

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES August 17, 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
Gary Meade

STAFF:

Mr. Dan English, Acting Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Municipal Clerk
Ms. Patti Halliday, Legislative Assistant

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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 Cunningham.

2. **APPROVAL OF MINUTES - July 6, 2004 and July 13, 2004**

C Revised minutes for July 13, 2004 were circulated to Council.

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that Regional Council approve the minutes of July 6, 2004 and July 13, 2004, 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 Councillor Blumenthal - Aliant - Request to End Strike

12.2 Nova Scotia International Air Show Request for Military Fly Over

It was agreed that the Public Hearings will be addressed before Item 6 - Motions of Rescission.

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the Agenda be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

4. **BUSINESS ARISING OUT OF THE MINUTES** - None

5. **MOTIONS OF RECONSIDERATION** - None

Council addressed Item 8 - Public Hearings at this time.

8. **PUBLIC HEARINGS**

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

C By-Law T-131, An Amendment to By-Law T-108, Respecting Increasing Membership of the Hotel Standards Committee, passed First Reading on July 6, 2004 and was now before Council for Second Reading.

Mr. Wayne Anstey, Municipal Solicitor, presented the Committee's report to Council. Responding to a question of Councillor Smith regarding the proposed appointment to the Committee, Mr. Anstey stated the normal practice would be for the Membership Selection Committee to make appointment recommendations, but in this case the Hotel Standards Committee suggested a nominee to be added to the Committee. Council can accept the recommendation or refer the appointment back to the Membership Selection Committee.

Mayor Kelly called three times for members of the public wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was put:

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

COUNCIL DECISION

MOVED by Councillor Adams, seconded by Councillor Hetherington, that Council give Second Reading to By-Law T-131, An Amendment to By-Law T-108, Respecting Increasing Membership of the Hotel Standards Committee to include one member representing at the Concierge level from a Community Residential Facility, and that Mr. Ivan Boyd be nominated to fill this position.

MOVED by Councillor Blumenthal, seconded by Councillor Smith, that the motion be split and the section dealing with the appointment be referred to the Membership Selection Committee.

In response to a suggestion of Councillor Hetherington, Councillor Adams agreed that the appointment would expire in November 2004. As both the Mover and Secunder agreed, the amended motion now reads as follows:

MOVED by Councillor Adams, seconded by Councillor Hetherington, that Council give Second Reading to By-Law T-131, An Amendment to By-Law T-108, Respecting Increasing Membership of the Hotel Standards Committee to include one member representing at the Concierge level from a Community Residential Facility, and that Mr. Ivan Boyd be nominated to fill this position until November 2004. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 By-Law S-414, An Amendment to By-Law S-400, Respecting Charges for Street Improvements

C By-Law S-414, An Amendment to By-Law S-400, Respecting Charges for Street Improvements, passed First Reading on July 6, 2004, and was now before Council for Second Reading.

- C A staff report prepared for George McLellan, Chief Administrative Officer, dated June 16, 2004, regarding the above, was previously circulated to Council.

Mr. David Hubley, Design and Construction Services, presented the report to Council and responded to questions of Council.

In response to questions of Councillors Uteck and Hendsbee, Mr. Rick Paynter, Director, Public Works and Transportation Services, agreed to clarify the impact on resident's costs of properties that are exempt from frontage charges. Councillor Hendsbee also requested clarification on the differences in new paving costs between the urban and rural areas, noting the cost is considerably higher in the rural area.

Mayor Kelly called three times for members of the public wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was put:

MOVED by Councillor Warshick, seconded by Councillor Blumenthal, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor Cunningham, seconded by Councillor Sarto, that Council give Second Reading to By-Law S-414, An Amendment to By-Law S-400, Respecting Charges for Street Improvements. MOTION PUT AND PASSED UNANIMOUSLY.

6. MOTIONS OF RESCISSION

6.1 Councillor Sloane - Location of Proposed Public Washrooms on the North Commons in District 12

- C On July 6, 2004, Council adopted the following motion:
MOVED by Councillor Mosher, seconded by Councillor Cooper, that washroom facilities for the Halifax Common be constructed, in the location as identified by staff, with funding as approved in HRM's 2002-2003 Capital budget. Further, the work commence as soon as possible.
- C On July 13, 2004, Councillor Sloane served a Notice of Motion of Recission with respect to the above motion.
- C A memorandum from Blair Blakeney, Capital Projects, to Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

- C Correspondence from Marlene Davis, Aliant Mixed Lob Ball League; Sonny Upshaw, Legion Over 40 Slopitch League President; David Henneberry and Derek Eltvik, regarding the above, was before Council for its consideration.

MOVED by Councillor Sloane that the July 6, 2004 motion regarding the location of proposed public washrooms on the North Commons be rescinded.

There was no Secunder for the motion. **MOTION LOST.**

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC HEARINGS

8.1 By-Law T-131, An Amendment to By-Law T-108, Respecting Increasing Membership of the Hotel Standards Committee

This item was addressed earlier in the meeting. (See page 4)

8.2 By-Law S-414, An Amendment to By-Law S-400, Respecting Charges for Street Improvements

This item was addressed earlier in the meeting. (See page 5)

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

9.1.1 Association of Municipal Administrators of Nova Scotia re: Award of Excellence Nominations

- C Correspondence dated July 30, 2004 from the Association of Municipal Administrators of Nova Scotia regarding the above was before Council for its consideration.

MOVED by Councillor Hetherington, seconded by Councillor Snow, that Regional Council receive and file the correspondence. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 Petitions

9.2.1 Councillor Hetherington - Request for Crosswalk at Caldwell Road/Morris Lake Drive

Councillor Hetherington submitted a petition from residents of Morris Lake Estates requesting that a crosswalk be installed at Caldwell Road/Morris Lake Drive. The Councillor requested that the petition be forwarded to the Traffic Authority and that the Traffic Authority meet with the Residents Association to discuss this issue.

9.2.2 Councillor Meade - Poor Road Conditions - Terrence Bay/Lower Prospect

Councillor Meade submitted a petition from residents of Terrence Bay and Lower Prospect regarding poor road conditions on the Department of Transportation and Public Works' roads.

9.2.3 Councillor Mosher - Request for a Sewer System on Armshore Drive

Councillor Mosher submitted a petition from residents of Armshore Drive regarding the installation of a sewer system on Armshore Drive, Halifax, and requesting an immediate response on the request for a cost estimate and possible installation schedule. The residents indicated they are willing to incur the costs of said system upon receipt of a cost structure from HRM.

9.2.4 Councillor Mosher - Urban Survival Day Camp

Councillor Mosher submitted a letter from 12 youth who attended the recent Urban Survival Day Camp, which she read into the record.

9.2.5 Councillor Rankin - Traffic Concerns - Beechville/Lakeside/Timberlea

Councillor Rankin submitted a petition from residents requesting that the flashing lights above the crosswalk in front of the Pharmasave Drugstore be constructed without delay and that speed bumps be installed to help lower the speed along the stretch of highway from Lakeview Drive to Tim Hortons. The Councillor requested that the petition be forwarded to the Traffic Authority with a request that a meeting be set up with the Councillor to discuss possible resolutions to the residents' concerns and that a report in this regard be brought back to Council.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 04-263, Kings Road Bridge - Central Region

C A staff report, dated August 9, 2004, prepared for Dan English, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Snow, seconded by Councillor Hendsbee, that Regional Council:

1. **Approve an increase of \$82,373 in the amount of financial assistance for the construction of a one-lane bridge on Kings Road, with no net cost to HRM, such assistance not to exceed \$222,373.**
2. **Award Tender No. 04-263, Kings Road Bridge to Amber Contracting Limited for materials and services listed at the unit prices quoted for a tender price of \$155,000, plus net HST, for a total of \$160,315 from Asset Account No. 1952, Deferred Charges Kings Road, with funding authorized as per the Budget Implications section of the staff report dated August 9, 2004.**
3. **Approve the appointment of Terrain Group Inc. for contract administration and construction inspection services for an estimated fee of \$6,000 plus net HST for a total of \$6,206 with funding as outlined in the Budget Implications section of the staff report dated August 9, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.2 Increase to Award RFP04-151, Halifax Public Gardens Main Gate Restoration

C A staff report, dated July 23, 2004, prepared for Dan English, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

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

1. **Approve an increase in Budget of Capital Account No. CB300642, Halifax Public Gardens Main Gate Restoration, in the amount of \$48,003, with funding from Operating Account No. 2160 - HRM Infrastructure Recovery Fund.**
2. **Authorize the increase of RFP #04-151, Halifax Public Gardens Main Gate Restoration, to RKO Steel, for the additional work required during the restoration of the Public Gardens' gates and fence, by \$46,411 plus net HST for a total increase of \$48,003 from Capital Account No. CB300642, Halifax Public Gardens Main Gate Restoration, with funding authorized as per the**

Budget Implications section of the staff report dated July 23, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Case 00595: Amendments to Municipal Planning Strategies and Land Use By-Laws - Moore's Lake

C A staff report, dated July 23, 2004, prepared for Dan English, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

CONFLICT OF INTEREST

Councillor Johns declared a **Conflict of Interest** regarding this issue and removed himself from the discussion and vote.

MOVED by Councillor Meade, seconded by Councillor Rankin, that Regional Council:

1. **Instruct staff to initiate a process to consider amending the Municipal Planning Strategies and Land Use By-laws for Planning Districts 1 & 3 (St. Margaret's Bay) and Planning District 4 (Prospect) to re-designate areas of HRM owned lands (PIDs 00656298 and 00650069) surrounding Moore's Lake as Conservation; 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.**

10.1.4 First Reading of By-Law P-502, An Amendment to By-Law P-500, Respecting Parking Meter Violations

C A supplementary staff report prepared for Dan English, Acting Chief Administrative Officer, dated August 10, 2004, regarding the above, was before Council for its consideration.

MOVED by Councillor Sloane, seconded by Councillor Sarto, that Regional Council give First Reading to By-Law P-502, An Amendment to By-Law P-500, Respecting Parking Meter Violations, as amended in the supplementary staff report dated August 10, 2004 by reducing the fine for parking meter violations from \$25 with no early pay option to \$20 with an option to pay \$15 if paid within seven days of issuance.

Councillor Blumenthal requested that information be provided to Council regarding lost revenue due to outstanding tickets.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.5 First Reading of By-Law T-132, an amendment to By-Law T-108, Respecting the Licensing of Taxis and Limousines

C A report from the Taxi and Limousine Committee dated July 6, 2004 regarding the above, was before Council for its consideration.

MOVED by Councillor Adams, seconded by Councillor Snow, that Regional Council approve in principle By-Law T-123, the amendments to By-Law T-108 found in Appendix "A" of the Committee report dated July 5, 2004, and direct staff to arrange for their formal adoption by Council. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 HARBOUR EAST COMMUNITY COUNCIL

10.2.1 Proposed By-Law re: Outdoor Solid Fuel Appliances

C A report from the Harbour East Community Council, dated July 19, 2004, regarding the above, was before Council for its consideration.

MOVED by Councillor Smith, seconded by Councillor Hetherington, that Regional Council direct staff to develop a by-law prohibiting the use or installation of outdoor solid fuel appliances used for heating buildings in the urban area.

Councillor Walker stated this matter should be referred back to staff to respond to the questions listed in the staff report dated May 28, 2004 before moving this issue forward.

MOVED by Councillor Walker, seconded by Councillor Sloane, that this matter be referred back to staff. MOTION PUT AND PASSED.

Councillor Hetherington requested that the report also include a more specific date when the provincial regulations will be implemented.

Councillor Smith stressed the urgency of this issue and the need to have the information as soon as possible.

Later in the meeting, Councillor Smith served a **Notice of Motion of Reconsideration**, seconded by Councillor Cooper, with respect to this issue.

10.3 MEMBERS OF COUNCIL

10.3.1 Councillor Adams - HRM Contractors / Damage Claims

MOVED by Councillor Adams, seconded by Councillor Snow, that this matter be referred to staff for a report on the rationale behind HRM's process for dealing with damage claims against contractors hired by HRM and to consider a process for HRM to assist individuals with their claims. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.2 Councillor Mosher - Tree Cutting on Private Lands (Information Item #3 July 13/04)

C An Information Report dated July 7, 2004 regarding the above, was previously circulated to Council on July 13, 2004 and was now before Council for discussion.

This item was removed from agenda, at the request of the Councillor.

10.3.3 Councillor Meade

(i) Responsibility for Maintenance of Roads - St. Margaret's Bay Village at Fox Hollow

MOVED by Councillor Meade, seconded by Councillor Rankin, that Council request a staff report on the feasibility of HRM taking over maintenance of all roads in St. Margaret's Bay Village at Fox Hollow.

The Councillor noted that, presently, the Nova Scotia Department of Transportation and Public Works maintains 50 percent of the roads and HRM maintains the remaining 50 percent, but there is no coordination between the departments.

Mayor Kelly noted that HRM is currently in talks with the Province regarding HRM taking over all roads in HRM with exception of the 100 Series highways.

MOTION PUT AND PASSED UNANIMOUSLY.

(ii) Station Road Sewage Problem

MOVED by Councillor Meade, seconded by Councillor Hetherington, that Council request a staff report on the sewage problems on Station Road in Hubbards as per information from Sandy Cameron, District Manager, Department of Environment and Labour, to determine what sources of funding are available from all levels of government to address this problem. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Councillor Blumenthal - Aliant - Request to End Strike

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that the Mayor write a letter to both sides of the labour dispute requesting that they return to the bargaining table with the objective being a resolution and an end to the current strike. A letter is also to be sent to the Federal Minister of Labour and Housing regarding this issue, copied to both sides of the Aliant labour dispute.

Councillor Hendsbee expressed concern with upcoming hurricane season and the possibility of a disruption in service for emergency services due to the strike. The Councillor stated it is important for HRM to have a strategy in place to deal with this should it occur.

Following a brief discussion, the vote was taken.

MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Nova Scotia International Air Show Request for Military Fly Over

C Correspondence dated August 15, 2004 from the Nova Scotia International Air Show requesting permission for a fly over was before Council for its consideration.

**MOVED by Councillor Snow, seconded by Councillor Warshick, that Council approve the request for a military fly over for the Nova Scotia International Air Show.
MOTION PUT AND PASSED UNANIMOUSLY.**

13. NOTICES OF MOTION

13.1 Councillor Hum - Requirements for the Trial Installation of Traffic Calming Measures

TAKE NOTICE that at the regular meeting of Halifax Regional Council, to be held on the 24th day of August, 2004, I propose to place before Council a motion to amend vote requirements for the trial installation of traffic calming measures under the Neighbourhood Short Cutting Policy. Presently, a simple majority of the valid returned ballots of the households and businesses on the problem street(s) are required for the plan to go to staff for consideration of a test. For permanent installation, only a simple majority support of the proposed measures is required. I will be requesting the vote for the trial measures be amended to be consistent with the requirement for the permanent installation which is substantially less rigorous.

14. ADJOURNMENT

There being no further business, the meeting adjourned 7:15 p.m.

Jan Gibson
Municipal Clerk