

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES November 19, 2002

PRESENT:

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

REGRETS:

Councillors: Stephen Streach (afternoon session only)
Reg Rankin (afternoon session only)

STAFF MEMBERS:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk (afternoon)
Ms. Jan Gibson, Deputy Municipal Clerk (evening)
Ms. Patti Halliday, Assistant Municipal Clerk (afternoon)
Ms. Julia Horncastle, Assistant Municipal Clerk (evening)

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1. **INVOCATION**

The meeting was called to order at 1:00 p.m. with the Invocation being led by Councillor Meade.

2. **APPROVAL OF MINUTES - NONE**

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

The following item was added to the agenda:

- 12.1 Northwest Community Council - Case 00490 - Bedford MPS and LUB Amendments - Lots AB High Street and General Housekeeping Amendments

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

The following further items were added to the agenda during the evening session:

- 12.2 Councillor and Citizen appointments to Boards, Committees and Commissions
- 12.3 Property Matter - Lands of Prospect Enterprises Ltd., Prospect, NS

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the Order of Business, Additions and Deletions, for the evening session, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. **BUSINESS ARISING OUT OF THE MINUTES - NONE**

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Councillor Goucher - Halifax International Airport: Concerns relative to the new Federal Airport Act**

Councillor Goucher expressed concern regarding recent information received regarding a new Canadian Airport Act. The Councillor stated it appears that the federal government

will be putting in new ministerial controls on the airport authorities in Canada.

MOVED by Councillor Goucher, seconded by Councillor Hines, that, on behalf of Council, Mayor Kelly write a letter to the Honourable David M. Collenette, P.C., M.P., Minister of Transport, expressing Council's concern and opposition to any move to new ministerial controls on the airport authorities in Canada. The letter is to be copied to other municipal councils in Vancouver, Calgary, Edmonton, Winnipeg, Toronto, Montreal, Ottawa and St. John's, who are operating under private airport authorities.

As suggested by Councillor Goucher, Councillor Walker, HRM's FCM representative, agreed to carry this issue forward to FCM in December.

MOTION PUT AND PASSED UNANIMOUSLY.

8. PUBLIC HEARINGS

8.1 Second Reading - By-Law R-106, To Repeal S-200, Smoking By-Law

This item was addressed during the evening session (see Page 11).

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Deputy Mayor McInroy - Heritage Hills

Deputy Mayor McInroy served a petition from residents in opposition to an application for a re-zoning in the Heritage Hills subdivision to permit townhouses. The Councillor noted additional pages of the petition are to follow in the coming weeks.

9.2.2 Councillor Sloane - Kyber Arts Centre

Councillor Sloane served a petition from the Kyber Arts Centre requesting a freeze on their rent for the duration of its next lease.

9.2.3 Councillor Blumenthal - Lion's Head Tavern

Councillor Blumenthal served a petition from the customers of the Lion's Head Tavern & Grill requesting that HRM decline to implement further non-smoking regulations for

restaurants, taverns and lounges.

9.3 Presentations

9.3.1 Community Action on Homelessness - Ms. Angela Bishop

Ms. Angela Bishop made a presentation to Council regarding Community Action on Homelessness.

Mayor Kelly advised that he approached the Province some time ago to conduct a full task force on homelessness, not only in HRM but the entire province, and stated that any support Ms. Bishop could add to this would be appreciated.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Request for Proposal 02-160 - Building Environmental Assessments and Pre-Demolition Services

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated November 12, 2002, on the above noted, was before Council.

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

- 1. Council award RFP 02-160 to Dillon Consulting Ltd. for the total sum of \$246,220 to carry out the work described in the Discussions Section contained in the report dated November 12, 2002 for the municipal properties identified.**
- 2. Council approve funding to a maximum amount of \$144,340.00 for environmental and pre-demolition consulting services from Property Clearing Account HSOLREST to be recovered from the future sale proceeds resulting from the pending rationalization of each property. MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.2 Ketch Harbour Barrens and Backlands

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated October 24, 2002, on the above noted, was before Council.

MOVED by Councillor Adams, seconded by Councillor Mosher, that Council pass a

resolution requesting the Nova Scotia Department of Environment to undertake a study into the feasibility of designating the proposed Herring Cove Backland Wilderness Areas under the Wilderness Areas Protection Act. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.3 CRESPOOL Transfer - Ferry Terminals pontoons Protection

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated November 13, 2002, on the above noted, was before Council.

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

1. **Regional Council approve an increase to capital account CBR00724 Ferry Terminal Pontoon Protection in the amount of \$21,053.34 to cover costs of unforeseen additional work in tender 2000M723 with funding to be provided by a transfer from CRESPOOL, and**
2. **Regional Council approve an increase to purchase order 2070119400 to Duron Atlantic to cover additional costs as detailed in the Discussion section of the report. MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.4 First Reading By-Law P-1000, Respecting On-Street Parking

- An extract from the draft November 12, 2002 Regional Council minutes was before Council.
- A copy of a report prepared for Mr. George McLellan, dated October 22, 2002, on the above noted, was before Council.

MOVED by Councillor Fougere, seconded by Councillor Sloane, that Council give First Reading to By-Law P-1000, Respecting On-Street Parking.

It was noted that the Public Hearing will be held on December 10, 2002.

MOTION PUT AND PASSED.

(Mayor Kelly left the meeting at this time, and Deputy Mayor McInroy assumed the Chair.)

10.2 MEMBERS OF COUNCIL

10.2.1 Councillor Sloane - Request to move November 12/02 Information Item #5, Pollution Control Charges, to the Regional Council agenda for discussion

- An information report prepared for Ms. Dale MacLennan, Director, Financial Services, dated November 12, 2002, on the above noted, was before Council.

Responding to a question of Councillor Sloane, Mr. George McLellan, Chief Administrative Officer, stated staff are continuing to research further details respecting the Dartmouth accounts, and it is staff's intent to come back to Council with complete information once it is available. Ms. Dale MacLennan, Director, Financial Services, confirmed there are still a few pieces of information that staff are continuing to review. She stated that as soon as the information is available it will be brought to Council. If complete information is not available in two weeks time, staff will provide Council with an update at that time.

In response to a question of Councillor Cooper regarding the breakdown of the environmental protection charge, Ms. MacLennan stated this is an administrative breakdown within the environmental protection charge, and there are two rates that Council has set within the entire pollution control rate: the environmental protection charge and the wastewater rate. The environmental protection charge is further broken down into two pieces. One is currently absolutely funneled to the harbour solutions project, and the other smaller amount is used for existing infrastructure. Ms. MacLennan stated staff will be coming back to Council at a later date with more information regarding the breakdown.

(Councillor Warshick took his place at the meeting at 1:30 p.m.)

Mr. McLellan and Ms. MacLennan responded to further questions of Council regarding this issue.

(Mayor Kelly returned to the meeting at 1:40 p.m. and assumed the Chair.)

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Northwest Community Council - Case 00490 - Bedford MPS and LUB Amendments - Lots AB High Street and General Housekeeping Amendments

C A report from the North West Community Council, dated November 15, 2002, regarding the above, was before Council for its consideration.

MOVED by Councillor Goucher, seconded by Councillor Adams, that Council give First Reading to consider amendments to the Bedford Municipal Planning Strategy and Land Use By-Law and schedule a Public Hearing.

Councillor Cooper requested, when this matter comes back to Council, that staff provide an explanation for the idea of applying the most restrictive zoning to adjacent properties.

The Councillor inquired if the adjacent piece of land is privately owned, could someone argue that they do not want the more restrictive zoning. In response, Councillor Goucher stated there is a process in place for that property owner to apply for a zoning amendment. The Councillor stated this issue has arisen because there are pieces of land that are unzoned, and, therefore, can be developed in any manner outside of the Municipal Planning Strategy. Councillor Goucher stated the purpose of these amendments is to ensure that these parcels of land have a zoning attached to them and is not intended to take rights away from any property owners.

MOTION PUT AND PASSED.

13. NOTICES OF MOTION

13.1 Councillor Sloane - Environmental Pollution Control Fund

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on November 26, 2002, I intend to introduce a motion with the intent to recommend that all monies collected through the environmental pollution control fund be only used for the Harbour Solutions Project; moreover, that all spending be accountable from this date forward.

During the evening session, Councillor Harvey served a Notice of Motion regarding the By-Law S-200 Smoking By-Law.

RECESS

Council recessed at 1:45 p.m. and reconvened at 6:00 p.m. with all members of Council present.

Council agreed to deal with the additional Added Items at this time.

12.2 Councillor and Citizen Appointments to Boards, Committees and Commissions

- A report prepared for Mayor Peter Kelly, Chair of the Membership Selection Committee, dated November 19, 2002, on the above noted, was before Council.

MOVED by Councillor Hetherington, seconded by Councillor Streach, that Regional Council:

- 1. Approve Councillor appointments to Boards/Committees/Commissions as outlined in attachment**

- 2. Approve Citizen appointments to Boards/Committees/Commissions as outlined in attachment 2.**
- 3. Current membership on the Board of Police Commissioners be extended to March 31, 2003. Effective March 31, 2003 Councillor Blumenthal and Deputy Mayor McInroy be appointed for a two year term to November, 2004 and Councillor Smith be appointed for a three year term to November, 2005.**
- 4. The membership of the Volunteer Award Recipients Committee be decreased from seven (7) to five (5) members.**
- 5. The term of the Investment Policy Advisory Committee be extended from one year to two years.**
- 6. The membership of the Solid Waste/Resource Advisory Committee be expended from five (5) to six (6) members.**

Councillor Warshick noted that the membership of the EMO committee had increased from two to five members.

MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Property Matter - Lands of Prospect Enterprises Ltd., Prospect, NS

MOVED by Councillor Meade, seconded by Councillor Rankin, that:

- 1. Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Prospect Enterprise Limited for the purchase of Parcel PID#573840 and into a landholding agreement with the Nature of the Conservancy of Canada.**
- 2. Council approve the withdrawal of funds from the Parkland Reserve, Q107, subject to the terms and conditions set out in the November 8, 2002 Private and Confidential staff report, in the amount of \$71,000 plus net HST and, as outlined in the Budget Implications Section of this report, to facilitate the acquisition. (Net Purchase Price of \$46,000 + net HST)**
- 3. This report not be released to the public until the transaction has closed.**

MOTION PUT AND PASSED UNANIMOUSLY.

8. PUBLIC HEARING

8.1 Second Reading - By-Law R-106, To Repeal S-200, Smoking By-Law

- An extract from Regional Council Minutes - August 27, 2002 was before Council.
- Information report, prepared for Paul Dunphy, Director of Planning and Development Services, dated November 14, 2002, on the above noted.
- A copy of the overhead presentation, was circulated to Council.
- A copy of By-Law R-106, Respecting the amendment of By-Law R-100, The By-Law and Ordinance Repeal By-Law, was before Council.
- An extract from Regional Council Minutes - September 3, 2002, was before Council.
- Correspondence from the following persons was circulated to Council: Paul Bragga, Chris Ellis, Petition from Dentists and their patients in Halifax Regional Municipality, Canadian Restaurant and Foodservices Association, The Big Leagues Group, Petition containing 31 names from Swanky's Dining Room and Loounge, Dean Stienburg, Cathy Beaton Campbell, Conrad Fernandez, Russell and Janet Sketchley, David Burke, Patricia Phelan, Lisa Cicchelli, Barb Bergeron, Cari VanLingen, Bill Levangie, Dr. Andrew Ross, Lynn Drage, Carrie Dewar, Michael Cobden, Stephen Phillips, David Ward, Dennis Bowie, Stuart Eastwood, Gail Freeman, Dr. Carol Smillie, Al and Charlotte Rutherford, Sharon Fraser, Tom Price, Deirdre Mombourquette, R. P. LeBlanc, Linda Milligan, Tim Middleton, John Finley, Dr. Sarah Dyack, Dr. Andrew E. Warren, Wendy MacDonald, Lucille Cormier, Sarah Shea, Brenda Sitland, Janis Brown, Marie Leppard, Lynne Gallant, Nancy Stoddart, John W. Morgan, Joanne Zevenhuizen, Sherry Robinson, Jenny Whyte, Pamela Zimmer, Dennis Bowie, Dr. Greg Archibald, Natalie Nichols, Catherine Lambert, Natalie Nichols, Susan M. Gagnon, Donna MacInnis, Gill Hatton, Dr. Scott Halperin, Christine Ellsworth, Ryan Sommers, Ryan Sommers, Nancy Steel, Lindsay Moore, Jan O'Malley, Ruth Bona, Barbara Bourgeois, Cora Fanning, Karla Fitzpatrick, Paula Allen, Glenda Moore, Patricia Steele, Carol Ann MacDonald, Jonathan B. Kronick, Anita Coady, Stephen Beed, Erin Little, Rita Laidlaw, Anne Marie Bowie, Angela McFadden, Diane Lunn, B. White, John Nethercott, Derek Tower, Gail Gillis, Christine and Blake Mitchell, Andrew Padmos, Kim Flemming, Jonathan Hopkins, Loran Thiemann, Sylvia Wist, Jim and Kate Muir, Susan Pirie, Stephen Oldfield, Karen Leyte, Joan Versnel, Jeremy Moeller, Andrew C. Issekutz, Jane Everist, Andrew MacDonnell, Jo-Ann Douglas, Douglas Milsom, Ruth Streight, Rob Luscombe, George Potrias, John F. Lipton, Catherine M. Rainer, Sandy MacDonald, Lisa Rand, David Beattie, Steve Craig, Paul MacKinnon, Robert M. Miller, Robert Strang, John Andrew, a petition from the members of the Fall River Family Practice, Joan Pearson, Sandra Jeans, Bob Jeans, Bradley Gaetz, Heather Cannon, Karl Nightingale, Rank Covey, Denise Barnes, Jim Smith, Tammi Forsythe, Valerie Payn,

Alexandra Howlett, Advisory Committee for Persons with Disabilities, Paul Bragga, Chris Ellis, Geoff Wilson, Patricia Rockwell, Heidi Clough, Nadia Stuewer, Carol Morrison, Dorothy Chitty, Andrew Henry, Susan Hyndman, Dawn Maxwell, Steven Nixon, Lynne Gallant, Michael West, Shirley MacIntosh, Marg Boak, Elaine Brooks, Natalie Morris, David Devlin, Heather Faulkner, Marilyn Tremblay, Tammy Beazley, Pauline MacDonald, Brian Tuttle, Debbie Simmonds, Joan Swinimer, Kathleen Martin, Pat Cronsberry, A.S. Mansell, Shauna Melanson, Brenda Tucker, Stacy Ackroyd, Gloria Coughlan, Helena Cole, Rob Ruthledge, Dianne Slaunwhite, Robert Miller, Bryan Davis, Kirk Magee, Frank Morrison, Stella Aucoin, Shirley McNeil, Alice Baldasso, Tara Roberts, Donna Lee, Jane Sladen, Isabel Langille, Thelma Cashen, Christine Chantegreil, Judy Bezanson, Lynne Fenerty, Heather Salmon, Rob Hendry, Ryan Sommers, Richard B. Goldbloom, Graham MacNeil, Judy Mahar, Ryan Sommers, Paul Downing, Dr. Paulette Newcomb, Jane Cobden, Dr. Ruth Kazimirski, Michael Schmid, Sandra Creighton, Chris Ellis, Nelson Zinck, Joao Cunha, Dorothy Huggan, Penny Mason, Suzanne Deveau, Mary Nolan, Cheryl Moran, Sherri Lamont, Adrienne Lindblad, Jane Bolivar, Heather MacLean, Joan Briand, Karen Campbell, Cara Chipman, Mary Lou Robertson, Joseph Nasser, Virginia, Nisbett, Elizabeth White, Carol Drew, Marlene Powell, Noel Pendergast, Junaita do Couto, Pearl Murphy, Sandra Nicholson, Valerie Banfield, Heather Smith, Paul Brousseau, Joyce Butcher, Danny Hewitt, Deborah Elliott, Kelly Murphy, Karen Russell, Mark Fletcher, Patti Card, Sunny Russell, Geoffrey Turnbull, Noel MacKinlay, Marty Townsend, Pat Turner, Avis Faulkner, Margie MacLeod, Cindy Murphy, Tom Paynette, Dawn Schmidt, Maria Forbes, Carole Casey, Dave Riggs, Steve Taker, Jane Williams, Jeannette McGlone, Judy Smith-Lamothe, Debbie Corkum, Laura Carmichael, Anne Moore, Diane Garagan, Linda Best, Christine Chategreil, Helen Pitman, John Nethercott, Derek Tower, Gail Gillis, Christine Mitchell, Blake Mitchell, Andrew Padmos, Kim Fleming, Jonathan Hopkins, Loran Thiemann, Sylvia Wist, Jim Muir, Kate Muir, Susan Pirie, Dr. Strang, Karen Leyte, Stephanie Olsfield, Joan Versnel, Jeremy Moeller, Andrew Issekutz, Jane Everist, Andrew MacDonnell, Jo-Anne Douglas, Doug Milson, Ruth Streight, Rob Luscombe, George Poitras, Joh F. Lipton, Catherine Rainer, Sandy MacDonald, Lisa Rand, David Beattie, Steve Craig, Paul MacKinnon, Robert Miller, Luo Erjavec, Jonathan Fox, M. Fleming, H. Fox, Joan Pearson, Sandra Jeans, Bob Jeans, Bradley Gaetz, Heather Cannon, Karl Nightingale, Frank Covey, Denise Barnes, Jim Smith, Tammi Forsythe, Valerie Payn.

Ms. Barb Nehiley, Advisory, Special Projects, Planning and Development Services, with the aid of overheads, outlined:

- the impact of the repeal,
- the Provincial Act and protection offered by the Act,
- effective date of the repeal,

- the options of repeal and take no action and let the Provincial Act serve the HRM,
- repeal and create a new HRM By-law which would address specific issues not included in the Provincial Act or create a "Full Ban" By-law.

Councillor Harvey stated the real issue is not whether or not Council repeals a By-law which will be inferior to the provincial legislation which is set to come into effect in January, 2003 but rather, Council needs to hear the public and debate and make a decision on whether or not this municipality will enact an even more stringent By-law than the provincial legislation to take the municipality to being 100% smoke free in public places.

MOVED by Councillor Harvey, seconded by Councillor Johns, that the public hearing be deferred without day until the tabled motion of August 27, 2002 is dealt with. Should the tabled motion of August 27, 2002 be successful, I hereby give Notice of Motion that at the next meeting of Regional Council I intend to move First Reading of a By-law respecting a total smoking ban in public places.

Councillor Blumenthal requested the Mayor contact the Province regarding the status of the Provincial By-law.

In response to Councillor Uteck, Mr. Wayne Anstey, Municipal Solicitor, advised that whether HRM does anything or not, on January 1, 2003 for all intents and purposes the By-law is effectively repealed. He advised it would still be on the books but with respect to most issues, the provisions in the Provincial Act are more restrictive than the HRM By-law; therefore, the more restrictive would apply.

Following further discussion, the following motion was placed.

MOVED by Councillor Mosher, seconded by Councillor Blumenthal, that the question be called for. MOTION PUT AND PASSED.

MAIN MOTION PUT AND PASSED.

13.2 Councillor Harvey

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on November 26, 2002, I intend to introduce a motion to lift off the table the motion of August 27, 2002.

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on November 26, 2002, I intend to move First Reading of a By-law to make Halifax Regional Municipality 100% smoke free in all indoor facilities.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 6:55 p.m.

Vi Carmichael
Municipal Clerk

Jan Gibson
Deputy Municipal Clerk