

HALIFAX REGIONAL COUNCIL
MINUTES
November 25, 2003

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Steve Streach
Councillors: Krista Snow
David Hendsbee
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Jim Smith
John Cunningham
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Len Goucher
Reg Rankin
Gary Meade

ABSENT
WITH REGRETS;

Councillors: Bruce Hetherington
Robert Harvey

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Acting Municipal Clerk
Ms. Julia Horncastle, Legislative Assistant

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1. INVOCATION

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

SWEARING IN CEREMONY - NEW COUNCIL MEMBERS

The Honourable Constance R. Glube swore in Councillors Krista Snow, David Hendsbee and Debbie Hum who then took their seats on Council.

The newly sworn Councillors were provided an opportunity to address Council.

Mayor Kelly welcomed the new Councillors.

2. APPROVAL OF MINUTES - November 4, 2003

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that the minutes of November 4, 2003 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

12.1 Property Matter - Lease and Purchase Option -196 Waverley Road, Fleet Services

12.2 Personnel Matter - Citizen Appointments to Boards & Committee

12.3 Legal Matter - Settlement of Claim

Councillor Meade requested item 10.3 be moved up on the agenda and addressed immediately following the public hearings.

MOVED by Councillor Walker, 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. PUBLIC HEARINGS

8.1 By-Law P-501, An Amendment to By-Law P-500, Respecting Liability of Owner for Parking tickets

- An extract from the October 28, 2003 Regional Council minutes, on the above noted, was before Council.
- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated October 6, 2003, on the above noted, was before Council.

Mr. Wayne Anstey, Municipal Solicitor, presented the staff report advising this is a housekeeping matter as owners are currently charged for parking offences. This amendment is to close a possible loophole as there are currently two sections in the Motor Vehicle Act that there could potentially be charges under.

Mayor Kelly called three times for those wishing to speak either in favour of or in opposition to the proposed By-Law. Hearing none, the following motion was placed.

MOVED by Councillor Warshick, seconded by Councillor Smith, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Blumenthal, seconded by Councillor Goucher, that Regional Council approve By-Law P-501, An Amendment to By-Law P-500, Respecting Liability of Owner for Parking Tickets. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 By-Law T-127, An Amendment to By-Law T-108, Respecting Criminal Records Checks

- An extract from the November 4, 2003 Draft Regional Council Minutes, on the above noted, was before Council.
- A report prepared for Councillor Stephen Adams, Chair, Taxi and Limousine Committee, dated October 21, 2003, on the above noted, was before Council.

Mr. Wayne Anstey, Municipal Solicitor, outlined the report advising it is currently a requirement under the Taxi and Limousine By-Law that on the annual renewal of a drivers license, the applicant file with the license inspector a criminal records report from the police department.

This amendment would only require that the criminal records check be filed in the year that your motor vehicle drivers license is renewed. In the intervening years all that the driver would have to file would be a statutory declaration which would declare that the applicant had not

been convicted of any criminal offences in the intervening year. There is also a provision that if an applicant filed a false statutory declaration, then they would forfeit their drivers and owners license for a period of five years.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the amendment.

Mr. Robert Richards

Robert Richards, Halifax, spoke in favour of the amendment. He said it has been problematic to have a police search every year as there is a cost involved. He stated it is a good law and will save time and trouble for the inspectors office. If a person lies they would lose both owners and drivers license for a period of five years. He reiterated that it is a good law in his opinion.

Mr. Ed Filewelling

Ed Filewelling stated he believes in criminal checks for drivers. He stated he feels it is a necessity but would encourage Council to defeat it at this time. He indicated the amendment states section 38(f), noting it should be 36(f).

Mr. Dave Withrow

Mr. Dave Withrow, stated the proposed amendment is fair to both industry and public. Additional changes must be made for this amendment to be feasible. An owners license does not require a records check, noting some owners may have up to 100 employees and if an owners license is revoked these people may be out of a job. He expressed concern that eligibility may be affected and someone may have to wait up to 10 years to receive a new license. He suggested the amendment be sent back to the Taxi and Limousine committee.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor Blumenthal, seconded by Councillor Smith, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Adams, seconded by Councillor Goucher, that Regional Council approve By-Law T-127, An Amendment to By-Law T-108, Respecting Criminal Records Checks. Further, the amendment be amended to reflect section 36(f) not 38(f). MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor Sloane

Councillor Sloane served a petition on behalf of the residents of West Street, District 12, regarding the development of an on street parking pass policy.

10.3 ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES

10.3.1 Annual Report

- A copy of the 2003 Annual Report was before Council.

Ms. Betty MacDonald, Chair, Advisory Committee for Persons with Disabilities, presented the report to Council.

Mayor Kelly thanked Ms. MacDonald for her presentation.

MOVED by Councillor Adams, seconded by Councillor Warshick, that the concerns raised regarding accessible taxis be forwarded to the Regional Taxi and Limousine Committee. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.2 Accessible Housing for Persons with Disabilities

- A report prepared for Ms. Betty MacDonald, Chair, Advisory Committee for Persons with Disabilities, dated October 21, 2003, on the above noted, was before Council.

MOVED by Councillor Meade, seconded by Councillor Johns, that a report be requested within the next six months regarding the following:

- 1. New legislation being enacted or existing legislation being amended in order to ensure the inclusion of a specified percentage of accessible units for persons with disabilities.**
- 2. The required percentage of accessible units be 20 percent.**

3. **HRM, in consultation with persons with disabilities, develop accessibility standards including guidelines on installation to be provided for the direction of individuals involved in the design, construction and maintenance of newly constructed buildings. These guidelines shall consider the accessibility requirements of a persons with disabilities including those with disabilities affecting mobility, hearing, vision and sensitivity to chemicals.**

MOTION PUT AND PASSED UNANIMOUSLY.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Request for Proposal 03-322 - Consultant Award Beaver Bank Services, Phase 4D, 4E and Water Reservoir

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated November 14, 2003, on the above noted, was before Council.

MOVED by Councillor Johns, seconded by Councillor Goucher, that RFP 03-322 consultant design and engineering services, Beaver Bank Servicing, Phase 4D, 4E and Water Reservoir be awarded to the highest ranking proponent, CBCL Limited, for a cost of \$119,520, plus net HST for a total of \$127,204 with funding from Capital Account No. CGU00385, Beaver Bank Servicing, Phase 4D as per the Budget Implications section of the report. MOTION PUT AND PASSED.

10.1.2 Second Quarter 2003/2004 Financial Report

- An information report prepared for Dale MacLennan, Director, Financial Services, dated November 20, 2003, on the above noted, was before Council.

Ms. Dale MacLennan, Director of Financial Services and Ms. Pam Caswell, Manager of Accounting, presented the report to Council.

Mr. McLellan, Chief Administrative Officer, thanked staff for the presentation.

MOVED by Councillor Blumenthal, seconded by Councillor Meade, that the report be received. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Enviro Depots - Beverage Container Handling Fee

- A copy of the presentation was circulated to Council.
- An information report prepared for Mr. Brad Anguish, Director, Environmental Management Services, dated November 18, 2003, on the above noted, was before Council.

Mr. Jim Bauld, Acting General Manager, provided a brief summary of the information report.

Mr. Firth, Chief Operating Officer, Resource Recovery Fund, with the aid of overheads, made a presentation to Council.

In response to Councillor Blumenthal regarding how much HRM is making in comparison to what the Enviro Depots within HRM are making, Mr. Firth advised there are statistics available from every depot within the province. On further question, Mr. Bauld advised there is approximately three hundred thousand dollars a year being lost in revenue. He advised he would provide this information.

Councillor Adams suggested the report from Mr. Bauld include options under which the Enviro Depots do not lose money by taking in paint.

Councillor Blumenthal requested information item #6 be added to the December 2, 2003 meeting.

10.1.4 Regional Council 2004 Meeting Schedule

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated November 19, 2003, on the above noted, was before Council.

MOVED by Councillor Cunningham, seconded by Councillor Blumenthal, that Council adopt the 2004 Regional Council Meeting Schedule as attached to the report dated November 19, 2003.

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

MOVED by Councillor Johns, seconded by Councillor Hendsbee, that the summer break be for the weeks of July 20 and 27 with Council reconvening on August 3 and then breaking for the weeks of August 10 and 17. MOTION DEFEATED.

Those voting **in favour** of the motion were Mayor Kelly and Councillors Hendsbee, Warshick, Smith, Cunningham, Sloane, Adams, Johns.

Those voting **against** the motion were Deputy Mayor Streach and Councillors Snow, Cooper,

McInroy, Sarto, Blumenthal, Uteck, Fougere, Walker, Hum, Mosher, Goucher, Rankin and Meade.

Councillors Hetherington and Harvey were absent.

**MOVED by Councillor Warshick, seconded by Councillor Hendsbee, that the October 19th meeting be cancelled and the fourth October meeting be held on October 30th.
MOTION DEFEATED.**

MAIN MOTION PUT AND PASSED.

10.2 NORTH WEST COMMUNITY COUNCIL

10.2.1 Case 00571 - Amendments to the Sackville Municipal Planning Strategy and Land Use By-Law - BP-1 (Business Park -1) Zone

- A report prepared for Councillor Len Goucher, Chair, North West Community Council, dated November 17, 2003, on the above noted, was before Council.

MOVED by Councillor Johns, seconded by Councillor Goucher, that Regional Council give first reading to the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-Law, as contained in Attachments “B” and “C” of the staff report dated October 15, 2003, and schedule a public hearing for December 16, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES

10.3.1 Annual Report

This item was addressed earlier in the meeting. (See page 7)

10.3.2 Accessible Housing for Persons with Disabilities

This item was addressed earlier in the meeting. (See page 7)

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Property Matter - Lease and Purchase Option - 196 Waverley Road, Fleet

Services

MOVED by Councillor Warshick, seconded by Councillor Sarto that:

- 1. Council authorize the Mayor and Municipal Clerk to enter into a Lease and Purchase Option Agreement with 3006738 Nova Scotia Limited c/o Greenwood Lane Inc. for 196 Waverley Road, subject to the terms and conditions set out in the November 17, 2003 private and confidential staff report.**
- 2. The November 17, 2003 staff report not be released to the public until the transaction has closed.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Personnel Matter - Citizen Appointments to Boards & Committees

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

- 1. Approve the citizen appointments to Boards and Committees as outlined in Attachment 1 of the November 25, 2003 report from the Selection Committee.**
- 2. Refer appointments to the Board of Police Commissioners back to the Selection Committee for further review and report back to Council.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Legal Matter - Settlement of Claim

MOVED by Deputy Mayor Streach, seconded by Councillor Smith that Halifax Regional Council authorize a contribution toward settlement of this claim, as set out in the November 6, 2003 Private and Confidential staff report, brought by the Plaintiff in the amount of \$25,000.00 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 May 14, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

13.1 Deputy Mayor Streach

Take Notice that at the next regular Regional Council meeting, to be held on Tuesday the 2nd day of December, 2003, I propose to introduce for adoption Administrative Order Number 34, the purpose of which is to incorporate Municipal districts One, Two and Three into the Marine Drive, Valley and Canal Community Council.

Take Notice that at the next regular Regional Council meeting, to be held on Tuesday, December 2, 2003, I intend to introduce a motion requesting staff to report and recommend as to the procedure and implications of terminating our agreement of April 1, 1996 with the Province of Nova Scotia as it relates to the continuance of the Halifax Regional Library Board. Furthermore, develop terms of reference for the creation of an HRM Library Advisory Board operating under the jurisdiction of the Halifax Regional Municipality.

14. ADJOURNMENT

The meeting was adjourned at 9:05 p.m.

Jan Gibson
Acting Municipal Clerk