

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES August 31, 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. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Municipal Clerk
Ms. Sherryll Murphy, Legislative Assistant

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1. INVOCATION

The meeting was called to order with Councillor Blumenthal leading the invocation.

Observation of a Moment of Silence for Edward Goodhew

Jan Gibson, Municipal Clerk, recognized the 22 years of service given to Halifax Regional Municipality by Edward Goodhew who passed away suddenly on Tuesday, August 24, 2004. She extended condolences to his family, on behalf of the Mayor, Council and staff of HRM.

A moment of silence was observed in memory of Ed. The agenda package for this meeting has also been dedicated to his memory.

Following the moment of silence, the following announcements were made:

Councillor Hendsbee, on behalf of Council, acknowledged the nine Nova Scotians to compete in the Athens Olympics and congratulated them on a job well done. He especially noted that all the Nova Scotian paddlers advanced to the final competition in Athens. Councillor Hendsbee indicated that the Municipality would be planning a reception in the near future to honour all its Olympians.

Councillor Snow announced that the Junior Guard Team of the Windsor Junction Community Centre has won the Canadian National Junior Guard Championship for the second year. She went on to congratulate the team, coaches and parents and extended special thanks to Ms. Cheryl Newcombe, the Centre manager.

Councillor Goucher rose to congratulate and thank the Terry Fox Foundation and the organizers of the Terry Fox Feud which was held on August 30, 2004 at City Hall. The Councillor thanked the members of the media, the members of Council and Maureen MacDonald, MLA, all who participated in a lively challenge. He went on to note that the Council team fought and won a hard battle. Councillor Goucher encouraged all residents of HRM to pick up a pledge sheet for the Terry Fox Run on September 19th and participate in their local run.

Councillor Warshick announced with pleasure the crowning of the Dartmouth Senior Moosehead Dry Team as National Champions. Most of the team are native to HRM and has won the National Championship for Amateur Baseball for the second time in eight years. Councillor Warshick congratulated the team and indicated that he hoped an invitation would be extended to the team to attend a future meeting of Council.

Councillor Johns noted the celebration of the official opening of the Beaverbank Kinsac Community Fire Department on Saturday, August 28, 2004. Councillor Johns noted that the

event was well attended by fire staff, Council and members of the community. He noted that the new building is well appreciated.

Councillor Mosher referred to a youth in the HRM community, Laura Karis Allen, who had participated in a karate event, the 2004 International Soke Cup in Newcastle, Australia in July. Ms. Allen personally won gold in her sparring division, and won gold with the Women's Canadian Team A. Councillor Mosher requested that the Mayor write a letter of congratulations on behalf of Council.

2. APPROVAL OF MINUTES - August 17, 2004

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal that the minutes of the August 17, 2004 meeting of Regional Council, as circulated, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

At the request of Councillor Warshick, consideration of Item 9.3.2, Councillor Warshick - New Signage for Park Closures, was postponed for one week.

Additions

11.1 Property Matter - Sale & Street Closure - Portion of Avenue du Portage, Dartmouth

Information Items:

1. Memorandum from Director, Public Works and Transportation dated August 27, 2004 re: Bayview Road Area and Flamingo Drive Area Short-Cutting Study

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

4. BUSINESS ARISING OUT OF THE MINUTES - None

5. MOTIONS OF RECONSIDERATION

5.1 Councillor Smith - Motion of Reconsideration re Outdoor Solid Fuel Appliances - August 17, 2004

- Councillor Smith gave a Motion of Reconsideration of the decision with regard to agenda item 10.2.1 Proposed By-Law re: Outdoor Solid Fuel Appliances at the August 17, 2004 meeting of Regional Council.
- A supplementary staff report dated August 27, 2004 prepared for George McLellan, Chief Administrative Officer, was distributed to Council.

Councillor Smith addressed Council and, using a picture presented by overhead projection, indicated that he hoped to convince Council to support residents in this matter. Referring to the Wood Doctor furnace in the picture, Councillor Smith indicated that this particular equipment should not be permitted in a residential area. He went on to suggest that if this equipment is put into operation again, the residents of the area will be very upset. Referring to the situation last Spring when this equipment was in operation, Councillor Smith indicated that there was smoke spewing into the neighbourhood making it impossible for residents to be outside. Councillor Smith asked that Council support his motion of reconsideration and consider the development of a by-law to prohibit the use of these outdoor furnaces.

Referring to Councillor Smith's motion of reconsideration, Mr. Anstey indicated that as the motion of reconsideration addressed a procedural motion of Council and since the requested report was now before Council, reconsideration of the matter was moot. Mr. Anstey went on to advise that it would be in order to now put forward a motion directing staff to develop a by-law as was recommended by the Harbour East Community Council.

MOVED by Councillor Smith, seconded by Councillor Cooper 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.

A brief discussion ensued with Mr. Anstey noting that he is concerned that a by-law banning only outdoor solid fuel appliances, but allowing continued use of indoor solid fuel appliances with similar emissions, would be struck down in a court of law on the basis of discrimination.

Councillor Hetherington noted that the City of Dartmouth had a Nuisance By-law which he believed was still in effect. The Councillor asked if this particular situation could be dealt with under this By-law.

Mr. Anstey indicated that he did not know if it would be possible and noted that he would investigate the possibility.

A further discussion and questioning of staff ensued with the Chief Administrative Officer suggesting that an attempt be made to influence the Province to move much more quickly on this matter.

Mr. Anstey commented that if the Province were to introduce regulations, there would be no need for legislative approval.

Following a further discussion, the **MOTION WAS PUT AND DEFEATED.**

MOVED by Councillor Smith, seconded by Councillor Sloane that a letter be forwarded to the Province requesting that regulations regarding the installation of outdoor solid fuel appliances be developed and implemented immediately. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Hetherington, seconded by Councillor Warshick that the Municipal Solicitor report back to Council as to how residents can deal with nuisance situations. MOTION PUT AND PASSED UNANIMOUSLY.

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS** - None

8. **CORRESPONDENCE, PETITIONS & DELEGATIONS**

8.1 **Correspondence**

8.1.1 **Metro Council of Continuing Education - Robert McGray, Coordinator, Learning Fairs**

- Correspondence received August 4, 2004 from Mr. Robert McGray, Metro Council of Continuing Education was before Council for consideration.

MOVED by Councillor Goucher, seconded by Councillor Sloane that this matter be referred to staff for comment. MOTION PUT AND PASSED UNANIMOUSLY.

8.1.2 **Installation of Traffic Lights at the Intersection of #7 Highway and #107 Access Road Exit - Porters Lake**

- Correspondence dated August 5, 2004 from Peter Merritt, P. Eng., District Director Central, was before Council for consideration.

Councillor Hendsbee requested that the above correspondence be forwarded for information to Mr. Bill Dooks, MLA for the area and Mr. Adam Conrod, area resident.

8.1.3 **Support of Kin Canada Commemorative Stamp**

- Correspondence dated August 4, 2004 from his Worship Mayor Kelly on behalf of Regional Council to Anne Joyt, CEO, Canada Post, was before Council for consideration.

Councillor Johns thanked Council for its support of the Kin Canada Commemorative Stamp. He went on to point out that there was an article in today's edition of the Halifax Herald in this regard.

8.2 Petitions

8.2.1 Petition - Councillor Mosher - Off-Leash Dog Parks

Councillor Mosher submitted a petition containing approximately 94 names requesting that HRM include in its development plans for a park west of Purcells Cove Road and adjacent to Fleming Park, of a series of trails where dogs may be walked off-leash. This matter will be referred to staff.

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 Tender 04-211, Portland Hills Transit Terminal - Portland Street - East Region

- A staff report dated August 24, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

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

- 1. Award Tender No. 04-211, Portland Hills Transit Terminal, Portland Street - East Region to W. Eric Whebby Ltd. for materials and services listed at the unit prices quoted for a revised tender price of \$2,034,070, plus net HST for a total of \$2,103,819 from Capital Account No's CB300628 - Bus Rapid Transit Showcase, CB200425 - Park & Ride Improvements and CB200428 - Transit Terminal Upgrade & Expansion, with funding authorized as per the Budget Implications section of the August 24, 2004 staff report.**
- 2. Approve the appointment of SNC Lavalin Inc. for contract administration and inspection on this project, for an estimated fee of \$48,342 plus net HST for a total of \$50,000, from Capital Account No. CB300628 - Bus Rapid Transit**

Showcase, with funding authorized as per the Budget Implications of the August 24, 2004 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 Tender 04-239, Crichton Ave. - Street Reconstruction, Sewer Upgrade and Gas Line Installation - East Region

- A staff report dated August 23, 2004 prepared for George McLellan, Chief Administrative Office, was before Council for consideration.

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

- 1. Approve an increase in the Gross Budget for Capital Account No. CGU00580, Crichton Sewer Replacement in the amount of \$130,000, with funding from Account No. Q104, Sewer Development Reserve.**
- 2. Approve an increase in the Gross Budget for Capital Account No. CZU00565, Crichton Avenue (Crichton Park to Oak) by \$30,935 with no change in the net budget to cover the cost of installation of a natural gas pipeline from Heritage Gas.**
- 3. Award Tender No. 04-239, Crichton Avenue - Street Reconstruction, Sewer Upgrade and Gas Line Installation - Eastern Region to Sackville Trenching for materials and services listed at the unit prices quoted for a tender price of \$556,646, plus net HST for a total of \$575,733; and further, as there are anticipated costs for extra work and materials related to this job, the total project cost is expected to be \$633,300 and will be charged to Capital Account Nos. CZU00565, Paving Resurfacing Program and CGU00580, Crichton Sewer Replacement with funding authorized as per the Budget Implications section of the August 23, 2004 staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.3 Tender 04-110, Supply of SUN Servers

- A staff report dated August 18, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Sarto, seconded by Councillor Hendsbee the Tender #04-110 - Supply of SUN Servers be awarded to the lowest qualified bidder, GE IT Solutions on a three (3) year lease with a \$1.00 buy-out option, for \$233,207.54 plus net HST per year and a total three (3) year cost of \$723,612.66, including net HST, from Account No. A4406709; and further that award is subject to approval of the lease from the Minister of Nova Scotia and Municipal Affairs.

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

9.1.4 Approval of Cost Sharing between HRM and Halifax Regional Water Commission - Intersection Upgrade and Water Transition Main Installation Project - Hammonds Plains Road

- A staff report dated August 23, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Goucher, seconded by Councillor Snow that Council:

- 1. Approve an increase in the gross budget for Account No. CTU-470, Hammonds Plains Intersection Upgrades in the amount of \$16,611 with funds from Account No. CTR00905 - Intersection Improvement Program.**
- 2. Authorize a transfer of funds in the amount of \$102,372 from Account No. CTU00470-Hammonds Plains Road Intersection Upgrades to Halifax Regional Water Commission per a previously agreed to cost sharing formula.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.5 Temporary Borrowing Resolution and 2004 Fall Debenture

- A staff report dated August 24, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Warshick, seconded by Councillor Blumenthal that:

- 1. Halifax Regional Council approve a twelve month Temporary Borrowing Resolution in the amount of \$1,563,000.**

2. **Halifax Regional Council approve a twenty-four month Temporary Borrowing Resolution, based on a portion of the 2004-05 Gross Capital Budget, requiring debt financing in the amount of \$7,459, 225.**
3. **The Mayor and Municipal Clerk be authorized to sign the Resolution for Pre-Approval of Debenture Issuance subject to interest rate confirmation, not to exceed 7%, to enable the Halifax Regional Municipality to issue a debenture in the amount of \$23,171,00.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.6 Renaming Big Pinehill Park

- A staff report dated August 12, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Smith, seconded by Councillor Cunningham that Council approve the renaming of Big Pinehill Park to Jason MacCullough Memorial Park in memory of Mr. MacCullough and as a reminder of society's need to continue efforts to curb violence within our communities.

Councillor Smith commented that Jason MacCullough contributed to his community in life and, sadly, in death. Before his life was taken at age 19, Jason had completed high school, was working at a garage, was a member of the Boys and Girls Club and a junior leader at the Club, had been recognized by the Boy Scouts and had even helped shovel snow for elderly neighbours. Jason was a good kid. Councillor Smith noted that Jason has been described as a friendly, average guy who didn't look out for trouble.

Councillor Smith noted that out of tragedy much good has occurred. The Big Pinehill Park has been rejuvenated with new pathways, play units, lighting, new street lighting and improved basketball courts; a village constable has been added to the area; an annual Walk Against Violence is held; and an Adopt a Neighbourhood Program has been implemented in the community.

In conclusion, Councillor Smith appealed to the viewing public to come forward with any information they might have relative to the death of Jason MacCullough. He went on to invite all residents of HRM to join in the Walk Against Violence on October 13, 2004 beginning at 6:30 p.m. on Farrell Road in Dartmouth.

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.7 Federation of Canadian Municipalities Debentures

- A staff report dated August 24, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Uteck, seconded by Councillor Fougere that Council:

1. **Approve the borrowing of \$20M from FCM for a 10 year term amortized over 20 years by way of a series of debentures, with repayment of principal and interest to be made at the Royal Bank branch at 99 Bank St., Ottawa, by the debenture maturity dates and with payment of interest at rates not to exceed the rates as detailed in Schedule A.**
2. **Approve the execution by the Mayor and Municipal Clerk of the said debentures, related Loan Agreement, Reinvestment Agreement, Project Performance Reporting Grant Agreement and any supporting documentation.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.8 Off-Leash Dog Parks

- A staff report dated August 23, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Mosher, seconded by Councillor Walker that Regional Council approve the Halifax Regional Municipality Off Leash Dog Park Internal Guidelines attached to the August 23, 2004 staff report.

Councillor Mosher submitted information relative to Steve Dale, pet activist and leash free zones in Mississauga, Ontario. A copy of the information is on file.

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

9.1.9 Prince's Lodge - Sewer and Water Servicing

- A staff report dated August 24, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration. A revised By-Law L-118, Respecting Charges for Local Improvement Projects.

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

- 1. Approve the Capital Budget for the Prince's Lodge Sewer and Water Servicing in the amount of \$1,617,000 (gross), with net residual amount (after Infrastructure Funding and other recoveries) funded from a property charge as defined in By-Law L-118.**
- 2. Approve in principle and begin the formal process for the adoption of the revised By-Law Number L-118 Respecting Charges for the Prince's Lodge Sewer and Water Servicing.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.2 HERITAGE ADVISORY COMMITTEE

9.2.1 Case H00140 - Review of Proposed Alterations to 95 King Street, Dartmouth

- A report dated August 23, 2004 from the Heritage Advisory Committee was before Council for consideration.

MOVED by Councillor Cunningham, seconded by Councillor Hetherington that Regional Council approve the alterations to 95 King Street, Dartmouth, as proposed in the staff report dated July 27, 2004 with the following amendments:

- 1) That the six over six window theme be carried throughout all proposed window replacements, including the new addition.**
- 2) That the roof line of the addition (nursery) be a traditional slope roof.**
- 3) That the six over six window theme be carried through to any future window replacements.**
- 4) That additional details or drawings be provided when they are available.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.3 MEMBERS OF COUNCIL

9.3.1 Councillor Adams - Poor Performance of Contract - Collections and Transportation of Source-Separated Solid Waste - Area 1 - Halifax

Councillor Adams addressed Council noting that on Friday, August 20, 2004 his District was scheduled for regular garbage collection. He noted that there were problems with the performance of the contractor which resulted in some residents not having the recyclables collected until Tuesday morning.

MOVED by Councillor Adams, seconded by Councillor Goucher that staff prepare a report outlining the contingency plans in place in cases such as this, the communications protocol used and what penalties had occurred as a result of this particular situation. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Uteck rose in support of Councillor Adams noting that she had experienced problems in her District. Councillor Uteck expressed concern that Councillors are not provided information in a timely fashion when these situations arise. She noted, for instance, that staff did not provide sufficient information for her to respond to her residents until the early evening hours of the day on which the situation arose.

Councillor Smith, as Chair of the Solid Waste Resource Advisory Committee, expressed concern that these incidents were occurring, and requested that staff include in the report contingency plans for all sectors.

Councillor Warshick noted that following Hurricane Juan he had asked if it would be possible to utilize City Watch to provide information to residents in these situations. The Councillor further commented that Call Centre staff should be made aware of contingency plans as soon as possible. Councillor Warshick asked that staff include in the report a response to his comments.

The **MOTION WAS PUT AND PASSED.**

9.3.2 Councillor Warshick - New Signage for Park Closures

Consideration of this matter was postponed for one week during the setting of the agenda.

10. MOTIONS

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

- Councillor Hum gave Notice of Motion regarding the requirement for the trial installation of traffic calming measures at the August 17, 2004 meeting of Municipal Council.

MOVED by Councillor Hum, seconded by Councillor Walker that the Neighbourhood Short Cutting Policy be amended as follows:

Section 6.5 The words “one per household or business” be added in parentheses after the word “business” in the second line

and that the following sentence be deleted:

“Valid returned ballots (one per household or business) representing a simple majority of the households and businesses on the problem street(s) area, are required for the plan to go to Staff for consideration of a test.”

and replaced with:

“If a minimum return rate of 50 percent is not achieved on the first ballot, a second ballot will be sent out after two weeks. Of the returned ballots, simple majority support is required for the plan to proceed to staff for consideration of a test.”

Councillor Hum noted that the effect of these amendments will be to make the Policy requirements for the trial installation of traffic calming measures consistent with the requirements for a permanent installation.

MOTION PUT AND PASSED UNANIMOUSLY.

11. ADDED ITEMS

- This matter was dealt with earlier today at an in camera session and was now before Council for ratification.

MOVED by Councillor Warshick, seconded by Councillor Hetherington that:

- 1. Council authorize staff to set a date for a public hearing for consideration of HRM Administrative Order SC-35 concerning the closure of a portion of Avenue du Portage, Dartmouth, as shown on Attachment “A” of the July 27, 2004 Private and Confidential staff report;**
- 2. Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Kimberly-Lloyd Developments Limited for the purchase of a portion of Avenue du Portage, subject to the street closure and the key business terms and conditions outlined in the July 27, 2004 Private and Confidential report;**
- 3. The July 27, 2004 Private and Confidential report not be released to the public until the property transaction is concluded.**

MOTION PUT AND PASSED UNANIMOUSLY.

12. NOTICES OF MOTION

12.1 Councillor Snow: Benefits of Municipal Sewer and Water to the Homeowner, the Halifax Regional Municipality and the Halifax Regional Water Commission

Councillor Snow gave Notice of Motion of her intention to, at the next regular meeting of Halifax Regional Council to be held on September 7, 2004, request that staff prepare a report outlining the perceived benefits of municipal sewer and water to the homeowner, the Halifax Regional Municipality and the Halifax Regional Water Commission and further that staff develop a policy to contribute capital costs (non-recoverable from the homeowner) for these projects.

12.2 Councillor Hum: By-Law L-118, Local Improvement Charges for Sewer and Water Servicing, Prince's Lodge

Councillor Hum gave Notice of Motion that, at the next regular meeting of Halifax Regional Council to be held on September 7, 2004, she proposes to introduce for First Reading, By-Law L-118, as revised, the purpose of which is to set local improvement charges for Sewer and Water Servicing, Prince's Lodge, Halifax.

12.3. Councillor Warshick: Administrative Order SC-35 - Closure of a Portion of Avenue du Portage, Dartmouth, Nova Scotia

Councillor Warshick gave Notice of Motion that, at the next regular meeting of Halifax Regional Council to be held on September 28th, 2004, he proposes to introduce as a Policy pursuant to Section 315 fo the Municipal Government Act, Administrative Order SC-35, the purpose of which is to effect closure of a portion of Avenue du Portage, Dartmouth, Nova Scotia.

13. ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 p.m.

Jan Gibson
Municipal Clerk