

HALIFAX REGIONAL COUNCIL
MINUTES
April 8, 2003

PRESENT:

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

REGRETS:

Councillors: Ron Cooper
Jim Smith

STAFF:

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

TABLE OF CONTENTS

1.	INVOCATION	04
2.	APPROVAL OF MINUTES - March 25, 2003	04
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	04
4.	BUSINESS ARISING OUT OF THE MINUTES	04
5.	MOTIONS OF RECONSIDERATION - NONE	04
6.	MOTIONS OF RESCISSION - NONE	04
7.	CONSIDERATION OF DEFERRED BUSINESS - NONE	04
8.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	
8.1	Correspondence - None	04
8.2	Petitions	04
9.	REPORTS	
9.1	HERITAGE ADVISORY COMMITTEE	
9.1.1	Case H00103 - Request for Deregistration of Lot #2 (known as 6957 Armview Ave) 6941 Tupper Grove, Halifax (to set public hearing date)	05
9.1.2	Case H00104 - Application for Registration of 2223 Brunswick Street, Halifax (to set Heritage Hearing date)	05
9.2	CHIEF ADMINISTRATIVE OFFICER	
9.2.1	Tender 03-217, Quigley's Corner Pumping Station Overflow Pipe Replacement - Eastern Region	05
9.2.2	Tender 03-034, Traffic Signal Loop Maintenance - Various Locations	06
9.2.3	Extension - Memorandum of Understanding between HRM and Sask Energy	06
9.2.4	First Reading of By-Law T-210, an Amendment to By-law T-202 Respecting Tax Exemption for Non-Profit Organizations ...	06
9.2.5	First Reading of an Amendment to By-Law O-103, Respecting Open Air Burning	07
9.3	MEMBERS OF COUNCIL	

9.3.1	Councillor Cooper - Flooding - Cole Harbour - District 4	07
9.3.2	Councillor Blumenthal - Bank of Montreal Closure	07
10.	MOTIONS	
10.1	Councillor Streach - Amendment to Section 15 of Administrative Order Number One, Respecting Rules of Procedure of Council - Utilization of the Electronic Voting System	08
11.	ADDED ITEMS	
11.1	Councillor Mosher - Urban Forest Management and Private Property Tree By-Law	09
11.2	Councillor Adams - Amendment to By-Law M-100, Minimum Standards	09
11.3	Property Matter - Sale of Surplus Municipal Property - 3 Valleyfield Avenue, Dartmouth, Former Mary Lawson School	09
12.	NOTICES OF MOTION	09
13.	ADJOURNMENT	10

1. INVOCATION

The meeting was called to order at 6:00 p.m. with the Invocation being led by Councillor Mosher.

2. APPROVAL OF MINUTES - March 25, 2003

MOVED by Councillor Cunningham, seconded by Councillor Blumenthal, that the minutes of March 25, 2003 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

11.1 Councillor Mosher - Urban Forest Management & Private Property Tree By-Law

11.2 Councillor Adams - Amendment to By-Law M-100, Minimum Standards

11.3 Property Matter - Sale of Surplus Municipal Property - 3 Valleyford Avenue, Dartmouth, Former Mary Lawson School

MOVED by Councillor Hetherington, seconded by Councillor Goucher, that the Order of Business, as amended, 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 - NONE

8. CORRESPONDENCE, PETITIONS AND DELEGATIONS

8.1 Correspondence - None

8.2 Petitions - None

9. REPORTS

9.1 HERITAGE ADVISORY COMMITTEE

9.1.1 Case H00103 - Request for Deregistration of Lot #2 (known as 6957 Armview Ave) 6941 Tupper Grove, Halifax

- A report from Mr. Allen MacLellan, Chair, Heritage Advisory Committee, dated April 1, 2003, on the above noted, was before Council.

MOVED by Councillor Uteck, seconded by Councillor Hetherington, that Regional Council set the date of Tuesday, May 13, 2003, for a public hearing to provide consideration for the de-registration of Lot #2 (known as 6957 Armview Avenue), 6941 Tupper Grove, Halifax. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 Case H00104 - Application for Registration of 2223 Brunswick Street, Halifax

- A report prepared for Mr. Allan MacLellan, Chair, Heritage Advisory Committee, dated April 1, 2003, on the above noted, was before Council.

MOVED by Councillor Sloane, seconded by Councillor Goucher, that Regional Council set the date of Tuesday, May 13, 2003, for a Heritage Hearing to provide consideration for the registration of 2223 Brunswick Street, Halifax, under the HRM Heritage Property Program. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 CHIEF ADMINISTRATIVE OFFICER

9.2.1 Tender 03-217, Quigley's Corner Pumping Station Overflow Pipe Replacement - Eastern Region

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated March 27, 2003, on the above noted, was before Council.

MOVED by Deputy Mayor McInroy, seconded by Councillor Hetherington, that Regional Council award Tender No. 03-217, Quigley's Corner Pumping Station Overflow Pipe Replacement - East Region to J. R. Eisner Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$65,665 plus net HST for a total of \$69,887 from Account No. CSR00804, Quigley's Corner Pumping Station, Forcemains, with funding authorized as per the Budget Implications section of the staff report dated March 27, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

9.2.2 Tender 03-034, Traffic Signal Loop Maintenance - Various Locations

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated March 28, 2003, on the above noted, was before Council.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane , that Regional Council award Tender No. 03-034, Traffic Signal Loop Maintenance - Various Locations, to Black & McDonald Limited for materials and services listed at the unit prices quoted for a Tender Price of \$226,700, plus net HST for a total of \$241,275 from Account No. CTR00530, Traffic Signal Control System Integration, with funding authorized as per the Budget Implications section of the report dated March 28, 2003.

Deputy Mayor McInroy noted many of the lights throughout the Municipality are not synchronized such that they change in succession with traffic flow and requested staff provide a report on this issue at a future date.

MOTION PUT AND PASSED UNANIMOUSLY.

9.2.3 Extension - Memorandum of Understanding between HRM and Sask Energy

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated April 1, 2003, on the above noted, was before Council.

MOVED by Councillor Adams, seconded by Councillor Goucher, that Council approve the extension of the Memorandum of Understanding (MOU) between HRM and Sask Energy effective January 1, 2003, to the earlier of December 31, 2003, or the date upon which a Development Agreement is executed with Sask Energy. MOTION PUT AND PASSED UNANIMOUSLY.

9.2.4 First Reading of By-law T-210, an Amendment to By-law T-202 Respecting Tax Exemption for Non-Profit Organizations

- A report prepared for Mr. James Hobin, Chair, HRM Grants Committee, dated January 8, 2003, on the above noted, was before Council.

MOVED by Councillor Walker, seconded by Councillor Blumenthal, that Regional Council give First Reading of By-law T-210, an Amendment to By-law T-202 Respecting Tax Exemption for Non-Profit Organizations.

Councillor Uteck requested the Mayor write to the Minister of Tourism requesting that the funding to TIANS be reinstated.

Mr. McLellan, Chief Administrative Officer, noted this impacts all Municipalities within Nova Scotia and suggested the letter be copied to the UNSM so that all Municipalities can be made aware of the possible impact to their tourist associations and tourism industry.

Councillor Warshick requested staff contact Destinations Halifax to make them aware of the situation.

MOTION PUT AND PASSED UNANIMOUSLY.

The Public Hearing will take place on May 6, 2003.

9.2.5 First Reading of an Amendment to By-law O-103, Respecting Open Air Burning

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated April 4, 2003, on the above noted, was before Council.

MOVED by Councillor Hetherington, seconded by Councillor Goucher, that Council give First Reading to By-law O-103 Respecting Open Air Burning and proceed to a Public Hearing.

Councillor Walker requested Schedule "A" be provided to Council at the time of the public hearing.

MOTION PUT AND PASSED UNANIMOUSLY.

The Public Hearing will take place on May 6, 2003.

9.3 MEMBERS OF COUNCIL

9.3.1 Councillor Cooper - Flooding - Cole Harbour - District 4

MOVED by Councillor Whalen, seconded by Councillor Blumenthal, that this item be deferred to April 15, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

9.3.2 Councillor Blumenthal - Bank of Montreal Closure

Councillor Blumenthal advised the last remaining Bank of Montreal branch north of Young

Street is closing as of the end of August. The Councillor noted he has the largest senior population in HRM and these citizens will no longer be within walking distance of a bank. Councillor Blumenthal advised the nearest banking facility would be the Halifax Credit Union and asked that staff provide a report regarding the possibility of having a bus donated to the Halifax Credit Union so that the residents of District 11 can be transported to the Credit Union.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that a staff report be provided as to whether Transit can donate a bus to the Halifax Credit Union to facilitate banking needs of the residents in District 11 due to the closure of the Bank of Montreal. MOTION PUT AND PASSED UNANIMOUSLY.

10. MOTIONS

10.1 Councillor Streach - Amendment to Section 13 of Administrative Order Number One, Respecting the Rules of Procedure of Council - Utilization of the Electronic Voting System

- An amendment to Administrative Order Number One, The Procedure of Council Administrative Order was before Council.

MOVED by Councillor Streach, seconded by Councillor Hetherington, that the Amendment to Section 15 of Administrative Order Number One, Respecting the Rules of Procedure of Council - Utilization of the Electronic Voting System be approved as outlined.

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

MOVED by Councillor Adams, seconded by Councillor Hetherington, that a new Section 15(5)(e) be added which states “if a member of Council becomes aware his vote did not register, that Councillor, through the Chair, would bring this to the attention of the Clerk who shall amend accordingly”. MOTION PUT AND PASSED UNANIMOUSLY.

MAIN MOTION PUT AND PASSED.

Those voting **in favour** of the motion were: Mayor Kelly, Councillors Streach, Hines, Colwell, Hetherington, Cunningham, Uteck, Mosher, Adams, Johns, Harvey and Goucher.

Those voting **against** the motion were: Deputy Mayor McInroy, Councillors Warshick, Sarto, Blumenthal, Sloane, Fougere, Walker Whalen, Rankin and Meade.

Councillors Cooper and Smith were not in attendance.

11. ADDED ITEMS

11.1 Councillor Mosher - Urban Forest Management & Private Property Tree By-law

Councillor Mosher noted that the issue of tree cutting has been before Council on a number of occasions and the Province has been contacted requesting the legislative authority, under the MGA, to manage trees on private land. The Councillor requested an update and staff presentation be provided to Council on April 22nd regarding this issue. Further, the Councillor requested that, in this two week period, the Mayor contact the Province and ask that this issue be examined in conjunction with HRM rather than making a joint submission for enabling legislation through UNSM.

11.2 Councillor Adams - Amendment to By-Law M-100, Minimum Standards

In response to Councillor Adams regarding the Minimum Standards By-law, Mr. Anstey advised HRM would have no jurisdiction to enact legislation and that complaints regarding minimum standards should be addressed under the Residential Tenancies Act.

11.3 Property Matter - Sale of Surplus Municipal Property - 3 Valleyfield Avenue, Dartmouth, Former Mary Lawson School

- This item was addressed earlier at an In Camera meeting and was now before Council for ratification.

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

- 1. Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Bridgeway Academy Association for the sale of the former Mary Lawson School located at 3 Valleyford Avenue, Dartmouth, subject to the terms and conditions set out in the March 31, 2003 staff report.**
- 2. This report not be released to the public until transaction has closed.**

MOTION PUT AND PASSED UNANIMOUSLY.

12. NOTICES OF MOTION - NONE

13. ADJOURNMENT

The meeting was adjourned at 6:55 p.m.

Vi Carmichael
Municipal Clerk