

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES August 1, 2006

PRESENT:

Mayor Peter Kelly
Deputy Mayor Russell Walker
Councillors: Steve Streach
David Hendsbee
Harry McInroy
Gloria McCluskey
Andrew Younger
Bill Karsten
Becky Kent
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sue Uteck
Debbie Hum
Stephen Adams
Brad Johns
Robert Harvey
Reg Rankin
Gary Meade

**ABSENT WITH
REGRETS:**

Councillors: Krista Snow
Sheila Fougere
Linda Mosher

STAFF:

Mr. Wayne Anstey, Acting Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Jan Gibson, Municipal Clerk
Ms. Sherryl Murphy, Legislative Assistant

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1. INVOCATION

The meeting was called to order at 3:20 p.m. with the Invocation being led by Councillor Harvey.

Council observed a Moment of Silence in memory of the recently deceased Gordon Snow, father of Councillor Krista Snow and former County Councillor.

Councillor Hendsbee asked that Councillors also reflect upon the recent shooting of the two RCMP officers, Constable Robin Cameron and Constable Marc Bourdages, in Saskatchewan and the safe evacuation of Canadian citizens from Lebanon.

2. APPROVAL OF MINUTES - June 27 & July 4, 2006

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey, that the minutes of June 27 and July 4, 2006 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

12.1 Councillor Rankin - Proposed Asphalt Plant, Goodwood

12.2 2006 -07 Education Area Rate for Bedford and the Former County

12.3 Legal Matter - Settlement of Claim

12.4 Citizen and Councillor Appointments to Boards/Committees and Commissions

At the request of Councillor Younger, agenda items 10.4.1 and 10.4.2 were moved up on the agenda to be dealt with coincidentally with item 7.1.

MOVED by Deputy Mayor Walker, seconded by Councillor Johns that item 11.1 be deferred to the next meeting of Halifax Regional Council to be held on August 8, 2006. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Sloane extended regrets from Councillor Snow who is attending the Out Games, involving lesbian, gay, bisexual, and transgender (LGBT) athletes from around the world, being held in Toronto this week.

Councillor Hendsbee pointed out that today is Freedom Day so named to commemorate the abolishing of slavery by the British Empire and noted that appropriately the Freedom Ship Amistad is anchored in Halifax Harbour.

MOVED by Councillor Hendsbee, seconded by Councillor Sloane, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Festivals and Events Funding Committee**

- An extract of the draft minutes of the July 4, 2006 Halifax Regional Council meeting was before Council.
- A staff report dated June 27, 2006 was before Council.

MOVED by Councillor Younger, seconded by Councillor Uteck that consideration of this matter be deferred pending a report from staff which addresses the matter of a Festivals and Events Funding Committee in conjunction with the reports and recommendations of the Marketing Levy Committee on major events funding and the development of the service agreement between the Halifax Regional Municipality and Destination Halifax. MOTION PUT AND PASSED UNANIMOUSLY.

10.4.1 **Marketing Levy Major Events Funding**

- Council agreed to deal with this matter at this time during the setting of the agenda.
- A report dated July 20, 2006 from the Marketing Levy Committee was before Council.

MOVED by Councillor Younger, seconded by seconded by Councillor Uteck that the report of the Marketing Levy Committee regarding Marketing Levy major events funding be referred to staff for review and a report to Council. MOTION PUT AND PASSED UNANIMOUSLY.

10.4.2 **Working Committee Report**

- Council agreed to deal with this matter at this time during the setting of the agenda
- A report dated July 20, 2006 from the Marketing Levy Committee was before Council.

MOVED by Councillor Younger, seconded by Councillor Uteck that the report of the Working Committee regarding the service agreement between the Halifax Regional Municipality and Destination Halifax be referred to staff for review and a report to Council. MOTION PUT AND PASSED UNANIMOUSLY.

8. PUBLIC HEARINGS

8.1 Case 00839: Municipal Planning Strategy and Land Use By-law Amendments and Development Agreement 6273 Quinpool Road

This matter was dealt with later in the meeting. Please see Page 14.

8.2 Case 00891: Municipal Planning Strategy Amendment for South East Corner of Creighton & Gerrish Streets

This matter was dealt with later in the meeting. Please see Page 16.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Correspondence - Councillor Sloane - Vending at Temporary Events

Councillor Sloane submitted correspondence from the Spring Garden Road Business Association expressing concern regarding the proposed new By-law C500 relative to vending at temporary events and, in particular, the conduct of the Art on Spring Garden Road event. Later in the meeting Councillor Uteck confirmed that individual vendors licenses would not be required for civic events/festivals which are organized by Associations. The Association would purchase one vending license to cover all vendors.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 06-230 - Nightingale Drive Paving and Water Main Renewal - West Region

- A staff report dated July 20, 2006 was before Council.

MOVED by Councillor Hum, seconded by Councillor Sloane that Halifax Regional Council:

- 1. Approve an increase in the Gross Budget for Capital Account No. CZU00782, Resurfacing by \$146,632 with no change to the Net Budget to reflect the cost sharing of the water main related work from the Halifax Regional Water Commission.**
- 2. Award Tender No. 06-230, Nightingale Drive Paving and Water Main Renewal - West Region to Amber Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$440,847 including net HST from Capital Account No. CZU00782, Resurfacing and Capital Account No. CCSE00900, Underground Services with funding authorized as per the Budget Implications section of the July 20, 2006 report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Tender 06-232 - Intersection Improvements: Beaver Bank Road at Beaver Bank / Windsor Junction Cross Road - Central Region

- A staff report dated July 20, 2006 was before Council.

MOVED by Councillor Johns, seconded by Councillor McCluskey that Halifax Regional Council:

- 1. Award Tender No. 06-232, Intersection Improvements: Beaver Bank Road at Beaver Bank/Windsor Junction Cross Road - Central Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$129,803 including net HST from Capital Account No. CTR00905, Intersection Improvement Program, Capital Account No. CJU00719, New Sidewalks 2005/06 and Capital Account No. CJU00785, New Sidewalks 2006/07 with funding authorized as per the Budget Implications section of the July 20, 2006 report.**
- 2. Authorize payment to Windsor Hansport Railway Company for the actual cost of the supply and installation of automatic warning device signals and track**

modifications up to a maximum of \$244,000 including net HST from Capital Account No. CTR00905, Intersection Improvement Program; Capital Account No. CJU00719, New Sidewalks 2005/06; and Capital Account No. CJU00785, New Sidewalks 2006/07 with funding authorized as per the Budget Implications section of the July 20, 2006 report.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Tender 06-266 - New Paving of Subdivision Streets Inside the Core Area - Park Court and a section of Fiddle Parkway - West Region

- A staff report dated July 20, 2006 was before Council.

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

1. **Approve the recovery of Local Improvement Charges for the new paving of Park Court and a section of Fiddle Parkway by levy of frontage charges to the abutting property owners.**
2. **Award Tender No. 06-266, New Paving of Subdivision Streets inside the Core Area - Park Court and a section of Fiddle Parkway - West Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$155,133 including net HST from Capital Account No. CXU00715, New Paving of Subdivision Streets Inside the Core Area, with funding authorized as per the Budget Implications section of the July 20, 2006 report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Tender 06-261 - Paving Renewal and New Sidewalk, Smokey Drive; Resurfacing and Concrete Curb & Gutter, Smokey Court - Central Region

- A staff report dated July 20, 2006 was before Council.

MOVED by Councillor Johns, seconded by Councillor Adams that Halifax Regional Council:

2. **Approve the recovery of Local Improvement Charges for the new sidewalk on Smokey Drive by levy of an area rate for a portion of District 19.**
3. **Award Tender No. 06-261, Paving Renewal and New Sidewalk, Smokey Drive,**

resurfacing and Concrete Curb and Gutter, Smokey Court - Central Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$661,014 including net HST from Capital Account No. CJU00785, New Sidewalks 2006/07, Capital Account No. CYU00784, Paving Renewal 2006/2007, Capital Account No CZU00782, Resurfacing 2006/2007 and CRU00863, Concrete Curb Repair Program with funding authorized as per the Budget Implications section of the July 5, 2006 report.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.5 Request for Proposal 05-074 - Fare Collection System - Metro Transit

- A staff report dated July 7, 2006 was before Council.

MOVED by Councillor McInroy, seconded by Councillor Murphy that Halifax Regional Council approve the purchase of up to 225 fareboxes from RFP #05-074 plus necessary hardware from Garival Inc. for a total purchase price of \$2,088,733 including net HST from Capital Account CHD00060, Farebox Replacement, with funding authorized as per the budget implications of the July 6, 2006 staff report. MOTION PUT AND PASSED.

10.1.6 Capital Budget Increase - Multiple Projects

- A staff report dated July 11, 2006 was before Council.

MOVED by Councillor Karsten, seconded by Councillor Sloane that Halifax Regional Council approve an increase in the Gross Capital Budget of \$331,473.85, with no change to the Net Budget, to reflect additional funding secured for the following projects; Joseph Giles Elementary School Playground, Ryan Rosen Soccer Field, Monarch/Rivendale Park and Playground, Bedford South Playground, Russell Lake Playground, Victoria Park, Auburn/John Stewart Community Park and Ecole Bois-Joli Community Playground as outlined in the Background section of the July 11, 2006 staff report. MOTION PUT AND PASSED.

10.1.7 Draft HRM Graffiti Management Plan

- A staff report dated July 28, 2006 was before Council.

Mr. Andrew Whittemore, CAO Special Projects, gave a presentation briefly outlining the July 29, 2006 staff report. The following highlights were included:

- Council is being asked to approve the Graffiti Management Plan
- Graffiti is vandalism
- Graffiti is found on a great number of community structures and is not limited to the urban area
- HRM challenges include considerable financial outlays, apprehension about crime, lack of corporate partners, and the view that graffiti is a municipal problem only
- The goal of the Graffiti Management plan is to reduce the prevalence of graffiti in HRM
- Strategic Directions include:
 - No tolerance areas
 - Rapid removal and Monitoring
 - Active Enforcement
 - Understanding and Engaging the Sub Culture
- Policy Highlights include:
 - < introducing no tolerance areas
 - < the service standard in no tolerance areas is three (3) day removal
 - < establishes need for research on anti-social behaviours and modification strategies
 - < preventative techniques
 - < social accountability
 - < emphasis on engaging youth and graffiti bombers
 - < more formal partnerships with community stakeholders
 - < establishes need for legal tools (i.e. Graffiti By-law)
 - < identifies need for more enforcement resources
 - < emphasis on community programs such as Neighbourhood Watch and Crime Stoppers
- Implementation:
 - < Establishment of a Graffiti Management Task Force
- New Initiatives for 2006/07
 - < web page and communications
 - < mural program
 - < targeted community clean-up program

Mayor Kelly thanked Mr. Whittemore for his presentation and all involved members of staff for their work in bringing the plan forward.

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

- 1. Adopt the proposed Graffiti Management Plan as contained in Attachment 1 of the July 28, 2006 staff report.**

2. Approve the priority actions for 2006-2007 as outlined in the body of the July 28, 2006 report.

A discussion ensued with Councillors noting the following:

- Support from HRSB and the corporate world has increased, however, greater corporate support is necessary (i.e. Canada Post)
- Sellers of paint must be more responsible or be held more responsible relative to who is purchasing paints
- Graffiti should be removed from war and other community memorials within 24 hours
- Clarification of who is eligible to receive the community grant for graffiti removal is required
- HRM should be alert to graffiti on their own infrastructure (i.e. garbage cans in the downtown)
- Encouraged staff to make contact with the upcoming Youth Festival relative to this plan
- Requested that staff strengthen the resolve to have education in HRM's schools about the impact of graffiti on communities and the legal consequences
- Concern expressed regarding the wording around 'no tolerance zones'
- Location of free zones are of some concern as well as what happens on the way to and from these zones
- Parents must also be included in the education around graffiti, as well as, businesses which sell the tools of graffiti

Referring to concerns expressed by members of Council, Mr. Whittemore advised that:

- CN has indicated they are very willing to partner with HRM relative to graffiti and have requested a list of hot spots
- The Maintenance Program with the Business Improvement District Commissions (BIDC) will continue. HRM will also begin to work with the BIDC on scheduled blitz periods
- Graffiti is not to be tolerated anywhere in the municipality, however, there are some higher traffic areas with have a higher priority [three (3) days rather than five (5) days]. These higher priority areas have been identified as no tolerance areas.
- A draft Graffiti By-law has been prepared and is being circulated. The By-law is with Legal Services. The issue of the control of retail sales is more complex than initially anticipated. The Chief of Police will take the lead on this By-law
- In terms of ability to enforce, the philosophy is a community approach to managing graffiti. Police will implement the laws in HRM regarding graffiti (i.e. the Graffiti By-law). In addition, HRM will be looking to the community to establish Community Watch Groups to assist with enforcement

In response to a concern from Councillor Sloane regarding those businesses which allow individuals to place art on their property (i.e. the Nova Scotia Power property on Lower Water

Street), Mr. Whittemore indicated that these situations would be addressed in the By-law.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.8 Process for Review of Polling District Boundaries

- A staff report dated July 28, 2006 was before Council.

MOVED by Councillor Adams, seconded by Councillor Uteck that Halifax Regional Council:

- 1. Approve the principles and process for polling boundary review for the 2008 election as outlined in the July 20, 2006 report.**
- 2. Direct staff to obtain agreement from the UARB on the approved principles and process.**

A discussion ensued with Councillors noting the following:

- Disappointment that the size of Council is not to be addressed
- Concern that the boundary review does not consider the large transient student population

Staff responded to questions from members of Council with the Acting CAO noting that Council's choice is whether or not to proceed on the basis of a shortened process or undertake a full process.

Councillor McInroy expressed concern that the wording of the document not raise expectations relative to the parallel meeting to deal with the boundaries for Cherry Brook/Lake Loon. Changes to these boundaries were made as a result of the population in the Cole Harbour District being 14% more than the target population. With the addition of the Cherry Brook/Lake Loon area the difference would be 20% more than the target population. Councillor McInroy suggested that on the Utility and Review Board's guidelines, there is very little likelihood that the changes the community is seeking would be recommended by staff or this Council.

MOTION PUT AND PASSED.

The meeting recessed at 5:05 p.m.

The meeting reconvened 6:15 p.m. with the same persons being present with the exception

of Councillor Younger. Councillor Streach joined the meeting at this time.

Councillor McCluskey introduced Jeffrey Sykes, noting that Jeffrey had been volunteering the evening that the Outstanding Volunteer Awards had been presented. His Worship Mayor Kelly and Councillor McCluskey then presented Jeffrey with his Outstanding Volunteer Award.

Councillor Adams advised that work is ongoing at Roach's Pond. He noted due to an error residents in the area of Roach's Pond were without water last weekend. The Councillor advised that work will continue this weekend, however, residents will not will not experience a shut off of water. A notice advising residents of the work will be issued this week.

Councillors Murphy, McCluskey and Sloane encouraged residents to take part in the Natal Day events beginning on Thursday, August 3, 2006 until Monday, August 7, 2006.

8. PUBLIC HEARINGS

8.1 Case 00839: Municipal Planning Strategy and Land Use By-law Amendments and Development Agreement 6273 Quinpool Road

- An extract of the minutes of the June 20, 2006 meeting of Halifax Regional Council was before Council. A previously distributed report from Peninsula Community Council dated June 13, 2006 was before Council. Also before Council was a supplementary staff report dated June 13, 2006.

The following correspondence was received relative to this matter:

- Email dated July 10, 2006 from Ted G Ross in opposition to the proposal
- Email dated July 20, 2006 from Angela Kidston in opposition to the proposal
- Email dated July 21, 2006 from Cecil Caines in opposition to the proposal
- Email dated August 1, 2006 from Liam Petrie in favour of the proposal

Luc Ouellet, Planner, briefly presented the proposal to amend the Municipal Planning Strategy and Land Use By-law, to include policy allowing a Development Agreement to permit a lounge at 6273 Quinpool Road. Mr. Ouellet noted that as indicated in the supplementary report, the issues raised by Community Council were addressed in the Development Agreement.

Mr. Ouellet responded to questions of clarification from members of Council.

The Chair, reading from the public hearing sign-up sheet, called the following speakers forward:

Paul Kidston, Halifax

Mr. Kidston addressed Council noting that:

- He is against the application
- His vehicle had recently been vandalized in the early morning hours and when he called the police they did not arrive until five hours later
- He was told by the officers that this is due to a lack of police to handle the problems being caused by patrons leaving bars
- This proposal should not be allowed because HRM does not have police to handle the problems presently being experienced

Bill McCaan, Halifax

Mr. McCaan addressed Council indicating that he was against the proposal because of the potential for increased noise and vandalism as patrons leave the lounge.

The Chair called for any other persons wishing to speak in favour of or against the proposal.

Ernie Brennan, Halifax

Mr. Brennan addressed Council in opposition to the proposal suggesting that a lounge at this location would cause more disruption to a quiet neighbourhood. He further suggested that there will be more such applications as the Regional Plan is implemented.

Robert McKelvie, Halifax

Mr. McKelvie addressed Council noting that he had held public consultation with area residents and there was no major opposition to the proposal voiced. The issues of concern including hours of operation, size of the space, whether or not there would be VLTs, have been addressed. Mr. McKelvie went on to indicate that all of the major restaurants in the city have a lounge license and that Quincy's is a restaurant first and foremost. He indicated that he has been committed to protecting the neighbourhood and addressing the concerns of residents. Mr. McKelvie indicated that he had no intention of jeopardizing the neighbourhood.

In response to Councillors Sloane and Murphy, Mr. McKelvie reiterated that Quincy's was a restaurant first. He further indicated that the lounge area would be used as a holding area for restaurant patrons waiting for a table and that he did not foresee a change in hours.

Bruce Sampson, Halifax

Mr. Sampson addressed Council in support of the application.

Janet Jocelyn, GM Quinpool Road Business Association

Ms. Jocelyn addressed Council in favour of the application noting that Quincy's is a well respected business in the Quinpool Road area.

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

Hearing none, it was **MOVED by Councilor Sloane, seconded by Councillor Karsten that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Uteck, seconded by Councillor Sloane that Regional Council: approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as described in Attachment A & B of the staff report dated May 19, 2006. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00891: Municipal Planning Strategy Amendment for South East Corner of Creighton & Gerrish Streets

- An extract of the minutes of the June 20, 2006 was before Council. Also before Council was a previously distributed report from the Peninsula Community Council dated June 14, 2006.
- An e-mail dated July 19, 2006 from Todd Yeadon was before Council.

Ms. Rhanda Wheaton, Planner, briefly presented the proposal to amend the Municipal Planning Strategy to allow for the re-development of a 12 unit apartment building at the southeast corner of Creighton and Gerrish Street, as contained in the May 18, 2006 staff report.

The Chair called for persons wishing to speak in favour of or against the proposal.

Ernie Brennan, Halifax

Mr. Brennan addressed Council indicating that he was in opposition to the proposal as the rezoning was giving rights to the developer to do as he/she wished with the property. He indicated that if the property is retained as a non conforming use, HRM will retain some control over development on the property.

Nile Savage, Architect for the project

Mr. Savage addressed Council providing some images of the proposed project. He noted

that the line of the building was broken so as not to appear a large solid building and to be in keeping with the architecture of the neighbourhood. He further indicated that the roofs are flat in keeping with the surrounding roofs.

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

Hearing none, it was **MOVED by Councillor Sloane, seconded by Councillor Johns that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Sloane, seconded by Councillor Johns that Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law as contained in Attachments A & B on the staff report dated May 18, 2006. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.9 2014 Commonwealth Games Economic Benefits Plan

- A staff report dated July 28, 2006 was before Council.

MOVED by Councillor Uteck , seconded by Councillor Smith that Halifax Regional Council, conditional upon the Federal and Provincial Governments committing to cost share to a total of \$100,00, approve an increase to the 2006 Economic Development Operating Budget E600 6999, in the amount of \$150,000 to undertake an independent economic analysis of the 2014 Commonwealth Games with funding for HRM's anticipated 1/3 share being made available through a withdrawal from the strategic Growth Reserve Q126 in the amount of \$50,000.

Staff responded to questions clarifying the purpose and the timing of the study as contained in the staff report. Staff advised that the statement made in the report regarding each sport represented at the Games having to hold an international event in Halifax prior to the Games is incorrect.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.10 Supplementary Funding of Halifax Regional School Board (HRSB) and Conseil scolaire acadien provincial (CSAP), 2006 - 2007

A staff report dated June 19, 2006 was before Council.

MOVED by Councillor McInroy, seconded by that Regional Council:

1. **Maintain total 2006-2007 Supplementary Education Funding at the amount approved by Regional Council on June 27, 2006.**

2. **Assuming that the Municipal Government Act is amended as proposed by Bill 9, that the education funding currently allocated to HRSB be shared between the HRSB and CSAP based on relative number of students resident in each of the three charge areas.**

Responding to questions, Mr. Bruce Fisher, Manager, Financial Planning, indicated HRM is responsible to collect the funds and, to ensure due diligence, would want to distribute the funds.

MOTION PUT AND PASSEED UNANIMOUSLY.

10.1.11 First Reading - By-Law C-500 - Respecting Commerce and Vending on Municipal Lands

- An extract for the draft minutes of July 4, 2006 was before Council. Also before Council was Administrative Order Number 37, Respecting Commerce and Vending on Municipal Lands (Site Location) [**Revised**]
- A previously distributed staff report dated June 19, 2006 was before Council

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

1. **First Reading of By-law C-500 respecting Commerce and Vending on Municipal Lands.**
2. **First Reading of Administrative Order 37, respecting Commerce and Vending on Municipal Lands (Site Locations).**
3. **First Reading of an amendment to Administrative Order 15, Respecting Licence, Permit and Processing Fees.**

Councillor Uteck clarified that individual vendors licenses would not be required for civic events/festivals which are organized by Associations. The Association would purchase one vending license to cover all vendors.

Councillor Sloane requested that a letter be forwarded to Mr. Bernie Smith, Spring Garden Road Business District regarding this matter. Mr. Ken Reashor, Traffic Authority, indicated that he would contact Mr. Smith in this regard.

MOVED by Councillor Harvey, seconded by Councillor McCluskey that the motion be amended to provide that HRM may consider a larger vehicle providing not more than one parking spot will be utilized. MOTION TO AMEND WAS PUT AND PASSED.

The following amended motion was put:

That Halifax Regional Council approve:

- 1. First Reading of By-law C-500 respecting Commerce and Vending on Municipal Lands with an amendment that HRM may consider a larger vehicle providing not more than one parking spot will be utilized.**
- 2. First Reading of Administrative Order 37, respecting Commerce and Vending on Municipal Lands (Site Locations).**
- 3. First Reading of an amendment to Administrative Order 15, Respecting Licence, Permit and Processing Fees.**

Councillor McCluskey noted that there is a stand on the corner of Crichton Avenue and Prince Albert Road and requested that staff check to ensure the operator has a license to operate from that location.

MOTION PUT AND PASSED

The Clerk advised that the date for the public hearing is September 5, 2006.

10.2 HARBOUR EAST COMMUNITY COUNCIL

10.2.1 Case 00788: Amendments to the Eastern Passage / Cow Bay Municipal Planning Strategy and Land Use By-Law

- A report from the Harbour East Community Council dated July 19, 2006 was before Council.

MOVED by Councillor Kent, seconded by Councillor McCluskey that Halifax Regional Council give First Reading to the proposed amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law as provided in Attachments "A" and "B" of the staff report dated June 6, 2006 and schedule a public hearing.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3 HERITAGE ADVISORY COMMITTEE

10.3.1 Heritage Case H00177: Application to Demolish 6454 Coburg Road, Halifax, A Municipally and Provincially Registered Heritage Property (Coburg Cottage)

- A report dated July 19, 2006 from the Heritage Advisory Committee was before Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane that Halifax Regional Council refuse the demolition permit for the registered heritage property at 6454 Coburg Road, Halifax, known as Coburg Cottage. MOTION PUT AND PASSED UNANIMOUSLY .

10.4 MARKETING LEVY COMMITTEE

10.4.1 Marketing Levy Major Events Funding

This matter was dealt with earlier in the meeting. See Page 6.

10.4.2 Working Committee Report

This matter was dealt with earlier in the meeting. See Page 6.

10.5 MEMBERS OF COUNCIL

10.5.1 Councillor Uteck - Street Sweeping

Councillor Uteck withdrew this matter indicating she would speak directly with staff.

10.5.2 Councillor Hum - Resolution - Sale of Consumer Fireworks

Councillor Hum addressed the matter noting that in recent months she has been dealing with both young people and adults setting off fireworks in neighbourhoods in her District. She indicated that in consultation with Chief Eddy and other Fire Services staff, the direction she is proposing is considered to be warranted.

MOVED by Councillor Hum, seconded by Councillor Wile that:

- 1. The Halifax Regional Municipality Mayor and Council endorse the Canadian**

Association of Fire Chiefs (CAFC) Policy statements adopted at their 2005 Annual General Meeting that the Federation of Canadian Municipalities (FCM) and Union of Nova Scotia Municipalities bring forward a resolution seeking federal legislation banning the sale and use of consumer fireworks in all municipalities across Canada.

- 2. His Worship Mayor Peter Kelly, Halifax Regional Municipality, on behalf of Regional Council, send a letter to the Federation of Canadian Municipalities (FCM) Board of Directors, and Union of Nova Scotia Municipalities (UNSM) Board of Directors, expressing HRM's support appropriate federal legislation banning the sale and use of consumer fireworks across Canada.**
- 3. Staff provide a report regarding the establishment of a Fireworks By-law in HRM.**

Councillor Hum noted that there is a great concern regarding fireworks. Consumer fireworks are available in stores throughout the municipality. She noted that there is a distinction between fireworks and firecrackers and, in fact, firecrackers are illegal in Canada. Councillor Hum requested that Chief Eddy update Council with regard to the issues of public safety in regard to fireworks.

Chief Eddy noted that the issue of the use of fireworks has been discussed at the Safe Communities Theme Team. The use of fireworks has been an issue throughout the years, however, the growth in use has been extraordinary over the last few years. The Chief indicated that this is due, in part, to availability of these products. As noted by the Councillor, firecrackers are banned from sale or use in Canada, while 'family fireworks' are available at a number of retailers across the country. Chief Eddy indicated that one of the issues of late has been the sale of single units (rather than the family package available in many stores) to persons who may not even be of an age to legally purchase the products.

The Chief indicated that this issue is both a local and national concern. For example, if HRM were to address this matter through only a By-law, retailers in neighbouring municipalities would likely have these products for sale. He went on to indicate that the intent is to seek municipal By-laws across the country, however, the national approach is to seek an outright ban of the products through the FCM/UNSM.

Councillor Hum indicated that these consumer fireworks are being used in parks and playgrounds resulting in fire and safety issues. She expressed concern that fireworks are being sold to persons not of a legal age to purchase these products. She noted that store owners are not requiring that the individuals produce identification when purchasing the fireworks.

Councillor Sloane, agreeing with the concern about youths using fireworks, asked why no action has been taken with the retailers. She went on to ask why these products are not locked away rather than being readily available in colourful retail displays.

Councillor Hendsbee indicated that he did not believe that a ban is necessary. He went on to suggest that a permit process is a more appropriate manner in which to address this issue. Individuals wishing to obtain a permit would do so through their local fire department and receive the appropriate education. He indicated that the retailer would then require that a permit be produced before selling the fireworks. Councillor Hendsbee stressed that public education is key to this issue. He further indicated that the permitting process would ensure that the Fire Department is aware of whom is purchasing fireworks and where the fireworks are being purchased. Councillor Hendsbee expressed concern that roadside and marine flares would replace fireworks if they are banned.

In response to a question from Councillor Karsten, the Municipal Solicitor indicated that she would research whether or not HRM has the authority to enact a By-law relative to fireworks. She noted, however, that she believed there had been a by-law regulating fireworks in the past.

Councillor Karsten indicated that at one time fireworks were illegal in Nova Scotia and asked that the report include information regarding when and why they were made legal.

MOTION PUT AND PASSED.

11. MOTIONS

11.1 Motion - Deputy Mayor Walker - Amendment to Policies SU-9 and SU-10 - Regional Municipal Planning Strategy

Consideration of this matter was deferred during the setting of the agenda.

11.2 Amendment - Administrative Order 18 - Respecting Revenue Collections Policy - Tax Sale Fees

- A previously distributed staff report dated June 28, 2006 was before Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane that Halifax Regional Council approve an amendment to Administrative Order 18 effective September 1, 2006 to include Schedule 1, Proposed Tax Sale Administration Fees, as attached to the June 28, 2006 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

12. ADDED ITEMS

12.1 Councillor Rankin - Proposed Asphalt Plant, Goodwood

- Correspondence dated July 24, 2006 to Mayor Kelly from Dr. Wayne Stobo, Chairperson, Halifax Watershed Advisory Board, was circulated to members of Council.

Referring to the circulated correspondence, Councillor Rankin noted that the Halifax Watershed Advisory Board reviewed the motion of Council and recommended that a cumulative environmental assessment be undertaken recognizing the total potential for heavy industrial development around Drysdale Bog. Reading from the correspondence, Councillor Rankin noted that the Drysdale Bog, considered by the Board to be a vulnerable wetland, is listed in the Department of National Resources Wetlands Atlas and is recognized as an area subject to appropriate protection under the Nova Scotia Environment Act.

MOVED by Councillor Rankin, seconded by Councillor Wile that Halifax Regional Council request a supplementary report from staff of Real Property Planning and Environmental Management Services addressing the concerns expressed in the correspondence from the Halifax Watershed Advisory Board.

Councillor Rankin further requested that staff also comment on the other uses these industrial lands might have including the possible public use of the land.

Councillor Adams referred to the request by Councillor Rankin regarding other uses and noted that if the Department of Environment chooses not to do an environmental impact assessment, the easement will not be granted and the lands cannot be used for any purpose. The Councillor requested that staff clarify whether Council would have to change their present motion as it does not allow access through that easement if an environmental impact assessment is not undertaken.

MOTION PUT AND PASSED.

12.2 2006 -07 Education Area Rate for Bedford and the Former County

- A staff report dated July 31, 2006 was circulated to Council.

MOVED by Councillor Harvey, seconded by Councillor Rankin that the Education Area Rate for the former Town of Bedford and Halifax County be set as the rate of \$0.034 to the residential, resource and commercial assessment including business occupancy of the former Town of Bedford and Halifax County. MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Legal Matter - Settlement of Claim

- This matter was dealt with at an In Camera meeting held earlier today and was before Council for ratification.

MOVED by Councillor Karsten, seconded by Councillor Wile that Halifax Regional Council:

1. **Approve the offer of settlement outlined in the July 28, 2006 Private and Confidential staff report and authorize Legal Services to proceed to formally conclude an agreement with the Employee's solicitor.**
2. **Require the Employee to keep the terms of the settlement confidential and further that the July 28, 2006 Private and Confidential staff report not be released.**

MOTION PUT AND PASSED.

12.4 Citizen and Councillor Appointments to Boards/Committees and Commissions

- This matter was dealt with at an In Camera meeting held earlier today and was before Council for ratification.

MOVED by Deputy Mayor Walker, seconded by Councillor Hum that Halifax Regional Council approve the Citizen and Councillor appointments to Board/Committees as recommended by the Membership Selection Committee, as follows:

1. **Councillor Fougere and Councillor Johns to the Hakodate/HRM Twinning-25th Anniversary Planning Committee**
2. **Terry Roane to the Board of Police Commissioners to fill an unexpired term to March 2008**
3. **Jiwanand Bhanot, June Buchanan and Sally Camus to the HRM Cultural Advisory Committee**

MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - None

14. ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council:

1. Proclamation - Peace Day - August 6, 2006
2. Memorandum from Director, Legal Services dated June 30, 2006 re: Status of By-law Prosecutions
3. Memorandum from Director, Environmental Management Services dated July 17, 2006 re: Harbour Solutions Quarterly Report (April to June / 06)
4. Memorandum from Director, Environmental Management Services dated June 30, 2006 re: RV Dumping Stations
5. Memorandum from Director, Planning & Development dated July 18, 2006 re: Halifax Inland Terminal Plan Funding Award
6. Memorandum from Director, Planning & Development dated July 20, 2006 re: Petition: Woodgrain Furniture Finishing Limited, 200 Waverley Road
7. Memorandum from Acting Director, Community, Culture & Economic Development dated July 19, 2006 re: Update: Regional Centre Urban Design Plan
8. Memorandum from the Municipal Clerk dated July 28, 2006 re: Requests for Presentation to Council - Halifax Coalition Against Poverty and ARK Outreach; Habitat for Humanity Halifax-Dartmouth