

**HALIFAX REGIONAL MUNICIPALITY**

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**HALIFAX REGIONAL COUNCIL  
MINUTES  
OCTOBER 7, 2003**

**PRESENT:**

Mayor Peter J. Kelly  
Deputy Mayor Harry McInroy  
Councillors: Steve Streach  
Ron Cooper  
Brian Warshick  
Condo Sarto  
Bruce Hetherington  
Jim Smith  
John Cunningham  
Jerry S. Blumenthal  
Dawn M. Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
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.

Council observed a Moment of Silence in memory of those who lost their lives as a result of Hurricane Juan.

His Worship Mayor Kelly, commenting that our strength is our people, stated that this was apparent in HRM's response to Hurricane Juan. He went on to express his appreciation of and pride in all those involved in the clean up of Hurricane Juan. In conclusion, he indicated that it was his pleasure to be involved with the Emergency Measures team.

Mr. George McLellan, Chief Administrative Officer, thanked staff and expressed his pride in the response from HRM staff. Mr. McLellan particularly noted the strong leadership shown by Barry Manuel, EMO Coordinator. He went on to suggest that the response to Hurricane Juan was a very good example of getting people to do their very best towards accomplishing agreed to goals.

Mayor Kelly thanked Mr. McLellan for his leadership.

Councillor Uteck, noting that he had a young family at home and yet had spent much of this time over the last days dealing with the fall out from Hurricane Juan, thanked His Worship Mayor Kelly for his leadership.

On another topic, Councillor Uteck noted that City Hall was bathed in pink tonight and for the rest of the month in honour of breast cancer awareness month.

Councillor Sloane thanked all those involved with the Milk for Mums project noting that it had been a huge success.

**2. APPROVAL OF MINUTES - September 9 & 23, 2003**

**MOVED by Councillor Blumenthal, seconded by Councillor Goucher that the Regional Council minutes of September 9 and 23, 2003, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

Additions:

- 11.1 Property Matter - Potential Sale of 199 Bedford Highway, Office/Community Centre Development

With two-thirds support of Council, the following item was added to the agenda:

- 11.2 Interpretation of Smoking By-law - Councillor Cunningham

Councillor Sloane requested that Mr. Paul McKinnon, Executive Director, Downtown Business Commission, be permitted to speak with regard to item 9.1.4, Heritage Incentives Program: Proposed Programs.

Following a vote of Council, Councillor Sloane's request was denied as two-thirds support of Council was not achieved.

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

Councillor Smith noted that the March Against Violence would take place on Wednesday, October 8, 2003 beginning at 6:30 p.m. at the Boys and Girls Club in the north end of Dartmouth.

4. **BUSINESS ARISING OUT OF THE MINUTES**
5. **MOTIONS OF RECONSIDERATION** - None
6. **MOTIONS OF RESCISSION** - None
7. **CONSIDERATION OF DEFERRED BUSINESS** - None
8. **CORRESPONDENCE, PETITIONS & DELEGATIONS**
- 8.1 **Correspondence** - None
- 8.2 **Petitions**
- 8.2.1 **Petition - Councillor Streach - Fitness Center For Eastern Shore**

Councillor Streach submitted a petition on behalf of residents of various communities of the Eastern Shore requesting the provision of a Fitness Center to serve the local health, recreation and lifestyle needs.

**8.2.2 Petition - Councillor Sloane - Residential Parking Pass Policy for Moran Street**

Councillor Sloane submitted a petition on behalf of the citizens of Moran Street within District 12 of the Halifax Regional Municipality requesting the Traffic Authority to develop an on-street residential parking pass policy for Moran Street.

**9. REPORTS**

**9.1 CHIEF ADMINISTRATIVE OFFICER**

**9.1.1 Tender 03-221, Sunnydale Crescent - Central Region, Proposed Sidewalk, Storm Sewer and Street Reconstruction**

- A staff report dated September 26, 2003 prepared for George McLellan, Chief Administrative Officer, was circulated to Council.

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

- 1. Approve the recovery of Local Improvement Charges for the installation of new concrete curb and gutter (both sides) and new concrete sidewalk along the north side of Sunnydale Crescent, from Rocky Lake Road to Rocky Lake Road in the amount of \$96,241.75, by an area rate applied to District 21.**
- 2. Award Tender No. 03-221, Sunnydale Crescent - Central Region - Proposed Sidewalk, Storm Sewer and Street Reconstruction to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$517,660, plus net HST for a total of \$550,940, from Capital Account No's CJR00956, New Sidewalk and CYR00991, Paving Renewals, with funding authorized as per the Budget Implications section of the September 26, 2003 staff report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.2 Tender 03-279, Culvert Replacement Portobello Road and Caldwell Road - Eastern Region**

- A staff report dated September 24, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

**MOVED by Councillor Warshick, seconded by Councillor Hetherington, that Regional Council:**

1. **approve an increase in the Gross Budget for Capital Account No. CGU00113, Caldwell Road Culverts, in the amount of \$171,814.00 with funds from Account No. Q104, Sewer Redevelopment Reserve.**
2. **award Tender No. 03-279, Culvert Replacement Portobello Road and Caldwell Road - Eastern Region to W. Eric Whebby Limited for materials and services listed at the unit prices quoted for a Tender Price of \$211,772, plus net HST, for a total of \$225,386. There are also anticipated costs for extra work and material related to this job, and therefore the total project is anticipated to cost \$247,924 and will be charged to Account No. CGU00113, Caldwell Road Culverts, with funding authorized as per the Budget Implications section of the September 24, 2003 report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.3 Capital Budget Increase - Cost Sharing, Sir Charles Tupper School Playing Field Installation**

- A staff report dated September 26, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

**MOVED by Councillor Uteck, seconded by Councillor Walker that Council approve an increase in the Gross Capital Budget to Capital Account No. CCV00188, District 13 Capital Funds by \$6,000.00, with no change to the net Budget, to reflect the cost sharing NS Sport and Recreation Commission and Sir Charles Tupper School PTA, as per the Background Section of the September 26, 2003 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.4 Heritage Incentives Program: Proposed Programs**

- A staff report dated September 17, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

**MOVED by Councillor Uteck, seconded by Councillor Hetherington that Halifax Regional Council review and approve the:**

- C Heritage Grant Review Process,
- C Residential Heritage Incentive Program,
- C Commercial Facade Improvement Program.

This is in keeping with the proposals by staff, endorsement by Regional Council on March 4, 2003 and consultation with the Heritage Advisory Committee and the recommendation of the Committee on September 4, 2003; these initiatives are described in the September 17, 2003 report and illustrated in Attachments A, B and C of the report.

Mr. Dan Norris, Heritage responded to questions from members of Council.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.5 First Reading By-Law L-117, An Amendment to By-Law L-100, Respecting Charges for Watermains, Phase II, Maplewood Subdivision, Hammonds Plains Motion - Councillor Rankin - Move First Reading**

- Councillor Rankin gave Notice of Motion at the September 23, 2003 meeting of Halifax Regional Council.

**MOVED by Councillor Rankin, seconded by Councillor Goucher that:**

1. The Capital Budget for Watermains , Phase II , Maplewood Subdivision, Hammonds Plains be approved in the amount of \$71,500 gross, with the net residual amount (after Infrastructure , HRM and other funding) funded from a frontage charge.
2. The Halifax Regional Water Commission (HRWC) install the necessary water services and be the contracting agency for Phase II , Maplewood Subdivision, Hammonds Plains.
3. Approve in principle and begin the formal process for the adoption of By-Law Number L- 117 , Respecting Charges for Watermains , Phase II , Maplewood Subdivision, Hammonds Plains, attached to the September 9, 2003 staff report.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.6 First Reading By-Law N-202, An Amendment to By-Law N-200, Respecting Noise Motion - Councillor Uteck - Move First Reading**

- Councillor Uteck gave Notice of Motion at the September 23, 2003 meeting of Halifax Regional Council.

**MOVED by Councillor Uteck, seconded by Councillor Hetherington, that Halifax Regional Council give First Reading to By-law N-202, an amendment to By-law N-200, Respecting Noise, and set a date for a public hearing.**

Those voting **in favour** of the motion were Mayor Kelly and Councillors Streach, Warshick, Sarto, Hetherington, Sloane, Uteck, Fougere, Mosher, Adams, Johns, Harvey, Goucher, Rankin and Meade.

Those voting **against** the motion were Deputy Mayor McInroy and Councillor Cooper, Smith, Cunningham, Blumenthal, and Walker .

**MOTION PUT AND PASSED.**

**9.2 TAXI & LIMOUSINE COMMITTEE**

**9.2.1 First Reading By-Law T-126, An Amendment to By-Law T-108, Respecting Taxi & Limousine Licensing, Rate Schedule Revision Motion - Councillor Adams - Move First Reading**

- A report from Councillor Stephen Adams, Chairperson, the Regional Taxi and Limousine Committee, was before Council for consideration. Councillor Adams gave Notice of Motion at the September 23, 2003 meeting of Halifax Regional Council.

**MOVED by Councillor Adams, seconded by Councillor Cooper that Council give First Reading to the amendment to By-law T-108 as found in Appendix "A" of the September 22, 2003 report and set a date for a public hearing. MOTION PUT AND PASSED.**

**9.3 GRANT COMMITTEE**

**9.3.1 Councillors District Activity Fund - Policy and Procedures - Revisions**

- A staff report submitted October 7, 2003 from Councillor Russell Walker, Chair, HRM Grants Committee, was before Council for consideration.

**MOVED by Councillor Walker, seconded by Councillor Blumenthal that Regional Council:**

1. **Approve the revised Councillors' District Activity Fund: Policy and Procedures as detailed in Attachment 1 of the report submitted October 7, 2003.**
2. **Approve implementation of the revised Policy and Procedures effective April 1, 2003.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

#### **9.4 MEMBERS OF COUNCIL**

##### **9.4.1 (i) Councillor Mosher - Marked Crosswalk, Road Realignment and Sidewalk Request**

- This matter was added to the agenda at the request of Councillor Mosher.

**MOVED by Councillor Mosher, seconded by Councillor Smith that staff revisit the installation of a marked crosswalk on St. Margaret's Bay Road in light of the recent development of Stoneridge on the Park and the fact that many elementary students from this area must cross the Bay Road to attend Springvale Elementary School.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

##### **9.4.1 (ii) Councillor Mosher - Traffic Congestion coming into the Peninsula**

- This matter was added to the agenda at the request of Councillor Mosher.

Referring to the frustration experienced by motorists trying to access the Peninsula of Halifax, it was **MOVED by Councillor Mosher, seconded by Councillor Adams that staff prepare a report addressing the issue of heavy traffic congestion accessing the Peninsula in the short term.**

Councillor Blumenthal suggested that simple solution is having Quinpool Road three lanes in one during rush hour traffic and one lane in the opposite direction similar to the bridge

Councillor Adams noted that cones are being used on a temporary basis to delineate three lanes on the Herring Cove Road because the lights are not operational. He suggested this approach might be considered.

Councillor Uteck indicated that she could only support such a report if it considered a Park and Ride at Exhibition Park and a ferry crossing on the North West Arm.

After additional discussion, the Chief Administrative Officer clarified that staff is more than willing to look at short term traffic amendments and that the Regional Planning Process has been aware that staff would do this since the outset.

After a further brief discussion, His Worship called for the question.

Those voting **in favour** of the motion were Mayor Kelly, Deputy Mayor McInroy and Councillors Streach, Cooper, Warshick, Sarto, Smith, Cunningham, Blumenthal, Uteck, Mosher, Adams, Johns, Ranking and Meade.

Those voting **against** the motion were Councillors Hetherington, Sloane, Fougere, Walker, Harvey and Goucher.

**MOTION WAS PUT AND PASSED.**

**9.4.2 Councillor Sloane - Re-naming of Street as a Tribute to Buddy Daye**

- This matter was added to the agenda at the request of Councillor Sloane.

**MOVED by Councillor Sloane, seconded by Councillor Blumenthal that staff prepare a report regarding the possibility of re-naming a street in District 12 as a tribute to Buddy Daye. MOTION PUT AND PASSED UNANIMOUSLY.**

**10. MOTIONS**

**11. ADDED ITEMS**

**11.1 Property Matter - Potential Sale of 199 Bedford Highway, Office/Community Centre Development**

- This matter was dealt with during an In Camera Session held earlier today and was now before Council for ratification.

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

- 1. Halifax Regional Council approve, in principle, the potential market sale of 199 Bedford Highway to Mr. Burkhard Getta, and authorize staff to proceed**

**with negotiations regarding the proposal as outlined in the staff report dated September 23, 2003.**

- 2. The September 23, 2003 staff report not be released to the public until the property transaction is concluded.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2 Interpretation of Smoking By-Law - Councillor Cunningham**

- This matter was added to the agenda during the setting of the agenda. Councillor Cunningham referred to a number of bars which are promoting their facility as a tobacco bar and permitting smoking in their establishments. The Councillor suggested that these establishments were operating outside the spirit of the Smoking By-law.

**MOVED by Councillor Cunningham, seconded by Councillor Hetherington that staff prepare a report regarding the operation of bars as tobacco bars and whether or not they are operating as set out in the Smoking By-law. MOTION PUT AND PASSED UNANIMOUSLY.**

**Information Item: Parking Ban - Councillor Uteck**

Councillor Uteck referred to the extensive damage to street trees and infrastructure caused by Hurricane Juan and advised that there would be certain areas of HRM where a temporary ban to on-street parking will be instituted beginning October 8, 2003.

Therefore, pursuant to Section 202 of the Motor Vehicle Act, the following regulations will be in effect:

1. Notwithstanding that certain traffic signs have been erected prohibiting or permitting the parking of vehicles upon sections of HRM streets during the hours stated hereon:
  - a) No person shall park an unattended vehicle on any street in Halifax bounded by Robie Street, Quinpool Road, Oxford Street, and Coburg Road between the hours of:
    - 11 p.m. October 8, 2003 to 7:00 a.m. October 9, 2003
    - 11 p.m. October 9, 2003 to 7:00 a.m. October 10, 2003
    - 11 p.m. October 10, 2003 to 7:00 a.m. October 11, 2003
2. It shall be an offence for any person to fail to comply with these regulations and motor vehicles left unattended shall be subject to removal at the owner's cost.

**12. NOTICES OF MOTION**

Councillor Cunningham gave Notice of Motion of his intention to, at the Halifax Regional Council meeting to be held on October 21, 2003, introduce a motion to request staff to prepare a report with respect to amendments to By-law Number C-200, cited as the "Cemeteries By-Law" paying particular attention to those sections regarding lot transfer and lot conveyance.

**13.     ADJOURNMENT**

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

Jan Gibson  
Deputy Municipal Clerk