

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES June 29, 2004

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Steve Streach
Councillors: David Hendsbee
Krista Snow
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
Gary Meade

ABSENT

WITH REGRETS:

Councillors: Ron Cooper
Reg Rankin

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. with Councillor Warshick leading the invocation.

2. **APPROVAL OF MINUTES**

Note was made that reference to the Former Halifax West High School Site should be deleted from item 12.3 in the June 15, 2004 minutes.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the June 8, 2004 and the amended June 15, 2004 minutes be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

12.1 Proclamation - Canada Day - July 1, 2004

12.2 Councillor Blumenthal - Access A Bus Policy re: Availability

12.3 Indoor Recreation Facility Master Plan

At the request of Councillor Sloane, item 7.1 was deferred to the next meeting of Halifax Regional Council to be held on July 6, 2004.

Councillor Mosher requested that Update - Halifax Commons Washroom be placed on the agenda for the July 6, 2004 meeting of Regional Council and that staff be present to address the matter.

At the request of Councillor Smith, Council agreed that two residents be permitted to address Council during Presentations with regard to problems being experienced with multiple cats.

Council further agreed that this presentation and item 10.2.2 be moved up to be dealt with immediately following the public hearings.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane 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 Enhancements - New High School, Halifax Common

Consideration of this matter was deferred during the setting of the agenda to the next meeting of Halifax Regional Council to be held on July 6, 2004.

- Correspondence dated June 25, 2004 from Sarah Nightingale, Chair, Sir John MacDonald High School, School Advisory Council, was distributed to Council

8. PUBLIC HEARINGS

8.1 By-Law 0-107, An Amendment to By-Law 0-103, Respecting Open Air Burning

- First Reading of By-law O-107 was approved at the June 8, 2004 meeting of Halifax Regional Council.

The following correspondence was distributed to members of Council with regard to this matter:

- Letter dated June 24, 2004 from Dan Brennan, Porter's Lake, in favour of the proposed amendments
- Letter dated June 29, 2004 from D & L Pittman, Wellington, in favour of the proposed amendments
- Letter dated June 29, 2004 from Ray Curran, District 3, in favour of the proposed amendments
- Letter dated June 29, 2004 from Dale Wilson, Eastern Passage, in favour of the proposed amendments
- Letter dated June 29, 2004 from Gary and Nancy Ashby, Porter's Lake, in favour of the proposed amendments
- Letter dated June 29, 2004 from Bob Pierce, Mineville, in favour of the proposed amendments
- Letter dated June 29, 2004 from John D. Smith, Mineville, in favour of the proposed amendments
- Correspondence received June 29, 2004 from Bernard J. Crilley, Porters Lake, in favour of the proposed amendments
- Letter received June 29, 2004 from R. Wagner, in favour of the proposed amendments

Also submitted was a letter and information dated June 28, 2004 from Steve D. Talbot, Executive Director, Forest Products Association of Nova Scotia.

Mike Eddy, Chief Director, Fire Services, addressed Council noting that the Fire Service has a desire to maintain the By-law as it is written. He went on advise that meetings have commenced with the District Fire Chiefs and the Councillors to amend, under the extraordinary exemption, the set requirements of the By-law in order to help clear the Hurricane Juan debris. Chief Eddy went on to note that the Department has purchased and is distributing a Department of Natural Resources Fire Safety brochure.

Concluding his remarks, Chief Eddy stressed that the Fire Service want to maintain the Bylaw and asked that Council give fire staff an opportunity to work with the By-law and Councillors to use the extraordinary exemption clause to clean up downed trees from Hurricane Juan.

In response to a question from Councillor Hendsbee regarding what, if any, quantitative measurements have be given to the Fire Chiefs in the rural area, Chief Eddy noted that not all communities are the same (i.e. those having more full time paid staff are more able to handle a greater number of burning permits) and community by community meetings are necessary to ensure the safe burning of Juan debris.

The Chief further indicated, in response to a request from Councillor Hendsbee, that he would provide information as to the number of burning permits applied for and the number granted under the present By-law.

His Worship Mayor Kelly called for persons wishing to address Council in support of or against the proposed amendments.

Mr. Fred Layton, Fire Chief of Station 5657 Blackpoint and Chair of the Composite Chief's Committee, addressed Council noting that Composite Chief's Committee at a meeting on April 15, 2004 gave unanimous support to Chief Eddy in his endeavours with this By-law. Mr. Layton went on to indicate that this support was affirmed at a meeting in June.

Mr. Layton went on to note that the Department of Natural Resources recommends a 100 foot setback. He indicated that he believed a 75 foot setback was insufficient. Given that the By-law has the ability to deal with the Juan clean up under the extraordinary exemption, Mr. Layton stated that he believed the change to be unnecessary.

Mr. Ernie Brennan, Ketch Harbour addressed Council in support of the proposed amendment. He noted that he has a great number of trees down and cannot afford to have them chipped.

Councillor Hendsbee noted receipt of the correspondence as recorded above.

The Chair called three times for persons wishing to speak in support of or against the recommendation.

Hearing none, the following motion was placed.

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

Councillor Hendsbee indicated that he wanted to see the logic and science that went into the development of the setbacks in the By-law. The Councillor suggested that the By-law lacks credibility in regards to setback requirements. He submitted a document entitled 'Emerging Knowledge about Wildland-Urban Interface, Home Ignition Potential' and advised that this report talks about keeping your home safe from wildfires. The Councillor stressed that wildfire safety differs from the safety measures required for a piled burning of brush.

MOVED by Councillor Hendsbee, seconded by Councillor Snow that Section 4(e) of By-law O-103, the Outdoor Burning By-law, be amended to reduce the distance from the nearest adjacent dwelling that a person may conduct burning outside the No Burn Zone from 125 feet to 75 feet.

Councillor Hendsbee compared the By-laws of municipalities across Canada noting that in all instances the requirements are not as stringent as HRM's By-law. Councillor Hendsbee suggested that the setbacks set out in the By-law were excessive and the By-law particularly failed the test in terms of Hurricane Juan debris.

At this point in the meeting, His Worship Mayor Kelly left the meeting and Deputy Mayor Steve Streach assumed the Chair.

Following a brief discussion a recorded vote was taken on the motion.

MOTION DEFEATED.

Members of Council voting **in favour** of the motion: Councillors Hendsbee, Snow, Warshick, Smith, Mosher and Adams.

Members of Council voting **against** the motion: Deputy Mayor Streach and Councillors McInroy, Sarto, Hetherington, Cunningham, Blumenthal, Sloane, Uteck, Fougere, Walker, Hum, Johns, Harvey, Goucher and Meade.

His Worship Mayor Kelly was not present for the vote.

(Councillors Cooper and Rankin were absent.)

8.2 By-Law B-501, An Amendment to By-law B-500, Respecting Building Service Connections

- First Reading of By-law B-501 was given at the June 8, 2004 meeting of Halifax Regional Council.

Mr. Larry Drew, Manager, Technical and Underground Services, briefly outlined the proposed By-law 501, noting that the amendment is intended to provide clarification regarding the wording of the by-law and the responsibilities of both property owners and HRM in the maintenance of service connections.

The Deputy Mayor called three times for persons wishing to speak in favour of or against the proposed By-law.

Hearing none, the following motion was placed.

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

MOVED by Councillor Mosher, seconded by Councillor Smith that Halifax Regional Council approve By-law B-501 as set out in Appendix A to the May 17, 2004 staff report.

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

At this point in the meeting Councillor Goucher left the meeting.

9.3.2 Presentation - Cat Control

- This matter was added to the agenda during the setting of the agenda.

Council agreed that each of the presenters would have five minutes in which to address Council.

Ms. Sandy Harrison, 56 Jackson Road, addressed Council indicating that her neighbourhood was experiencing a unique situation. She went on to advise that a family who have recently moved to the neighbourhood has 20 or more cats. As a consequence of these cats

defecating and urinating in her yard and gardens, she has lost the enjoyment of her property. Ms. Harrison went on to suggest that the cats are creating a health and environmental risk.

Referring to the numbers of cats, Ms. Harrison asked what number of animals constitutes a shelter and not a pet ownership situation. She went on to express frustration that she was a property owner paying taxes while those owning the cats are renters. Ms. Harrison indicated that the assault of feces and urine is out of control, and the situation is becoming explosive. She noted that she has tried to address the problem with the neighbours on more than one occasion without success. In the absence of a By-law, her complaints are simply ignored.

Ms. Harrison indicated that a petition is being circulated in the neighbourhood, however, it was not ready for submission to Council at this time. Noting that the problem is the number of cats, Ms. Harrison advised that she was not able to plant either her flower or vegetable garden this year. Ms. Harrison commented that no such problems had existed prior to this neighbour moving in.

Ms. Corrine Gritten, Jackson Road, on behalf of her mother Margaret Gritten, noted that residents of the neighbourhood have been battling this problem with the cats for a year. Ms. Gritten noted that without a By-law, there is no protection for her property. She went on to comment that her flower and vegetable gardens have been reduced to litter boxes Ms. Gritten stressed that the problem was the number of cats and that she and her neighbours cannot enjoy their properties. In conclusion, Ms. Gritten pointed out that a By-law may be a longer term solution, however, the neighbourhood needs action to address this situation immediately.

Mr. McLellan noted that this matter should be referred back to staff to determine if in fact it does relate to a Cat By-law. He went on to point out that as noted by Ms. Gritten, some interim response is required to resolve the present situation.

MOVED by Councillor Blumenthal, seconded by Councillor Smith that this matter be referred to staff for a report regarding whether or not a Cat By-law is the appropriate course of action and further that staff look to providing some resolution to the problems being experienced by the residents of Jackson Road on a more immediate basis. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.2 Councillor Smith - Cat Control

Councillor Smith addressed the matter thanking the presenters and staff for their assistance in this regard. Councillor Smith stated that the problem appears to be that there is no mechanism to deal with the owners of multiple cats. The Councillor went on to advise that he has been dealing with the SPCA and that this appears to be the best avenue to resolution of the problem at hand.

Councillor Smith noted that a By-law was required to address this issue in the longer term.

Councillor McInroy agreed that a By-law was needed in situations that impacted the enjoyment of property and are possible health risks. He went on to note that the By-law rather than being complicated should be basic.

Councillor Johns submitted three e-mails he had received as well as Cat By-laws and other information from across the country. He requested that this information be considered within the staff report.

Councillor Cunningham noted that the SPCA has made great strides in addressing cat problems in HRM and even had a staff member dedicated to this particular issue. He went on to suggest that representatives of the SPCA would be willing to meet with members of staff or Council regarding the matter and would provide assistance relative to the By-law.

Councillor Blumenthal indicated that he would like the By-law to be a Nuisance By-law rather than a Cat By-law. He went on to suggest that the By-law should limit the number of pets people may have.

A further discussion ensued with Councillor Johns asking how many times this matter has been before Council since 1996.

Councillor Smith gave **Notice of Motion** of his intention to, at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 6th day of July, 2004, introduce for First Reading, By-law C-400, the Cat By-law, the purpose of which is to limit the number of cats which may be kept in any dwelling.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Petition - Councillor Meade - Paving of Crouchers Point Road

Councillor Meade submitted a petition on behalf of 25 residents of Crouchers Point Road requesting that the road be paved. This request will be forwarded to staff for response.

9.3 Presentations

9.3.1 Halifax - Dartmouth Canada Day Committee - Carol Dobson, Chair

Ms. Carol Dobson, Chair, Halifax-Dartmouth Canada Day Committee briefly addressed Council outlining the events to take place on Canada Day. Ms. Dobson encouraged members of Council and the municipality to participate in the event. She thanked Council and HRM staff for their support and wished everyone an enjoyable Canada Day.

Following a brief questioning, the Chair thanked Ms. Dobson for her presentation.

9.3.2 Presentation - Cat Control

This matter was dealt with earlier in the meeting.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 04-225, Intersection Improvements: Akerley Blvd. at Mosher Drive, East Region

- A staff report dated June 14, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Smith, seconded by Councillor Sarto that Regional Council:

- 1. Award Tender No. 04-225, Intersection Improvements - Akerley Boulevard at Mosher Drive to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$285,540, plus net HST total of \$295,332 from Account No. CTU00561, Traffic Signal Installation 2004/05 with funding authorized as per the Budget Implications section of the June 14, 2004 staff report.**
- **Authorize the Mayor and Municipal Clerk to sign the Standard Unfunded Crossing Warning System Modification Agreement with the Canadian National Railway Company attached to the June 14, 2004 staff report.**
 - **Authorize \$51,400, plus net HST for a total of \$53,163 to Canadian National Railway (CNR) for the supply and installation of signal wiring and modifications to CNR's signal controller from Account N. CTU00561, Traffic Signal Installation 2004/05 with funding authorized as per the Budget Implications of the June 14, 2004 section of this report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Tender 04-256, Topsoil and Sod Repairs - East and West Regions

- A staff report dated June 19, 2004, prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Walker that Regional Council award Tender No. 04-256, Topsoil and Sod Repairs to Teak Tree Enterprises Limited for materials and services listed at the unit prices quoted for a Tender Price of \$31,250, plus net HST for a total of \$32,322 from Account No. CKU00558 Sidewalk Renewals 2004/05 with funding authorized as per the Budget Implications of the June 19,2004 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Underground Services

- A staff report dated June 29, 2004, prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Uteck, seconded by Councillor Sloane Halifax Regional Council approve HRM working with Dexter Construction and Heritage Gas to install 4" PVC conduit, through which natural gas pipeline can be threaded, along Morris Street, from Hollis Street to Barrington Street (100 metres) and Barrington Street from Green Street to Morris Street (450 metres), at a cost of \$118 per metre (\$65,000 total). MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 By-Law S-414, Respecting Charges for Street Improvements

- A staff report dated June 16, 2004, prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Sarto, seconded by Councillor Sloane that Regional Council:

- 1. Approve the new Local Improvement standard costs as per Schedule "A" attached to the June 16, 2004 staff report.**
- 2. Approve in principle the adoption of By-law Number S-414, Respecting Charges for Street Improvements, attached to the June 16,2004 staff report, and also give Notice of Motion to begin the formal adoption process.**

3. Apply the new standard cost applicable to all 2004/05 capital projects where such apply.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 MEMBERS OF COUNCIL

10.2.1 Councillor Blumenthal - Supplementary Education Funding

- Correspondence dated June 28, 2004 from Richard Morris, Director of Financial Services, Halifax Regional School Board to Councillor Russell Walker, was distributed to members of Council. Also distributed was a Halifax Regional School Board report entitled "Halifax Regional School Board, General Reserve Fund - March 31, 2004".

Councillor Blumenthal, referring to the 2.5 million surplus the Halifax Regional School Board recently reported and subsequently allocated, expressed concern that the School Board had not been entirely forthcoming.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that staff prepare a report addressing the reduction of Supplementary Education Funding by 10% for the 2005-2006 budget year and further that this report come back to Council this Fall.

Following a discussion a recorded vote on the motion was taken.

MOTION PUT AND DEFEATED.

Members of Council voting **in favour** of the motion: Councillors Snow, Hendsbee, Blumenthal, Sloane, Uteck, Mosher, and Meade.

Members of Council voting **against** the motion: Deputy Mayor Streach, and Councillors McInroy, Warshick, Sarto, Cunningham, Walker, Hum, Adams, Johns, and Harvey.

Mayor Kelly and Councillors Hetherington, Smith, Fougere, and Goucher were not present for the vote.

(Councillors Cooper and Rankin were absent.)

10.2.2 Councillor Smith - Cat Controls

This matter was dealt with previously in the meeting.

10.2.3 Councillor Mosher - Celebration of Cultures, Architecture and History

Councillor Mosher addressed Council referring to the Doors Open Program, a program designed to give the public an opportunity to celebrate their culture, heritage and history. The Councillor explained that the program had begun in Glasgow, Scotland in 1990 and it is being run in 44 countries today. The program was introduced in North America only four years ago and is now in 130 Canadian communities, from St. John's, Newfoundland to Richmond, British Columbia.

Councillor Mosher noted that the program started in Canada in 2000 with Doors Open Toronto. The Councillor noted that the idea was brought to her by a friend, the late Bernadette MacDonald, just prior to her death. Councillor Mosher went on to note that under the program buildings of architectural or historical significance, many of which are not open to the public or charge a fee, are opened for one day or a weekend free of charge.

Councillor Mosher noted that the aim of the Doors Open Program is to facilitate the understanding of the local architectural environment and awareness of built heritage. The Councillor advised that communities can register through the Heritage Canada Foundation and learn about holding their Doors Open Program. Councillor Mosher noted that those wanting to learn more about the program and the Toronto event should visit www.doorsopen.org. In conclusion, Councillor Mosher stated that this would be an excellent event for HRM.

MOVED by Councillor Mosher, seconded by Councillor Sloane that HRM obtain information from the Heritage Canada Foundation and prepare a report regarding the feasibility of HRM staff hosting such an event.

Councillor Mosher noted, for the record, that Ms. Bernadette MacDonald did believe this would be a great event for HRM. Councillor Mosher then submitted information provided to her by Ms. MacDonald relating to the Doors Open Toronto event.

Councillor Hendsbee requested that this matter also be referred to the Heritage Advisory Committee for input. He further requested that staff tie in the planned application to the Federal Government for HRM to be considered the cultural capital of Canada for 2005 Festivals.

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

12. ADDED ITEMS

12.1 Proclamation - Canada Day - July 1, 2004

Deputy Mayor Streach noted that the Canada Proclamation was for the information of Council.

12.2 Councillor Blumenthal - Access-A-Bus Policy re Availability

- This matter was added to the agenda during the setting of the agenda.

Councillor Blumenthal referred to a complaint received from a disabled constituent regarding the policy of giving 24 to 48 hours notice of cancellation when using Access-A- Bus. Councillor Blumenthal noted that the individual involved, due to health problems, cannot let Access A Bus know that he will not be requiring transportation as he does not and cannot know when he will have an episode. The Councillor noted that this individual has had to cancel on short notice four or five times and as a result his privileges to use Access-a-Bus are being suspended. Councillor Blumenthal questioned the fairness of the cancellation policy in instances of sickness.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that staff bring forward a report addressing the fairness of users of Access-a-Bus having to provide being unable to provide the required 24 to 48 hours cancellation notice in instances of sickness. MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Indoor Recreation Facility Master Plan

- This matter was considered by the Committee of the Whole Council held earlier today and was now before Council for consideration.

MOVED by Councillor Warshick, seconded by Councillor Snow that Council approve in principle the Indoor Recreation Facility Master Plan. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

13.1 Notice of Motion - Councillor Meade - By-law S-414

Councillor Meade gave Notice of Motion that, at the next regular meeting of Halifax Regional Council to be held on July 6, 2004, he intends to introduce for First Reading, By-law Number

S-414, Respecting Charges for Street Improvements, the purpose of which is to amend By-law Number S-400, the Street Improvement By-law.

13.2 Notice of Motion - Councillor Adams - Membership of the Hotel Standards Committee

Councillor Adams gave Notice of Motion that, at the next regular meeting of Halifax Regional Council to held on July 6, 2004, he intends to introduce for First Reading, By-law T-131, the purpose of which is to amend By-law T-108, the Taxi and Limousine By-law, by increasing the membership of Hotel Standards Committee by one member by adding a concierge representative from a community residential facility.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 8:10 p.m.

Jan Gibson
Acting Municipal Clerk