has not been changed in any way, despite all the input from the public meetings. He noted that the sidewalk cafes are getting more numerous and larger, thus the problem is growing.

He also noted that they not only present a problem to those in wheelchairs but are a hazard to the blind and visually impaired. Apparently, HRM does not feel sidewalk installations have to conform to the Building Code. In addition to posing a hazard they are not welcoming to all by not being wheelchair accessible.

Mr. Venus felt that if someone, under the circumstances, hurt themselves, HRM would have to assume some liability. Mr. Rutt gave an example of such a situation in Ontario involving a paraplegic being injured and the municipality being sued. He felt that if an able bodied or disabled individual was injured in a fall associated with a premise that had been approved by the Municipality's Right of Way Engineer and/or Building Inspectors, the Municipality should be liable.

It was suggested by Ms. Street that Mr. Rutt single out one situation and identify the violations. Mr. Rutt reflected that he did not feel the problem lies with the business owners. Some of the business owners have been very responsive. It is HRM who hasn't been

responsive related to its policy.

It was recalled by Ms. Street that Kevin Barrett had brought to the Board several alternatives to address the problem. She felt they appeared to be good solutions. Ms. Coffey reflected on her attendance at the March 2002 Public Meeting when one proposal was presented, but the business community rejected it.

Ms. Street recalled one of the components of the proposal related to the serving of beverages. Regulations required the two areas, inside and outside to be attached. It was suggested that canopies be used. She reflected that in other jurisdictions the regulations might be different. Mr. Connors suggested this might relate to N.S. Liquor regulations not the Building Code.

A discussion followed on where this particular design might have originated. Ms. Street felt it likely came from best practices elsewhere.

Referring to the design, Mr. Connors recalled that it had not worked for all locations. Staff could not come up with one standard for all.

Reference was made to the strong Downtown lobby associated with tourism and commerce benefits.

While understanding the issue from a business point, Mr. MacCallum noted the tremendous safety issue posed by sidewalk cafes and associated liability concerns, due to the absence of standards. He was confident that the development of a good set of standards could meet both criteria. He noted that some of these installations block the whole sidewalk and force everyone into the street. He proposed there be a committee struck to study the issue. The Committee could look into what other jurisdictions are doing.

Ms. Coffey indicated that P.E.I. has adopted the model that Kevin Barrett had presented to the Committee. Ms. Williams recalled that someone had been hired to do research into this matter and a report on the proposal should be obtainable.

Ms. Williams referred to the whole issue of a sidewalk being a sidewalk. There seems to be a trend in thinking that any space in front of a building is for the use of customers associated with the building. There needs to be an understanding of what the purpose of sidewalks is.

Referring to the establishment of sidewalk cafes in 1998, she recalled the idea was to allow some of the patrons to enjoy their refreshments out-of-doors. If this exclusive space is small, people will go inside the establishment, but they have kept expanding to meet demand.

Mr. Rutt referred to a letter he received from Kevin Barrett last year assuring him that there was a team of Planners addressing the issue and it was anticipated that changes would be approved for the 2003 season. He reported that he checked into the situation by obtaining an application, which did not seem any different from last year's. He made enquires to Brian Robarts and now has been directed to Phil Francis. He questioned what happened to the team of Planners, Mr. Barrett referred to. It is three years later and he has not made any headway. He indicated he would like to use the sidewalk cafes. However, they sometimes pose a risk to him when he has to even pass them by. He appealed to the Committee to help find a way to fix the problem.

Ms. Coffey proposed the formation of a steering committee to deal with the matter. She proposed there be involvement by a member of the Advisory Committee for Persons with Disabilities. The members could brainstorm and try to make some headway. She noted that with the no smoking measures, there will be more people crowding into the cafes.

Mr. Rutt stressed that a law has been broken since 1998. HRM officials have to enforce the Building Code requirements, despite what concessions the business owners want. A law is a law and has to be followed. He felt the Committee should follow-up on what happened to its recommendation to Council. He felt it was a question of will.

Ms. LeGay commented that the Committee is only advisory to Council. It does not have the power to enforce anything. She proposed the way to address the matter is for a submission to be made to Council with specific requests. This would be sent back to staff and they would be obliged to come up with answers. This is the only mechanism for the Committee to use, i.e. make a submission that some sort of accessibility guidelines be developed and a time-frame set.

Mr. Rutt sought confirmation as to whether Council had taken the Committee's advice in the past on the subject or turned it down. Mr. Connors recalled the Committee receiving a positive reaction and the Committee was satisfied to see what they would come up with. He agreed it is time to plan a course of action.

Councillor Meade recalled his response to Mr. Barrett's proposal two years ago and his comments when the Smoking By-law came into effect. He suggested someone may wish to check with Rick Paynter on the status of the whole matter.

It was suggested the Mr. Rutt should consider involving the press and/or ask for a staff report to see if the sidewalk cafes conform to the Building Code. The opinion was expressed that involving the press would accomplish more than asking for a staff report.

It was noted that Paul Dunphy had been invited to today's meeting. The invitation could be extended again to find out if there is anything new happening.

Reflecting on the suggestion about involving the media, Mr. Rutt expressed disappointment that this should be necessary, as he felt it is something which should be taken care of by the administration.

Mr. Connors did not support the media approach, feeling a comprehensive report needs to be written to Regional Council, stressing the need to correct the situation. These are the steps the Committee has gone through and questions raised. Regional Council should not wait for a staff report.

Mr. LeGay stressed that Mr. Rutt has come to the Committee to determine what the Committee can do about the situation and a response to Mr. Rutt is required. The subject has been on the Committee's Status Sheet for months. She suggested that the Committee go to Council and ask for a staff report. She suggested the report be put together in conjunction with Mr. Rutt, requesting some sort of solution.

Ms. Williams questioned Ms. Griffiths as to whether the issue of sidewalk cafes falls within the Urban Design Project. She confirmed they do under the terms of design guidelines. It was felt that Mr. Rutt's comments should be included in Ms. Griffiths' report.

Ms. Williams could not recall the Committee going to Council on this matter as referred to earlier in the meeting. She recalled the Public Hearing being held with business owners and Council deciding not to change requirements for the year. Since that time there have been staff changes and she was not clear as to who was now responsible for this area.

It was concluded that a couple of the members of the Committee should meet with Mr. Rutt to put together a report to Council.

6.2 **WHEELCHAIR ACCESSIBLE TAXIS**

The second issue Mr. Rutt was in attendance for related to the lack of Wheelchair Accessible Taxis. He would like to get interested parties together to address this problem. He felt the Committee had a role in resolving it. He noted there is not one wheelchair accessible taxi at Halifax International Airport. He would like to see energy directed to solving this problem.

Due to the late hour, the balance of the agenda had to be deferred.

7. **DATE OF NEXT MEETING**

The next meeting will be held Monday, May 26, 2003, as the regular meeting date falls on Victoria Day.

8. **ADJOURNMENT**

The meeting adjourned at approximately 6:10 p.m.

Lynne Le Boutillier
Legislative Assistant