

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES SEPTEMBER 30, 1997

PRESENT: Mayor Walter Fitzgerald
Deputy Mayor Jack Greenough
Councillors: Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Larry Uteck
Howard Epstein
Russell Walker
Bill Stone
Ron Hanson
Stephen Adams
Barry Barnet
Bob Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

REGRETS: Councillors Bruce Hetherington
Condo Sarto

STAFF MEMBERS: Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Jane Nauss, Assistant Municipal Clerk

TABLE OF CONTENTS

1.	INVOCATION	4
2.	PROCLAMATIONS (3)	4
3.	APPROVAL OF MINUTES - Sept. 15 & 23, 1997	4
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	4
5.	BUSINESS ARISING OUT OF THE MINUTES	5
6.	MOTIONS OF RECONSIDERATION - NONE	5
7.	MOTIONS OF RESCISSION - NONE	5
8.	CONSIDERATION OF DEFERRED BUSINESS	5
8.1	By-Law S-200 Respecting Smoking	5
8.2	Pollution Control Charges	7
9.	REPORTS	8
9.1	MEMBERS OF COUNCIL	8
9.1.1	Housing Report - N.S. Government - Councillor Rankin	8
9.2	BEDFORD WATERS ADVISORY COMMITTEE	9
9.2.1	Concerns of Bedford Waters Advisory Committee	9
9.3	CHIEF ADMINISTRATIVE OFFICER	9
9.3.1	First Reading - By-Law S-300 - Respecting Streets	9
9.3.2	Tender 97-359 - Fall River Rd. Resurfacing	10
9.3.3	Chip Sealing - Proposed Projects	10
9.3.4	Betterment Charge Policy - Street Paving	10
9.3.5	Paving - Kingswood Subdivision & Montague Estates	12
9.3.6	Tender for Canteens - Hfx. & Dart. Ferry Terminals	13
9.3.7	License Inspector	13
9.3.8	Harrietsfield Community Centre - Sewage Disposal	13
10.	PUBLIC HEARINGS - NONE	
11.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	14
11.1	Petitions	14
11.1.1	Councillor Schofield - Harbourview School, Dartmouth	14

12.	MOTIONS	14
12.1	Councillor Uteck - Amendment to HRM Act	14
12.2	Councillor Schofield - Occupancy of DND Land	15
13.	ADDED ITEMS	15
13.1	Clarification of 98/99 Budget Process	15
14.	NOTICES OF MOTION	16
15.	ADJOURNMENT	16

1. INVOCATION

Mayor Fitzgerald called the meeting to order at 6:00 p.m. with the Invocation.

2. PROCLAMATIONS

- 2.1 Mi'kmaq History Month - October**
- 2.2 National Family Week - October 6 - 12**
- 2.3 Alexander Keith Week - October 1 - 7**

Mayor Fitzgerald proclaimed October as Mi'kmaq History Month, October 6 - 12 as National Family Week, and October 1 - 7 as Alexander Keith Week.

3. APPROVAL OF MINUTES - September 15 & 23, 1997

MOVED by Councilors Blumenthal and Mitchell to adopt the minutes of September 15 and 23, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

4. APPROVAL OF ORDER OF BUSINESS - ADDITIONS AND DELETIONS

The Municipal Clerk requested the following additions to the agenda:

- 13.1 Report from Commissioner of Corporate Services re Clarification of 1998/99 Budget Process.
- 13.1 Report from Chair of North West Community Council dated September 29, 1997 re Capital Budget and Allocation to Community Councils.
- 9.3.4 Request from Paul Pettipas of Fall River Village Limited and Archie Hattie, Loon Lake Developments Ltd., to address Halifax Regional Council re Betterment Charge Policy - Street Paving.

The Municipal Clerk stated that Councillor Kelly was requesting item 9.2.1 - Concerns of Bedford Waters Advisory Committee - be deleted from the agenda pending a staff report on the concept of establishing a Planning Advisory/Waters Advisory Committee.

Mayor Fitzgerald requested the following addition to the agenda:

- 13.2 Private Meetings. *(Note: this was not dealt with at this meeting - to be placed on October 7 agenda)*

MOVED by Deputy Mayor Greenough and Councillor Schofield to adopt the Order of Business, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

5. **BUSINESS ARISING OUT OF THE MINUTES** - None
6. **MOTIONS OF RECONSIDERATION** - None
7. **MOTIONS OF RESCISSION** - None

8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 **By-Law S-200 Respecting Smoking - Second Reading**

- A memorandum prepared for Ms. Val Spencer, Commissioner, Priority & Policy, on the above-noted, was before Council for discussion.
- Correspondence from Mrs. Maureen Bartlett and Ms. Judith Cabarita was also included in the package.

Second Reading of By-Law S-200 had been deferred September 9, 1997 pending a staff report.

MOVED by Councillors Harvey and Epstein that Regional Council:

- a) **Give Second Reading to amended By-Law Number S-200 Respecting Smoking, attached to the staff report dated September 30, 1997, as Appendix 1.**
- b) **Establish a community-based working group to provide a forum for the various interests involved and to make recommendations to Council on a program to expand restrictions on smoking, including considerations of a total ban and timeframe and program to achieve it.**

Council agreed to split the Motion.

MOVED by Councillors Harvey and Epstein to give Second Reading to amended By-Law Number S-200 Respecting Smoking, attached to the staff report dated September 30, 1997, as Appendix 1.

Councillor Hendsbee expressed concern as to how non profit community facilities would survive when there was no provision for them to operate in this by-law.

An amendment to the Motion was put on the floor.

MOVED by Councillors Hendsbee and Adams to amend By-Law S-200 by adding Subsection (2) to Section 3 as follows: "Notwithstanding the provisions of subsection (1), where, on an occasional or regular but not constant basis, uses of part of a community centre are uses which are permitted to include smoking according to this by-law, the appropriate provisions of the by-law shall apply to the centre, including all signage and seating arrangements, for the duration of these uses." MOTION PUT AND PASSED.

A vote on the amended Motion took place.

MOVED by Councillors Hendsbee and Adams to give Second Reading to the amended By-Law Number S-200 Respecting Smoking, attached to the staff report dated September 30, 1997, as Appendix 1, with one amendment, that being adding subsection (2) to Section 3 as follows: "Notwithstanding the provisions of subsection (1), where, on an occasional or regular but not constant basis, uses of part of a community centre are uses which are permitted to include smoking according to this by-law, the appropriate provisions of the by-law shall apply to the centre, including all signage and seating arrangements, for the duration of these uses." MOTION PUT AND PASSED UNANIMOUSLY.

Another Motion was put on the floor.

MOVED by Councillors Harvey and Epstein to establish a community-based working group to provide a forum for the various interests involved and to make recommendations to Council on a program to expand restrictions on smoking, including considerations of a total ban and timeframe and program to achieve it.

Council discussed briefly the composition of the community-based committee with Council suggesting representatives from the Metro Chamber of Commerce, a member of the BIDC (either Downtown or Spring Garden Road), bingo sector, TIANS and Nova Scotia Restaurant Owners be invited to sit on the Committee. Mayor Fitzgerald stated that he and Deputy Mayor Greenough would meet to discuss the membership.

In response to an enquiry from Councillor Cooper referencing individuals being banned from smoking in bowling alleys and bingo halls, Mr. Barry Allen, Acting Municipal Solicitor, advised he could discuss this with the Councillor.

Councillor Adams expressed concern with regard to the mandate of the Committee.

An amendment to the Motion was put on the floor.

MOVED by Councillor Adams and Schofield to amend the Motion that the community-based Committee explore the pros and cons of banning smoking - and suggested the Committee determine solutions to expand the restrictions of smoking and look at the feasibility of doing so as it pertains to business implications. MOTION PUT AND PASSED.

A vote on the amended Motion took place.

MOVED by Councillors Harvey and Epstein to establish a community-based working group to provide a forum for the various interests involved and to make recommendations to Council on a program to expand restrictions on smoking, including considerations of a total ban and timeframe and program to achieve it; further, that the community-based Committee explore the pros and cons of banning smoking - and suggested the Committee determine solutions to expand the restrictions of smoking and look at the feasibility of doing so as it pertains to business implications. MOTION PUT AND PASSED.

With respect to the Casino, Ms. Val Spencer, Commissioner, Priority and Policy, advised this aspect is unclear but that the Casino has requested they be treated as a bingo hall as opposed to a restaurant.

MOVED by Councillors Walker and Epstein that bowling alleys be listed as a restriction. MOTION DEFEATED.

In response to comments from Councillor Cunningham regarding malls and foodcourts - the difference between small and larger food courts - Ms. Spencer advised that the larger ones may have to consider a form of designation. This aspect should be addressed at a future session of Regional Council.

8.2 Pollution Control Charges

- A supplementary report (#2) prepared for Mr. Ron Singer, Acting Commissioner, Corporate Services, and Mr. George McLellan, Commissioner, Regional Operations, on the above-noted, was before Council.

This matter had been previously discussed during the September 15 and 23, 1997 meetings of Regional Council.

MOVED by Councillors McInroy and Hendsbee that the Pollution Control Charge be set in accordance with Section 3, Subsection (1) of Sewer Charges By-Law S-100, that all metered water users of the Commission shall pay an Environmental

Protection rate of \$1.16 per 1,000 gallons of water; further, that a Wastewater and Stormwater Management rate of \$.26 per 1,000 gallons of water be paid, for a combined rate of \$1.42 per 1,000 gallons of water; further, that staff provide additional information regarding Councillor Epstein's comments regarding the implications of it.

Councillor Blumenthal expressed opposition to the Motion noting that residents in the North End of Halifax have been taxed enough. Councillor Walker expressed concern with this Motion in that there was no reduction in the former City of Halifax tax bills. Councillor Schofield suggested these were not fair costs.

Councillor Barnet supported the Motion noting that everyone should pay the same fee no matter where they live. Councillor Hanson suggested this was a fair recommendation. Councillor Harvey stated this was a significant moment to adopt one rate. Deputy Mayor Greenough suggested that the charge should be implemented immediately. Councillor Uteck supported the Motion.

Mr. George McLellan, Commissioner, Regional Operations, provided background information on the issue noting that staff was attempting to harmonize the rates. In the former Halifax County Municipality and Town of Bedford, these two units shared waste water responsibilities. In the former Cities of Dartmouth and Halifax, reserve funds were in place, however, prior to amalgamation, Dartmouth dropped its rates and Halifax continued to provide funds. In closing, Mr. McLellan noted that both Council and residents alike should be made aware there will be a high price tag for all former units.

Mayor Fitzgerald encouraged Council to work together on this issue.

MOTION PUT AND PASSED.

For the record, Councillor Blumenthal voted against the Motion.

9. REPORTS

9.1 MEMBERS OF COUNCIL

9.1.1 Housing Report - Nova Scotia Government - Councillor Rankin

CONFLICT OF INTEREST

Councillor McInroy declared a Conflict of Interest as an employee of the Provincial Government, and removed himself from the discussions.

- A memorandum prepared for Councillor Rankin seeking a response to the recently released report by the Nova Scotia Government regarding housing, was before Council.

As a copy of the aforementioned report had not been made available to Council, Mayor Fitzgerald suggested a copy be obtained for next week's meeting and that the matter could be discussed at that time.

MOVED by Councillors Rankin and Blumenthal to defer further discussion on this matter pending receipt of the report . MOTION PUT AND PASSED UNANIMOUSLY.

Councillor McInroy resumed his place at the meeting.

9.2 BEDFORD WATERS ADVISORY COMMITTEE

9.2.1 Concerns of Bedford Waters Advisory Committee (BWAC)

This item had been deleted from the agenda, at the request of Councillor Peter Kelly. The Councillor was awaiting a staff report on the concept of establishing a Planning / Waters Advisory Committee.

9.3 CHIEF ADMINISTRATIVE OFFICER

9.3.1 First Reading By-Law S-300 Respecting Streets Motion - Deputy Mayor Greenough - Move First Reading

- A memorandum prepared for Mr. George McLellan, Commissioner, Regional Operations, on the above-noted, was before Council.

During the September 15, 1997 meeting, Deputy Mayor Greenough gave Notice that he would be introducing a By-Law Respecting Streets, for First Reading, on September 30.

MOVED by Deputy Mayor Greenough and Councillor Adams that Halifax Regional Council give First Reading to By-law No. S-300 - By-Law Respecting Streets. Further, that staff be authorized to advertise Second Reading for October 21, 1997.

Councillor Barnet requested copies of all by-laws being repealed.

Councillor Kelly requested service implications be addressed in a staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

9.3.2 Tender 97-359 - Fall River Road Resurfacing - Central District

- A memorandum prepared for Mr. George McLellan, Commissioner, Regional Operations, on the above-noted, was before Council.

Councillor Snow stated that "Fall River Road" should be replaced with "Windsor Junction Road."

MOVED by Councillors Snow and Walker that Council award Tender 97-359, Windsor Junction Road Resurfacing, Central District to Dexter Construction Co. Ltd. at a tender price of \$359,490 and a total project cost of \$413,414 with funding authorized from Capital Account No. 95470, Resurfacing. MOTION PUT AND PASSED UNANIMOUSLY.

9.3.3 Chip Sealing - Proposed Projects

- A memorandum prepared for Mr. George McLellan, Commissioner, Regional Operations, on the above-noted, was before Council

Councillor Snow referenced "Snows Road, Fall River" noting this was incorrect and suggested that perhaps it should read "Alpine Drive."

MOVED by Councillors Snow and Barnet that Council delete the streets noted in the report dated 1997/98 Capital Project for chip sealing roads. MOTION PUT AND PASSED UNANIMOUSLY.

9.3.4 Betterment Charge Policy - Street Paving (oral)

- This matter had been deferred from the September 2, 1997 Regional Council Meeting.
- Circulated to Council was correspondence from the Armoyan Group and Loon Lake Developments.

Council agreed to Mr. Paul Pettipas, Fall River Village, addressing Council.

Mr. Pettipas referenced the staff proposal noting there is no comparison between suburban and urban streets. Further, Mr. Pettipas expressed that a standard of 3.5" of asphalt would not be appropriate for all streets and that less thickness could be used on some streets.

Mayor Fitzgerald thanked Mr. Pettipas for his presentation.

Council agreed to Mr. Archie Hattie, Loon Lake Developments Ltd., addressing Council.

Mr. Archie Hattie referenced his correspondence dated September 30, 1997 addressed to Councillor Cooper, which had been distributed to Council. Mr. Hattie suggested Council consider 2.5" of asphalt paving.

Mayor Fitzgerald thanked Mr. Hattie for his presentation.

Mr. George McLellan, Commissioner, Regional Operations, stated that staff feel 2.5" was not sufficient thickness and that staff was attempting to build a reasonable standard for the Region.

Mr. Khulvinder Dillon, Director of Engineering Services, stated that the Development Advisory Group supported the concept of uniform asphalt paving thickness across the Region. Accordingly, staff would like to bring a new unit cost back to Council based on the average costs determined through a tender call.

Councillor Barnet expressed concern as to how the municipality achieved an average of \$120 per foot. The Councillor stated in the past, the Department of Transportation provided the same service at \$36 per foot (homeowners' share). Councillor Barnet enquired if it actually costs three times more money to have an additional 1.5" of asphalt or have there been other things factored into the equation.

Mr. Dhillon stated that the municipality has limited experience in setting a rate for this year, however, staff want to go to tender on the project approved by Council, get the price and come back with an average for two years. Council can then approve a uniform rate. In other words, if Council approves the standard this evening, staff will go to tender later this week, obtain a new tender price and provide a new rate, publically tendered, to Council.

Councillor Barnet suggested that Council needs to spend capital money to save operating money as it saves tax dollars in the end.

Councillor Rankin stated there were two elements being discussed:

- 1) standard of thickness
- 2) project specific costs.

The Councillor stated that staff would like to see a standard of 3.5", therefore, he suggested that a Motion be made to encourage staff, in the interest of affordability, to

take into consideration the category of a street (amount of traffic, etc.). The Councillor suggested various streets may not require 3.5" asphalt thickness.

Secondly, Councillor Rankin suggested a Motion be put on the floor to charge on site specific projects for cost recovery.

Deputy Mayor Greenough, to clarify the matter at hand, noted that Council is considering 3.5" thickness laid in either one or two lifts. Further, it has been suggested there may be some flexibility in the depth of the asphalt depending on the category of the street.

Councillor Hendsbee agreed with the flexibility aspect as being suggested by Councillor Rankin.

MOVED by Councillor Rankin and Deputy Mayor Greenough that the minimum design thickness of asphalt concrete for streets within Halifax Regional Municipality be 3.5 inches (190 kg./sq. meter), with flexibility for asphalt thickness to be decided by staff, dependent on road category. MOTION PUT AND PASSED.

MOVED by Councillors Rankin and Barnet that the cost be recovered based on project specifics. MOTION DEFEATED.

MOVED by Councillors Blumenthal and Hendsbee that the standard costs of new paving be based on this year's average cost to reflect those contracts tendered this year. MOTION PUT AND PASSED.

9.3.5 Paving - Kingswood Subdivision & Montague Estates

- This matter had been deferred from the September 2, 1997 Regional Council Meeting.

Councillor Rankin stated that staff will proceed with tenders as per the Motions adopted under item 9.3.4(Betterment Charge Policy).

Councillor Cooper enquired if staff could look at the Montague Estates issue.

MOVED by Councillor Cooper and Deputy Mayor Greenough that Paving - Montague Estates - be considered in next year's Capital Budget. MOTION PUT AND PASSED.

**9.3.6 Tender for Canteens - Halifax and Dartmouth Ferry Terminals
(supplementary report)**

- A Supplementary Report prepared for Mr. Wayne Anstey, Municipal Solicitor, on the above-noted, was before Council.
- Correspondence from Mr. Peter Arnold, Mr. Grant Walker, and Mr. John P. Merrick, Flinn Merrick, Barristers and Solicitors, had also been distributed to Council.

Councillor Blumenthal had requested a report on the above-noted, during the September 23, 1997 Regional Council Meeting. Staff was recommending that no further action be taken in this regard.

MOVED by Councillors Blumenthal and Schofield that this matter be deferred to legal staff to meet with legal counsel of the other parties involved; further, that negotiations with Doughlaw Enterprises cease until this matter is resolved. MOTION PUT AND PASSED.

Councillor Blumenthal suggested that staff develop a policy as to how the municipality should deal with its tenants, particularly as it pertains to the impact of tenders.

Councillor Downey suggested Mr. Wayne Anstey, Municipal Solicitor, be approached to provide information as to why previous proposal calls in this area (prior to amalgamation) were unsuccessful.

Councillor Adams enquired as to how this issue can be compared to the Spryfield issue (which was approved by Council) as it pertains to breach of contract.

9.3.7 License Inspector

- A memorandum prepared for Chief Vincent MacDonald, Police Services, on the above-noted, was before Council.

MOVED by Councillor Mitchell and Deputy Mayor Greenough that Mr. Peter James be appointed as License Inspector under the Petty Trades Ordinance, the Automatic Machines Ordinance and the Streets Ordinance. MOTION PUT AND PASSED UNANIMOUSLY.

9.3.8 Harrietsfield Community Centre - Sewage Disposal

- A memorandum prepared for Mr. Dan English, Commissioner, Community

Services, on the above-noted, was before Council.

Information on this matter had been requested by Councillor Adams during the September 2, 1997 Regional Council Meeting.

MOVED by Councillors Adams and Hanson that:

- a) Council approve the expenditure of \$70,000 to install a septic field for the Harrietsfield Community Centre and the Harrietsfield Elementary School, on the understanding that the Halifax Regional School Board will repay fifty percent (50%) of the capital costs to HRM; and
- b) That \$35,000 remaining in the Graves Oakley Washroom project (acct #800012) be transferred to this project. **MOTION PUT AND PASSED UNANIMOUSLY.**

10. PUBLIC HEARINGS - None

11. CORRESPONDENCE, PETITIONS AND DELEGATIONS

11.1 PETITIONS

11.1.1 Councillor Schofield - Harbourview School, Dartmouth

Councillor Schofield submitted a petition to the Municipal Clerk, from parents of students who attend Harbourview School, Dartmouth. Concern was raised regarding outdated playground equipment and the condition of the sand.

12. MOTIONS

12.1 Councillor Uteck

- Councillor Uteck served a Motion, during the September 23, 1997 Regional Council Meeting, to amend the HRM Act.

MOVED by Councillors Uteck and Epstein that an amendment to Subsection 2 of Section 40 of the HRM Act - that being the section dealing with the powers of the Chief Administrative Officer, be as follows:

“The Chief Administrative Officer shall make recommendations to the Council respecting any proposed expenditure for any purpose in excess of \$10,000 and

respecting any contract involving any such expenditure, and the Council shall not make any such expenditure or enter into any such contract for the same until a recommendation from the Chief Administrative Officer in respect thereof, has been received but the Council shall not be bound to adopt such recommendations.” MOTION PUT AND PASSED.

12.2 Councillor Schofield

- Councillor Schofield served a Motion during the September 23, 1997 Regional Council Meeting.

MOVED by Councillors Schofield and Cunningham that an expression of concern be forwarded to the Department of Public Works (Canada) that the occupancy of the DND land on Cannon Crescent, Dartmouth, continues and now exceeds 400 days; and further to request that the matter be resolved without delay and/or that Council be informed of the status in response to this ongoing situation. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Schofield enquired if the municipality has undertaken policing of Cannon Crescent, Dartmouth.

13. ADDED ITEMS

13.1 Clarification of 1998/99 Budget Process

A memorandum prepared for Councillor Harvey, Chairman, North West Community Council, entitled “Capital Budget and Allocation to Community Councils” had been distributed to Council.

Mr. Larry Corrigan, Commissioner of Corporate Services, referenced documentation entitled “Corporate Direction for Budget Preparation” which was distributed to Council.

The following information was reviewed:

- What is the time line for the Capital Budget? (from Departments - October 15; from Community Councils - Oct. 24. Budget to be tabled December 2)
- How do the elected officials give direction and approval for the budget?
- How extensive will the Capital Budget be this year?

With respect to the \$1 million allocation to Community Councils, the following information was reviewed:

- Can individual Councillors recommend funding for community groups?
- Can community groups receive the funds directly from HRM and arrange for the project outside the HRM process?
- Does tendering of works have to go through HRM departments for approval and release of funds?
- Is the \$50,000 per project limit in effect for the community based projects?
- Can the funding be used to pay for grass cutting and maintenance at ballfields?
- Will staff be making any recommendations regarding the Community Council allocations?
- Can the funding be "banked" for a future year, i.e. accumulated rather than spent this year?

MOVED by Councillors Adams and Hendsbee that banking of Community Council allocations not be permitted. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Dooks expressed concern with the process involved allocating the \$43,000 (approximately) to each Community Council. The Councillor suggested a rural plan be put in place for this year's Capital Budget. Councillor Dooks stated that each Community Council should be trusted to dispense with the funds as each sees fit.

14. NOTICES OF MOTION

The meeting adjourned prior to agenda item 14 being discussed.

15. ADJOURNMENT

**MOVED by Councillor Uteck and Epstein to adjourn the meeting at 8:35 p.m.
MOTION PUT AND PASSED.**

Vi Carmichael
MUNICIPAL CLERK

