

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES JUNE 19, 2001

PRESENT: Mayor Peter J. Kelly
Deputy Mayor Jerry Blumenthal
Councillors: Steve Streach
Gary Hines
Keith Colwell
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Stephen Adams
Robert Harvey
Len Goucher
Reg Rankin
Gary Meade

REGRETS: Councillor: Brad Johns

STAFF: Mr. K. R. Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Julia Horncastle, Assistant Municipal Clerk

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1. INVOCATION

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

Following the invocation, Council observed a moment of silence in memory of Sgt. Bruce McPhail.

2. PROCLAMATIONS

2.1 Pride Week - June 23 - 29, 2001

Mayor Kelly proclaimed June 23 - 29, 2001 as Pride Week in the Halifax Regional Municipality.

2.2 Brain Injury Awareness Month - June, 2001

Mayor Kelly proclaimed June, 2001 as Brain Injury Awareness Month in the Halifax Regional Municipality.

3. APPROVAL OF MINUTES - NONE

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

Additions

- 12.1 Councillor Johns - Materials from Scotia Recycling
- 12.2 Councillor Sarto - Street Speed Bumps
- 12.3 Councillor Hines - Project Funding from Federal MP's Pay Raises
- 12.4 Legal Matter - In Camera Security
- 12.5 Councillor Uteck - Youth Live and By-Law Enforcement

MOVED by Councillor Adams, seconded by Councillor Hetherington, that the Order of Business, as amended, be approved. 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 AND DELEGATIONS

9.1 Petitions

9.1.1 Deputy Mayor Blumenthal

Deputy Mayor Blumenthal served a petition regarding outdoor café's in downtown Halifax. At a later point in the meeting, the Deputy Mayor addressed this issue under item 10.3.2 (page 13)

9.2 Presentations

9.2.1 Improving Bicycle Access to the Macdonald Bridge Bikeway - Ecology Action Centre - Wayne Groszko

Mr. Wayne Groszko made a presentation to Council regarding improving bicycle access to the Macdonald Bridge bikeway. Following the presentation, Mr. Groszko presented a petition, containing 323 signatures, requesting bicycle access to the Macdonald Bridge be improved to make it easier for bicycles to enter and exit the bikeway.

10. REPORTS

10.1 HERITAGE ADVISORY COMMITTEE

10.1.1 Heritage Case H00045 - Application by Louis Bernard to Consider 5308 South Street as a Registered Heritage Property

- An extract from the May 15, 2001 Regional Council minutes, on the above noted, was before Council.
- A report from the Regional Heritage Advisory Committee, dated May 10, 2001, on the above noted, was before Council.

Mr. Kevin Barrett, Heritage Planner, with the aid of overheads, presented the staff report advising the property would be registered as the Allie Ahern house. Mr. Barrett advised that under the Heritage Act it is only the property owner that has to speak, advising Mr. Bernard, owner, did not wish to speak but had advised he is in favour of the registration of the property.

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Regional Council approve the heritage registration of 5308 South Street as per the requirements of the

Heritage Property Act. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 CHIEF ADMINISTRATIVE OFFICER

10.2.1 Tender 01-250 - Sidewalk Renewal - Bedford Row

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated June 11, 2001, on the above noted, was before Council.

Council agreed to hear a presentation by **Ms. Kate Carmichael**, Director, Downtown Halifax Business Commission. Ms. Carmichael addressed Council requesting a delay in the letting of the tender. She stated there are other sidewalk products that act and look like concrete that are more attractive and more sensitive to the downtown area. She advised the Downtown Business Commission has offered to investigate alternatives and provide them to HRM staff.

In response to Councillor Sloane, Mr. Rick Paynter, Manager, Design and Construction Services, advised staff had investigated different options and had decided on the option recommended on the tender.

In response to Mayor Kelly, Mr. Paynter advised there is a desire to retain some aspect of the traditional brick theme for the downtown area and that is why they chose the exposed aggregate with the brick border was chosen. On further question, Mr. Paynter advised there is a four to five year phased program with the same theme for all the areas of downtown that are currently surfaced with brick.

In response to Councillor Cunningham regarding impacts in delaying this tender for one year, Mr. Paynter advised the impact is the ongoing high maintenance costs to the Municipality. He stated if Council wished to award the tender, construction could be delayed until the fall.

Councillor Uteck suggested this tender be deferred until September to allow the Downtown Business District Commission to come forward with what they feel is a better solution.

MOVED by Councillor Sloane, seconded by Councillor Uteck, that Regional Council not award Tender No. 01-250, Sidewalk Renewal - Bedford Row and defer to September, 2001.

Councillor Fougere stated that it is important to retain the originality of the downtown area. She stated that if this item is going to be deferred then, when it comes back, it be in compliance with the MPS. The Councillor also requested a photo presentation be made at that time so Council can grasp the differences between options.

Deputy Mayor Blumenthal requested safety issues be addressed as well as information on who is paying for the sidewalks if it is out of the general tax rate.

Without a vote being taken on the motion, the following motion was placed.

MOVED by Councillor Sloane, seconded by Councillor Uteck, that Regional Council reject the tender. MOTION PUT AND PASSED.

10.2.2 Award of Tender No. 01-235, Resurfacing Project II, Bayers Road, Devonshire Avenue and Ramp cog-bh-Halifax

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated June 6, 2001, on the above noted, was before Council.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sarto, that Council award Tender No. 01-235, Resurfacing Project II, Bayers Road, Devonshire Avenue and Ramp cog-bh- Halifax to Basin Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$470,576. plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$550,912. with funding authorized as per the Budget Implications section of the staff report dated June 6, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.3 Tender 01-207 - Sycamore Lane, Nordic Crescent and Hillside Avenue, Sackville

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated June 7, 2001, on the above noted, was before Council.

MOVED by Councillor Harvey, seconded by Councillor Goucher that Council:

- 1. approve the recovery of Local Improvement Charges for the replacement of asphalt curb with new concrete curb and gutter, and new concrete sidewalk on Sycamore Lane, Nordic Crescent and Hillside Avenue in Sackville by an amount of \$71,613., to be applied to the general area rate of District 20.**
- 2. award Tender No. 01-207, Sycamore Lane, Nordic Crescent and Hillside Avenue - New Sidewalk, Sackville to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$226,060., plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$264,653., with funding authorized**

as per the Budget Implications section of the report dated June 7, 2001.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.4 Interim Award Policy

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated June 14, 2001, on the above noted, was before Council.

MOVED by Councillor Hetherington, seconded by Councillor Sarto that:

1. **Council approve an interim policy to facilitate the award of tenders during the summer break. The proposed award policy would allow the CAO to award tenders on the following basis during the period of July 18, 2001 to August 20, 2001.**
 - **The tender is awarded to the lowest responsible bidder meeting specifications.**
 - **The award is not sole sourced.**
 - **Award of Call for Proposals where a standard procurement process has been followed and the contract is awarded to the best overall submission.**
 - **Where the funds and program have been approved by Council.**
2. **The CAO approve purchase and sale of property under the following criteria.**
 - **The purchase and/or sale is within 15% of the appraised value of the property.**
 - **The purchase of property is required for Capital Projects and does not exceed \$250,000.**
 - **Any sale of property must have been previously declared surplus by Council or be part of a business park and available for sale.**

Councillor Cooper requested a report come forward at the first Council Session in August outlining purchase and sales that have taken place during the break.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.5 Transfer of Local Improvement and Street Improvement Charges and Liens upon approved Subdivision of Property

- A supplementary report prepared for Mr. K. R. Meech, Chief Administrative Officer,

dated March 19, 2001, on the above noted, was before Council.

MOVED by Councillor McInroy, seconded by Councillor Hetherington, that Council proceed with amending By-Laws S-400 and L-100 and give Notice of Motion to begin the formal adoption process, through By-Law S-409 and L-107. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.6 By-Law W-101 Respecting the Discharge of Wastewater into Public Sewers

- A copy of a report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated June 7, 2001, on the above noted, was before Council.

MOVED by Councillor Hetherington, seconded by Councillor Uteck that Halifax Regional Council:

- 1. approve in principle the adoption of By-Law Number W-101, Respecting the Discharge of Wastewater into Public Sewers,**
- 2. give notice of motion to begin the formal process to adopt the new By-Law Number W-101 and to repeal the existing By-Law Number W-100.**

Mr. John Sheppard, Manager, Environmental and Right of Way Services, with the aid of overheads, presented the staff report and provided an overview of the draft By-Law.

In response to Councillor Cooper, Council was advised this does not cover outfalls of private sewers. Mr. Sheppard advised this By-Law is intended to regulate what goes into HRM sewers noting, there are Provincial and Federal regulations regarding discharge of products into the environment.

In response to Councillor Cooper, Mr. Kulvinder Dhillon, Director of Engineering and Transportation Services, advised that once the Harbour Solution project is in place, all these outfalls will be required to connect into the system which will have the effect of regulating what flows into the harbour and, indirectly into the HRM system.

Councillor Cooper requested this be addressed in a supplementary report. The Councillor noted that under Section 12(1) the numbers in the dollar figure should be consistent with the written amount of ten thousand dollars. The Councillor requested staff re-examine the alleged violation section as it is his opinion that it gives and "out" for too long a period of time. He suggested staff consider 4-5 thousand dollar fine for this alleged violation.

With regard to the compliance agreement, he stated he would like to see a report to Council outlining compliance agreements that staff is entering into.

In response to Councillor Walker regarding monitoring, Mr. Sibbald advised it is the intent of the pollution prevention program to control the discharge from ICI businesses that are discharging to sewers. He advised staff has included the component of storm sewers in this as well to prohibit industries that discharge hauled waste into a storm sewer which flows into a fresh water stream. He advised the intent of the monitoring is to control the discharge at source of prohibited, toxic and hazardous waste from being discharged into the sewer systems directly at the source.

Councillor Walker noted there are many home occupations which may be discharging into the sewers.

In response to Councillor Uteck regarding how the issue of source separation versus treatment at source was dealt with in the preparation of the By-Law, Mr. Sheppard advised it was not addressed under this By-Law but is part of the terms of reference for the Water Resource Management Policy Study which is currently under way.

In response to Councillor Uteck, Mr. Sibbald advised he could provide a breakdown of the \$5,000.00 referenced on page 3 of the report.

Councillor Colwell suggested the By-Law contain a provision for additions to the list of substances.

Councillor Goucher requested the By-Law be forwarded to the Bedford and the Halifax County Watershed Advisory Boards for comment.

Councillor Mosher requested consideration be given to how the disposal of pharmaceuticals will be addressed. The Councillor requested staff provide her with a copy of the Fertilizer Act.

MOTION PUT AND PASSED.

At a later point in the meeting, Councillor Hetherington served Notice of Motion for First Reading on June 26, 2001.

10.2.7 Three Year Lease for SUN Servers

- A report prepared for Mr. Ken Meech, Chief Administrative Officer, dated June 6, 2001, on the above noted, was before Council.

MOVED by Councillor Streach, seconded by Councillor Sloane, that:

1. Council authorize a 3-year lease for one (1) SUN F4800 server and one (1) SUN F6800 server from SUN Microsystems at a cost of \$361,857.00 for year one and \$449,441.04 for year two and year three. All prices are tax extra. Funds are available in the 2001/2002 Operating Budget in Account No. A4406706 (Gross Budget \$658,000.00)
2. Council authorize staff to forward the lease agreement to the Minister of Service Nova Scotia and Municipal Relations for approval as per the Municipal Government Act s. 88 (4)

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.8 Permanent Write Off of Uncollectible Accounts

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated May 29, 2001, on the above noted, was before Council.

MOVED by Councillor Hetherington, seconded by Councilor Goucher that:

1. The real property tax accounts in the amount of \$126,236.53 as detailed in Schedule 1 of the staff report dated May 29, 2001, be formally written out of the books of account.
2. The business occupancy tax accounts in the amount of \$3,292,490.84 as detailed in Schedule 2 of the staff report dated May 29, 2001, be formally written out of the books of account.
3. The general accounts totaling \$200,169.71 as detailed in Schedule 3 of the staff report dated May 29, 2001, be formally written out of the books of account.
4. Any account determined to be uncollectible of \$100,000 or more be forwarded to Council immediately upon determination thereof.
5. Accounts determined to be uncollectible and under \$100,000 be forwarded to Council semi-annually.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.9 Youth Program

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated June 11, 2001, on the above noted, was before Council.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane that Halifax Regional Municipality (HRM) provide a letter to support for the Halifax Regional Youth Advisory Board Society and its programs, and continue to work with the Society to search for sustainable sources of funding. On the basis of the concerns expressed in the report and the significant in-kind contribution already provided to the Society by HRM, it is not recommended further funds be provided.

Councillor Uteck expressed concern that Project Turnaround would be cancelled if funding is not provided, noting this is the only program of this kind in HRM.

Councillor Fougere stated the impacts of this program are very important. The Councillor noted this has been a highly successful program that will cease to exist, noting it is worth funding.

MOTION DEFEATED.

MOVED by Councillor Adams, seconded by Councillor Sloane, that the Chief Administrative Officer be requested to provide funding in the amount of \$25,000 to support Project Turnaround and the Youth program. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.10 Case 00298 - Request to amend the Halifax Municipal Planning Strategy (South End Secondary Planning Strategy) and Peninsula Land Use By-Law

- A staff report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated June 05, 2001, on the above noted, was before Council.
- Correspondence from Councillor, dated June 18, 2001, on the above noted, was circulated to Council.
- Correspondence from Mr. Antoine Hanna, President, Ritech Home Builders, dated June 13, 2001, on the above noted, was circulated to Council.

MOVED by Councillor Uteck, seconded by Councillor Goucher that Halifax Regional Council refuse the request to consider amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-Law to allow for construction of a 14-unit apartment building by development agreement at 1075-1083 Wellington Street, Halifax. MOTION PUT AND PASSED.

10.2.11 “Sub-Standard Housing” in HRM

MOVED by Councillor Sloane, seconded by Councillor Hetherington that Council approve the formation of an Action Working Group on Sub Standard Housing with the mandate to:

- 1. ensure quick response to community complaints to address urgent housing standards issues within existing law,**
- 2. undertake, strategic and focused enforcement of existing by-laws,**
- 3. bring forth an action plan that is consistent with municipal responsibilities, and provides strategic approaches to addressing sub standard housing in HRM, and gaining the participation of other orders of government in improving residential housing standards in HRM.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.12 Deed Transfer Tax By-Law

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated June 13, 2001, on the above noted, was before Council.**

MOVED by Councillor Hetherington, seconded by Councillor Sarto that By-Law D-200, the Deed Transfer Tax By-Law, attached as Appendix “A” to the staff report dated June 13, 2001, be given First Reading and referred to staff for advertising for Public Hearing prior to Second Reading on July 10, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 MEMBERS OF COUNCIL

10.3.1(i) Councillor Whalen - Letter of Congratulations - Matthew Ryan - National Junior Mens Gymnastics Champion

MOVED by Councillor Whalen, seconded by Councillor Warshick, that the Mayor send a letter of congratulation to Matthew Ryan, National Junior Mens Gymnastics Champion. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.1(ii) Councillor Fougere - Curb Cuts on Sidewalks in Residential Neighbourhoods

Councillor Fougere illustrated for Council there does not seem to be a consistent standard for sidewalk cuts. She noted the common type is one that is on an angle at a corner and does not enter into either crosswalk but cuts the edge of the two. This causes people to go out into the street and then around into the crosswalk. The preferred type of curb cut is one that has two curb cuts entering directly into a marked crosswalk or an unmarked crosswalk.

MOVED by Councillor Fougere, seconded by Councillor Hetherington that a staff report be provided addressing sidewalk cuts specifically with regards to a standard policy that will allow for safer access to crosswalks. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.1 (iii) Councillor Fougere - Clarification of "Fair Market Value"

Councillor Fougere advised there are areas where HRM owns strips of property abutting residences but the "fair market price" on a per square foot basis makes the purchase price prohibitive to the abutting property owner.

MOVED by Councillor Fougere, seconded by Councillor Walker, that legal staff be requested to provide a report addressing the issue of surplus pieces of HRM owned property abutting residences with possible options. MOTION PUT AND PASSED.

10.3.2 Deputy Mayor Blumenthal - Wheelchair Accessibility of Outdoor Restaurant Patios

Deputy Mayor Blumenthal, with the aid of photos, advised there are areas in Halifax that have outdoor patios which are inaccessible to persons in wheelchairs or are a hindrance to persons with disabilities.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane that a staff report be provided regarding sidewalk patios in downtown Halifax with a view to either making them accessible to wheelchairs and persons with disabilities, or closing them. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Councillor Johns - Materials from Scotia Recycling

In Councillor John's absence, Councillor Walker brought forward the following motion:

MOVED by Councillor Walker, seconded by Councillor Sloane, that a staff report be provided advising where the materials from Scotia Recycling are being sent. If they are being sent to Otter Lake, is the Community Monitoring Committee being consulted and has the option been given to Scotia Recycling to see if they can take the material to Queens so that such materials will not use up the HRM landfill site. MOTION PUT AND PASSED.

12.2 Councillor Sarto - Street Speed Bumps

MOVED by Councillor Sarto, seconded by Councillor Smith, that staff be requested to prepare the presentation previously presented at a Committee of the Whole Council session in written text and provide it to Council. MOTION PUT AND PASSED.

Councillor Whalen clarified the subject discussed at the Committee of the Whole addressed "Speed Humps".

12.3 Councillor Hines - Project Funding from Federal MP's Pay Raises

Councillor Hines suggested Members of Council challenge their Federal MP's to use their pay raises to fund Capital Projects within the communities under their jurisdiction in HRM.

12.4 Legal Matter - In Camera Security

MOVED by Councillor Sarto, seconded by Councillor Sloane that:

- 1. The Commissionaire on duty prevents any member(s) of the public from approaching the doors of Halifax Hall any closer than the Commissionaire's desk while an In Camera meeting is in session in that room, and at a similar distance in those instances where an In Camera meeting takes place in the Council Chamber.**
- 2. With the exception of EMT, the Municipal Solicitor and the Municipal Clerk's staff, all staff having business with Council In Camera, wait outside the meeting room until their item is called, at which time staff will enter the room, make their presentation and immediately exit when their item is complete.**
- 3. Council members and staff exercise caution to ensure that confidential reports, not authorized for public release, not be left in view where they can be read by the public. Members of Council are encouraged to deposit copies of reports with the Clerk's Office for safe keeping or secure destruction.**

4. **Circulation of In Camera reports and minutes be restricted as outlined in the staff report dated June 8, 2001.**
5. **Endorse the amendments to the Municipal Government Act as proposed by the Minister of Service Nova Scotia and Municipal Relations and instruct the representatives of HRM on the executive of the Union of Nova Scotia Municipalities to take the amendments forward to the Union for their support.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.5 Councillor Uteck - Youth Live and By-law Enforcement

Councillor Uteck noted a report was requested with regards to Youth Live ticketing properties during the summer months for a period of 24 hours and, after that period, removing the garbage and charging the property owner. She enquired as to the status of the report and whether the process has started.

13. NOTICES OF MOTION

Councillor Uteck

Take notice that, at the next regular Regional Council meeting to be held on Tuesday, the 26th day of June, 2001, I propose to introduce for First Reading By-law S-303, the purpose of which is to amend Schedule "D" of former City of Halifax Ordinance 180, the Streets Ordinance to extend the buffer zone around the Central Business District in which street vending is not permitted to include University Avenue from Summer Street to Dalhousie University.

Councillor Hetherington

Take notice that, at the next regular meeting of Halifax Regional Council, to be held on June 26, 2001, I propose to introduce for First Reading, By-Law W-101 Respecting Discharge of Wastewater into Public Sewers, the purpose of which is to replace By-Law W-100 Respecting Wastewater Discharge.

Councillor Hetherington

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 26th day of June, 2001, I propose to introduce for adoption by Council as a policy pursuant to the Municipal Government Act, an amendment to Administrative Order One the purpose of which is to amend subsection (3A) of Section 9 thereof by deleting the words "Halifax Hall" and by

substituting therefore the words “the Council Chamber”. The amendment will change the location of In Camera Council meetings accordingly.

Councillor Cunningham

Take notice that at the next regular meeting of the Halifax Regional Council to be held on June 26, 2001, I intend to introduce a motion to have the Halifax Regional School Board submit a budget for supplementary funding to this Council on an annual basis. Further that such budget submissions meet the time frames, guidelines, format and process required of HRM departments.

14. ADJOURNMENT

MOVED by Councillor Sarto, seconded by Councillor Hines, that the meeting be adjourned at 9:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

**Vi Carmichael
Municipal Clerk**