

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES May 27, 2003

PRESENT:

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

REGRETS:

Councillor Steve Streach

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Deputy Municipal Clerk
Ms. Patti Halliday, Legislative Assistant

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1. **INVOCATION**

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Meade.

2. **SPECIAL PRESENTATION - Supt. Stan Ferguson, RCMP**

On behalf of Council, HRM residents, Halifax Regional Police and the RCMP, Mayor Kelly made a presentation to Supt. Stan Ferguson, RCMP, in recognition of his retirement after 38 years of service.

3. **APPROVAL OF MINUTES - NONE**

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

Councillor Goucher congratulated the Halifax International Airport on recently being rated number one in the world in the Service Delivery category of airports servicing 15 million passengers or less by the International Air Transport Association. The Councillor noted Halifax International Airport was rated in the top ten in seven of the ten categories on which it was judged and was number one in Service Delivery. Councillor Hines echoed Councillor Goucher's comments. It was agreed that the Mayor would send a letter of congratulations to Mr. Reg Milley, Mr. Bernie Milller, and the HIA Board members and staff acknowledging their achievements.

The following items were added to the agenda:

- 12.1 Councillor Blumenthal - Garbage on Streets
- 12.2 Councillor Walker - Resolution: Federal Charitable Status for Community Volunteer Groups and Associations
- 12.3 Legal Matter: Natural Gas Tax Model

The following Information Item was added to the agenda:

- 1. Proclamation - Juno Beach Centre Day - June 6, 2003

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

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **RFP03-007, Wright Avenue Extension Interchange Preliminary Design Study (May 13)**

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

MOVED by Councillor Smith, seconded by Councillor Hetherington, that Council:

1. **Award RFP 03-007 - Wright Avenue Extension and Interchange Preliminary Design Study to the highest ranking evaluated proposal, CBCL Limited, for a cost of \$38,305 from Capital Account CQ200402 (Burnside Expansion: Phases 11-1 and 11-2).**
2. **Approve an increase in the budget of Account CQ200402 by \$20,200 to cover maximum projected cost sharing from the Province as per the cost-sharing agreement attached to the staff report as outlined in the budget implications section of the report.**
3. **Authorize the Mayor and Municipal Clerk to enter into the cost-sharing agreement, attached to the staff report, with the Province relative to the subject project. MOTION PUT AND PASSED UNANIMOUSLY.**

7.2 **Membership Selection Committee Recommendation (May 20)**

C A report from the Membership Selection Committee, dated May 20, 2003, regarding the above, was before Council for consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that Regional Council approve the appointment of Edwin Merry to the Halifax-Dartmouth Natal Day Steering Committee to November 2005. MOTION PUT AND PASSED UNANIMOUSLY.

(Councillor Whalen took her place at the meeting at 6:12 p.m.)

7.3 **In Camera Recommendations (May 20)**

- (i) **Property Matter - 409 Herring Cove Road**

C This matter was discussed at an In Camera session held on May 20, 2003 and was now before Council for ratification.

MOVED by Councillor Adams, seconded by Councillor Mosher, that:

1. **Halifax Regional Council approve the withdrawal from Parkland Reserve Account in an amount up to \$18,500 to facilitate the purchase of 409 Herring Cove Road.**
2. **Halifax Regional Council further authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Mr. Julius Potyondy for the purchase of 409 Herring Cove Road, subject to the terms contained in the May 6, 2003 private and confidential staff report.**
3. **The May 6, 2003 report not be released to the public. MOTION PUT AND PASSED UNANIMOUSLY.**

(ii) Legal Matter - Settlement of Claim

C This matter was discussed at an In Camera session held on May 20, 2003 and was now before Council for ratification.

MOVED by Councillor Cunningham, seconded by Councillor Warshick, that Halifax Regional Council settle this claim, as outlined in the May 12, 2003 private and confidential staff report, brought by the Plaintiff in the amount of \$20,000.00 to achieve a full settlement of the Plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of the accident which occurred on November 20, 2000. MOTION PUT AND PASSED.

8. PUBLIC HEARINGS

8.1 Case 00461 - Amendment to Municipal Planning Strategy for Halifax - 1270 Oxford Street

C A report from Peninsula Community Council, regarding the above, was previously circulated to Council.

C The amendments passed First Reading on April 22, 2003 and were now before Council for Second Reading.

Ms. Randa James, Planner, presented the staff report to Council.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the amendments.

Mr. Garnet Caldwell, Trustee, First Baptist Church, 1300 Oxford Street, Halifax

Mr. Caldwell addressed Council stating the First Baptist Church is close to the property being considered for re-zoning. Mr. Caldwell submitted a written submission for the record. He noted that parking is a major concern. Another concern expressed was with respect to the size of the building compared to the size and appearance of the adjacent buildings. Mr. Caldwell noted the proposed building extends out to the sidewalk, whereas the others on the street are set back.

Mr. Roberto Manendez, W. M. Fares & Associates

Mr. Manendez addressed Council regarding the proposal noting the proponent has attempted to address the traffic issue by adding two parking spaces. However, he stated that it became an issue of preserving trees or adding parking. With respect to setbacks, he stated the distance is 22 feet from the sidewalk to the foundation of the building, and the only part that extends out is the nine feet high foyer which is 15 feet from the sidewalk. Mr. Manendez stated that blasting will not likely be an issue with this development as the proposal will take advantage of the existing slope for underground parking.

Mayor Kelly called three times for additional members of the public wishing to speak either in favour of or against the amendments. 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 Councillor Uteck, seconded by Councillor Hetherington, that Regional Council adopt the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law, presented in Attachment IV of the staff report dated March 25, 2003.

Speaking in support of the motion, Councillor Uteck reiterated that the building will be set back from the street by 22 feet and the proposed development is an improvement to the neighborhood. With regard to tree retention, the Councillor noted some of the trees being retained are over 100 years old. Councillor Uteck stated she understood the concerns of the Church and stated the developer is still open to working with them to resolve any concerns.

Councillor Mosher inquired if it would be possible to amend the development agreement to require a gate to be constructed at the developer's expense to protect the church parking area. Several other concerns regarding the development agreement were raised, and, in response, Mr. Anstey clarified that issues relating to the development agreement are to be addressed at the Community Council level as Regional Council is only dealing with the plan amendment.

MOTION PUT AND PASSED.

Members of Council voting **in favour** of the motion: Councillors: Hines, Colwell, Cooper, Sarto, Hetherington, Cunningham, Blumenthal, Uteck, Fougere, Walker, Whalen, Adams, Johns, Harvey, Goucher, Rankin and Meade.

Members of Council voting **against** the motion: Mayor Kelly, Deputy Mayor McInroy, Councillors: Warshick, Smith, Sloane and Mosher.

(Councillor Streach was absent for the meeting.)

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor Fougere - Fence, Larry O'Connell Memorial Playground

Councillor Fougere served a petition containing approximately 288 signatures of residents demanding the removal of the outfield fence at Larry O'Connell Memorial Playground. The Councillor asked that the petition be forwarded to staff for a response to address the neighborhood concerns, viable alternatives, and any liability issues relative to the removal of the fence.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 03-207, RA-5 Overhead Crosswalk Lights - Various Locations

C A staff report prepared for Dan English, Deputy Chief Administrative Officer,

regarding the above, was before Council for its consideration.

MOVED by Councillor Johns, seconded by Councillor Goucher, that Regional Council award Tender No. 03-207, RA-5 Overhead Crosswalk Lights -Various Locations to XL Electric Limited for materials and services listed at the unit prices quoted for a Tender Price of \$61,450, plus net HST for a total of \$65,401, from Account No. CTR00420, RA-5 Replacement, with funding authorized as per the Budget Implications section of the staff report dated May 16, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Silversides Residents Association Area Rate

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

MOVED by Councillor Hines, seconded by Councillor Warshick, that a flat rate of \$60.00 be approved to be applied against the properties within the mapped area depicted in Appendix A of the staff report dated May 13, 2003, effective with the 2003/04 fiscal year for the purpose of enabling the Silversides Residents Association to develop parkland and other recreational amenities within the Silversides Subdivision. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Amendment to Administrative Order #23, Respecting Pesticides, Herbicides and Insecticides

- 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 Goucher, that Regional Council approve the process to formally reintroduce the Notice of Motion to add the substance Acetic Acid to the Permitted Pesticides List in Administrative Order #23. MOTION PUT AND PASSED.

10.1.4 By-Law Rationalization - Effective Punitive Measures Update

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

- C A revised Appendix A was circulated to Council.

MOVED by Councillor Warshick, seconded by Councillor Hetherington, that Regional Council approve, in principle, and direct staff to arrange for the formal adoption of the amendments outlined in the revised Appendix A of the staff report dated May 22, 2003 to the following HRM by-laws:

**By-Law F-100 (Respecting Fire Prevention)
By-Law S-600 (Solid Waste Resource Collection and Disposal)
By-Law S-700 (Respecting Swimming Pools)**

to include the appropriate clauses that would empower the HRM to invoke Sections

503(1) and 507 of the Municipal Government Act. This legislation allows the HRM to lien property owners for costs incurred by the municipality to effect the remedy of by-law violations. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.2 IN CAMERA RECOMMENDATION - May 6, 2003

10.2.1 Legal Matter - Harbour Solutions Project

C This matter was discussed during an In Camera Session held on May 6, 2003 and was now before Council for ratification.

MOVED by Deputy Mayor McInroy, seconded by Councillor Sarto, that HRM decline to enter into negotiation with the Central Halifax Community Association (the "Complainant") on the terms requested by the Complainant with regard to the human rights complaint #02-0031. Further, that HRM advise the Human Rights Commission of its decision not to engage in settlement discussions at this time, and await the conclusions of the next step in the formal complain process, formal investigation by an officer of the Commission. MOTION PUT AND PASSED.

10.3 PROGRAM AND SERVICE REVIEW COMMITTEE

10.3.1 HRM Scorecard - Outcomes

C A report from the Program and Service Review Committee, regarding the above, was before Council for its consideration.

MOVED by Councillor Sarto, seconded by Councillor Cooper, that Council approve the citizen and financial/economic outcomes for each theme of the HRM Scorecard as identified in Attachment A of the Committee report dated May 21, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.4 GRANT COMMITTEE

10.4.1 HRM Community Grants Program: Awards 2003-2004

C A report from the Grant Committee, regarding the above, was before Council for its consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Goucher, that Regional Council approve the Community Grants Program as detailed in Attachment I of the Committee report dated May 6, 2003, for a total of 101 awards with a combined total

of \$537,199 for 2003-2004. MOTION PUT AND PASSED UNANIMOUSLY.

10.5 MEMBERS OF COUNCIL

10.5.1 Councillor Goucher - Open Ditch Clean Up

Councillor Goucher spoke about the need for maintenance programs for flood prone areas in HRM. The Councillor noted many of these areas rely on open ditch systems for effective drainage, and when these are clogged by fall leaves, they fail. Councillor Goucher cited the Union Street area of Bedford as an example, noting 21 homes suffered in the vicinity of \$700,000 of damage as a result of flooding.

MOVED by Councillor Goucher, seconded by Councillor Blumenthal, that Council request a staff report relative to the areas of HRM that are prone to flooding and require open ditch system maintenance and HRM's ability and responsibility for clean up of the open ditch systems so flooding conditions are not exacerbated. MOTION PUT AND PASSED UNANIMOUSLY.

10.5.2 Councillor Whalen - Off Leash Dog Parks in HRM

Councillor Whalen stated this is an HRM wide issue as the demand for off leash dog areas is felt throughout the municipality. The Councillor stated the two current off leash dog parks are over-stressed by the number of dogs. Councillor Whalen noted that this issue is repeatedly raised during public participation sessions at Community Council meetings. Therefore, the Councillor suggested this matter should be re-evaluated on a regional basis, noting if there were more off lease dog areas there likely would be better compliance with the dog by-law.

MOVED by Councillor Whalen, seconded by Councillor Sarto, that this matter be referred to staff for a report to address the need for designated off-leash dog areas in all parts of HRM.

(Deputy Mayor McInroy left the meeting at 7:00 p.m.)

Councillor Cooper suggested the report also address the possibility of using NSP corridors for this purpose.

Councillor Warshick noted that the Harbour East Community Council had already requested a report on an off leash park in the Eastern Region and stated this report will no longer be necessary if the matter is being addressed region wide.

MOTION PUT AND PASSED.

11. MOTIONS

11.1 Councillor Walker

“That Council adopt a resolution respecting the FCM National Guide to Sustainable Municipal Infrastructure.”

MOVED by Councillor Walker, seconded by Councillor Goucher, that:

WHEREAS the HALIFAX REGIONAL MUNICIPALITY spends \$13,150,196.10 annually on the maintenance, rehabilitation and reconstruction of its water, storm, wastewater and road system infrastructure

AND WHEREAS the FCM National Guide to Sustainable Municipal Infrastructure (the Guide) gathers and documents best practices that reflect proven approaches to build sustainable infrastructure to Canadians in those areas

AND WHEREAS the Federation of Canadian Municipalities has partnered with the National Research Council of Canada to develop the Guide with support from Government of Canada

AND WHEREAS application of such best practices will save all infrastructure providers money while delivering infrastructure in a manner that respects the social, economic and environmental well being of our communities

AND WHEREAS the HALIFAX REGIONAL MUNICIPALITY strives to be a leader in ensuring the quality of life of its citizens through appropriate short-and long-term sustainable infrastructure investment decisions

THEREFORE be it resolved that the HALIFAX REGIONAL MUNICIPALITY is committed to the adoption and use of the appropriate best practices developed by the Guide

AND NOW THEREFORE be it further resolved that the HALIFAX REGIONAL MUNICIPALITY requests that the Federation of Canadian Municipalities share this motion with their members and the Federal and Provincial Governments to encourage ongoing commitment and support for the Guide. MOTION PUT AND PASSED UNANIMOUSLY.

12. ADDED ITEMS

12.1 Councillor Blumenthal - Garbage on Streets

Councillor Blumenthal expressed concern with the amount of garbage on streets throughout HRM. In particular, he noted problems of illegal dumping in the Needham Hill area.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that Council request a staff report on clean up efforts and greater penalties for littering.

Councillor Hetherington inquired about the possibility of utilizing the Restorative Justice Program to have streets cleaned and asked that this option be explored in the staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Councillor Walker - Resolution Federal Charitable Status for Community Volunteer Groups and Associations

MOVED by Councillor Walker, seconded by Councillor Goucher, that:

WHEREAS many volunteer organizations in the HALIFAX REGIONAL MUNICIPALITY have submitted applications to Revenue Canada for Federal Charitable Status and have not received acknowledgment of submission or have not been granted approval

AND WHEREAS many volunteer organizations strive to gain financial independence through fund-raising efforts and rely on the ability to issue tax receipts to sponsors/donors for contributions, the volunteer organizations are limited or restricted in their efforts and success as they cannot issue tax receipts

AND WHEREAS community organizations are faced with ever increasing responsibilities to maintain operational funding it is critical that Revenue Canada recognizes the relevance and importance of Federal Charitable Status

AND WHEREAS a criteria established for Charitable Status dictates that community organizations dedicated and currently serving a "special population" i.e. youth at risk, drug abuse, homelessness will be approved, it is equally important to address community organization serving a specific target group with the intention to offer a preventative service and are currently not approved

AND WHEREAS Federal Charitable Status may be a determining factor in receiving additional funding contributions through government agencies or grants, corporate sponsors or local businesses

AND WHEREAS Revenue Canada can play an important role in supporting community organizations by reviewing their application process, enhanced communication with community organizations through follow-up after receiving and reviewing an application

AND WHEREAS community organizations contribute a tremendous service and direct benefit to their community and Municipalities as a whole, it is in the best interest of the Municipalities to endorse and represent community organizations regarding this priority issue which will increase the potential of financial independence and success for community organizations so the direct community benefit of their service can be maintained and enhanced

THEREFORE be it resolved that the following list of recommendations be considered for approval at the FCM May 2003 meeting.

- 1. To review and simplify the Revenue Canada application process for community groups seeking Federal Charitable Status.**
- 2. To work with Revenue Canada in efforts to establish an understanding and recognition of the necessity of acquiring Federal Charitable Status for community groups.**
- 3. To advocate for the change in the criteria on behalf of community groups offering preventative services to specific target groups so that they are eligible for Federal Charitable Status. MOTION PUT AND PASSED UNANIMOUSLY.**

12.3 Legal Matter: Natural Gas Tax Model

- 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 Adams, seconded by Councillor Mosher, that Regional Council approve in principle the tax model relative to natural gas presented by staff at the May 27, 2003 In Camera Council session, and further that the information relating to this model not be released at this time. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

13.1 Councillor Hetherington - Amendment to By-Laws F-100, S-600 and S-700

TAKE NOTICE that at the next meeting of Halifax Regional Council, to be held on Tuesday, June 10, 2003, I propose to move First Reading of a by-law to amend By-Laws F-100 (Fire Prevention), S-600 (Solid Waste Resource Collection and Disposal) and S-700 (Swimming Pools) to incorporate measures to permit inspectors to order non-compliance with the by-laws to be corrected, which in turn will invoke the lien provisions of the Municipal Government Act.

13.2 Councillor Blumenthal - Amendment to Administrative Order #23

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, June 10, 2003, I intend to introduce a motion to add the substance Acetic Acid to the Permitted Pesticides List in Administrative Order #23.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 7:15 p.m.

Jan Gibson
Deputy Municipal Clerk