

HALIFAX REGIONAL MUNICIPALITY

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HALIFAX REGIONAL MUNICIPALITY  
MINUTES  
JULY 6, 2004

PRESENT:

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

REGRETS:

Councillor Sue Uteck

STAFF:

Mr. Dan English, Acting Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Jan Gibson, 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 Sarto.

2. **APPROVAL OF MINUTES - June 22, 2004**

**MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that the minutes of June 22, 2004 be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

Additions:

- 11.1 Councillor McInroy - I Buy Houses Signage
- 11.2 Councillor Johns
  - (i) Springfield Lake Pumping Station re: Staff Review of Operation
  - (ii) Kinsmen Club of Canada Request for Commemorative Stamp
- 11.3 Councillor Hum - Public Access to Birch Cove, Rockingham
- 11.4 Councillor Sloane - Residential Tenancy Act
- 11.5 Contractual Matter - Update re Negotiations
- 11.6 Councillor Meade - Sir John A. MacDonald High School proposed auditorium
- 11.7 Councillor Harvey - Lake District Recreation Association. Request for staff report for July 13, 2004

Deletions:

- 9.2.1 Changes to Nova Scotia Heritage Property Act

Information Items

Proclamation - Halifax Highland Games & Scottish Festival Day - July 10, 2004

**MOVED by Councillor Hetherington, seconded by Councillor Smith, 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**

Council agreed to address item 11.5 at this point.

**11.5 Contractual Matter - Update re Negotiations**

**MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that Halifax Regional Council ratify the Collective Agreement for the International Association of Fire Fighters, Local 268 as outlined in the In Camera Council session held on July 6, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**7. CONSIDERATION OF DEFERRED BUSINESS**

**7.1 Enhancements - New High School, Halifax Commons**

This item was deferred to July 13, 2004.

**8. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**8.1 Correspondence - None**

**8.2 Petitions**

**8.2.1 Councillor Hendsbee**

Councillor Hendsbee served a petition on behalf of the residents of Sea Breeze Heights subdivision in East Lawrencetown requesting no street light be installed on Windward Lane, Oceanic Drive and Leeward Court.

Councillor Hendsbee served a petition on behalf of the residents of Stoney Creek Drive in Mineville requesting paving of the street.

**8.2.2 Councillor Adams**

Councillor Adams served a petition from residents of the Ketch Harbour area with respect to

the property at 1137 Ketch Harbour Road, the Mackey House.

**9. REPORTS**

**9.1 CHIEF ADMINISTRATIVE OFFICER**

**9.1.1 Tender 04-234, Street Improvements - Main Street, East Region**

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated June 24, 2004, on the above noted was before Council.

**MOVED by Councillor Sarto, seconded by Councillor Fougere that Regional Council:**

- 1. approve the recovery of Local Improvement Charges for the installation of new concrete curb and gutter and concrete sidewalk on the south side of Main Street, from Ridgecrest Drive to Civic 540 Main Street at the rate established in By-Law S-414 which was approved in principle by Regional Council on June 29, 2004.**
- 2. approve an increase in the Gross Budget for Capital Account No. CZU00565, resurfacing by \$175,044 with no change in the Net Budget to cover the cost of the Pressure Reducing Valve Chamber Work from Halifax Regional Water Commission.**
- 3. award Tender No. 04-234, Main Street - East Region, Street Improvements, Sanitary Sewer PRV Chamber and Water Transmission Main Interconnection, to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a tender price of \$652,820, plus net HST for a total Project Cost of \$675,205 from Capital Account No's. CZU00565, Resurfacing, CTR00531, Main Street Widening and CTU00420, Bikeway Master Plan Implementation, with funding authorized as per the budget implications section of the report dated June 24, 2004.**

Following discussion, Council agreed to split the motion.

**MOVED by Councillor Sarto, seconded by Councillor Fougere that Regional Council approve the recovery of Local Improvement Charges for the installation of new concrete curb and gutter and concrete sidewalk on the south side of Main Street, from Ridgecrest Drive to Civic 540 Main Street at the rate established in By-Law S-414 which was approved in principle by Regional Council on June 29, 2004. MOTION**

**PUT AND PASSED.**

**MOVED** by Councillor Sarto, seconded by Councillor Fougere that Regional Council approve an increase in the Gross Budget for Capital Account No. CZU00565, resurfacing by \$175,044 with no change in the Net Budget to cover the cost of the Pressure Reducing Valve Chamber Work from Halifax Regional Water Commission. **MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED** by Councillor Sarto, seconded by Councillor Fougere that Regional Council award Tender No. 04-234, Main Street - East Region, Street Improvements, Sanitary Sewer PRV Chamber and Water Transmission Main Interconnection, to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a tender price of \$652,820, plus net HST for a total Project Cost of \$675,205 from Capital Account No's. CZU00565, Resurfacing, CTR00531, Main Street Widening and CTU00420, Bikeway Master Plan Implementation, with funding authorized as per the budget implications section of the report dated June 24, 2004. **MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.2            Tender 04-230, Paving, Sewer and Water Main Renewal, Leeds Street, West Region**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated June 24, 2004, on the above noted, was before Council.

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

1. authorize an increase in the Gross budget of Capital Account No. CGU00570, Leeds Street, Sewer Replacement, by \$130,454 with no change in the net budget to cover the cost of sharing of the water main replacement from The Halifax Regional Water Commission.
2. award Tender No. 04-230, Paving, Sewer and Water Main Renewal, Leeds Street to Sackville Trenching Limited for materials and services listed at the unit prices quoted for a Tender Price of \$298,505, plus net HST for a total of \$308,470 from Capital Account No.'s CZU00565, Resurfacing, and CGU00570, Leeds Street - Sewer Replacement with funding authorized as per the Budget Implications section of the report dated June 24, 2004.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.3 Capital Budget Increase - North Preston Community Centre**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated June 21, 2004, on the above noted, was before Council.

**MOVED by Councillor Hendsbee, seconded by Councillor Sloane, that Regional Council approve an increase in the Gross Capital Budget of Account No. CB100095-North Preston Community Centre by \$9,800.81, with no change to the Net Budget, to reflect the monetary contribution for capital work specific to the area to be leased by Capital Health Authority, as per the Budget Implication section of the report dated June 21, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.4 Interim Award Policy - 2004**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated June 20, 2004, on the above noted, was before Council.

**MOVED by Councillor McInroy, seconded by Councillor Hetherington, that Council approve an interim authority for the CAO to facilitate the award of tenders and acquisition and disposal of real property during the summer break. The proposed award policy would allow the CAO to award tenders and authorize property transactions during the period of summer recess as set out in the discussion section of the report. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.5 Captain William Spry Lodge Elevator**

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated June 29, 2004, on the above noted, was before Council.

**MOVED by Councillor Adams, seconded by Councillor Johns, that Council approve the payment of \$10,000 from Councillor Adams District Capital Fund as a one-time basis, regarding the cost of the installation of an elevator in the Captain William Spry Lodge. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.6 Regional Planning - Draft Legislative Amendments Report: CCC**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated June 29, 2004, on the above noted, was before Council.

**MOVED by Councillor Rankin, seconded by Councillor Sloane, that Regional Council**

**request the Province of Nova Scotia to:**

- 1. amend Section 274 of the Municipal Government Act to allow for Capital Cost Charges for buses, transit facilities and other forms of active transportation facilities required as a result of new subdivision development.**
- 2. undertake a study to review the potential of amending the MGA to include a Statement of Provincial Interest regarding significant wildlife habitat areas.**

**It is also recommended that Regional Council ask the Union of Nova Scotia Municipalities to adopt the resolution, appended to the staff report as Attachment 1, in support of the legislative changes proposed above. (item 1)**

Councillor Hetherington suggested staff send the resolutions to UNSM separately so that they could be dealt with as late resolutions.

Mr. Anstey advised that this amendment would be to change the MGA to give Council the authority to do something. The legislative framework that is set up under the MGA is that the Municipal Planning Strategy would have to be amended and then it would have to be incorporated into the subdivision regulations. All of those would require public input and ultimately a decision by Council to set out exactly what the rules are with respect to not only how the money is collected but also how and when the money is used. All this is doing is setting up the initial framework that would enable Council to do that. It does not set out any of the rules, they will be strictly up to Council and the public.

At the request of Councillor Hendsbee, Council agreed to split the motion.

**MOVED by Councillor Rankin, seconded by Councillor Sloane, that Regional Council request the Province of Nova Scotia to amend Section 274 of the Municipal Government Act to allow for Capital Cost Charges for buses, transit facilities and other forms of active transportation facilities required as a result of new subdivision development. MOTION PUT AND PASSED.**

**MOVED by Councillor Rankin, seconded by Councillor Sloane, that Regional Council request the Province of Nova Scotia to undertake a study to review the potential of amending the MGA to include a Statement of Provincial Interest regarding significant wildlife habitat areas. MOTION PUT AND PASSED.**

**MOVED by Councillor Rankin, seconded by Councillor Sloane, that Regional Council request the Union of Nova Scotia Municipalities to adopt the resolution, appended to the staff report as Attachment 1, in support of the legislative changes proposed**

above. (item 1). **MOTION PUT AND PASSED.**

**9.1.7            Capacity at Eastern Passage Wastewater Treatment Plant**

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated June 22, 2004, on the above noted, was before Council.

Ms. Kenda MacKenzie, Development Engineer, Eastern Region, outlined the report and recommendation for Council.

**MOVED by Councillor McInroy, seconded by Councillor Cooper, that Regional Council commit in principle to completion of the required upgrades at the Eastern Passage Waste Water Treatment Plan by 2008 subject to consideration by Regional Council of the Annual Budgets. The upgrades will allow for continued growth within the existing service boundary of Eastern Passage and Cole Harbour and accommodate an anticipated increase in treatment level as indicated by Nova Scotia Department of Environment and Labour.        MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.8            Development Grant Agreement - Halifax International Airport Authority**

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated June 29, 2004, on the above noted, was before Council.

**MOVED by Councillor Snow, seconded by Councillor Sloane, that Halifax Regional Council:**

- 1. adopt the Halifax International Airport Authority Development Grant Formula, Appendix A to the staff report dated June 29, 2004, commencing fiscal 2004/05 and ending fiscal 2008/09, and;**
- 2. direct staff to prepare a Development Grant Agreement between Halifax Regional Municipality and Halifax International Airport Authority to be submitted to Halifax Regional Council for approval at a future date.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**RECESS**

At this point in the meeting, Council recessed for ten minutes.

**9.1.9            2004-2005 Area Rates for Sidewalk Snowplowing**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated June 22, 2004, on the above noted, was before Council.

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

- 1. For the 2004-05 Fiscal Year, that Sidewalk Snowplowing shall be set at the rate of \$0.016 to the residential, resource and commercial assessment, including business occupancy, for all areas which receive the service;**
- 2. The Prior Years Deficit for Sidewalk Snowplowing shall be set at the rate of \$0.003 to the residential, resource and commercial assessment, including business occupancy, for District 15; and \$0.005 to the residential, resource and commercial assessment, including business occupancy, for all other areas which receive the service excluding District 16;**
- 3. The boundaries of the service areas to which the area rates referred to above are to be applied in 2004-05 will remain unchanged from 2003-04;**
- 4. The cost of clearing sidewalks abutting HRM owned properties in the serviced area no longer be included in the area rate and instead be included in the general rate; and,**
- 5. Staff return to Council in August 2004 with recommendations for changes to the current service delivery model for implementation beginning in fiscal 2005-06.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.10            Expanding HRM's Ferry Network with High Speed Catamarans**

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated June 28, 2004, on the above noted, was before Council.

**MOVED by Councillor Mosher, seconded by Councillor Goucher, that Halifax Regional Council:**

- 1. Approve an increase to the 2004/05 Capital Budget for a new project "Expanding Ferry Network" in the amount of \$80,000 with funding as a non-**

repayable withdrawal from the Service Improvement Reserve, Q310;

2. Authorize staff to proceed with an assessment and pre-design study for the expansion of HRM's harbour ferry network with funding as indicated in the Budget Implications section of the report dated June 28, 2004.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.11 Memorandum of Understanding - Halifax Regional Fire and Emergency Service and the Halifax Port Authority**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated June 25, 2004, on the above noted, was before Council.

**MOVED by Councillor Fougere, seconded by Councillor Sloane, that Council authorize the Mayor and Municipal Clerk to enter into a Memorandum of Understanding between the Halifax Port Authority and the Halifax Regional Fire and Emergency Service for lands leased by Halifax Grain Elevators . MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.12 Capital Budget Increase Beaver Bank/Kinsac Fire Station and Recreation Centre**

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated June 29, 2004, on the above noted, was before Council.

**MOVED by Councillor Johns, seconded by Councillor Snow, that:**

1. Council approve a \$300,000 increase to the 2004/05 capital budget under Capital Project CB200399 Beaver Bank/Kinsac Recreation Centre, resulting in a total budget of \$1,700,000, with funding for debenture repayments to be provided from the previously approved area rate.
2. Council approve a \$119,996 (excluding HST) increase to purchase order 2070158010 awarded to Avondale Construction for the construction of the Beaver Bank/Kinsac Recreation Centre and Fire Station, resulting in a revised purchase order total of \$2,690,000 (excluding HST), and a revised contract value of \$2,853,724 (including HST).
3. Council approve a \$50,000 increase (excluding HST) to purchase order

**2070114878 awarded to AMEC for Architectural Consulting Services Beaver Bank/Kinsac Fire Station and Recreation Centre, resulting in a revised purchase order total of \$171,503 (excluding HST), and a revised contract value of \$181,029 (including HST).**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.13        First Reading - By-Law C-400, Respecting the Regulation of Cats**

This item was deferred to July 13, 2004.

**9.1.14        First Reading - By-Law S-414, Respecting Charges for Street Improvements**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated June 16, 2004, on the above noted, was before Council.

**MOVED by Councillor Meade, seconded by Councillor Hetherington, that Regional Council move First Reading of By-Law Number S-414, Respecting Charges for Street Improvements and set a public hearing date of August 17<sup>th</sup> . MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.15        First Reading - By-Law T-131, An Amendment to By-Law T-108, Respecting Increasing Membership of the Hotel Standards Committee**

- A report from Mr. Eric Swain, Chair of the Hotel Standards Committee, dated June 3, 2004, on the above noted, was before Council.

**MOVED by Councillor Adams, seconded by Councillor Sloane, that Regional Council move First Reading of By-Law T-131, An Amendment to By-Law T-108, Respecting Increasing Membership on the Hotel Standards Committee and set a public hearing date for August 17<sup>th</sup>. MOTION PUT AND PASSED.**

**9.2            HERITAGE ADVISORY COMMITTEE**

**9.2.1        Changes to Nova Scotia Property Act**

This item was deleted under the approval of the Order of Business.

**9.3            AUDIT COMMITTEE**

**9.3.1 New Financial Accounting and Reporting Principles Public Sector Accounting Board (PSAB) Recommendations**

- A report from the Audit Committee, dated June 8, 2004, on the above noted, was before Council.

Ms. Pam Caswell, Manager, Accounting, with the aid of overheads, presented the staff report.

**MOVED by Councillor Cooper, seconded by Deputy Mayor Streach, that:**

1. **Staff provide Regional Council with audited financial statements on a basis consistent with prior years' accounting policies on July 13, 2004 to meet the legislative requirement to have audited financial statements on file at Service Nova Scotia and Municipal Relations by July 31, 2004; and,**
2. **Financial statements in compliance with the CICA's Public Sector Accounting Board's recommendations be prepared for the fiscal year ending March 31, 2005 with quarterly updates to Council in conjunction with the quarterly reports throughout fiscal 2004/05.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.4 HOTEL STANDARDS**

**9.4.1 Mandatory National Certification for all HRM Taxi and Limousine Drivers**

- A report from Mr. Eric Swain, Chair of the Hotel Standards Committee, dated May 10, 2004, on the above noted, was before Council.

**MOVED by Councillor Adams, seconded by Councillor Hetherington, that the report be referred to the Taxi and Limousine Committee. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.5 PIPELINE REVIEW COMMITTEE**

**9.5.1 Expansion of Mandate - Pipeline Review Committee**

- A report from the Chair, Pipeline Review Committee, dated June 29, 2004, on the above noted, was before Council.

**MOVED by Councillor Adams, seconded by Councillor Mosher, that Halifax Regional**

**Council approve the expansion of the Pipeline Review Committee to include Energy and Underground Services, that is, utility related issues, and further the Committee's name be changed to the Energy and Underground Services Committee with current membership remaining intact. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.6            MEMBERS OF COUNCIL**

**9.6.1        Councillor Mosher - Halifax Commons Washroom Update**

**MOVED by Councillor Mosher, seconded by Councillor Cooper, that washroom facilities for the Halifax Common be constructed, in the location as identified by staff, with funding as approved in HRM's 2002-2003 Capital budget. Further, the work commence as soon as possible.**

Following discussion, and without a vote being taken on the motion, the following motion was placed.

**MOVED by Councillor Sloane, seconded by Councillor Fougere that the item be deferred for one week. MOTION DEFEATED.**

**MAIN MOTION PUT AND PASSED.**

**10.           MOTIONS - NONE**

**11.           ADDED ITEMS**

**11.1        Councillor McInroy - I Buy Houses Signage**

Councillor McInroy requested staff provide a report on what measures can be taken to address the issue of the "I Buy Houses" signs being posted throughout HRM . Deputy CAO English advised he would provide a report at the July 13, 2004 meeting.

**MOTION TO EXTEND COUNCIL SESSION BEYOND 10:00 P.M.**

**MOVED by Councillor Walker, seconded by Councillor Fougere, that the Council session be extended for an additional 15 minutes to 10:15 p.m. MOTION PUT AND PASSED.**

**11.2        Councillor Johns**

**11.2(i)     Springfield Lake Pumping Station re: Staff Review of Operation**

Councillor Johns submitted a letter from the Springfield Lake Watch Association and requested it be forwarded to staff for a report.

**11.2(ii) Kinsmen Club of Canada Request for Commemorative Stamp**

**MOVED by Councillor Johns, seconded by Councillor Meade, that the Mayor, on behalf of Council, forward a letter to the Federal Heritage Minister and Anne Joint, President and CAO of Canada Post, endorsing the request by the Kinsmen Club to have a commemorative 85<sup>th</sup> year stamp. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3 Councillor Hum - Public Access to Birch Cove, Rockingham**

Councillor Hum advised there is a concern with regards to public access being retained to the boat launch at the Chinatown property. The Councillor requested staff provide a report recognizing that HRM retain public access to the Chinatown property and further, staff bring forward the Birch Cove Waterfront Development Concept Plan.

Councillor Mosher requested the report also include information regarding rights to properties that have had access taken away.

**11.4 Councillor Sloane - Residential Tenancy Act**

Staff requested to provide a report with regards to changes to the Residential Tenancy Act to assist landlords in dealing with troubling or problem tenants.

**11.5 Contractual Matter - Update re Negotiations**

This item was addressed earlier in the meeting. (see page ???)

**11.6 Councillor Meade - Sir John A. MacDonald High School proposed auditorium.**

Councillor Meade requested this item be deferred to July 13, 2004.

**11.7 Councillor Harvey - Lake District Recreation Association. Request for staff report for July 13, 2004**

Councillor Harvey advised the LDRA are putting forward an application to ACOA which would need an endorsement from HRM Council. He requested staff provide a report for the July 13, 2004 Council session and be present to address the issue.

**12. NOTICES OF MOTION - NONE**

**13. ADJOURNMENT**

The meeting was adjourned at 10:15 p.m.

Jan Gibson  
Municipal Clerk