

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL MINUTES JUNE 15, 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  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Debbie Hum  
Linda Mosher  
Stephen Adams  
Brad Johns  
Robert Harvey  
Len Goucher  
Reg Rankin

### **ABSENT WITH REGRETS:**

Councillor Gary Meade

### **STAFF:**

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

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**1. INVOCATION**

The meeting was called to order at 6:00 p.m.

**SPECIAL PRESENTATION - STUDENT CITIZENSHIP AWARDS**

Deputy Mayor Streach made brief introductory remarks noting that he and his colleagues on Council were pleased to recognize 39 recipients of the Student Citizenship Award this evening. The Deputy Mayor stated that these students were admired and respected by teachers and peers alike. Concluding, his remarks Deputy Mayor Streach asked that Council, those present in the gallery and those watching at home join him in congratulating the students.

His Worship the Mayor and respective area Councillors, with the assistance of the Acting Municipal Clerk, presented Student Citizenship Awards to students from schools throughout the Halifax Regional Municipality.

**2. APPROVAL OF MINUTES - May 18, 2004 (Revised)**

**MOVED by Councillor Hendsbee, seconded by Councillor Cooper that the revised minutes of the May 18, 2004 meeting of Halifax Regional Council, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

Council agreed to defer to the June 22, 2004 meeting of Regional Council consideration of 10.1.4, First Reading of By-Law S-415, An Amendment to By-Law S-400, Respecting Charges for Street Improvements.

Councillor Sarto requested that staff, in connection with the above matter, review a By-law of the former City of Dartmouth relative to street improvements. Councillor Sarto advised that under this By-law when sidewalks were placed at the backyards of properties fronting on another street, they did not pay a service charge and requested that staff give this practice consideration when preparing their report.

**Additions**

- 12.1 Property Matter - Sale of 3620 Dutch Village Road - Former Halifax West High School Site
- 12.2 Personnel Matter: Appointments - Boards and Committees

- 12.3 Property Matter - Acquisition Chebucto Road
- 12.4 Personnel Matter - Rate of Pay - School Crossing Guards

Councillor Goucher invited all residents of HRM to join in celebrating Bedford Days beginning on June 20, 2004 with a parade and running until July 1, 2004.

Councillor Harvey invited residents of HRM to take part in Sackville Canada Day events including a visit from Sponge Bob Square Pants on June 26, 2004. He went on note that he and Councillor Johns would be sponsoring a post Canada Day event tea on July 6, 2004.

**MOVED by Councillor Cunningham, seconded by Councillor Blumenthal that the agenda, 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**

**7.1 Provincial Mandatory Education Funding Increase - HRM Budget Shortfall**

- A supplementary staff report dated June 10, 2004 submitted by Dale MacLennan, Director, Financial Services was before Council for consideration.
- Distributed to Council was a memo directed to Mr. George McLellan, CAO from Dale MacLennan and Betty MacDonald regarding a list to cover the budget shortfall from the mandatory education increase. Also distributed was a June 15, 2004 Provincial press release entitled 'Background on Public Education Funding'.

Mr. McLellan, CAO, referred to the June 14, 2004 memo noting that the recommendation from staff remains the same. That being, the necessary dollars be raised through an area rate and that Council not seek to find this money within the budget allocations. Mr. McLellan noted that there were two additional options attached to the memo which listed items within the budget that would serve to offset the shortfall should Council wish. He went on to advise that staff had attempted to identify items within the budget having a more region wide impact rather than an impact on any particular District.

Mr. McLellan stressed that HRM has both corporate and infrastructure issues. He commented that although the items listed may be immediately painless to the taxpayer, they do diminish

the capacity to provide infrastructure and general good safe governance to this municipality in the future. Mr. McLellan indicated that staff believes a direct linkage is appropriate in the form of an area rate which is clearly identified to the taxpayer.

Concluding his comments, Mr. McLellan suggested that the matter be deferred given that Council received this information late and that key personnel were not present this evening due to other work commitments.

Mr. McLellan then responded to questions from members of Council.

**MOVED by Councillor Blumenthal, seconded by Councillor Sloane that consideration of this matter be deferred for one week to the June 22, 2004 meeting of Regional Council to provide Council an opportunity to review the information distributed at this meeting.**

A discussion ensued with Councillor Mosher expressing concern regarding the use to which supplementary funding is being put. She noted, for example, that one school in her area was reducing one outdoor education specialist and three French teachers from the supplementary education funding. The Councillor indicated that she would like to get a handle on what HRM's original agreement was for supplementary education funding. She pointed out that in 2000 Council understood that the supplementary funding was used for enhanced education - Music, French and Physical Education. Councillor Mosher further suggested that the Board is using a large part of the mandatory funding to reduce class size.

Concluding her remarks, Councillor Mosher requested that staff provide information relative to what the original agreement regarding supplementary education funding entailed and what HRM's obligations are under this agreement.

Councillor Warshick asked if the GST rebates had been calculated into HRM's 2004-05 budget or are there possible savings in this regard.

Councillor Blumenthal requested that staff provide an explanation of why HRM schools will receive only \$974,000 of the \$2.5 million additional they will be paying in mandatory education funding.

Following a further brief discussion, the **MOTION TO DEFER WAS PUT AND PASSED UNANIMOUSLY.**

## **7.2 Enhancements - New High School, Halifax Common**

This matter was dealt with following the public hearings.

**8. PUBLIC HEARINGS**

**8.1 Administrative Order # SC32, Respecting Street Closure, Kidston Lake Park & Rezoning - Lots 68 and 69 Fieldstone Street**

- A supplementary staff report dated June 7, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.
- Correspondence dated June 14, 2004 from Mark Pineo regarding Case 00599, Rezone Lots 68 and 69 Fieldstone Street

Mr. Tom Crouse, Team Leader, Real Property and Asset Management, addressed Council advising that this evening's hearing was a joint public hearing to consider the closure of a portion of Kidston Lake Park and the rezoning of Lots 68 and 69 Fieldstone Street. Mr. Crouse indicated that he would be presenting with regard to the street closure while Jaime Smith, Planner, would be presenting relative to the rezoning.

Mr. Crouse, with the use of overheads, briefly reviewed the June 7, 2004 staff report noting that staff was recommending the closure of a portion of the Kidston Lake right of way. Mr. Crouse responded to questions from members of Council.

Ms. Jaime Smith, Planner, with the use of overheads, briefly reviewed the application to rezone Lots 68 and 69 Fieldstone Street from Holding (H) Zone to Single Unit Dwelling (R-1) Zone as found in the May 12, 2004 staff report. Ms. Smith advised that staff was recommending approval of the rezoning. She went on to clarify that Chebucto Community Council is the body who will decide with regard to the rezoning and noted the Community Council would do so at a later time.

Mayor Kelly called three times for persons wishing to speak in favour of or against the proposed street closure.

Hearing none, the following motion was placed.

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

Mayor Kelly called three times for persons wishing to speak in favour of or against the proposed rezoning.

Hearing none, the following motion was placed.

**MOVED by Councillor Hetherington, seconded by Councillor Sloane that the public**

hearing close. **MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED** by Councillor Adams, seconded by Councillor Hetherington that Halifax Regional Council:

1. **Close the portion of Kidston Lake right of way, Halifax as shown on Attachment "A" of the June 7, 2004 staff report street closure.**
2. **Subject to the street closure, access to Kidston Lake Park will be via the new access point at the end of the cul-de-sac on Fieldstone Street, as per the terms and conditions of the June 7, 2004 staff report.**

Referring to concerns around security raised in Mr. Mark Pineo's letter, Councillor Adams requested that staff look particularly at the new gate location. He went on to request that small vehicles, for example ATVs, have no access through this gate.

**MOTION PUT AND PASSED UNANIMOUSLY.**

## **8.2 Memory Lane Heritage Village**

- This matter was last considered by Regional Council at the May 18, 2004 meeting at which time this date was set for the hearing.

Ms. Maggie Holm, Heritage Planner, addressed Council briefly reviewing the application, found in the April 23, 2004 staff report, from the Lake Charlotte Area Heritage Society to designate a building collection located at 28 Clam Harbour Road, the Memory Lane Heritage Village, as a registered heritage site. Ms. Holm noted that the Heritage Advisory Committee is recommending that the site be registered. Concluding her remarks, Ms. Holm noted that only the property owner was eligible to speak regarding a heritage registration.

Mayor Kelly invited the owner to come forward to speak.

As the owner did not wish to speak, it was **MOVED** by Deputy Mayor Streach, seconded by Councillor Sloane that **Regional Council approve the registration of Memory Lane Heritage Village, Lake Charlotte, Nova Scotia.**

Following a brief questioning of staff the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

## **7.2 Enhancements - New High School, Halifax Common**

- A supplementary staff report dated June 9, 2004 submitted by Lewis Rogers, Director, Recreation, Tourism & Culture, was before Council for consideration.
- Correspondence dated May 4, 2004 directed to Mayor Peter Kelly from Susan and Norman Jones was distributed to members of Council.

Mr. McLellan, Chief Administrative Officer, requested that this matter be deferred to June 29, 2004 at which time the HRM Indoor Facility Master Plan will be before Council.

**MOVED by Councillor Blumenthal, seconded by Councillor Fougere that consideration of this matter be deferred to the June 29, 2004 meeting of Regional Council at which time Council will have before it the HRM Indoor Facility Master Plan and the Service Exchange Agreement with the Halifax Regional School Board. MOTION PUT AND PASSED UNANIMOUSLY.**

## **9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

### **9.1 Correspondence**

#### **9.1.1 Correspondence - Councillor Sloane re Dog Attacks**

Councillor Sloane submitted a letter directed to the Mayor and Council from Ferne Riley, Halifax expressing concern regarding dog attacks. Councillor Sloane requested that the letter be referred to staff.

#### **9.2 Petitions - None**

## **10. REPORTS**

### **10.1 CHIEF ADMINISTRATIVE OFFICER**

#### **10.1.1 Sole Source Purchase of Bomb Suits, Helmets and Accessories**

- A staff report dated June 7, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

**MOVED by Councillor Sarto, seconded by Councillor Hetherington that Regional Council authorize the award of Quotation # Q04C288 to Med-Eng Systems Inc. at a cost of \$53,022.60 plus net HST for a total project cost of \$54,840.75 with funding from Capital Account No. CEK00338, Bio-Hazard Equipment, as outlined in the Budget Implications section of the June 7, 2004 report.**

Following a brief questioning of staff, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

**10.1.2 Public Gardens Restoration - Update**

- A staff report dated June 15, 2004 prepared for Mr. George McLellan, Chief Administrative Officer, was before Council for consideration.

The CAO introduced Mr. Robert Pace, Chair, of the Halifax Public Gardens Restoration working group. He then went on to note that the staff report documents the ongoing Public Gardens Committee. Mr. McLellan noted that Council should be assured that expenditures and approval of projects must come through staff and Council.

In response to a question from Councillor Hendsbee regarding Mr. McLellan's comments about expenditures, Mr. Anstey clarified that Mr. McLellan would approve expenditures under \$500,000 if the expenditure was the result of a competitive bid, was the lowest of the competitive bids, and was within the amount approved in the capital budget. If it doesn't meet any one of those criteria, the expenditure would have to come to Council.

Mr. Robert Pace thanked the residents of HRM for being patient as the renovations at the Public Gardens progress. Mr. Pace noted that this project has been a great deal of fun and has enjoyed very good cooperation from everyone involved.

Reviewing with Council photographs of the projects which are in progress and some that have been completed, Mr. Pace noted the following:

- The main gate to the Public Gardens have been restored and reinstalled
- Sir Walter Scott monument is being removed to the Victoria Park to allow that the main entrance to the Gardens will be historically correct
- The planting beds around the bandstand have been restored to their original size and location
- The major project was the restoration of the pond, swan pond and brook
- Statues are being restored
- Damaged sod is being replaced
- Benches were removed courtesy of Rear Admiral Davidson and the sailors of Maritime Command have restored the benches with the help of Kent Building Supplies who supplied all the wood and paint

Mayor Kelly and Councillor Sloane thanked Mr. Pace, the working group, HRM staff and all volunteers for a job well done.

Mayor Kelly clarified that the official opening of the Public Gardens was set for July 1, 2004

at 8:45 a.m.

**MOVED by Councillor Sloane, seconded by Councillor Fougere that Regional Council approve the Memorandum of Association and By-laws for the Halifax Public Gardens Foundation, to be incorporated under the Nova Scotia Societies Act as attached to the June 15, 2004 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.3 Proposals to Amend Provincial Legislation to Support the Effective Punitive Measures Initiative**

- A staff report dated June 10, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

**MOVED by Councillor McInroy, seconded by Councillor Harvey that Regional Council request the Province of Nova Scotia to consider the amendments, outlined in Appendix A of June 10, 2004 staff report, to the Summary Proceedings Act, the Municipal Government Act, the Building Code Act, and the Remission of Penalties Act. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.4 First Reading of By-Law S-415, An Amendment to By-Law S-400, Respecting Charges for Street Improvements Motion - Councillor Warshick - Move First Reading**

- Proposed By-law S-415 respecting Charges for Street Improvements was before Council for consideration.

Consideration of this matter was deferred to the June 22, 2004 meeting of Regional Council during the setting of the agenda.

**10.2 HOTEL STANDARDS COMMITTEE**

**10.2.1 Increase Membership of Hotel Standards Committee to Include a Concierge Representative from a Community Residential Facility**

- A report from the Hotel Standards Committee dated June 3, 2004 was before Council for consideration.

**MOVED by Councillor Adams, seconded by Councillor Mosher that Regional Council approve in principle that:**

1. **An amendment to By-law T-108 regarding the composition of the Hotel Standards Committee to include one additional member being a Concierge from a Community Residential Facility.**
2. **That Mr. Ivan Boyd be nominated to fill this position.**

Councillor Cunningham expressed concern that there were very few residential facilities (i.e. condominiums) that have a concierge and sought clarification of the rationale for increasing the membership on the Hotel Standards Committee in this regard.

**MOVED by Councillor Cunningham, seconded by Cooper that consideration of this matter be deferred for one week and that the Hotel Standards Committee be asked to provide the rationale for their recommendation.**

Councillor Cooper suggested that the matter be referred to the Taxi and Limousine Committee for review. He pointed out that the Taxi and Limousine Committee provides advice to Council on the industry and recommends amendments to the By-law.

A brief discussion ensued and the **MOTION TO DEFER WAS PUT AND DEFEATED.**

**MOTION PUT AND PASSED.**

## 11. MOTIONS

### 11.1 Councillor Hendsbee - Motion re Alternative Fire Risk Reduction Measures

- Councillor Hendsbee gave Notice of Motion at the June 8, 2004 meeting of Halifax Regional Council.

**MOVED by Councillor Hendsbee, seconded by Deputy Mayor Streach that HRM staff provide a report for alternative fire risk reduction measures in the rural and suburban areas of HRM, such as a community brush pick-up program, coordinated community centralized burning and/or chipping, and/or relaxed prescribed fire burning for on site management of brush debris on private and public properties.**

Councillor Hendsbee referred to the forest fire which occurred in Carroll's Corner and noted that the reports indicate that the trees downed by Hurricane Juan caused difficulty for the 100 volunteers involved in fighting that fire. The Councillor supposed that this would be only the first instance of many to come in which the debris left by Hurricane Juan would cause problems. Councillor Hendsbee went on to suggest that HRM will have to re-evaluate its' position with regard to this matter.

Councillor Hendsbee stressed that all levels of government must take this issue seriously. He commented that the problem is compounded in his area by the beetle quarantine zone. Wood lot owners and private property owners are unable to deal with the issue because the beetle infestation has devalued their wood to such a degree as to make it economically impossible to have a commercial harvester to assist with the clean up. Councillor Hendsbee indicated that he hoped staff would be looking to the other levels of government to find a community solution.

Councillor Hendsbee pointed out that under the Municipal Government Act HRM does have authority with respect to trees. He encouraged staff to analyze that particular aspect of the legislation. Councillor Hendsbee then quoted from and, submitted for the record, a letter from Peter and Pauline Woodward, East Lawrencetown Road dated June 15, 2004. Councillor Hendsbee requested that the letter be forwarded to staff and distributed to all members of Council.

In response to a question from Deputy Mayor Streach regarding the report he had requested some weeks ago, Mr. Bigelow indicated that it was intended that the report come to Council next week. He went on to note that most, if not all, of the issues raised by Councillor Hendsbee are addressed in that report.

Councillor Cooper suggested that the information requested be incorporated in one report and that the report include a comprehensive update of what the Federal government is doing in terms of allowing commercial entities provide assistance. Councillor Cooper stressed that the residents cannot handle what has been thrust upon them and it appears that no help is being offered. Councillor Cooper indicated that he wanted to see innovative solutions to the problems being faced by the residents of rural and suburban HRM.

The CAO, while appreciating the frustration of Council, noted that staff has worked very diligently in the face of Hurricane Juan. He went on to point out that staff has been consistent in their advice to Council with regard to private property and, that is, HRM should not become involved on private property.

Councillor Sarto requested that the report address the problems of the urban area where certain properties have a significant number of downed trees causing a safety hazard.

Expressing concern with regard to the expenditure of public monies on private land, Councillor Hetherington requested that the report include where, under the MGA, HRM is permitted to spend public monies. Councillor Hetherington further commented that the responsibility for trees and forests lays with the Province. Consequently, the Province should be taking a leadership role in this regard.

Agreeing with Councillor Hetherington's concern regarding the use of public monies on private

lands, Councillor Blumenthal requested that the report include information regarding Provincial aid in regard to Hurricane Juan.

Councillor Snow advised that in District 2, a location to drop brush would be useful. She went on to indicate that she could then, using discretionary funding, provide an industrial chipper.

Following a further discussion, Councillor Hendsbee requested that the report analyze how HRM can recover costs whether that be an area rate, a lien on property, or a service charge.

The **MOTION WAS PUT AND PASSED.**

**12. ADDED ITEMS**

**12.1 Property Matter - Sale of 3620 Dutch Village Road**

- This matter was considered at the In Camera session of Halifax Regional Council held earlier today and was now before Council for ratification.

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

- 1. Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with United Gulf Developments Limited for 3620 Dutch Village Road, subject to the key terms and conditions outlined in the private and confidential staff report dated June 8, 2004.**
- 2. The private and confidential staff report not be released to the public until the property transaction is concluded.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2 Personnel Matter: Appointments - Boards and Committees**

- This matter was considered at the In Camera session of Halifax Regional Council held earlier today and was now before Council for ratification.

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

- 1. The appointment of Julie Kennie to the Bedford Days Executive Committee for a three year term to November, 2006.**

2. The membership of the Solid Waste Resource Advisory Committee to be increased from six (6) to seven (7) members of council.
3. The appointment of Councillor Krista Snow to the Solid Waste Resource Advisory Committee for a term to November, 2004.
4. The appointment of Wayne Adams to the Regional Planning Committee to fill an unexpired term to February, 2005.
5. This report may be released to the public.

**MOTION OUT AND PASSED UNANIMOUSLY.**

**12.3 Property Matter - Acquisition Chebucto Road**

- This matter was considered at the In Camera session of Halifax Regional Council held earlier today and was now before Council for ratification.

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

1. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Ronald and Bette Ann Tetreault for the purchase of 6908 Chebucto Road, Halifax, with funding from a withdrawal from the Sale of Land Reserve Account Q101, as per the Budget Implications Section of the private and confidential staff report dated June 8, 2004, and subject to the terms and conditions therein.
2. Further, that the contents of the private and confidential staff report not be released until the transaction has closed.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.4 Personnel Matter - Rate of Pay - School Crossing Guards**

- This matter was considered at the In Camera session of Halifax Regional Council held earlier today and was now before Council for ratification.

**MOVED by Councillor Walker, seconded by Councillor Sloane that the Information Report dated June 8, 2004 regarding Rate of Pay - School Crossing Guards be**

referred back to staff for a supplementary report. **MOTION PUT AND PASSED UNANIMOUSLY.**

13. **NOTICES OF MOTION** - None

14. **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:30 p.m.

Jan Gibson  
Acting Municipal Clerk