

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL MINUTES December 10, 2002**

**PRESENT:**

Mayor Peter J. Kelly  
Deputy Mayor McInroy  
Councillors: Stephen Streach  
Gary Hines  
Keith Colwell  
Ron Cooper  
Brian Warshick  
Condo Sarto  
Jim Smith  
John Cunningham  
Jerry Blumenthal  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Diana Whalen  
Linda Mosher  
Stephen D. Adams  
Brad Johns  
Robert P. Harvey  
Len Goucher  
Reg Rankin  
Gary Meade

**ABSENT**

**WITH REGRETS:**

Councillor Bruce Hetherington

**STAFF MEMBERS:**

Mr. George McLellan, Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Julia Horncastle, Assistant Municipal Clerk

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1. **INVOCATION**

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Streach.

**SPECIAL PRESENTATION - RECOGNITION OF HEROIC EFFORT**

Deputy Mayor McInroy took the Chair and Mayor Kelly made a presentation to Paddy Hilchie, Jeff Winters, Mark Hoadley, Dave Hill and Terry Bruhm in recognition of their heroic efforts with regard to the rescue of Shelly Yates and Evan Grade. Mr. Norman Withrow was not in attendance.

2. **APPROVAL OF MINUTES - November 26, 2002**

**MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that the minutes of November 26, 2002, be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

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

The following items were added to the agenda:

- 12.1 Legal Matter - Settlement of Claim
- 12.2 Legal Matter - Settlement of Claim
- 12.3 Legal Matter - Settlement of Claim

Information Item #6, Memorandum from Chief Fire Services dated December 4, 2002 re: Emergency Medical Service in the Fire Service be referred to a future Committee of the Whole Council Session.

**MOVED by Councillor Blumenthal, seconded by Councillor Hines, 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 **Second Reading - By-Law P-1000, Respecting On-Street Parking Policy (prev circ Nov. 19/02)**

C By-Law -1000, Respecting On-Street Parking, passed First Reading on November 19, 2002, and was now before Council for Second Reading.

Mr. Dave McCusker, Manager, Traffic and Transportation Services, presented the staff report.

In response to Councillor Sarto, Mr. McCusker stated the intent of the policy is to provide exemptions on any street at the request of the residents along those streets if they feel parking controls are necessary for the management of their parking. If restrictions are then put in place, the residents have the option of exempting themselves from these controls through the acquisition of a permit.

In response to Councillor Cunningham, Mr. McCusker advised residents can ask to have the restrictions removed by way of a petition by the residents on the streets if they don't feel parking controls are needed any longer.

In response to Councillor Cooper, Mr. McCusker confirmed that the vehicle would have to be registered to a specific address on the street.

Councillor Sloane noted that there are many students from other areas of the province or from out of province and questioned whether they will have to have their licenses changed. In response, Mr. McCusker stated the requirement is that the vehicle be registered to a house on the street for which the exemption is being sought. He noted it is recognized that this is difficult for students.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the By-Law.

**Mr. John MacPherson**, 6059 William Street, spoke in favour of the proposed By-Law stating parking by permit is a good thing as it is fair and balanced. He further noted that it would be good for those residents WHO have small or narrow driveways.

Mayor Kelly called three times for additional speakers either in favour of or against the By-Law. Hearing none, the following motion was placed.

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

**COUNCIL DECISION**

**MOVED by Councillor Fougere, seconded by Councillor Goucher, that Council approve By-Law P-1000, Respecting On Street Parking.**

Councillor Uteck suggested the By-Law be amended so that proof of residence, which could be in the form of a lease contract, be incorporated in the By-law. The Councillor noted there are many students on the Peninsula and the name of the student is not on the residence they are renting but their vehicle would be part of that area.

Mr. Anstey, Municipal Solicitor, advised Section 5(1) would have to be amended noting, it currently provides the applicant's address shall be the address on the applicant's vehicle permit.

**MOVED by Councillor Uteck, seconded by Councillor Sloane, that the wording of Section 5(1) be amended by adding the words "as certified by the applicant by statutory declaration". MOTION PUT AND PASSED UNANIMOUSLY.**

**MAIN MOTION, AS AMENDED, PUT AND PASSED.**

**8.2 Case 00490 - Bedford Municipal Planning Strategy and Land Use By-Law Amendments - Lots AB High Street and General Housekeeping Amendments (prev circ Nov. 19/02)**

C The amendments to the Bedford Municipal Planning Strategy and Land Use By-Law passed First Reading on November 19, 2002, and were now before Council for Second Reading.

Mr. Andrew Bone, Planner, with the aid of overheads, presented the staff report.

Mayor Kelly called three times for speakers either in favour of or against the By-Law amendments. Hearing none, the following motion was placed.

**MOVED by Councillor Cunningham, seconded by Councillor Goucher, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

**MOVED by Councillor Goucher, seconded by Councillor Johns, that Council give Second Reading to amendments to the Bedford Municipal Planning Strategy and Land Use By-Law as follows:**

- 1. Adopt amendments to the Bedford Municipal Planning Strategy and Land Use By-Law provided in Attachment 4 to the staff report dated October 28, 2002, to designate Lot AB on High Street Residential and rezone it RSU (Residential Single Unit) Zone;**
- 2. Adopt amendments to the Bedford Municipal Planning Strategy and Land Use By-Law provided in Attachment 5 of the staff report dated October 28, 2002, to extend the land use designation and zone lands right-of-way identified on the Generalized Future Land Use Map, with amendment to apply the most restrictive zone of the adjacent properties;**
- 3. Adopt amendments to the Bedford Municipal Planning Strategy and Land Use By-Law as provided in Attachment 7 of the staff report dated October 28, 2002, to implement Policy C-19 and C-20 of the Bedford Municipal Planning Strategy for the site of the former Bedford CN Station.**

**MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions - None**

**10. REPORTS**

**10.1 CHEBUCTO COMMUNITY COUNCIL**

**10.1.1 Hazardous Waste Depot - Hours of Operation**

**C** A report from Councillor Linda Mosher, Chair, Chebucto Community Council, regarding the above, was before Council for its consideration.

**MOVED By Councillor Walker, seconded by Councillor Sloane, that this item be referred to the budget process for consideration of funding in the 2003/2004 budget**

**to ensure the Hazardous Waste Depot is open every Saturday, except for holidays.**

Councillor Colwell suggested staff look at the possibility of establishing a permanent facility in the Eastern area of the municipality.

Councillor Warshick suggested staff examine the possibility of allowing one Saturday a month to be on the Eastern side.

Councillor Cooper suggested staff do a comparison on opening every week except holidays on the Halifax side to the cost of setting up a depot for once a month on the Eastern side. Mr. Brian Smith, Director of Solid Waste, advised the comparison costs were available in an information report that had been circulated in June and he would recirculate these to Council. He advised that during the budget process he would be more specific and provide an idea of what the alternative might be.

Councillor Walker stated his motion was to have the hours of operation to be every Saturday in HRM except for holidays. He said he would like staff to examine the Eastern side of the harbour such that in this budget process staff look at (i) every Saturday in Bayers Lake, (ii) one week on the Dartmouth and (iii) four weeks on the Dartmouth side so Council can make the decision on costs.

Mayor Kelly suggested staff examine the overall operations to include the Eastern side as well.

**MOTION PUT AND PASSED UNANIMOUSLY.**

## **10.2 MARINE DRIVE, VALLEY AND CANAL COMMUNITY COUNCIL**

### **10.2.1 Realignment of #7 Highway and Ross Road**

C A report from Councillor Keith Colwell, Chair, Marine Drive, Valley and Canal Community Council, regarding the above, was before Council for its consideration.

Councillor Colwell noted there is a difficulty with the realignment of the Ross Road, Lake Major Road and the #7 Highway. He noted there is a set of traffic lights on the Lake Major Road and #7 and just below that on the opposite side of the road is the Ross Road. The Councillor stated the request was for staff to examine the possibility of realigning Ross Road to make a proper intersection for better traffic control. He also request staff examine the whole corridor to see if there is some way in which the traffic flow can be improved in the morning and evening.

**MOVED by Councillor Colwell, seconded by Councillor Streach, that Council request staff to examine the possibility of realigning Ross Road with the #7 Highway at the traffic lights on the #7 Highway.**

Councillor Cooper requested staff consider the old Miller Road for use as a limited access route in order to divert some of the traffic out of Cole Harbour to the intersection. He further noted staff be requested to examine the moving of the lights at the Lake Major Road intersection to the Ross Road intersection and restoring the stop sign at the Lake Major Road.

Councillor Cooper requested any report to Council be copied to both the Harbour East and Marine Drive, Valley and Canal Community Council.

**MOTION PUT AND PASSED UNANIMOUSLY.**

### **10.3 ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES**

#### **10.3.1 Accessible Playgrounds**

C A report from Paul D. Connors, Chair, Advisory Committee for Persons with Disabilities, regarding the above, was before Council for its consideration.

**MOVED by Councillor Meade, seconded by Councillor Blumenthal, that Council request that the Recreation Department draft a policy by the end of January, 2003 for the construction of new accessible playgrounds.**

Councillor Sarto suggested staff contact Brookhouse School for additional information in developing the policy.

Councillor Fougere noted that the accessibility issue should not only be with regards to children but also to parents who have accessibility problems and are unable to get close to the equipment because of the way the playground is set up.

Councillor Hines suggested staff examine a mechanism whereby HRM can access "in kind" service.

**MOTION PUT AND PASSED UNANIMOUSLY.**

### **10.4 BIKEWAYS TASK FORCE**

**10.4.1 Cycling Master Plan**

**(i) Task Force Report**

C A report from Councillor Sheila Fougere, Chair, Bikeways Task Force, regarding the above, was before Council for its consideration.

**(ii) Staff Report**

C A report prepared for George McLellan, Chief Administrative Officer, regarding the above, was before Council for its consideration.

**(iii) Consultant Report**

Mr. Wayne Groszko, Bicycle/Pedestrian Coordinator, Transportation Services, presented the staff report outlining:

- Goals,
- Consultation,
- Recommendations,
- Route Network - Context,
- Route Network - Core Area,
- Network Priorities,
- Implementation.

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

- 1. The Bikeways Task Force recommends to Regional Council that the plan attached to the staff report, dated December 5, 2002, be adopted in principle as the official Bicycle Plan for HRM;**
- 2. That the relevant HRM departments be provided with a copy of the document so that processes can be put in place for it to be incorporated over the near and long term as part of policy development and the business planning process.**

Councillor Hines suggested registration and insurance for bicycles be taken into consideration.

Councillor Whalen suggested staff examine the possibility of bike access to Bayers Lake.

In response to Councillor Streach, Mr. Groszko advised that by accepting in principle, Council was accepting the report as a guide and any work would be subject to budgeting approval. He stated that accepting this report in principle does not set any budgetary requirement.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.5 CHIEF ADMINISTRATIVE OFFICER**

**10.5.1 Case 00479 - Amendment to the Municipal Planning Strategy and the Land Use By-Law for Eastern Passage/Cow Bay**

C A report prepared for George McLellan, Chief Administrative Officer, regarding the above, was before Council for its consideration.

**MOVED by Deputy Mayor McInroy, seconded by Councillor Cooper, that Halifax Regional Council:**

- 1. Initiate a process to amend the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law to designate 86 Cow Bay Road (the former Tallahassee Primary School) Community Commercial and rezone it C-2 (General Business) zone; and**
- 2. Request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11. MOTIONS**

**11.1 Deputy Mayor McInroy**

**MOVED by Deputy Mayor McInroy, seconded by Councillor Sarto, that Council adopt as a policy pursuant to the Municipal Government Act an amendment to Administrative Order Number 1, the amendment being to formally incorporate into the rules of order of Council, procedures surrounding the electronic voting system currently installed in the Council Chamber.**

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

**MOVED by Councillor Adams, seconded by Councillor Streach that when a recorded vote is requested the electronic voting system be utilized. MOTION DEFEATED.**

Those voting in favour of the motion were: Councillors Streach, Colwell, Sloane and Mosher.

Those voting against the motion were: Mayor Kelly, Deputy Mayor McInroy, Councillors Hines, Cooper, Warshick, Sarto, Smith, Cunningham, Blumenthal, Fougere, Walker, Whalen, Adams, Johns, Harvey, Goucher, Rankin and Meade.

Councillors Hetherington and Uteck were absent for the vote.

**MAIN MOTION PUT AND PASSED.**

Those voting in favour of the motion were: Mayor Kelly, Deputy Mayor McInroy, Councillors Colwell, Cooper, Warshick, Sarto, Cunningham, Blumenthal, Sloane, Fougere, Walker, Whalen, Mosher, Adams, Harvey, Goucher, Rankin and Meade.

Those voting against the motion were: Councillors Streach, Hines, Smith and Johns.

Councillors Hetherington and Uteck were absent for the vote.

**12. ADDED ITEMS**

**12.1 Legal Matter - Settlement of Claim**

- 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 Walker, seconded by Councillor Sarto, that Halifax Regional Council settle this claim, as set out in the December 4, 2002 Private and Confidential report, brought by the Plaintiff in the amount of \$18,500.00 as settlement in full upon obtaining a full release from the Plaintiff from any further claims arising out of the accident which occurred on January 26, 1999. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillors Hetherington and Uteck were absent for the vote.

**12.2 Legal Matter - Settlement of Claim**

- 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 Smith, seconded by Councillor Warshick, that Halifax Regional Council settle this claim, as set out in the December 4, 2002 Private and Confidential report, brought by the Plaintiff in the amount of \$12,500.00 as settlement in full upon obtaining a full release from the Plaintiff from any further claims arising out of the accident which occurred on September 10, 1999. MOTION PUT AND PASSED.**

Those voting in favour of the motion were: Mayor Kelly, Deputy Mayor McInroy, Councillors Streach, Hines, Warshick, Sarto, Smith, Cunningham, Blumenthal, Sloane, Fougere, Walker, Whalen, Mosher, Adams, Johns, Harvey, Goucher, Rankin, and Meade.

Those voting against the motion were: Councillors Colwell and Cooper.

Councillors Hetherington and Uteck were absent for the vote.

### **12.3 Legal Matter - Settlement of Claim**

- 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 Harvey, seconded by Councillor Adams, that Halifax Regional Council settle this intended action, as set out in the December 10, 2002 Private and Confidential staff report, by payment to the Plaintiff of the sum of \$46,000 in full settlement of all claims for damages and costs. MOTION PUT AND PASSED.**

Those voting in favour of the motion were: Mayor Kelly, Deputy Mayor McInroy, Councillors Colwell, Cooper, Warshick, Sarto, Cunningham, Sloane, Fougere, Walker, Whalen, Mosher, Adams, Johns, Harvey, Goucher, Rankin and Meade.

Those voting against the motion were: Councillors Streach, Hines, Smith and Blumenthal.

Councillors Hetherington and Uteck were absent for the vote.

## **13. NOTICES OF MOTION**

### **13.1 Councillor Harvey**

Take Notice that at the regular meeting of the Halifax Regional Council to be held on Tuesday, the 7<sup>th</sup> day of January 2003, I propose to place before Council for adoption as a policy pursuant to the Municipal Government Act Administrative Order Number 31, the Corporate Records and Information Management Administrative Order, the purpose of which is to establish a record classification and retention system for Halifax Regional Municipality and to establish best practices and procedures for dealing with the entire life-cycle of municipal records.

**13.2 Councillor Fougere**

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, December 17, 2002, I intend to introduce a motion to move amendments to Administrative Order Number 15, the purpose of which is to set permit fees relating to By-Law P-1000, Respecting On Street Parking.

**13.3 Councillor Rankin**

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, December 17, 2002, I intend to introduce a motion requesting a staff report on the establishment of an Intergovernmental Affairs Coordinator Mayor's Office.

**14. ADJOURNMENT**

**MOVED by Councillor Fougere, seconded by Councillor Sloane, that the meeting adjourn at 8:05 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael  
Municipal Clerk