

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES FEBRUARY 15, 2000

PRESENT: His Worship Mayor Walter Fitzgerald
Deputy Mayor John Cunningham
Councillors: Stephen Streach
Gordon R. Snow
Keith Colwell
Harry McInroy
Jack Greenough
Bruce Hetherington
Clint Schofield
Jerry S. Blumenthal
Graham L. Downey
Sue Uteck
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Stephen D. Adams
David E. Merrigan
Robert P. Harvey
Peter J. Kelly
Reg Rankin
Jack Mitchell

**ABSENT WITH
REGRETS:** Councillors: Ron Cooper
Condo Sarto

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

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COUNCIL MINUTES**

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1. INVOCATION

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

2. PROCLAMATIONS

2.1 Kinsmen and Kinette Day/Week

Mayor Fitzgerald proclaimed February 20, 2000 as Kinsmen and Kinette Day and the week of February 19-25, 2000 as Kinsmen and Kinette Week.

2.2 Apology to Firefighters Association from Councillor Adams

Councillor Adams read a letter that he had sent to the Executive of the Firefighters Association regarding comments that he had made, and that appeared in the newspaper on February 1st. In the letter, Councillor Adams referred to his comments questioning whether the Executive were Local 268 or the KGB. The Councillor stated that his comments were inappropriate and grossly unfair. Councillor Adams offered Mr. Dober, President, Executive Members and the entire membership of Local 268, his sincere apologies for his comments, and he is sorry for any embarrassment or humiliation this may have caused.

3. APPROVAL OF MINUTES - February 1, 2000

MOVED by Councillors Blumenthal and Hetherington that the Minutes of February 1, 2000 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the Agenda:

- 12.1 Councillor Stone - Mother Berchmans Centre - Letter of Support
- 12.2 Councillor Schofield
 - (i) HRM Vehicles, Personal and After Hours Usage
 - (ii) Funding from Sale of Heritage Properties for Upkeep of Other Heritage Properties
- 12.3 Property Matter - Exchange of Portion of Parcel 00636571 at Intersection of Duke Street and Highway 102 from Province of Nova Scotia for Lot L-46B1 and Lot 44A-3. Burnside Park
- 12.4 Legal Matter - Claim Settlement
- 12.5 Appointments

Information Item - Memorandum from Director, Financial Services dated February 14, 2000 re Property Tax Incentives for Local Business

MOVED by Councillors Greenough and Hetherington that Council approve the Order of Business and Additions and Deletions. 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 - NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Petitions

9.1.1 Councillor Kelly - Pesticide By-Law

Councillor Kelly submitted a petition from 200 citizens to support the enactment of a municipal by-law to limit the cosmetic spraying of chemical pesticides within the boundaries of the Halifax Regional Municipality.

9.1.2 Councillor Uteck - Connaught Avenue/Jubilee Road Intersection

Councillor Uteck submitted a petition from an additional 70 citizens to the ongoing petition to have the traffic lights removed from the Connaught Avenue/Jubilee Road intersection. This brings the total to 3,170. The Councillor pointed out that the majority of the signatures came from Woodlawn Terrace, Parkwood Terrace (not included in the Traffic Authority's vote), Jubilee Road, Connaught Avenue, Coburg Road, Chebucto Road, Oxford Street, Chestnut Street and Watt Street.

9.2 Presentations

**9.2.1 Mr. Larry Power, National Representative for CUPE
Halifax Harbour Clean-Up**

Reading from prepared text, Mr. Power, National Representative for CUPE, referred to actions that had been taken by Halifax Regional Municipality to address the issue of the Halifax Harbour clean-up. On behalf of CUPE, Mr. Power strongly urged Council to review

the decision to develop a Request for Proposals with the only option being 'Design, Build, Operate and Transfer', and to look at the alternative of omitting the sections on Operation and Maintenance. Mr. Power stated that HRM currently owns, operates and maintains high quality, efficiently operated wastewater facilities. There is no need to import so called experts when HRM already employs the required personnel in its wastewater division. CUPE agrees there is a need to have a private partner design and build the necessary treatment facilities but CUPE does not agree with the decision to have a private partner operate and maintain the facilities.

Mayor Fitzgerald thanked Mr. Power for his presentation.

9.2.2 Mr. Paul Dober, Halifax Regional Professional Firefighters Association

- At the February 1, 2000 Council Meeting, the following motion was passed:
 1. **That Council request from Local 268 Executive their intent as described under the *January 2000 Proposed Changes to Local 268's Constitution and By-Laws with respect to volunteers. And further, an explanation of the memos to All Members Local 268, their intent and the objectives sought by Local 268's Executive as they relate to volunteers.***
 2. **That any decisions that affect, whether directly or indirectly, volunteers be forwarded to those volunteers for clarity and to minimize, if not eliminate, misinterpretation.**
 3. **That Chief Director Eddy utilize any and all resources, including but not limited to legal and monetary, required to support those members of Local 268 who wish to serve their communities as Volunteer Firefighters.**
 4. **That Council recognize and endorse the inherent value that Volunteer Fire Departments afford their communities; Further that Council supports their efforts and supports the vital role Volunteer Fire Departments play throughout the Halifax Regional Municipality.**
 5. **Ensure that reporting procedures in Volunteer Fire Departments are clearly defined, with regard to respective Chiefs, paid firefighters, and volunteers.**

Mr. Paul Dober, President, Halifax Regional Professional Firefighters Association acknowledged Councillor Adams' earlier apology, and Councillor Blumenthal's support in voting against the February 1st motion. Mr. Dober expressed the union's concerns on the discussion and comments by Council Members resulting in the above motion being

passed. He stated that they were totally unfair. Mr. Dober referred to the Association's constitution and by-laws and how they applied to members. He stated that the information received by Councillor Adams that a member had been charged for volunteering as a fire fighter in his community was incorrect.

Reading from prepared text, Mr. Dober referred to the possible amendment to the Association's local constitution once a year. Members are entitled to submit changes to the union secretary for posting prior to a vote being conducted during the next regular union meeting. A By-laws Committee deals with any proposals that are received, and all proposals need a two-thirds majority vote to be sent to the International Association of Firefighters. Mr. Dober stated that the report referred to by Councillor Adams at the Council meeting was from the Committee, not from the Executive.

Mr. Dober referred to a proposal by Local 268 to initiate an Auxiliary Fire Force which would in effect be a contingent of part-time firefighters used to augment the day-to-day staffing concerns. In closing his presentation, Mr. Dober suggested that the February 1st motion should be rescinded.

Mayor Fitzgerald thanked Mr. Dober for his presentation.

10. REPORTS

10.1 MEMBERS OF COUNCIL

10.1.1 Councillor Adams

i) Assessments

- A report, dated February 11, 2000, prepared by Councillor Stephen D. Adams, regarding the above, was before Council for consideration.

Conflict of Interest

Councillor McInroy declared a Conflict of Interest on this item, and removed himself from discussions, as an employee of the Department of Housing & Municipal Affairs.

Councillor Adams expressed his concern with the current assessment process that has been used to apply a value to a property. He referred to his report giving examples of the shortcomings of assessments. Councillor Adams stated that he believes the value of a home should not have anything to do with taxes paid - taxes paid should be a reflection of services received. The Councillor suggested that Council consider freezing taxes for each property account at their present levels, including business occupancy tax and area

rates, etc. Any additional charges could be applied equally among tax paying accounts.

MOVED by Councillors Adams and Mitchell that the report, dated February 11, 2000, prepared by Councillor Adams be forwarded to staff for consideration and report for the next budget deliberations.

Councillor Schofield responded that the suggested changes would have to be made by the Province. Pointing out that this is the same presentation Councillor Adams made last year, the Councillor asked if the intent is to forward this to the provincial government. Mayor Fitzgerald stated that Councillor Adams is asking Council to support his recommendation to send his suggestion to staff for a report.

Councillor Blumenthal stated that he liked the idea, but, noted, as well, this was discussed last year. The Councillor pointed out that this would be contrary to the Municipal Government Act, and even if it was considered by the provincial government, it could take at least a year to change.

Councillor Read agreed with Councillor Blumenthal stating that he believed it would be a waste of staff's time to prepare a report on a very complex issue, especially when this is under the realm of the Provincial Government. The Councillor said it was his understanding that staff are currently reviewing the taxation methods, and suggested Councillor Adams make his proposal to that Committee.

Deputy Mayor Cunningham stated that the entire tax structure would have to be addressed if Council agreed to this suggestion. He suggested that this could be considered when the tax structure is reviewed.

In supporting the motion, Councillor Mitchell stated that he would like to see a freeze put on the 1999 assessments and carry them through into the year 2000. The Councillor referred to letters that he had received from residents complaining about assessment increases, ranging from 46% to 270%. Councillor Mitchell pointed out that Council has said it is going to hold the property taxes, but through assessment increases, property taxes have been increasing since the 1996 amalgamation. Councillor Mitchell stressed the urgent need for Council to do something about these increases.

Councillor Greenough stated that it had to be clarified that the municipality had no jurisdiction over assessments as these are carried out by the Province. The Councillor felt that to consider freezing the property taxes at this point in time would carry forward any inequalities or discrepancies that currently exist, and these have to be eliminated as much as possible. Councillor Greenough referred to the Business Strategy process that Council has adopted. Part of this process is to have a Business Strategy Tax Review Committee struck. This Committee would be responsible to bring back recommendations as to how

it may be possible to make changes in the tax structure.

Councillor Streach stated that he supported Councillor Adams in his request for input from staff to offer suggestions on how the tax burden can be lowered for the residents of the Municipality.

Councillor Adams closed the discussion stating that he is not asking Council to implement his suggestion, but rather to ask staff if it can be done.

MOVED by Councillors Greenough and Fougere that this report be referred to the Business Strategy Tax Review Committee to be considered with other tax issues. MOTION PUT AND DEFEATED.

Councillor Adams asked for a recorded vote on his motion.

The following members of Council voted in favour of the motion: Councillors Streach, Snow, Colwell, Stone, Adams, Merrigan, Kelly, Rankin and Mitchell (9).

The following members of Council voted against the motion: Mayor Fitzgerald, Deputy Mayor Cunningham, Greenough, Hetherington, Schofield, Blumenthal, Downey, Uteck, Fougere, Walker, Read, and Harvey (12).

MOTION PUT AND DEFEATED.

Councillors Cooper and Sarto were absent with regrets. Councillor McInroy having declared a conflict of interest, was absent for the vote.

ii) Taxi Appeals Sub Committee Composition

- A staff Information Item Report, dated January 25, 2000, prepared by Wayne Anstey, Q.C., Municipal Solicitor, regarding the above was before Council for consideration. This Information Item had been distributed previously at the February 1st Council meeting.

Councillor Adams asked to have Legal Services prepare information to commence the process to amend By-Law T-108 so that the Taxi Appeals Sub Committee can be composed of three Council members, whether or not they are on the Taxi & Limousine Committee. Council agreed to request staff to prepare a report for the next Council meeting.

10.1.2 Councillor Colwell - Dumping Fees

Councillor Colwell requested a staff report on the correlation between the cost of dumping fees and the illegal dumping that goes on in HRM. Council agreed to request staff to prepare a report.

10.1.3 Councillor Cooper

i) Acquisition of Walkway between Brian Drive and Hillsboro Drive

On behalf of Councillor Cooper,

MOVED by Deputy Mayor Cunningham and Councillor Greenough that staff be asked to prepare a report on the acquisition of the walkway between Brian Drive and Hillsboro Drive. MOTION PUT AND PASSED UNANIMOUSLY.

ii) Sale of Small Parcels of HRM Property to Abutters

On behalf of Councillor Cooper,

MOVED by Deputy Mayor Cunningham and Councillor Greenough that staff be asked to prepare a report on the sale of small parcels of HRM property to abutters. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Councillor Read - Coat of Arms

MOVED by Councillors Read and Hetherington that Council approve the request for official permission by Tall Ships 2000 to use the HRM Coat of Arms in the preparation of gift certificates. MOTION PUT AND PASSED UNANIMOUSLY.

Noting that Council had received a request at the previous Council meeting for the use of the HRM Coat of Arms, Councillor Stone suggested that consideration be given to developing an interim policy for use of the Coat of Arms.

10.2 HARBOUR EAST COMMUNITY COUNCIL

10.2.1 Planning and Traffic Studies, MicMac Mall Area, Dartmouth

- A report, dated February 8, 2000, prepared for Councillor Harry McInroy, Chair, Harbour East Community Council, regarding the above, was before Council for consideration.
- A staff report, dated January 31, 2000, prepared for Paul Dunphy, Director, Planning & Development Services, to the Harbour East Community Council,

regarding the above was before Council for consideration.

MOVED by Deputy Mayor Cunningham and Councillor Greenough that Council approve the proposed planning study for the Micmac Blvd/Woodland Avenue area as outlined in the January 31,2000 staff report.

Councillor Schofield referred to the three parcels of land owned by the Canada Land Company, pointing out that just before amalgamation, these lands were zoned R-1. The Councillor asked if the intent of this study is to put different designations on these three parcels of land. Mr. Roger Wells, Regional Coordinator, Planning Applications responded that was the intent. Mr. Wells stated that the Canada Land Company is attempting to determine, in consultation with the community, the types of land uses that may be appropriate for the property. A traffic study will also be carried out for the same area.

Deputy Mayor Cunningham referred to the Creighton Park area, abutting Micmac Mall and the surrounding area. He pointed out with the major expansion of Micmac Mall traffic has increased in the mall area and through Creighton Park. This was a major concern of the residents during the development agreements and Council promised that on-going traffic studies would be done. This is a very integral part that should be followed though to make sure that the traffic is not seriously impacting Creighton Park.

Mr. Wells stated that the estimated timeframe to complete both the planning and traffic studies is approximately three to four months, with recommendations to Council before the summer break.

MOTION PUT AND PASSED.

10.3 CHIEF ADMINISTRATIVE OFFICER

10.3.1 Administrative Order SC-20 Parcel "B" Closure of a Portion of Waverley Road

- Public Hearing on the approval of Street Closure SC20 Parcel "B", 263 Waverley Road was held on February 8, 2000.
- On February 8, Councillor Greenough serve a Notice of Motion for this meeting to adopt Administrative Order SC-20.

MOVED by Councillors Greenough and Hetherington that Council approve Administrative Order SC-20 concerning the Closure of a Portion of 263 Waverley Road, as shown on Attachment '1' as Parcel 'B', in the staff report dated January 27, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.2 Case 00197 - Request for an Amendment to the Halifax MPS and Land Use By-Law

- A staff report, dated February 3, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED by Councillors Downey and Blumenthal that:

- 1. Staff be requested to initiate the process to consider amending the Halifax Municipal Planning Strategy and Land Use By-law:**
 - (a) to redesignate 1469 Birmingham Street from RC (Residential-Commercial Mix) to C (Commercial); and rezone the property from RC-2-V(Residential-Minor Commercial Zone - Viewplain) to C-2D-V (General Business Zone-Viewplain), and**
 - (b) to change the parking requirement for small residential developments in the C-2D zone.**
- 2. Public participation be undertaken in accordance with the Public Participation Resolution adopted by Halifax Regional Council on February 25, 1997.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.3.3 Trans Canada Trail - Lake Banook Multi-Use Trail

- A staff report, dated February 1, 2000, prepared for Dan English, Deputy Chief Administrative Officer regarding the above, was before Council for consideration.

MOVED by Deputy Mayor Cunningham and Councillor Schofield that Council approve an additional \$39,378.73, including the applicable HST, for the completion of Phase 1 construction of the Trans Canada Trail - Lake Banook Multi-Use Trail, and that funds be approved from account #CRESSPOOL, capital surplus pool for transfer to capital account #CPC00259, Construction of Dartmouth Multi-Use Trail. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.4 Historic Monuments - Interim Policy

- A staff report, dated February 2, 2000, prepared for Dan English, Deputy Chief

Administrative Officer, regarding the above, was before Council for consideration.

MOVED by Councillors Harvey and Read that:

- 1. Council approve the Historic Monuments - Interim Policy (as per Attachment #1 of February 2, 2000 staff report) for a period of one year to enable staff to review requests within approved parameters and present recommendations to Council.**
- 2. Staff initiate the larger process described in the February 2, 2000 staff report, and develop a program suitable for Historic Commemoration in Halifax Regional Municipality.**

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

11.1 Councillor Fougere

“Make it policy for the HRM Real Estate Division to provide, as part of their presentations to HRM Council, videographic or at very least, comprehensive photographic representation of any HRM property recommended for sale.”

- A staff report, dated February 7, 2000, prepared for George McLellan, Deputy Chief administrative Officer, regarding the above, was before Council for consideration. Staff recommended:

“1. For In Camera Reports - Halifax Hall:

Where site photography is readily available, through appraisal reports, and/or digital photographs, this photography will be included in reports to Council. Where photography is not readily available and the provision of photographs would require considerable expense in terms of staff time or the purchase of the photographs, staff will determine the appropriateness of adding photography for the report to Council. The appropriate number of colour copies of site photography will be provided to the Municipal Clerk’s office to be included in property reports for “In Camera” sessions.

2. For Regional Council or Committee of the Whole Reports - Council Chambers:

Where site photography is readily available, through appraisal reports and/or

digital photographs, a slide presentation will accompany the presentation of the staff report to Council.”

MOVED by Councillors Fougere and Mitchell that Council approve a policy for the HRM Real Estate Division to provide, as part of their presentations to HRM Council, videographic or at very least, comprehensive photographic representation of any HRM property recommended for sale, as per the recommendations in the February 7, 2000 staff report.

Councillor Kelly pointed out that staff ‘s recommendations were not the intent of the motion and asked for clarification on what was meant by the words “where site photography is readily available”. The Councillor stated that Council’s request is not **when** site photography is readily available, but that all reports that come to Council **must** be complete with photography.

Mr. Rath responded that this was to provide for situations where the report is about a vacant piece of land that would not necessarily require coloured photography.

Council agreed to include the provision “**that photographs should be included with all reports**”.

MOTION PUT AND PASSED UNANIMOUSLY.

12. ADDED ITEMS

12.1 Councillor Stone - Mother Berchmans Centre - Letter of Support

MOVED by Councillors Stone and Walker that a letter of support be sent from the Mayor’s Office to the Premier of Nova Scotia on licensing the Sisters of Charity-Mother Berchmans Centre. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Councillor Schofield

(i) HRM Vehicles, Personal and After Hours Usage

Councillor Schofield stated that he understands his previous request for a staff report on HRM employees taking vehicles home on weekends would be forthcoming shortly. The Councillor described an incident that he witnessed last Saturday driving on Highway 101 to Kentville, @ 10:30 am. He observed an HRM half-tonne truck being driven recklessly, including speeding, passing on double lines, etc., but he was unable to get the license plate because the vehicle was being driven too fast. Councillor Schofield questioned why

the truck was this distance away from HRM, and asked that staff look at this in preparation of the report. Mayor Fitzgerald asked Councillor Schofield to speak to Mr. Meech after the meeting on this issue.

(ii) **Funding from Sale of Heritage Properties for Upkeep of Other Heritage Properties**

MOVED by Councillors Schofield and Uteck that Council request a report from staff on using funding from the sale of heritage properties for the upkeep of other heritage properties.

Councillor Uteck referred to instances in HRM where, for example, if a park and institutional zone is downzoned to single family housing, 5% is given back to Parks and Recreation. She suggested that a similar system could be looked at for heritage properties.

MOTION PUT AND PASSED UNANIMOUSLY.

12.3 **Property Matter - Exchange of Portion of Parcel 00636571 at Intersection of Duke Street and Highway 102 from Province of Nova Scotia for Lot L-46B1 and Lot 44A-3. Burnside Park**

MOVED by Councillors Cunningham and Greenough that Council adopt the In Camera recommendation to authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the Province of Nova Scotia for the exchange of a portion of Parcel 00636571 at the intersection of Duke Street and Highway 102 (as Attachment "A" in the staff report date February 8, 2000) for Lot L-46B1 and Lot 44A-3 in the Burnside Park based on the terms and conditions set out in the staff report dated February 8, 2000; and, that Council set March 7, 2000 as the date for a Public Hearing respecting the sale as provided for in Section 51 of the Municipal Government Act. MOTION PUT AND PASSED UNANIMOUSLY.

12.4 **Legal Matter - Claim Settlement**

MOVED by Councillors Mitchell and Walker that Council adopt the In Camera recommendation to approve the settlement of the legal action brought by the Plaintiff, Gary Klettke, in the total amount of \$65,000.00 all inclusive for non-pecuniary damages, pre-judgement interest, legal costs and disbursements. MOTION PUT AND PASSED UNANIMOUSLY.

12.5 **Appointments**

The following In Camera recommendations were adopted by Council:

MOVED by Councillors Hetherington and Adams that Council approve the terms of reference (attached to the Membership Selection Committee report dated February 11, 2000) and the following appointments to the Bikeways Task Force:

**Councillors Fougere, Read and Uteck
Robert Hood, Carolyn Savoy, Renee Lyons, and Lynn Langille
Rebecca O'Brien
David McCusker, Marcus Garnet and Robert Jahncke (HRM staff)**

MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Fougere and Schofield that Council approve the appointment of Councillor Uteck to the Grant Committee. **MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillors Adams and Schofield that Council approve the appointment of Councillor Colwell to the Preston Area Housing Fund Board. Councillor Colwell will fill the vacancy created by former Councillor Hendsbee on this board. **MOTION PUT AND PASSED UNANIMOUSLY**

MOVED by Councillors Snow and Mitchell that Council approve the citizen appointment of Kyle Kenneth Joseph McKenzie to the Halifax County/Halifax Mainland Watershed Advisory Board. The term for this appointment will expire November, 2001. **MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillors Blumenthal and Uteck that Council approve the nomination of Councillor Rankin to the Federation of Canadian Municipalities. **MOTION PUT AND PASSED.**

13. NOTICES OF MOTION - NONE

14. ADJOURNMENT

MOVED by Councillors Blumenthal and Uteck that the meeting adjourn at 7:15 pm. **MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk