

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES MARCH 25, 2003

PRESENT:

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

REGRETS:

Councillors: Linda Mosher
Gary Meade

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Sherrill Murphy, Legislative Assistant

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1. **INVOCATION**

The meeting was called to order with Councillor Adams leading the invocation.

2. **APPROVAL OF MINUTES - March 18, 2003**

- A memorandum dated March 25, 2003 from Ms. Jan Gibson, Deputy Municipal Clerk to which revised pages 4 and 13 of the March 18, 2003 minutes were attached, was distributed to Council.

MOVED by Councillor Blumenthal, seconded by Councillor Johns that the minutes of March 18, 2003, be approved, as distributed. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions:

12.1 Councillor Johns - Closure of Patton Road Fire Stations, Upper Sackville

12.2 Property Matter - Sale of Surplus Property 14 Doyle Street, Bedford

12.3 Councillor Streach - Administrative Order 19 and Use of Corporate Logo

Proclamation - IBS Awareness Month - April 2003 was distributed as an Information Item

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington that the agenda, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Approval of 2003/2004 Operating and Capital Budget**

- This matter was considered at Committee of the Whole Council meeting held earlier today and was now before Council.

- Correspondence dated March 25, 2003 from Leanne Hachey, Policy Analyst, Canadian Federation of Independent Business, was distributed to Council.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal it is hereby resolved that:

- a) **the Capital Budget in the amount of \$73,336,000 be approved, and**
- b) **the Operating Budget in the amount of \$529,217,477 gross expenditures, \$423,903,700 non-departmental revenues, and \$105,313,777 departmental revenues be approved, which reflects all adjustments approved by Council to the Budget tabled on March 4, 2003, and further;**
- c) **the general rates of taxation on commercial, machinery and equipment, and business occupancy be set at:**
 - (i) **\$3.359 for the urban area;**
 - (ii) **\$3.359 for the suburban area; and**
 - (iii) **\$3.086 for the rural area****applied to the full assessed value of the property.**
- d) **the general rates of taxation on residential and resource property be set at:**
 - (i) **\$1.315 for the urban area;**
 - (ii) **\$1.212 for the suburban area; and**
 - (iii) **\$1.205 for the rural area****applied to the full assessed value of the property.**
- e) **the boundary of the urban, suburban and rural areas is as delineated in the attached "Tax Structure Map" and the amendments as detailed in Maps A to E.**
- f) **Supplementary Education shall be set at the rate of \$0.109 to the residential and resource assessment and set as \$0.278 to the commercial, machinery and equipment assessment including business occupancy of the former City of Halifax; and \$0.088 to the residential and resource assessment and \$0.224 to the commercial, machinery and equipment assessment including business occupancy of the former City of Dartmouth; and an area rate of \$0.040 to the residential, resource, commercial, machinery and equipment assessment including business occupancy of the former Town of Bedford and Halifax County. Total discretionary funding shall be set at \$20,846,200. That the dollar allocations for former City of Halifax equal \$12,295,000, former City of Dartmouth equal \$5,239,200 and the former County/Bedford equal \$3,312,000.**
- g) **Fire Protection rates shall be set at \$0.084 for all commercial assessable property, including business occupancy; and at a rate of \$0.033 for all**

residential and resource property which is within 1,200 feet of a hydrant that is designed and operated for public fire protection purposes;

- h) the final tax bills will become due on Tuesday, September 30, 2003.
- i) the interest rate on the Special Reserve Funds, designated as requiring interest under Section 100(2) of the Municipal Government Act, be set at the rate of return on funds invested by HRM for the period April 1, 2003 to March 31, 2004.
- j) the interest rate on the Pollution Control Reserves be set at the rate of return on funds invested by HRM for the period April 1, 2003 to March 31, 2004.
- k) the interest rate on all reserves except for those identified in i) and j) will be set at the rate of return on funds invested by HRM for the period April 1, 2003 to March 31, 2004.
- l) the interest rate on trust funds will be set at the annual rate of return on specific investments held by the trusts.

A discussion ensued with Councillor Johns noting that this budget includes an increase in the area rate for residents of his area relative to transit service. Councillor Johns went on to advise that in the past access-a-bus was not available to his residents and asked if, with the increased area rate, the service would be provided to his residents.

Mr. Fisher indicated that he did not have that information and noted that Transit staff would provide a response to the Councillor at a later time.

Noting that he was unable to support the budget due to the handling of supplementary funding, Councillor Adams requested that part f) of the motion be dealt with separately.

His Worship called for the vote on part f) with Councillor Hetherington requesting a recorded vote, as follows:

- f) **Supplementary Education shall be set at the rate of \$0.109 to the residential and resource assessment and set as \$0.278 to the commercial, machinery and equipment assessment including business occupancy of the former City of Halifax; and \$0.088 to the residential and resource assessment and \$0.224 to the commercial, machinery and equipment assessment including business occupancy of the former City of Dartmouth; and an area rate of \$0.040 to the residential, resource, commercial, machinery and equipment assessment including business occupancy of the former Town of Bedford and Halifax County. Total discretionary funding shall be set at \$20,846,200. That the**

dollar allocations for former City of Halifax equal \$12,295,000, former City of Dartmouth equal \$5,239,200 and the former County/Bedford equal \$3,312,000.

MOTION PUT AND PASSED.

Members of Council voting in favour of the motion: Deputy Mayor McInroy and Councillors Streach, Hines, Cooper, Hetherington, Cunningham, Blumenthal, Sloane, Uteck, Fougere, Johns, and Rankin.

Members of Council voting against the motion: Mayor Kelly and Councillors Colwell, Warshick, Sarto, Smith, Walker, Whalen, Adams, Harvey, and Goucher.

Mayor Kelly called for the vote on the parts a) to e) and parts g) to l) of the motion.

MOTION PUT AND PASSED with Councillors Sarto, Blumenthal and Harvey voting against the motion.

At a later point in the meeting, Councillor Harvey, referring to the vote relative to the budget, indicated that he was in favour of the budget, excepting for part f), and requested that the minutes reflect that his vote had inadvertently been miscast.

Councillor Sarto also noted that he had missed the vote on the budget and would be recorded as having voted against the motion. Councillor Sarto clarified that he was in favour of the motion to approve the budget.

8. PUBLIC HEARINGS

8.1 Capital Cost Contribution - Wentworth Bedford South (Project 00558)

- Council gave First Reading to the proposed Subdivision Bylaw amendments which apply to the former City of Halifax and Town of Bedford, as presented in Attachment 1 of the staff report dated February 20, 2003 on February 25, 2003, and the matter was now before Council for a public hearing.

Mr. Paul Dunphy, Director, Planning and Development Services, and Mr. Peter Duncan, Manager, Development Engineering, gave a brief presentation outlining the proposed amendments to the Subdivision By-law and the amendments to the Sewer Charge By-law to be dealt with under agenda item 8.2, By-law Number S-106, Respecting Sewer Charges. A copy of their presentation is on file.

His Worship called for persons wishing to speak in support of or against the proposed amendment to the Subdivision By-law.

Mike Hanusiak, General Manager, Clayton Developments, speaking on behalf of both Clayton Developments and Cresco, indicated that both companies are in favour of the proposed amendments before Council this evening. He went on to thank staff for the effort and work which has gone into bringing this proposal forward. Mr. Hanusiak commented that the time for Capital Cost Contribution has come and that developers were comfortable that the contribution was fair and predictable. The cost is set such that it does not distort the marketplace and is one the development community believes to be manageable. In conclusion, Mr. Hanusiak indicated that the proposed amendments do lead to the type of infrastructure needed for development of this size.

Frank Medjuck, Emscot Limited, indicated that he also supported the proposed amendments. He added his thanks for the work of staff and expressed pleasure that the co-developers had worked cooperatively to achieve a solution. In conclusion Mr. Medjuck indicated that the cost, under the proposal, is known which is reassuring. Overall the exercise has been a healthy one.

His Worship called three time for persons wishing to speak either in favour of or against the proposed amendment. Hearing none, it was **MOVED by Councillor Blumenthal, seconded by Councillor Hetherington that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Whalen, seconded by Councillor Goucher that Halifax Regional Council approve the proposed Subdivision Bylaw amendments which apply to the former City of Halifax and Town of Bedford, as presented in Attachment 1 of the staff report dated February 20, 2003.

After a brief discussion the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

8.2 By-law S-106, Respecting Sewer Charges

- Council gave First Reading of By-law S-106, Respecting Sewer Charges on March 4, 2003 and the matter was now before Council for a public hearing.

Noting that a presentation with regard to this matter had been made jointly with the previous matter, His Worship called three times for persons wishing to speak in favour of or against By-law S-106, Respecting Sewer Charges. Hearing none, it was **MOVED by Councillor Hetherington, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Goucher, seconded by Councillor Whalen that By-law Number S-106, Respecting Sewer Charges be approved. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Petition - Councillor Hines - Civic Address of Homes on Wilson Drive, Guysborough Lane, Ashwood Drive and Lake Theresa Drive designated as Fall River

Councillor Hines submitted a petition on behalf 18 residents of Wilson Drive, Guysborough Lane, Ashwood Drive and Lake Theresa Drive strongly urging HRM to recognize the civic address of homes on these streets as Fall River. These streets and homes are within the signed area for Fall River and have traditionally been part of this community, not Waverley. Councillor Hines requested that this petition be forwarded to the appropriate staff at the Civic Addressing project.

9.2.2 Petition - Councillor Adams - Ban on Use of Exotic Animals in Circus Acts

Councillor Adams submitted a petition on behalf of 145 residents supporting a ban on the use of exotic animals in circus acts. Councillor Adams requested that a letter be forwarded to the Minister responsible for this and that a request be made for a timely meeting between the Minister and Councillor Adams regarding this matter.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Request for Proposal 03-150, Architectural Design Services - Phase I Integrated Telecommunications and Dispatch Centre

- A staff report dated March 14, 2003 prepared for Mr. George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Sarto that RFP 03-150 - Architectural Design Services - Phase I Integrated Telecommunications and Dispatch Centre be awarded to the highest ranking evaluated proposal, John Doucet Architects Limited for a cost of \$91,500, plus net HST for a total of \$97,382.54 from Capital Account CB200516, with funding authorized as per the Budget Implications section of the March 14, 2003 staff report, and pending Council approval of the 2003/04 Capital Budget.

After a brief questioning of staff the **MOTION WAS PUT AND PASSED.**

10.1.2 Temporary Borrowing Resolutions and 2003 Spring Debenture

- A staff report dated March 19, 2003 prepared for Mr. George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Cunningham, seconded by Councillor Blumenthal that :

- 1. Halifax Regional Council approve Temporary Borrowing Resolution #02/03-04 in the amount of \$896,570 for refinancing of the balloon payment from the 93A1 Debenture.**
- 2. Halifax Regional Council approve a two year Temporary Borrowing Resolution #02/03-05, based on the 2002/03 and prior Capital Budgets, in the amount of \$74,484,248.**
- 3. The Mayor and Municipal Clerk be authorized to sign the Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate confirmation, not to exceed 7%, to enable the Halifax Regional Municipality to issue a debenture in the amount of \$38,825,613.**

MOTION PUT AND PASSED UNANIMOUSLY.

At this point Councillor Blumenthal leaves the meeting.

10.1.3 By-Law O-103, Respecting Open Air Burning

- A supplementary staff report dated March 4, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration. Also distributed to Council was an Extract of Regional Council Minutes of July 2, 2003 and a copy of Bylaw Number O-101, Respecting Open Air Burning.

Mr. Anstey advised that By-law O-101 as circulated as an attachment to the March 4, 2003 staff report should in future be referred to as By-law O-103. He indicated that By-law O-102 had been the subject of a public hearing in July 2002 at which time it was referred back to staff for further consideration. Mr. Anstey noted that the By-law before Council this evening was different from that which had been considered at the public hearing in July, and as a consequence the proposed By-law O-102 is considered to have died.

Mr. Mike Eddy, Fire Chief, made a brief presentation respecting open air burning and the risks involved relative to open air burning. Mr. Eddy then responded to questions from members of Council.

Members of Council made the following points with regard to the proposed By-law O-103

- Concern expressed regarding the handling of open air wood burning appliances

- A concern was noted regarding the lack of clarity within Section 3(b) with a request that the Solicitor review the wording
- Staff needs to consider the wood burning grills in Point Pleasant Park given the handling of open air wood burning appliances
- Shubie Campground should be exempted from the no burn zone
- Staff may wish to consider a mechanism which would allow for changes in Schedule A without the need to obtain Council approval

MOVED by Councillor Uteck, seconded by Councillor Fougere that Section 5 of the proposed By-law O-103 be amended to read, “Outdoor wood burning appliance may be used in both the Burn and the No Burn Zone of the Halifax Regional Municipality, but the provisions as contained in By-law O-103 attached to the March 4, 2003 staff report apply.

After a brief discussion, the **MOTION WAS PUT AND PASSED.**

MOVED by Councillor Whalen, seconded by Councillor Johns that Section 6 be deleted and replaced with the corresponding section from the existing By-law, By-law O-101.

Following a short discussion, the **MOTION WAS PUT AND DEFEATED.**

MOVED by Councillor Hines, seconded by Councillor Streach that Section 6(c) be amended by the deletion of the words “and are not subject to the restrictions of the no burn zone” in the second line.

A brief debate ensued and the **MOTION WAS PUT AND DEFEATED.**

Members of Council voting **in favour** of the motion: Deputy Mayor McInroy and Councillors Streach, Colwell, Cooper, Sarto, Hetherington, Adams, Johns, Goucher, and Rankin.

Members of Council voting **against** the motion: Mayor Kelly and Councillors Hines, Warshick, Smith, Cunningham, Sloane, Uteck, Fougere, Walker, Whalen, and Harvey.

MOVED by Councillor Uteck, seconded by Councillor Sloane that Council adopt, in principle, amended By-Law O-103 Respecting Open Air Burning, the purpose of which is to amend By-law 101 Respecting Open Air Burning. MOTION PUT AND PASSED.

10.1.4 Maplewood Subdivision - Water Servicing Extension

- A staff report dated March 21, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Rankin, seconded by Councillor Cooper that:

- 1) **The Halifax Regional Water Commission make application to the Province of Nova Scotia to extend the Maplewood on the Lakes water servicing project under the existing approved funding program.**
- 2) **That District 22 Capital Funds in the amount of \$10,000 be allocated to this extension as source of funding.**
- 3) **That a staff report be prepared detailing the revised project boundary, the cost of servicing, the public participation process and recommending a bylaw for the collection of a frontage charge.**

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

11.1 Councillor Cooper - Amendment to Administrative Order Number 1 - Clarification of Procedures re Processing of Requests by Delegations to Make Presentations to Council

- Councillor Cooper gave Notice of Motion at the March 18, 2003 meeting of Regional Council of his intention to place before Council, for adoption as a policy pursuant to the Municipal Government Act, an amendment to Administrative Order Number 1 to revise and clarify the procedures with respect to the processing of requests by delegations to make presentations to Council and the filing of petitions and other communications.
- A proposed amendment to Halifax Regional Municipality Administrative Order Number 1 was before Council for consideration.

Councillor Cooper advised that the thrust of the proposed amendment is covered under Section 3(2).

Mr. Anstey, further clarifying the proposed amendment, noted that the amendment formalizes the process in place at the present time. The Clerk will keep Council informed of requests for presentation by the inclusion of an information item listing the delegations and the disposition of the requests in each agenda package.

MOVED by Councillor Cooper, seconded by Councillor Johns that the amendment to Administrative Order Number 1 relating to presentations, as circulated, be adopted.

Councillor Fougere suggested that Section 2(b) should more appropriately refer the delegation to the Chair of an appropriate Community Council.

Mr. Anstey concurred, and with the agreement of Council, *the amendment is to be revised to reflect that delegations be referred to the Chair of an appropriate Community Council.*

MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Councillor Warshick - Amendment to Administrative Order Number 1 re Use of Electronic Voting System

- Councillor Warshick gave Notice of Motion at the March 18, 2003 meeting of Regional Council of his intention to place before Council, for adoption as a policy pursuant to the Municipal Government Act, an amendment to Administrative Order Number 1 to provide that the electronic voting system only be utilized for recorded votes when requested.
- A proposed amendment to Administrative Order Number 1 relative to the use of the electronic voting system only being utilized for recorded votes when requested was before Council for consideration.

MOVED by Councillor Warshick, seconded by Councillor Johns that the proposed amendment to Administrative Order Number 1 relating to the use of the electronic voting system, as circulated, be adopted.

A brief debate ensued and the **MOTION WAS PUT AND DEFEATED.**

Members of Council voting **in favour** of the motion: Councillors Streach, Hines, Colwell, Warshick, Hetherington, Uteck, Adams, Johns, Harvey, Goucher.

Members of Council voting **against** the motion: Mayor Kelly, Deputy Mayor McInroy, and Councillors Cooper, Sarto, Smith, Cunningham, Sloane, Fougere, Walker, Whalen, and Rankin.

12. ADDED ITEMS

12.1 Councillor Johns - Closure of Patton Road Fire Station, Upper Sackville

- This matter was added to the agenda during the setting of the agenda.

MOVED by Councillor Johns, seconded by Councillor Hines that Fire and Emergency Services bring forward a report with recommendations/options regarding the re-opening of the Patton Road Fire Station, Upper Sackville. MOTION PUT AND PASSED with Councillors Cunningham, Sloane and Fougere voting against the motion.

12.2 Property Matter - Sale of Surplus Property 14 Doyle Street, Bedford

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

MOVED by Councillor Goucher, seconded by Councillor Ranking that:

1. Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with United Gulf Developments Limited for 14 Doyle Street, former Glen Moir School site, subject to the terms and conditions set out in the private and confidential report dated March 7, 2003.
2. It is further recommended that should this Agreement not be concluded that Council authorize the future sale of this property based upon the terms and conditions set out in the report, with purchase price within 10% of appraised value.
3. The report not be released until the sale of 14 Doyle Street has closed.

MOTION PUT AND PASSED with Councillors Warshick and Sloane voting against the motion.

12.3 Councillor Streach - Administrative Order 19 and Use of Corporate Logo

- This matter was added to the agenda during the setting of the agenda.

MOVED by Councillor Streach, seconded by Councillor Hines that Halifax Regional Council approve the use of the corporate logo by the Bicentennial Theatre Band during the promotion of an upcoming Musical in recognition of the HRM's support of the event. MOTION PUT AND PASSED with Councillor Sarto voting against the motion.

13. NOTICES OF MOTION - None

14. ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m.

Vi Carmichael
Municipal Clerk

