

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL MINUTES April 16, 2002**

**PRESENT:**

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

**REGRETS:**

Councillor Sue Uteck

**STAFF MEMBERS:**

Mr. George McLellan, Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Patti Halliday, Assistant Municipal Clerk

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1. **INVOCATION**

**Acknowledgements**

Mayor Kelly extended congratulations to the Cape Breton Screaming Eagles for their win over the Halifax Mooseheads in the QMJHL Dilio Conference semi-finals. The Mayor stated both teams played extremely well and are to be congratulated for a job well done. Mayor Kelly noted that, as part of the bet with Cape Breton Regional Municipality Mayor John Morgan, the Cape Breton flag will fly at City Hall for one week. In addition, Mayor Kelly wore an Eagles jersey during the Council meeting and will be working a shift on Monday, April 22nd at A & K Lick-a-Chick in Cape Breton.

Councillor Streach acknowledged the presence in the gallery of Mr. David Hendsbee, MLA, Preston.

Councillor Hetherington acknowledged the presence in the gallery of Deputy Mayor Clifford Lee, Charlottetown.

2. **PROCLAMATIONS**

2.1 **Volunteer Week - April 21 - 27, 2002**

The week of April 21 - 27, 2002 was proclaimed to be Volunteer Week.

2.2 **Administrative Professionals Week - April 21 - 27, 2002**

The week of April 21 - 27, 2002 was proclaimed to be Administrative Professionals Week.

3. **APPROVAL OF MINUTES - NONE**

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

As he had to leave early, Councillor Johns requested that Item 11.1.6 First Reading By-Law L-109 be moved up on the agenda to precede Item 10.1 Presentations. Council agreed to the request.

Councillor Sloane noted there were two people present in the gallery that would like to address Council regarding the Sewage Treatment Plant - Halifax North.

**MOVED by Councillor Sloane, seconded by Councillor Goucher, that two presenters be permitted to address Council regarding the Sewage Treatment Plant - Halifax North. MOTION DEFEATED.**

**MOVED by Councillor Goucher, seconded by Councillor Sloane, that one of the presenters be permitted to address Council regarding the Sewage Treatment Plant - Halifax North. MOTION DEFEATED.**

The following items were added to the agenda:

- 13.1 Capital Cost Contribution Policy
  - (i) Recommendation from Committee of the Whole - April 9, 2002
  - (ii) Recreation Facility Funding - Municipal Government Act Amendments Staff Report
- 13.2 Legal Matter - 257 Waverley Road, Dartmouth

**MOVED by Councillor Hetherington, seconded by Councillor Adams, that the Order of Business, and Additions and Deletions be approved, MOTION PUT AND PASSED.**

**5. BUSINESS ARISING OUT OF THE MINUTES**

**6. MOTIONS OF RECONSIDERATION - NONE**

**7. MOTIONS OF RESCISSION - NONE**

**8. CONSIDERATION OF DEFERRED BUSINESS - NONE**

**9. PUBLIC HEARINGS - 6:00 p.m.**

**9.1 Second Reading - By-Law R-105 - Repeal of Redundant By-Laws & Ordinances (supp report)**

C By-Law R-105 - Repeal of Redundant By-Laws & Ordinances passed First Reading on March 26, 2002, and was now before Council for Second Reading.

C A supplementary report prepared by Wayne Anstey, Municipal Solicitor, regarding the above, was before Council for its consideration.

Mr. Wayne Anstey, Municipal Solicitor, presented the supplementary report to Council.

Mr. Anstey responded to a question of clarification of Councillor Sarto regarding the curfew in the former Halifax County Municipality.

Responding to questions of Councillor Cooper regarding Tag Days, Mr. Anstey stated it is his understanding that the actual number of groups that tag has declined due to safety concerns, and the majority of Tag Days now take place on private property. In those instances, Mr. Anstey stated the owner of the property (ie. the shopping centre) would regulate them and conduct the scheduling. Councillor Cooper suggested staff could follow up with the initiative put forth by Recreation staff in the Dartmouth/Cole Harbour area regarding their examination of the regulation of tag days.

Mayor Kelly called three times for members of the public wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was put on the floor:

**MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

#### **COUNCIL DECISION**

**MOVED by Deputy Mayor Harvey, seconded by Councillor Goucher, that By-Law R-105 - Repeal of Redundant By-Laws & Ordinances be given Second Reading. MOTION PUT AND PASSED UNANIMOUSLY.**

As agreed to during Approval of the Order of Business, Council dealt with Item 11.1.6 First Reading By-Law L-109 Respecting Charges for Local Improvements, Beaver Bank Phase III and Future Water and Sewer Projects, at this time.

#### **11.1.6 First Reading By-Law L-109 Respecting Charges for Local Improvements, Beaver Bank Phase III and Future Water and Sewer Projects**

C A staff report prepared for George McLellan, Chief Administrative Officer, regarding the above, was before Council for its consideration.

**MOVED by Councillor Johns, seconded by Councillor Goucher, that Council give First Reading to By-Law L-109 Respecting Charges for Local Improvements, Beaver Bank Phase III and Future Water and Sewer Projects. MOTION PUT AND PASSED UNANIMOUSLY.**

(Councillor Johns left the meeting at 6:25 p.m.)

#### **10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

## 10.1 Petitions

### 10.1.1 Councillor Sloane - Sewage Treatment Plant in Halifax North

Councillor Sloane submitted an additional 204 signatures to the petition served on April 9, 2002, opposing the Sewage Treatment Plant in Halifax North. The Councillor noted there will be more names to follow.

## 10.2 Correspondence

### 10.2.1 Nova Scotia International Air Show - Roger Sorsdahl, Executive Director

C Correspondence dated March 19, 2002, from Rodger Sorsdahl, Executive Director, Nova Scotia International Air Show, was before Council for its consideration.

**MOVED by Councillor Hetherington, seconded by Councillor Cunningham, that Council grant permission for the Canadian Forces Snowbirds, the Royal Airforce Red Arrows and other participants of the Nova Scotia International Air Show to over fly populated areas on the days of the Nova Scotia Air Show in September 2002. MOTION PUT AND PASSED UNANIMOUSLY.**

## 10.3 Presentation

### 10.3.1 In-filling of Moirs Pond, Bedford - Don Lowther

Mr. Don Lowther and Mr. Lem Murphy made a presentation to Council regarding the in-filling of Moirs Pond, Bedford, and seeking Council's support in preventing the in-filling of the Pond, which is located next to the Mill Cove Plaza in Bedford. A copy of the presentation, as well as a petition containing approximately 3,200 signatures, were provided for the record.

In the presentation, Mr. Lowther raised the following question regarding the easement, which was referred to staff for a response: "*On October 3, 1998, an easement was granted to the Town for a walkway to the pond. If the in-filling proceeds, what happens to this easement?*"

Councillor Streach inquired if there has been any negotiations with Sobey's. In response, Mr. Lowther stated there have been public meetings since November, and Sobey's has just said they are going to proceed with their plans.

Councillor Hines stated he supports the community and Councillor Goucher on this issue. The Councillor noted the petition did not cover a large geographical area of Bedford, but a greater percentage would have been achieved if time and the weather permitted.

Responding to a question of Councillor Blumenthal, Councillor Goucher stated the land is a federal water lot and the water is owned by the federal government. Sobey's may own the land underneath the water and the land issue is also being challenged by the Port Authority.

Deputy Mayor Harvey inquired if HRM has jurisdiction with respect to in-filling. Mr. McLellan responded this could be referred to staff to respond to at the same time as the easement question.

In response to a question of Councillor Sarto, Mr. Lowther stated the pond was made by the completion of the railway going through the area.

**MOVED by Councillor Goucher, seconded by Councillor Hetherington, that Council authorize the Mayor to forward the petition, on behalf of Council, to the Hon. Robert G. Thibault, Minister of Fisheries, requesting him to take the petition into consideration in their deliberations and considerations under the environmental assessment. MOTION PUT AND PASSED UNANIMOUSLY.**

**11. REPORTS**

**11.1 CHIEF ADMINISTRATIVE OFFICER**

**11.1.1 Tender 02-010 Pavement Markings - East & Central Regions & Tender 02-009 Pavement Markings - West Region**

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

**MOVED by Councillor Blumenthal, seconded by Councillor Fougere, that:**

- 1. Council authorize the award of Tender #02-009 Pavement Markings, West Region to the lowest bidder meeting specifications, Provincial Pavement Markings, at a cost of \$68,780.00, plus net HST for a total project cost of \$73,201.86 from Account Number R748-6399, with funding outlined in the Budget Implications Section of the staff report dated April 8, 2002.**
- 2. Council authorize the award of Tender #02-010 Pavement Markings East and Central Regions, to the lowest bidder meeting specifications, Provincial Pavement Markings, at a cost of \$62,800.00, plus net HST, for a total project cost of \$66,837.41 from account number R748-6399, with funding outlined in the Budget Implications Section of the staff report dated April 8, 2002.**

Responding to a question of Mayor Kelly, Mr. Phill Cochrane, Manager of Streets and Roads, stated the contractor will be responsible for correcting any errors or deficiencies in the work. He agreed to emphasize to the contractors the need to ensure, in the best manner they can, that the paint is dry before vehicles drive on the roads.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.2 Tender 02-150 Halifax Family Court Renovations**

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

**MOVED by Councillor Blumenthal, seconded by Deputy Mayor Harvey, that:**

1. **Council approve an increase to the Capital Budget, Account CBA00627, from \$1,500,000.00 to \$1,729,750.00 as noted in the Budget Implications Section of the staff report dated April 8, 2002, on the basis that, the proposed increase is fully recoverable from the Tenant under the lease agreement.**
2. **Council award the tender to the low bidder from Blunden Construction of \$1,216,283.00 net of taxes. Funds available in Account CBA00627.**

Responding to a question of Councillor Whalen, Mr. Phil Townsend, Manager, Capital Projects, Real Property Services, stated the additional costs are for consulting fees, exterior work on the building and parking lot modifications.

Councillor Hetherington expressed concern with the number of other costs not being shown, stating there is no record for what the additional money will be used. The Councillor suggested the item be deferred for one week and staff be directed to come back with a list of items and explanations as to how the money will be used.

**MOVED by Councillor Hetherington, seconded by Councillor Colwell, that this matter be deferred for one week pending a further staff report. MOTION PUT AND PASSED.**

**11.1.3 By-Law S-411, Respecting Charges for Street Improvements**

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

**MOVED by Councillor Mosher, seconded by Councillor Whalen, that Halifax Regional Council:**

1. **Approve the new Local Improvement standard costs as per Schedule "A" attached to the staff report dated April 8, 2002.**
2. **Apply the new standard costs applicable to all 2002/03 capital projects and future projects, where such apply.**
3. **Approve, in principle, the adoption of By-law Number S-411, Respecting Charges for Street Improvements, attached to the staff report dated April 8, 2002, and also give Notice of Motion to begin the formal adoption process.**

Councillor Goucher expressed concern with the 30 percent increase in cost and questioned whether or not it was reasonable.

Councillors Whalen and Mosher spoke in support of the motion, stating they believed it was a reasonable estimate.

**MOTION PUT AND PASSED.**

Later in the meeting, Councillor Sarto served Notice of Motion for First Reading on April 23, 2002.

**11.1.4 Parking Meter Advertisements**

- C A staff report prepared for George McLellan, Chief Administrative Officer, regarding the above, was before Council for its consideration. The report recommended that: *Council instruct staff to discontinue parking meter advertisement at this time and give written notice to Meter-Ad to terminate the agreement.*
- C Correspondence from Meter-Ad Incorporated, dated April 16, 2002, giving notice that the agreement between Meter-Ad Incorporated and the Halifax Regional Municipality dated March 6, 2000, is hereby terminated effective May 31, 2002. Meter-Ad Incorporated will remove all brackets from parking meters by May 31, 2002.

**MOVED by Councillor Walker, seconded by Councillor Goucher, that Council accept the request from Meter-Ad Incorporated to terminate the agreement between Meter-Ad Incorporated and HRM dated March 6, 2000, effective May 31, 2002. Meter-Ad will remove all brackets from parking meters by May 31, 2002. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.5 Capital District Vision (staff presentation)**

- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

Ms. Carol Macomber, Project Manager, Capital District, advised Council that the Capital District Vision will be discussed in its entirety at a Committee of the Whole meeting to be held on May 21, 2002. In the meantime, she requested that Council endorse the Capital District Vision Statement.

**MOVED by Councillor Sloane, seconded by Councillor Fougere, that:**

1. **Council approve, in principle, the Capital District Vision report attached to the staff report dated April 10, 2002, to be discussed at Committee of the Whole on May 21, 2002.**
2. **Council approve the Capital District Vision Statement: “*Together, our harbour community will ensure the sustainability of a diverse, civilized, magnetic Capital District for Halifax Regional Municipality and the Province of Nova Scotia.*”**

In response to questions and concerns of several Councillors, Ms. Macomber advised a report will be coming forward to Council in the near future regarding the Capital District boundaries.

Councillor Mosher expressed concern with Planning resources being allocated to the Capital District and stated she would like this addressed in the upcoming report. In response, Ms. Macomber stated there is only one planner, Mr. Roger Wells, assigned to the Capital District on a part-time basis.

Responding to a question of Councillor Streach, Mr. McLellan provided some background information regarding the Capital District for the benefit of the public.

With respect to boundaries, Councillor Whalen stated the project needs to remain focussed on the downtown core. The Councillor further stated that she would like to see this initiative go forward with a focussing of resources to get the most benefit in an area where tourism is concentrated.

**MOTION PUT AND PASSED.**

- 11.1.6 First Reading By-Law L-109 Respecting Charges for Local Improvement, Beaver Bank Phase III - Councillor Johns - Move First Reading**

This item was addressed earlier in the meeting.

## 11.2 MEMBERS OF COUNCIL

### 11.2.1 Councillor Cooper - Littering in Suburban & Rural Areas

Councillor Cooper stated he received a number of phone calls from residents regarding litter in suburban and rural areas due to the careless discard of flyers and junk mail. The Councillor suggested By-Law Enforcement staff could contact whoever is responsible for coordinating these deliveries to ensure they are made to the door of the property, rather than being strewn about the property and streets. Mr. McLellan responded that By-Law Enforcement staff could research this issue.

Councillor Sarto requested that the report be broadened to include the litter problems from fast food restaurants in the Main Street area of his District. Councillor Colwell requested that the report also address the problems of flyers in Porter's Lake and Lake Echo, and the ongoing problem on Upper Governor Street for which the Province is responsible for cleaning up. The Councillor requested that staff examine the possibility of seeking legislation changes to have stiffer fines in place for this littering.

Deputy Mayor Harvey requested that the report also include the problems of shopping carts in Sackville, noting they are a form of littering.

Councillor Warshick suggested the advertising programs of some newspapers be examined as well, noting he recently witnessed 40 free copies of a national newspaper strewn about properties on a street in Councillor Adams' District.

## 12. MOTIONS

### 12.1 Councillor Cunningham

*"That at the next regular meeting of the Halifax Regional Council to be held on April 16, 2002, I intend to introduce a motion to request that Halifax Regional Police Services conduct a review of security at City Hall and, if necessary, make recommendations to Council as to procedures which could be implemented to enhance security."*

**MOVED by Councillor Cunningham, seconded by Councillor Mosher, that Halifax Regional Police Services conduct a review of security at City Hall and, if necessary, make recommendations to Council as to procedures which could be implemented to enhance security.**

Mr. McLellan advised Council that since the Notice of Motion regarding this issue was put forth, staff have already commenced work on this review.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**13. ADDED ITEMS**

**13.1 Capital Cost Contribution Policy**

**(i) Recommendation from Committee of the Whole - April 9, 2002**

C This item was discussed during a Committee of the Whole session held on April 9, 2002, and was now before Council as a recommendation.

**MOVED by Councillor Goucher, seconded by Councillor Warshick, that the Mayor write to the Minister of Service Nova Scotia and Municipal Relations seeking an amendment to the Municipal Government Act so that Halifax Regional Municipality can include recreation infrastructure charges under the Act. MOTION PUT AND PASSED.**

**(ii) Recreation Facility Funding - Municipal Government Act Amendments Staff Report**

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above was circulated to Council for its consideration. The report recommended that: *Regional Council authorize staff to report back with more detail and a recommended course of action to initiate amendments to HRM's municipal planning strategies and by-laws in order to collect 10% subdivision fees; and, the option of using area rates to supplement the 10% subdivision fee be forwarded to the Tax Structure Committee.*

Councillor Goucher expressed concern with Council just receiving the report and not having enough time to review it. The Councillor suggested the matter be deferred for one week to allow Council the opportunity to review the staff report.

**MOVED by Councillor Goucher, seconded by Councillor Rankin, that this matter be deferred for one week. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.2 Legal Matter - 257 Waverley Road, Dartmouth**

- C This matter was discussed during an In Camera Session held prior to the Regular Session and was now before Council for ratification.

**MOVED by Councillor Warshick, seconded by Councillor Hetherington, that the covenant restricting the subdivision of Lot BDJ-1 being 257 Waverley Road be released. MOTION PUT AND PASSED UNANIMOUSLY.**

**14. NOTICES OF MOTION**

**14.1 Councillor Sarto - By-Law S-411**

**TAKE NOTICE** that at the next regular Regional Council meeting, to be held on Tuesday, the 23rd day of April 2002, I propose to introduce for First Reading, By-Law Number S-411, Respecting Charges for Street Improvements, the purpose of which is to amend By-Law Number S-400, the Street Improvement By-Law, by imposing revised Local Improvement Charges for street improvement projects for 2002/03 and future Capital Budget projects.

**15. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:30 p.m.

Vi Carmichael  
Municipal Clerk