

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES NOVEMBER 26, 2002

PRESENT:

Deputy Mayor Harry McInroy
Councillors: Stephen Streach (1:35 p.m.)
Gary Hines
Keith Colwell
Ron Cooper
Brian Warshick (3:00 p.m.)
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Sheila Fougere (1:25 p.m.)
Russell Walker
Diana Whalen
Linda Mosher
Stephen D. Adams
Brad Johns
Robert P. Harvey (1:30 p.m.)
Len Goucher
Reg Rankin
Gary Meade

**ABSENT WITH
REGRETS:**

Mayor Peter Kelly

STAFF MEMBERS:

Mr. Dan English, Acting Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Jan Gibson, Deputy Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk
Ms. Sherryll Murphy, Assistant Municipal Clerk

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1. INVOCATION

The meeting was called to order at 1:00 p.m. with Councillor Hines leading the Invocation.

2. APPROVAL OF MINUTES

MOVED by Councillor Adams, seconded by Councillor Hetherington that the Halifax Regional Council minutes of November 12, 2002 as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF THE ORDER OF BUSINESS

The Clerk advised that a request had been made to move consideration of items 9.2.1, 9.3.1 and 10.2 to the 6:00 p.m. session. She further indicated that it has been proposed that Council move into Committee of the Whole Council to consider the items of Deferred Business.

Council **agreed** that they would remain in Council rather than moving to Committee of the Whole to consider the items of Deferred Business.

MOVED by Councillor Rankin, seconded by Councillor Walker that agenda items 9.2.1, 9.3.1 and 10.2 be considered at 6:00 p.m. today.

After a brief discussion, Councillor Rankin requested that the motion be split by item.

MOVED by Councillor Rankin, seconded by Councillor Walker that agenda item 9.2.1 - Public Consultations: Commitment to Community 2003, A Proposed New Tax Structure for HRM, be considered at 6:00 p.m. today. MOTION PUT AND PASSED.

MOVED by Councillor Rankin, seconded by Councillor Walker that agenda item 9.3.1 - Second Quarter 2002/2003 Financial Report, be considered at 6:00 p.m. today. MOTION PUT AND DEFEATED.

MOVED by Councillor Rankin, seconded by Councillor Walker that agenda item 10.2 - Councillor Harvey, First Reading By-law S-202 Respecting Smoking be considered at 6:00 p.m. today. MOTION PUT AND DEFEATED.

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

4. BUSINESS ARISING OUT OF THE MINUTES - None

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RECISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Blasting Enforcement/By-law Amendment**

- A copy of the Halifax Regional Municipality By-law B-300 Respecting Blasting was circulated to members of Council. A copy of staff's presentation was also circulated to Council.

Mr. Paul Dunphy, Director, Planning and Development Services, made a presentation regarding By-law B-300, the Blasting By-law including:

- a review of the administrative solutions implemented under the existing By-law to address concerns
- a review of the ongoing By-law review
- a work plan for the continued review of the By-law.

Mr. Dunphy indicated that at this time staff were not looking for any action by Council, merely attempting to make Council aware of the action taken in this regard to date. Staff would be coming back to Council with a recommendation in February, 2003.

The Deputy Mayor thanked staff for their presentation.

A lengthy discussion ensued with Councillors providing the following input with regard to the By-law:

- A Frequently Asked Question sheet be included with the pre-blast notification. This document should also be available at municipal offices
- Area of pre-notification be a minimum of 800 meters, no matter what the rock is or the housing densities. Based on research 800 meters or ½ mile is the standard
- The maximum length of a permit be two months with the ability to reapply
- The inspection company should not be hired by the blasters, they should be a disinterested third party hired by HRM and they should be required to employ qualified surveyors to do the pre-blast survey (Experience has been that surveyors are not experienced/qualified)
- Dust is an issue which must be addressed and a vacuum is required in certain cases rather than just water and a sweeper
- The permit fee be increased

- With reference to the maximum particle velocity, the By-law should address plaster walls as well as dry wall
- Calibration of the equipment and the location of seismic graphs should be closely monitored to ensure that the equipment is appropriately placed
- Near schools, times should be specified when blasting can occur - when children are not present
- Pre-blast notices should be placed in all daily newspapers and the blast notification should be forwarded by Registered Mail
- Pre-blast meetings be required in situations where there is a large blast area
- HRM oversee monitoring company and ensure they are qualified to not only undertake the structural survey, but also have expertise in terms of impacts on wells/septic systems
- Consultation with the public occur concurrently with the consultation with industry. A group/committee of residents who have been impacted be involved in this process
- The concept of having an outside engineering firm audit the blasts be implemented as soon as possible
- HRM require written acknowledgement from residents that the pre-blast survey has been done
- HRM have the right to carry out a blast audit, at the cost of the contractor, at any time
- Threshold limits regarding damage to drywall should be included in the By-law
- Onus of proof of damage should be on the blasting company rather than on the resident
- Councillors should be made aware of blasting prior to the blasting occurring
- Suggestion that all equipment meet ISO 9000 standards and that inspection companies be qualified to ISO 9000
- Examine the possibility, on the basis of safety considerations, that minimum distance parameters be included in the By-law.

7.2 Animal Control Request for Proposal

- A staff report dated November 21, 2002 submitted by George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Rankin, seconded by Councillor Goucher that Regional Council approve in principle the Animal Control Services RFP attached to the November 21, 2002 staff report.

MOVED by Councillor Rankin that Council proceed without a presentation. There being no seconder the Motion was lost.

Mr. Allan Waye, General Manager, Community Projects, gave a brief presentation regarding the RFP and responded to questions from members of Council. Recognizing that the RFP

requires additional tweaking, Mr. Wayne noted that staff was seeking approval in principle of the document. A copy of the presentation is on file.

A discussion ensued with Council providing the following input to the RFP:

- A clause be included in the RFP providing that animals that are to be euthanised not be resold
- Concern that the RFP seems to be an enhanced tender and that the result will be a situation similar to that of the last tender call whereby HRM was unable to afford the level of service desired and went with a lesser service
- Processes for barking dogs and issuing of tickets needs to be addressed. Staff noted that these issues will be dealt with either through the By-law or administrative process
- Concern expressed regarding HRM's inability to enforce licensing of dogs. Given the statistics, HRM would have ample to run it's program if there was a method by which HRM could ensure all dogs are licensed. Suggestion that HRM attempt to obtain this information through the Census (i.e. a couple of questions re are you a pet owner, what type of pet).
- Concern expressed regarding the level of insurance required (\$5 million). Staff is to revisit this issue
- Note made that shoes/boots should be steel shank as well as steel toed to ensure protection against biting
- Concern was expressed regarding the level of Customer Service provided during off hours (off hour customer service is handled out of Province and, based upon an individual experience, call handling should be improved)

The **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

7.3 Cat By-Law

- A staff report dated November 21, 2002 submitted by George McLellan, Chief Administrative Officer was before Council for consideration.
- The following correspondence was distributed to Council:
 - directed to Peter James from Andrea Doncaster dated November 24, 2002
 - directed to Mayor and Council from Rosemary MacKenzie dated November 26, 2002
 - directed to Mayor and Council from Lynn Duquette dated November 26, 2002

Mr. Peter James, Regional Co-ordinator By-law Enforcement, gave a brief overview of the staff report and noted that the By-law before them was a limited By-law in line with Council's request. He went on to note that at this point costs had not been established, however,

enforcement of this By-law was included in the Request for Proposals Council had just reviewed. Mr. James noted that staff was recommending approval in principle of the By-law.

MOVED by Councillor Walker, seconded by Councillor Mosher that Regional Council:

- (a) approve in principle the alternative Cat By-law C-101 attached to the November 21, 2002 staff report;**
- (b) direct staff to commence the process of introducing the Cat By-law**
- (c) approve in principle the Enforcement Strategy attached to the November 21, 2002 staff report**
- (d) include in the Animal Control Services Request for Proposal (RFP) cat by-law services**

A debate ensued with Councillors making the following points in favour of the motion:

- The By-law is a move toward requiring that cat owners be responsible owners
- The By-law is more about property rights than cats. The right of individuals to enjoy their property.
- The By-law responds to complaints and addresses the dangerous cat

Speaking to the motion, Councillors made the following points in opposition:

- Believe that this By-law will pit neighbour against neighbour
- Question the success of the By-law given that it is resident driven
- Do not believe Council should move forward with the By-law until such time as they have some indication of cost

MOTION PUT AND DEFEATED.

8. CORRESPONDENCE, PETITIONS & DELEGATIONS

8.1 Correspondence - None

8.2 Petitions - None

9. REPORTS

9.1 CHEBUCTO COMMUNITY COUNCIL

9.1.1 Child Care Centres

- A report dated November 21, 2002 submitted by Stephen D. Adams, Chair, Chebucto Community Council was before Council for consideration.

MOVED by Councillor Adams, seconded by Councillor Whalen that Halifax Regional Council amend the MPS Policy for Halifax to restrict the size of Day Care Centres in residential zones under Development Agreements to 14 children and, further that the existing MPS for Halifax be amended to include only one Child Care Center every 500' or one per cul de sac.

Mr. Jim Donovan, Coordinator, Healthy Communities, clarified that the report before Council was equivalent to a staff initiated report and that the intent of the motion is to begin the Public Participation Process with the matter to come back to Council with a staff recommendation. In response to a request for clarification by Councillor Whalen, Mr. Donovan further indicated that the amendment pertained to the Mainland area of Halifax and that it pertained specifically to R-1 and R-2 zones.

Councillor Walker noted that the report speaks to the fact that an individual can have up to 14 children if he/she lives in the house. He indicated that he would like a clarification of ownership noting that he knew of a case in which an individual is renting a house and would like to run a day care. The Councillor suggested that the wording should refer to the principal resident or something to that effect.

MOTION PUT AND PASSED UNANIMOUSLY.

9.2 TAX STRUCTURE COMMITTEE

9.2.1 Public Consultations: Commitment to Community 2003, A Proposed New Tax Structure for HRM

This matter was dealt with during the evening session.

9.3 CHIEF ADMINISTRATIVE OFFICER

9.3.1 Second Quarter 2002/2003 Financial Report

Consideration of this matter was deferred pending availability of staff.

9.3.2 2003 Regional Council Meeting Schedule

- A staff report dated November 20, 2002 submitted by George McLellan, Chief Administrative Officer was before Council for consideration.

MOVED by Councillor Hetherington, seconded by Councillor Warshick that Council adopt the 2003 Regional Council Meeting Schedule as attached to the November 20, 2002 staff report.

MOVED by Councillor Harvey, seconded by Councillor Cunningham that the motion be amended to provide that Council not meet on September 30, 2002, being the 5th Tuesday in September.

The MOTION TO AMEND WAS PUT AND PASSED.

The MOTION, AS AMENDED, WAS PUT AND PASSED UNANIMOUSLY.

9.4 MEMBERS OF COUNCIL

9.4.1 Councillor Smith - Closure of Wyse Road Police Office

At the request of Councillor Smith, consideration of this matter was deferred to the In Camera session of Regional Council.

10. MOTIONS

10.1 Motion - Councillor Sloane - Environmental Pollution Control Fund

- This matter was dealt with later in the meeting.

10.2 Councillor Harvey - First Reading, By-law S-202, the Smoking By-law

- This matter was discussed at the August 27, 2002 meeting of Halifax Regional Council.
- A staff report dated November 21, 2002 submitted by George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Harvey, seconded by Councillor Walker that the following motion be removed from the table:

- (i) *“That Halifax Regional Municipality not form the group (Smoking By-Law Review Working Group) and direct staff to return to Council at a future with amendments to By-Law S-200 that would make smoking in public places completely illegal.”*

Speaking to the motion, Mr. Anstey advised that this portion of the motion was redundant in light of the motion being proposed for First Reading and the report before Council today.

Councillors Harvey and Walker agreed to **withdraw the motion**.

MOVED by Councillor Harvey, seconded by Councillor Walker that Halifax Regional Council approve First Reading of By-law S-202, a By-law to provide for smoke free places in Halifax Regional Municipality as attached in Appendix A of the November 21, 2002 and, further that a date be set for a public hearing.

Councillor Uteck expressed concern regarding the impact on restaurants and bars in terms of meeting Provincial regulations regarding ventilation only to have HRM bring forward legislation to ban smoking completely.

Councillor Uteck proposed a motion that HRM write to the Province requesting that they not institute any changes to the regulations until such time as HRM has completed its debate.

Responding to a Point of Order by Councillor Goucher, the Solicitor confirmed that under Section 59.3 of Administrative Order I, First Reading is not debatable.

The Chair called for the vote and the **MOTION WAS PUT AND DEFEATED**.

10.1 Motion - Councillor Sloane - Environmental Pollution Control Fund

- Councillor Sloane gave Notice of Motion at the November 19, 2002 meeting of Halifax Regional Council of her intent to introduce a motion to recommend that all monies collected through the the environmental pollution control fund be only used for the Harbour Solutions Project; moreover, that all spending be accountable from this date forward.

Referring to her motion, Councillor Sloane indicated that she had put this motion forward as a number of residents had called her requesting the HRM be accountable for what was being spent relative to the Harbour Solutions Project. The Councillor went on to express concern regarding the impact of such an action on the existing sewage treatment plants. Councillor Sloane indicated that she now believed that her motion should more appropriately refer to HRM's Wastewater Fund.

MOVED by Councillor Sloane, seconded by Councillor Mosher that this matter be referred to staff for a report addressing the segregation of the funds related to the Harbour Solutions Project and accountability for the use of monies within the fund.

Ms. Dale McLellan, Director, Financial Services, clarified that there were two distinct funds the Environmental Protection Fund and the Wastewater Fund. She went on to indicate that a staff report relative to this issue would be appropriate.

Councillor Sloane requested that the staff report include a breakdown of where the monies from all the former units have been spent.

Councillor Goucher that the report include clarification of the status of existing plants relative to these funds.

MOTION PUT AND PASSED UNANIMOUSLY.

11. ADDED ITEMS

Added Items were dealt with during the evening session.

12. NOTICES OF MOTION

12.1 Councillor Mosher - Notice of Motion re Implementation of Street Closures or Intersection Turning Movement Prohibitions outside the Neighbourhood Shortcutting Policy

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on **December 3, 2002**, I intend to introduce a motion to:

Make staff aware that it is the view of Regional Council that no street closures or intersection turning movement prohibitions be implemented outside of the Neighbourhood Shortcutting Policy except in the following circumstances:

1. where a specific intersection safety hazard has been demonstrated
2. where street operation will be improved
3. where impacts from new roadway projects or developments are being mitigated.

12.2 Councillor Harvey - Notice of Motion of Reconsideration re Smoking Bylaw

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on **December 3, 2002**, I intend to introduce a motion to:

Reconsider the Regional Council decision of November 26, 2002 regarding First Reading of By-law S-202 to make Halifax Regional Municipality 100% smoke free in all indoor facilities.

This Notice of Motion to reconsider was declared **out of order** as it not permissible to reconsider a motion decided in the negative.

At the evening session, Councillor Sloane gave a Notice of Motion of First Reading of By-law M-100. (See page 15)

The meeting recessed at 4:30 p.m.

Council reconvened at 6:00 p.m. with all members present except for Mayor Kelly (Regrets) and Councillor Colwell.

Deputy Mayor McInroy extended congratulations to the coaches and players of the Saint Mary's University Huskies on their recent Vanier Cup victory. The Deputy Mayor noted HRM will be hosting an event to honor the team and its organization in the near future.

The following item was added to the evening session's agenda:

11.1 Halifax Family Court Leaseholds

9.2.1 Public Consultations: Commitment to Community 2003, A Proposed New Tax Structure for HRM

C The Commitment to Community 2003, A proposed new tax structure for HRM, Public Consultation Report, November 26, 2002, was before Council for its consideration.

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

Councillor Cooper, Chair, Tax Structure Review Committee, provided opening remarks and expressed thanks to staff for their work during the public consultation process.

Mr. Bruce Fisher, Manager, Financial Planning, made a presentation to Council regarding the Public Consultation Report, copies of which were circulated to Council.

On behalf of Council, Councillor Johns expressed thanks to Councillor Cooper and staff for their work during the public meetings.

MOVED by Councillor Cooper, seconded by Councillor Johns, that:

1. The Public Consultation Report, November 26, 2002, be tabled to allow members of Council to digest the information and give the public an opportunity to review the report and provide further feedback to Councillors and staff.
2. The additional feedback as well as the Tax Structure Committee recommendations will be presented at Committee of the Whole on December 10, 2002.
3. The CAO develop strategies to allow all of HRM's citizens an opportunity to participate in the decision making process. **MOTION PUT AND PASSED UNANIMOUSLY.**

9.3.1 Second Quarter 2002/2003 Financial Report

- C An Information Report prepared for Dale MacLennan, Director, Financial Services, regarding the above, was before Council for its information.

Ms. Pam Caswill, Manager of Accounting, presented the Second Quarter 2002/2003 Financial Report to Council, copies of which were circulated.

The report projected an operating surplus of \$462,000 and provincial impacts were decreased by \$1,100,000 regarding assessment costs.

Responding to a question of Councillor Blumenthal, Ms. Dale MacLennan, Director, Financial Services, stated she did not have the detail on the parking ticket revenue but this information can be provided. She noted that some of the projected increase will be a one time event as a portion of it is related to the backlog of unpaid tickets.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the Second Quarter 2002/2003 Financial Report be received and filed. MOTION PUT AND PASSED UNANIMOUSLY.

11. ADDED ITEMS

11.1 Halifax Family Court Leaseholds

- C This matter was discussed during an In Camera Session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that Council approve an increase in the Capital Budget, Account No. CBA00627, Halifax Family Court Building Leaseholds, in the amount of \$120,000 for additional Tenant Leasehold Improvements, on the condition that, the proposed increase is fully recoverable from the Tenant (with interest) through additional rent as per the terms of the approved Lease Agreement. **MOTION PUT AND PASSED UNANIMOUSLY.**

12. NOTICES OF MOTION

12.3 Councillor Sloane - First Reading of By-Law M-100

TAKE NOTICE that at the regular meeting of the Halifax Regional Council to be held on December 17, 2002, I intend to introduce a motion to:

1. Give First Reading to By-Law M-100 "Standards for Residential Occupancies" and set a Public Hearing date for adoption of the By-Law.
2. Repeal the provisions of existing municipal by-laws which deal with minimum standards and rooming lodging homes, namely the following by-laws:
 - © City of Halifax Ordinance No. 157 - "Housing and Building Standards Ordinance" (1976)
 - © City of Dartmouth By-Law M-101 - "Minimum Standard of Use and Maintenance By-Law" (1990)
 - © Halifax County By-Law No. 53 - "Minimum Standards By-Law" (1983)
 - © City of Dartmouth By-Law - "Lodging House By-Law" (1981)
 - © HRM By-Law No. F-100 - "Fire Protection By-Law" (1996)

13. ADJOURNMENT

There being no further business, the meeting adjourned at 6:35 p.m.

Vi Carmichael
Municipal Clerk