

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES June 10, 2003

PRESENT:

Mayor Peter 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 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

STAFF:

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

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1. **INVOCATION**

The meeting was called to order at 6:00 p.m. with Councillor Streach leading the invocation.

SPECIAL PRESENTATION - STUDENT CITIZENSHIP AWARDS

Deputy Mayor McInroy addressed Council noting that this evening Regional Council would be presenting the annual Citizenship Awards to students from across the Halifax Regional Municipality. Referring to the criteria to receive this award, the Deputy mayor noted that the student must be a motivated, caring, achieving and giving individual who is, in the opinion of his or her teachers and peers, a role model for others. The Halifax Regional Municipality believes that a young person who is a role model in his or her school will later become a model citizen of the municipality, the province, the country and who knows, perhaps even the world.

The Deputy Mayor went on to note that Council has seen many of the recipients of the citizenship award continue to achieve success in higher education and the workplace. The municipality is proud to have been part of the early recognition of such young people. Concluding his remarks, the Deputy Mayor noted that the recipients were not only good students but, give back to their school, give back to their community in terms of community service, have the ability to motivate others, and are admired and respected by their peers and teachers.

His Worship the Mayor and respective area Councillors, with the assistance of the Deputy Municipal Clerk, presented Student Citizenship Awards to 39 students from schools throughout the Halifax Regional Municipality.

2. **APPROVAL OF MINUTES - May 13, 20, & 27 2003**

Councillor Mosher noted that on pages 8 and 9 of the May 20, 2003 minutes, the word 'contained' as found in the motion to amend Section 2.3.10 of the development agreement regarding 7, 9, 11 and 13 Springvale Avenue, should be 'maintained'.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal that the minutes of Halifax Regional Council held on May 13, 2003, May 20, 2003 and May 27, 2003, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions:

12.1 Location for Eastern Shore Ground Search and Rescue Vehicles and Equipment

Deletions:

10.1.13 By-law S-603, An Amendment to By-Law S-600, Respecting Solid Waste Resource Collection and Disposal

Council **agreed** that item 9.31, UNSM Annual Report - Mr. Donald Zwicker, Chair would be dealt with immediately following the Consideration of Deferred Business.

Councillor Warshick thanked volunteers, staff of Home Depot, KABOOM, the Community Playground Committee and Council for their work in making Sunday, June 8, 2003, Build Day for Phase 1 of the three Phase Community Playground at Ian Forsyth School, such a success.

Councillor Walker requested that Information Item #4 be brought forward to the agenda for the June 17, 2003 meeting of Regional Council.

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** - None

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS** - None

9.3.1 **UNSM Annual Report - Mr. Donald Zwicker, Chair**

Councillor Hetherington introduced Mr. Donald Zwicker, Chair, Union of Nova Scotia Municipalities and welcomed him to Council.

Mr. Zwicker, noting that it was a pleasure to provide Halifax Regional Council this update on UNSM, made a presentation including the following key points:

- Structural Reforms were a primary piece of work for UNSM over the past year:

- < Act has been amended to provide for an organization governed through by-laws
- < Executive has developed new draft by-laws to reflect the new structures. All Mayors, Wardens and Councils have been asked to review/comment. Next to final copy will go out to all units in the near future and be presented to the fall conference for adoption
- < Changes:
 - , UNSM will be established on a three caucus basis.
 - , Elect a president, vice-president/secretary-treasurer based on our tradition of rotating these positions among regional governments, towns and rural municipalities
 - , Practice of past president will continue
 - , At annual conference the three caucuses will meet separately and elect a chair who will join the president, vice-president/secretary-treasurer and past president as an Executive Committee
 - , Caucus will also elect two representatives who, along with the new Executive, will form the Board of Directors of UNSM
 - , The Association of Municipal Administrators will have a non voting representative on the Board of Directors
- Two other recommendations that came out of the strategic planning was the need to have additional research staff and improved communications with members and media
- UNSM is currently in the process of hiring a research/policy analyst
- An audit has been undertaken of UNSM communications to determine what is well done and what needs to be improved upon. In the future a direct e-mail system of distribution of UNSM materials will be instituted. Possibility of the newsletter being distributed in electronic format as well. The paper option will remain
- Four priorities for UNSM lobbying efforts: Stay focused and give a clear message to government
- Priorities are:
 - < Municipal Mandatory contribution to Education - UNSM is seeking a cap on the total amount paid by municipalities for public education
 - < Federal, Provincial and Municipal Infrastructure Program. UNSM is seeking a continuation of this program with more Municipal involvement in determining which programs are approved. Working toward having a voting delegate on the Committee
 - < Nova Scotia Power Incorporated payment of property taxes. UNSM is seeking payment based on location of Nova Scotia Power Incorporated assets
 - < Twelve(12) month notice clause of Municipal Government Act - UNSM is seeking provincial adherence of 12 months written notice regarding any negative changes in Municipal/Provincial fiscal relations
- President meets routinely and enjoys a good working relationship with Minister Christie, Service Nova Scotia and Municipal Relations

- UNSM and the Province are developing guiding principles to govern the relationship. Regional workshops on this topic. Need: Respect for the other. Regular structured consultation is needed. Hopeful that a Memo of Cooperation establishing these principles will be presented and signed in the near future
- Highlights of Lobbying:
 - < Elimination of Business Occupancy Tax
 - < Heritage Gas Agreement re tax model
 - < Reviewing how assessment costs apportioned to municipalities
 - < UNSM work with the Department to determine an appropriate delivery agent for assessment services
- Reviewed training sessions for members
- UNSM annual conference is October 15th to 17th in Yarmouth

In closing, Mr. Zwicker thanked his fellow table officers and Executive Committee members for their hard work and dedication. He went on to thank Mayor Kelly and, gave special thanks to Councillor Blumenthal for his contribution last year.

His Worship thanked Mr. Zwicker for his presentation and noted that he was looking forward to working with the Union in the future.

Councillor Blumenthal thanked Mr. Zwicker for his presentation and recognized Mr. Ken Simpson, Executive Director, seated in the gallery.

8. PUBLIC HEARINGS - 6:00 p.m.

8.1 Administrative Order SC29 - Street Closure, Portion of Former South Street or Boggs Street, Dartmouth

- A supplementary staff report dated June 2, 2003 prepared for George McLellan, Chief Administrative Officer was before Council for consideration.

Mr. Tom Crouse, Team Leader, Acquisitions and Disposals, reviewed the supplementary staff report and, utilizing Elmo, outlined for Council the proposal. Mr. Crouse responded to questions from members of Council.

The Mayor called three times for persons wishing to speak for or against.

Hearing none, it was **MOVED by Councillor Hetherington, seconded by Councillor Blumenthal that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Cunningham, seconded by Councillor Hetherington that Halifax Regional Council close a portion of the former South or Boggs Street right-of-way identified as Parcels C.D.-4, C.D.-3 and C.D.-12, between King Street and Prince Street, Dartmouth, as shown on Attachment of the supplementary staff report dated June 2, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 By-Law O -104, Respecting Open Air Burning

- A supplementary staff report dated June 3, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.
- The following correspondence was also distributed to members of Council:
 - An e-mail from Neil & Marilyn MacMillan, Hammonds Plains in support of a burning proximity limitation of 100 feet
 - An e-mail from Lori Parker opposed to the 225 foot burning proximity limitation
 - An e-mail from David Rutherford requesting that the 225 foot limitation be removed from the By-law

Mr. Mike Eddy, Fire Chief, briefly reviewed the supplementary report and noted that staff was recommending that the word 'adjacent' be added in Section 4 (3) of the By-law immediately before the word 'dwelling' and that the 225 foot limitation be retained in this same section.

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

Councillor Rankin addressed the proposed amendment noting that there did not appear to be any opposition to the addition of the word adjacent. He went on to note that the Kingswood area is a burn zone, however, approximately 90% of the lots in the subdivision would not meet the requirements of the 225 feet limitation. Councillor Rankin commented that given the lots in the Kingswood Subdivision are larger than most, this limitation would have an impact on most lots in the suburban areas of the Halifax Regional Municipality. He indicated that if Council is going to include the Kingswood subdivision in the burn zone, they must make burning 'doable' for that subdivision.

MOVED by Councillor Rankin, seconded by Councillor Hines that Council approve By-law O-104 as attached to the June 3, 2003 Supplementary staff report with the numbers "225" being replaced by the numbers "125".

A discussion and questioning of staff ensued.

His Worship called for the question on the motion.

MOTION PUT AND DEFEATED.

Members of Council voting **in favour** of the motion were: Councillors Streach, Hines, Colwell, Warshick, Uteck, Adams, Johns, Goucher, Rankin and Meade.

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

MOVED by Councillor Hetherington, seconded by Councillor Sarto that Council approve the amendment to Section 4, Clause (e) of By-law O-103, attached as By-law O-104 to the June 3, 2003 Supplementary staff, by adding the word “adjacent” immediately before “dwelling” and maintaining the 225’ (68 meters) distance requirement for burning outside the No Burn Zone.

MOTION PUT AND PASSED.

Members of Council voting **in favour** of the motion were: Mayor Kelly, Deputy Mayor McInroy, Councillors Cooper, Sarto, Hetherington, Smith, Cunningham, Blumenthal, Sloane, Fougere, Walker, Whalen, Mosher, Adams, Harvey, Goucher, and Rankin.

Members of Council voting **against** the motion were: Councillors Streach, Hines, Colwell, Warshick, Uteck, Johns and Meade.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Petition - Councillor Streach - Supervised Swimming at Martinique Beach

Councillor Streach submitted a petition on behalf of approximately 170 residents of the Eastern Shore who would like to have supervised swimming restored to Martinique Beach. Councillor Streach referred the matter to staff for a report.

9.3 Presentation

9.3.1 UNSM Annual Report - Mr. Donald Zwicker

This matter was dealt with earlier in the meeting.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 03-203, Beaver Bank Municipal Services, Phase 4B

- A staff report dated May 30, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Johns, seconded by Councillor Goucher that Regional Council:

- 1. Award Tender No. 03-203, Beaver Bank Municipal Services, Phase 4B - Central Region to Amber Contracting Limited for materials and services listed at the unit prices quoted for a tender price of \$2,520,228, plus net HST, for a total of \$2,682,253 from Account No. CGU00383, Beaver Bank Municipal Services, phase 4B, with funding authorized as per the Budget Implications section of the May 30, 2003 staff report.**
- 2. Approve the appointment of CBCL Ltd. for construction inspection services for an estimated fee of \$90,000 plus net HST for a total of \$95,786 with funding as outlined in the Budget Implications section of the Mayor 30, 2003 staff report.**

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

10.1.2 Tender 03-204, Beaver Bank Municipal Services, Phase 4C

- A staff report dated May 30, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Johns, seconded by Councillor Harvey that Regional Council:

1. **Award Tender No. 03-204, Beaver Bank Municipal Services, Phase 4C - Central Region to J.R. Eisener Contracting Limited for materials and services listed at the unit prices quoted for a tender price of \$2,521,872, plus net HST for a total of \$2,684,003 from Account No. CGU00384, Beaver Bank Municipal Services, phase 4C, with funding authorized as per the Budget Implications section of the May 30, 2003 staff report.**
2. **Approve the appointment of CBCL Ltd. for construction inspection services for an estimated fee of \$75,000 plus net HST for a total of \$79,822, with funding as outlined in the Budget Implications section of this report.**

MOTION PUT AND PASSED UNANIMOUSLY.

(Councillor Streach was absent for the vote.)

10.1.3 Tender 03-224, Sidewalk Renewals - West Region

- A staff report dated May 27, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington that Regional Council award Tender No. 03-224, Sidewalk Renewals - West Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$398,958, plus net HST for a total of \$424,607 from Account No. CKU00141, Sidewalk Renewals, with funding authorized as per the Budget Implications section of the May 27, 2003 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Tender 03-212, Sidewalk Renewals - West Region

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

MOVED by Councillor Mosher, seconded by Councillor Goucher that Regional Council award Tender No. 03-212, Sidewalk Renewals - West Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$298,276, plus net HST for a total cost of \$317,452 from

Account No. CKU00141, Sidewalk Renewals and Account No. CTR00416, Traffic Signal Installation, with funding authorized as per the Budget Implications section of the May 21, 2003 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

At this point Councillor Mosher left the meeting.

10.1.5 Tender 03-229, Surface Sealing - Various Locations

- A staff report dated May 29, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration. A revised list of locations was also distributed to members of Council.

MOVED by Councillor Warshick, seconded by Councillor Sarto that Council award Tender No. 03-229, Surface Sealing - Various Locations to Industrial Cold Milling for materials and services listed at the unit prices quoted for a Tender Price of \$924,801.40, plus net HST for a total of \$984,257 from Account No. CZR00357, Resurfacing, and Operating Account No. R730 6399, Chip Sealing - Various Locations, with funding authorized as per the Budget Implications section of the May 29, 2003 staff report.

Councillor Whalen asked what steps were being taken to address those streets which were chip sealed in previous years and are now problematic. The Councillor specifically referred to Skylark Street, Dickson Avenue and Crest Road advising that these roadways are experiencing oozing tar which is causing damage in people's homes. Councillor Whalen asked if steps were to be taken to correct these problems in District 15 and District 16.

Mr. Gerry Boyd, Manager, Design & Construction Services, confirmed that the municipality was moving away from chip sealing and moving toward micro sealing. He further noted that micro sealing has been found to be effective in covering chip sealed streets which are bleeding. Mr. Boyd noted that the list before Council this evening represented only 80% of the streets to be considered as some of the streets have not yet been evaluated.

Councillor Uteck noted, for the record, that York, Norwood and Cornwallis Streets, all between Oxford and Preston Streets, are in such disrepair as to make chip sealing ineffective. Wellington Street and Atlantic Street between Young and South Bland Streets are in a similar condition. Councillor Uteck noted that these streets have experienced serious deterioration over the winter and requested that staff evaluate these streets.

Councillor Adams requested that staff evaluate Trelyn Road, which is under the slurry seal program, and, in fact, canvas the residents of the streets to determine whether they want this surfacing to proceed. Councillor Adams noted that there were a number of concerns expressed last year when the street was scheduled for slurry sealing.

MOTION PUT AND PASSED.

10.1.6 Tender 03-231, Main Artery Patching - East, West and Central Regions

- A staff report dated May 29, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Warshick, seconded by Councillor Sarto that Council award Tender No. 03-231, Main Artery Patching - East, West and Central Regions to Dexter Construction Company Limited for materials and services specified at the unit prices quoted for a Tender Price of \$746,730, plus net HST for a total of \$794,737, from Account CZR00355, Main Artery Patching with funding authorized as per the Budget Implications of the May 29, 2003 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.7 Tender 03-232, New Paving of Gravel Roads - West Region

- A staff report dated May 29, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Rankin, seconded by Councillor Warshick that Regional Council:

- 1. Approve the recovery of Local Improvement Charges for the paving of streets inside the core area by levy of frontage charges, at the rate to be established in By-Law S-412, being presented to Council later this evening.**
- 2. Award Tender No. 03-232, New Paving of Gravel Roads - West Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$153,270, plus net HST for a total of \$163,124 from Account No. CXR00332, New Paving Inside the Core Area with funding authorized as per the Budget Implications section of the May 29, 2003 staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.8 Tender 03-236, New Paving of Gravel Roads - East Region

- A staff report dated May 29, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Cooper, seconded by Councillor Warshick that Regional Council:

1. Approve the recovery of Local Improvement Charges for the paving of streets inside the core area by levy of frontage charges, at the rate to be established in By-Law S-412, which is being presented to Council later this evening.
2. Award Tender No 03-236, New Paving of Gravel Roads - East Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a tender price of \$347,700, plus net HST for a total of \$370,054 from Account No. CXR00332, New Paving of Subdivision Streets Inside the Core Area, with funding authorized as per the Budget Implications section of the May 29, 2003 report.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.9 Tender 03-243, Traffic Signal Upgrades, Various Locations - West Region

- A staff report dated May 27, 2003 prepared for George McLellan Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that Regional Council award Tender No. 03-243, Traffic Signal Upgrades, Various Locations - West Region to Black & McDonald Limited for materials and services listed at the unit prices quoted for a Tender Price of \$120,842.19, plus net HST for a total of \$128,612 from Account No. CTU00422, Traffic Signal Compliance, with funding authorized as per the Budget Implications section of the May 27, 2003 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.10 Tender 03-075, One (1) 2003 Commercial Cutaway Van with Fibreglass Body 19,000 GVWR

- A staff report dated May 30, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Goucher, seconded by Councillor Walker that Council authorize the award of Tender #03-075 to Taylor Ford Lincoln Sales at a cost of \$59,648.13 (net HST included) with funding from Account HROP-3404 as outlined the Budget Implications of the May 30, 2003 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Hetherington, rising on a Point of Privilege, noted that Council had just very quickly approved a number of tenders without debate. He pointed out that these items were before

Council because the Chief Administrative Officer only had signing authority for \$10,000. Given that all of these projects had been approved in the budget process, Councillor Hetherington asked that the appropriate steps be taken to change the Administrative Order to allow the Chief Administrative Officer to sign off on these types of documents without them coming to Council.

Ms. Dale MacLennan, Director, Financial Services, responded that staff would come forward with a report with regard to the signing authority levels for tenders.

10.1.11 Special Events Reserve - Application Guidelines

- A staff report dated May 27, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Warshick, seconded by Councillor Goucher that Council approve Special Events Reserve Application Guidelines as outlined in Attachment #1 of the May 27, 2003 staff report, to be used for determining funding support from the HRM Special Events Reserve.

Councillor Uteck expressed concern that some of the larger festivals, such as the Busker Festival, are going unfunded. She noted that the Provincial Government has withdrawn funding for the Busker Festival. Councillor Uteck noted that she believed the review committee should include a representative from Council.

MOVED by Councillor Uteck, seconded by Councillor Warshick that the membership of the review committee be amended to provide that the Deputy Mayor shall serve on the Committee. MOTION TO AMEND WAS PUT AND PASSED.

The question on the following motion, as amended, was called.

MOVED by Councillor Warshick, seconded by Councillor Goucher that Council approve Special Events Reserve Application Guidelines as outlined in Attachment #1 of the May 27, 2003 staff report with the addition of the Deputy Mayor to the membership of the review committee, to be used for determining funding support from the HRM Special Events Reserve. MOTION PUT AND PASSED.

10.1.12 By-Law S-412, An Amendment to By-Law S-400, Respecting Charges for Street Improvements

- A staff report dated May 28, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Sarto, seconded by Councillor Warshick that Regional Council:

1. **Approve the new Local Improvement standard costs as per Schedule "A" attached to the May 29, 2003 staff report.**
2. **Approve in principle the adoption of By-Law Number S-412, Respecting Charges for Street Improvements, attached to the May 29, 2003 staff report, and when appropriate give notice of motion to begin the formal adoption process.**
3. **Apply the new standard costs applicable to all 2003/04 capital projects where such apply.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.13 By-Law S-603, An Amendment to By-Law S-600, Respecting Solid Waste Resource Collection and Disposal

This matter was deleted from the agenda during the setting of the agenda.

10.1.14 Area Rated Operating Budgets for Fiscal 2003 -2004

- A staff report dated May 30, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Cunningham, seconded by Councillor Hetherington that the Resolution for Approval of the Operating Budget and Area Rates for Fiscal 2003-2004 attached as Appendix A to the May 30, 2003 staff report, including Appendix B, the Schedule of Area Rates, and Appendix D, the business plans for area rated recreation services be approved. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.15 Case 00571: Amendments to the Sackville Municipal Planning Strategy (MPS) and Land Use By-Law (LUB)

- A supplementary staff report dated May 20, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Harvey, seconded by Councillor Goucher that Regional Council:

1. Approve in initiation of the process to amend the Sackville Municipal Planning Strategy and Land Use By-law to consider permitting Institutional Use (P-2) within the BP-1 (Business Park -1) Zone.
2. Request staff to follow the public participation program as approved by Council in February 1997.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.16 Regional Planning Principles

- A staff report dated June 4, 2003, prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

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

1. Endorse the Regional Planning Principles found in Attachment I of the June 4, 2003 staff report and as set forth by the Regional Planning Committee.
2. Approve the Communication of these Principles to the citizens of the Halifax Regional Municipality as outlined in the June 4, 2003 staff report.
3. Amend the Council report format to include a new section, "Compliance with Regional Planning Principles".

In response to a concern from Councillor Goucher that these principles were being approved before they went before the public, Ms. Carol Macomber, Project Manager, Regional Planning Process, noted that the principles before Council were derived from the input received from the public during Phase 1 of the process.

Ms. Macomber, utilizing overheads, briefly reviewed the Regional Planning Committee recommended Vision and Principles as found in Attachment 1 of the staff report.

A further discussion and questioning of Ms. Macomber and Mr. Fred Morely, Chair, Regional Planning Committee ensued, following which the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

10.1.17 Regional Planning Process, Timeline and Workplan

- A staff report dated June 5, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

Ms. Macomber reviewed the Regional Planning Process proposed timeline as set out Attachment 1 of the June 5, 2003 staff report.

MOVED by Councillor Fougere, seconded by Councillor Sloane that Regional Council endorse the Regional Planning process and estimated timeline found in Attachment I, to be used as the Committee workplan. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.18 Amendment to By-Law L-100 - Cow Bay Road Area Sewer and Water Extension

- A staff report dated June 4, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Deputy Mayor McInroy, seconded by Councillor Hetherington that:

1. **Council approve the amendment to the By Law as attached to the June 4, 2003 staff report and that the normal approval process, beginning with the Notice of Motion to be given later this evening, proceed.**
2. **Council approve an increase of \$8,100 in the net cost for the project, Eastern Passage, Cow Bay Water and Sewer by reducing the Local Improvement Charges revenue to be collected in the operating budget as per the budget implications section of this report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.19 First Reading By-law V-100, Respecting Amendments to Various By-Laws Respecting the Inclusion of Measures to Permit Inspectors to Invoke the Lien Provisions of the Municipal Government Act - Motion - Councillor Hetherington - Move First Reading

- A copy of Halifax Regional Municipality By-law Number V-100 was before Council for consideration.

MOVED by Councillor Hetherington, seconded by Councillor Sloane that Halifax Regional Council give First Reading to By-law V-100, respecting amendments to various By-law the purpose of which is to provide for the inclusion of measures to

permit inspectors to invoke the lien provisions of the Municipal Government Act.
MOTION PUT AND PASSED UNANIMOUSLY.

At this point Councillor Rankin left the meeting.

10.2 REGIONAL TAXI AND LIMOUSINE COMMITTEE

10.2.1 By-Law T-124 & T-125, Amendments to By-law T-108, Respecting Taxi and Limousine Licensing

- A report dated June 2, 2003 from the Regional Taxi and Limousine Committee and the Hotel Standards Committee was before Council for consideration.

MOVED by Councillor Adams, seconded by Councillor Johns that Regional Council approve in principle the amendments to By-law T-108 found in Attachments A and B to the June 2, 2003 report from the Regional Taxi and Limousine Committee and the Hotel Standards Committee, and direct staff to arrange for their formal adoption by Council.

A discussion ensued with Councillor Sloane objecting to the \$9.00 Canadian flat rate from the Port to Downtown Halifax or Spring Garden Road. She noted that it would be very bad business and detrimental to the tourist trade to have passengers paying more on the outbound trip than they did on the return trip. She went on to indicate that she believed this rate to be unfair.

Mr. Anstey, providing clarification of the amendment, noted that both the Airport and the Port have a flat rate fee schedule in place. In order for a driver to operate from these locations, they must accept the flat rate fee schedule. Mr. Anstey noted that every time a driver transports a passenger for a flat rate they are in violation of the By-law. This amendment seeks to rectify that situation by adopting into the By-law the flat rate fee schedules of both the Airport and the Port Corporation. Given that there is a clearly designated area for taxis at the Port, Mr. Anstey went on to suggest that the word 'property' be removed in proposed section 56A(a) and that it be replaced by the word 'compound'.

A further discussion ensued with Councillor Fougere asking if it would be possible to include a definition of Downtown Halifax and Spring Garden Road. She suggested that this would alleviate some of the concern.

Ms. Davina Melanson, Manager, Community Projects/EMS, with concurrence from the Municipal Solicitor, indicated that a definition could be developed for Downtown Halifax and Spring Garden Road.

Councillor Colwell, noting that the American dollar has been quite volatile in recent weeks, expressed concern that there is not a mechanism in place to address fluctuations in the US exchange rate.

A further discussion ensued with Councillor Streach expressing concern that the Airport and the Port Corporation are setting taxi rates, clearly the prerogative of the municipality. He went on to express concern that the hourly driving rate set out in Schedule 2, Taxi Rate Schedule differed from the flat rate for a one hour city tour.

Councillor Adams, with the concurrence of the Municipal Solicitor, noted that it is possible that every driver that leaves the Port would be in violation of the By-law if this flat rate fee schedule is not adopted.

After a further discussion, Mr. McLellan suggested that staff should prepare a further report responding to the questions raised by Council this evening.

His Worship noted that this matter could be raised at an upcoming meeting scheduled with the Port Corporation.

MOVED by Councillor Streach, seconded by Councillor Sloane that this matter be deferred pending a further report responding to the questions raised by Council.

Councillor Hetherington requested that staff contact the Federal Department of Justice to determine if these two bodies have the right to override a municipal by-law which is in effect.

After a further discussion the **MOTION TO DEFER WAS PUT AND LOST**

Members of Council voting **in favour** of the motion were: Mayor Peter Kelly, Deputy Mayor McInroy and Councillors Streach, Cooper, Sarto, Hetherington, Cunningham, Blumenthal, and Sloane

Members of Council voting **against** the motion were: Councillors Hines, Colwell, Warshick, Smith, Uteck, Fougere, Walker, Whalen, Adams, Johns, Harvey, Goucher and Meade.

(Councillors Mosher and Rankin were absent for the vote.)

MOVED by Councillor Sloane, seconded by Councillor Smith that the motion be amended by deleting the flat rate fee for Downtown Halifax or Spring Garden Road from the Cruiseship Passenger Taxi Rates Per Vehicle table (Schedule 3). MOTION PUT AND LOST.

Members of Council voting **in favour** of the motion were: Councillors Cooper, Sarto, Smith, Cunningham, and Sloane.

Members of Council voting **against** the motion were: Mayor Kelly, Deputy Mayor McInroy and Councillors Streach, Hines, Colwell, Warshick, Hetherington, Blumenthal, Uteck, Fougere, Walker, Whalen, Adams, Johns, Harvey, Goucher and Meade.

(Councillors Mosher and Rankin were absent for the vote.)

MOVED by Councillor Sloane, seconded by Councillor Uteck that the motion be amended by decreasing the flat rate fee for Downtown Halifax or Spring Garden Road from the Cruiseship Passenger Taxi Rates Per Vehicle table (Schedule 3) from nine dollars (\$9) to seven dollars (\$7) including the American equivalency. MOTION PUT AND LOST.

Members of Council voting **in favour** of the motion were: Councillors Streach, Colwell, Cooper, Sarto, Smith, Cunningham, and Sloane.

Members of Council voting **against** the motion were: Mayor Kelly, Deputy Mayor McInroy and Councillors Hines, Warshick, Hetherington, Blumenthal, Uteck, Fougere, Walker, Whalen, Adams, Johns, Harvey, Goucher and Meade.

(Councillors Mosher and Rankin were absent for the vote.)

COUNCIL DECISION

His Worship then called for the vote on the main motion, as follows:

MOVED by Councillor Adams, seconded by Councillor Johns that Regional Council approve in principle the amendments to By-law T-108 found in Attachments A and B to the June 2, 2003 report from the Regional Taxi and Limousine Committee and the Hotel Standards Committee, and direct staff to arrange for their formal adoption by Council. MOTION PUT AND PASSED.

10.3 MEMBERS OF COUNCIL

10.3.1 Councillor Smith - Shopping Cart Update

Councillor Smith addressed Council referring to the ongoing problems that abandoned shopping carts are creating in his and other Districts. He went on to note that during a recent visit to Winnipeg he had been advised while on a tour that an electronic system of managing shopping carts has been adopted and is working well to keep the carts off the street.

Referring to a July 2, 2002 staff report and subsequent motions made by Council with regard to the management of shopping carts, Councillor Smith indicated it was time some action was taken in this regard. He note that there were options including the use of Youth Live to clean up these shopping carts.

MOVED by Councillor Smith, seconded by Councillor Colwell that an update be provided regarding what action has been taken relative to enforcing the prohibition on scavenging and whether or not meetings have been held with the business community regarding a solution to the problem of shopping carts.

Mr. McLellan responded noting that staff would bring a report back to Council prior to the summer break.

Councillor Hetherington advised that he had noticed there were carts in Penhorn Lake and requested that these be removed.

Councillor Blumenthal noted that staff should consider a fine for those businesses not having control of their shopping carts.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3.2 Councillor Adams - Insurance for Residents Associations

Councillor Adams advised that he has received phone calls from members of a Residents Association regarding liability insurance for their Directors. He went on to explain that the Association is planning to sponsor a Canada Day Parade, however, they are concerned because they do not wish to hold an event for which they are personally liable.

Councillor Adams asked if, because this body is a Residents Association, they would already be covered by the municipalities insurance or if there is blanket insurance available. Councillor Adams noted that the Association is having difficulty obtaining insurance.

MOVED by Councillor Adams, seconded by Councillor Streach that staff bring forward information regarding the possibility of the Halifax Regional Municipality providing to all Residents Associations liability insurance. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

11.1 Councillor Blumenthal - Addition of Acetic Acid to the Permitted Pesticides List in Administrative Order #23

- Councillor Blumenthal served Notice of Motion respecting the addition of Acetic Acid to the Permitted Pesticides List in Administrative Order #23 at the May 27, 2003 meeting of Halifax Regional Council.

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington that Regional Council approve the addition of the substance Acetic Acid to the Permitted Pesticides List in Administrative Order # 23.

Mr. Stephen King, Manager, Strategic and Sustainable Environment, provided a brief explanation as found in the May 22, 2003 staff report and responded to questions from members of Council. Mr. King confirmed that the Community Stakeholder Committee supported the inclusion of this substance in the listing.

MOTION PUT AND PASSED UNANIMOUSLY.

12. ADDED ITEMS

12.1 Location for Eastern Shore Ground Search and Rescue Vehicles and Equipment

Councillor Streach addressed Council noting that the Eastern Shore Ground Search and Rescue provided a very vital service to the Eastern Shore community. At the present time vehicles and equipment are scattered over the Eastern Shore which, when responding to emergencies, reduces effectiveness. Councillor Streach stressed that there is a need for one location at which to house these vehicles and equipment.

MOVED by Councillor Streach, seconded by Councillor Colwell that staff bring forward a report and recommendation regarding a suitable location to house the Eastern Shore Ground Search and Rescue vehicles and equipment. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

13.1 Notice of Motion - Councillor Hetherington - Amendment to Administrative Orders SC-23, SC-25, and SC-26

Councillor Hetherington gave Notice of Motion of his intention to, at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 17th day of June, move amendments

to Section 1 of Administrative Order Number SC-23, SC-25, SC-26 and SC-27 to delete the word "enclosed" and to substitute therefore the word "closed".

13.2 Notice of Motion - Councillor Sarto - First Reading - By-law S-412, Respecting Charges for Street Improvements

Councillor Sarto gave Notice of Motion of his intention to, at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 17th day of June, introduce for First Reading By-law 412, 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 2003/04 and future Capital Projects

13.3 Notice of Motion - Councillor McInroy - First Reading, By-law L-115, Respecting Charges for Local Improvements

Deputy Mayor McInroy gave Notice of Motion of his intention to, at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 17th day of June, introduce for First Reading of By-law Number 115, Respecting Charges for Local Improvements, the purpose of which is to set out the local improvement charges for the properties identified as 615 Cow Bay Road and 617 Cow Bay Road.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 9:25 p.m.

Jan Gibson
Deputy Municipal Clerk