

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES JANUARY 4, 2000

PRESENT: His Worship Mayor Walter Fitzgerald
Deputy Mayor John Cunningham
Councillors: Steve Streach
Gordon R. Snow
Keith Colwell
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
Jerry S. Blumenthal
Graham L. Downey
Sue Uteck
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Stephen D. Adams
David E. Merrigan
Robert P. Harvey
Peter J. Kelly
Reg Rankin
Jack Mitchell

STAFF MEMBERS: Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Barbara Moar, Assistant Municipal Clerk

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1. **INVOCATION**

Mayor Fitzgerald called the meeting to order at 6:00 p.m. with the Invocation.

2. **SWEARING IN CEREMONY**

The Honourable Judge Corrine E. Sparks administered the Oath of Allegiance and Office to Councillor-Elect Sue Uteck, the successful candidate in the recent By-Election in District 13 Northwest Arm - South End.

The Mayor expressed thanks and gratitude to Judge Sparks for coming to Council this evening to administer the Oath of Allegiance and Office to the new Councillor. Mayor Fitzgerald welcomed Councillor Sue Uteck to Regional Council.

3. **PROCLAMATIONS - None**

4. **APPROVAL OF MINUTES**

MOVED BY Councillors Hetherington and Adams THAT the Minutes of December 7 and 14, 1999 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the Agenda:

- 14.1 Councillor Uteck - (i) Armview Traffic Ballot and (ii) Lights at Connaught Avenue and Jubilee Road
- 14.2 Legal Matter - Claim Settlement
- 14.3 Legal Matter - Claim Settlement
- 14.4 District Boundaries
- 14.5 Supplementary Funding

MOVED BY Councillors Hetherington and Adams THAT the Order of Business and Approval of Additions and Deletions be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

7. **MOTIONS OF RECONSIDERATION - None**

8. **MOTIONS OF RECISSION - None**

9. CONSIDERATION OF DEFERRED BUSINESS

9.1 Council Decision on Case 00155 - Application by Steve Tsimiklis to Rezone a Portion of 6870-72 Quinpool Road

- Public Hearing Portion was held on December 14, 1999, and decision was deferred until after the swearing in of Councillor-Elect Uteck
- Letter dated December 21, 1999 from Marcus Garnet, MCIP, Planner to Mr. Michael C. Moore, re Application by Steve Tsimiklis to rezone a portion of Lot 98 (Formerly Lot "X"), 6860-72 Quinpool Road from P (Park and Institutional) to R-1 (Single Family Dwelling), was before Council.

DECISION OF COUNCIL

MOVED BY Councillors Fougere and Walker that Council approve the rezoning of a portion of 6860-72 Quinpool Road (portion of lot 98), Halifax, from P (Park and Institutional) to R-1 (Single Family Dwelling), as shown on Map 1, attached to the November 3, 1999 staff report.

Councillor Read expressed his concern with approving the rezoning of this property, suggesting Council should hold this in abeyance until a strategy can be worked out for all of the CN lands with regards to transportation and a trail network. Councillor Fougere responded that these issues were raised during the public hearing, and were addressed in the letter from Marcus Garnet, Planner. Copies of Mr. Garnet's letter had been included in the Agenda packages. Councillor Fougere read sections from the letter in response to Councillor Read's concerns.

Councillors Walker, Blumenthal and Sarto provided some additional information concluding with their support of staff's recommendation.

MOTION PUT AND PASSED UNANIMOUSLY.

10. PUBLIC HEARINGS

10.1 Second Reading - By-Law S-101 to Amend By-Law S-100 Respecting Sewer Charges

- An extract from the December 14, 1999 Regional Council Minutes was before Council. At that meeting Council gave First Reading to By-Law S-101.
- A staff report, dated November 30, 1999, prepared for K. R. Meech, Chief Administrative Officer, regarding the above, previously circulated at December 14, 1999 meeting, was before Council.

Mr. John Sheppard, Manager, Environmental & Engineering Approvals, provided a summary of the proposed by-law amendments. He stated that this by-law enables HRM to recover funds from the users of its sewer systems to fund operating and maintenance costs, repairs, upgrading, and replacement. In terms of replacement, the by-law enables the recovery of funds in two different ways.

When new buildings are built, owners requesting a connection to HRM sewers are levied a charge equal to 30 cents per square foot of building area. This is a one time charge only. When new sewers are built, the owner of an existing building who wishes to connect to an existing sewer is charged, at this point in time, a one time flat charge of \$500.00 per building. The \$500.00 flat charge is the same whether it is a single family dwelling, multi-unit apartment building or for industrial use.

Staff do not believe the flat rate of \$500.00 is fair and equitable and is not a fair reflection of the use of the sewer by the abutting owners. Staff are recommending that the by-law be amended so that each existing single dwelling unit that is connected to the new sewer be levied a charge of \$500.00, and all other existing users who wish to be connected to the sewer be charged at the rate of 30 cents per square foot, which is consistent with the rate in place for new buildings that connect to existing sewers.

In response to a question from Councillor Hetherington re Alpine Drive, Mr. Kulvinder Dhillon, Director, Engineering & Transportation Services, responded that anyone who has already paid for a sewer connection, would not pay for it again.

Councillor Stone questioned how the 30 cents per square foot equated to the \$500.00 levied on a dwelling. Mr. Sheppard responded that it would equal out if the square footage of the building was about 1,700 square feet. He pointed out that if the rate was levied on the basis of a square footage charge, every building would have to be measured, creating a great deal of work. Councillor Stone asked if existing buildings had to connect. Mr. Sheppard responded that it would depend on the way the project is set up at the outset as to whether they must connect or not. He used the example of a health problem where an on-site system is not functioning properly may make connection mandatory.

Councillor Walker expressed his concern with the amendments stating that there should be a cap on these charges for apartment buildings, for example, at \$10,000. He pointed out that if someone built a 100 unit apartment building, it would cost \$50,000 to connect to the sewer. He believes this is excessive when compared to \$500.00 for a single family home.

Mr. Dhillon stated that an apartment building requires more sewage flow capacity than one

single dwelling unit, and these funds are used to create that capacity. To be fair, staff believe there has to be a relationship between the use of the sewer system and how much sewer volume is created.

For clarification, Mr. Dhillon stated that staff are recommending amendments to Section 11 (2) dealing with existing buildings. Amendments are not being made to Section 11 (1) which deals with new buildings on existing infrastructure.

In response for further clarification, Mr. Sheppard reiterated that these amendments apply only to Section 11 (2) where new sewers are to be installed and where there are buildings that already exist. The proposed charge is \$500 per dwelling unit for a single family dwelling, and if, for example, it is an apartment building with 40 units, the charge would be \$20,000. In response to Councillor Kelly's question if there is a vacant piece of property to be built on with an apartment of 40 units where the pipe already exists, what would be the charge, Mr. Sheppard stated the charge would be 30 cents per square foot.

Mayor Fitzgerald called three times for members of the public wishing to speak either in favour of or against the amendments. Hearing none, the following motion was placed before Council:

MOVED By Councillors Hetherington and Schofield that the public hearing close. MOTION PUT AND PASSED.

DECISION OF COUNCIL

MOVED BY Councillors Blumenthal and Adams THAT Council approve Second Reading of By-Law S-101 to Amend By-Law S-100 Respecting Sewer Charges.

For clarification, Mr. Sheppard said there is a charge only if the owner connects. Councillor Stone said he had received comments from many residents indicating that \$500.00 was not fair and equitable, suggesting \$400.00 would be more appropriate in relation to the 30 cents a square foot. The Councillor said he would like to find a common ground that would encourage owners to connect. He felt this was important as part of the Halifax Harbour cleanup.

Councillor Merrigan agreed that \$500.00 was too high but he believed that multiple units should pay their fair share. He pointed out that a 1,000 square foot house at 30 cents a square foot would be \$300.00, and he questioned why all dwelling units should pay \$500.00 regardless of size.

Councillor Cooper suggested Council should be looking at a way to force people to connect to the sewer.

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS

11.1 Petitions

Councillor Uteck submitted a petition from residents to 'Stop the Traffic Light Barricades' at the corner of Connaught and Jubilee Road, bringing the total number of signatures to 2,800.

12. REPORTS

12.1 Chief Administrative Officer

12.1.1 Multi-Year Financial Strategy - Capital Pool Procedures

- Information Report dated December 10, 1999, distributed at December 14, 1999 Regional Council Meeting, was before Council.

Councillor Walker had requested that this Information Report be brought forward on the Agenda to ensure that the policy and procedure outlined in the Report was adopted by Council for this pool of money. Mr. Meech responded that he believed this was already a policy of Council, and was part of the policies adopted in May 1999 regarding the Multi-Year Financial Strategy. The Information Report was to remind and clarify with Council that this was the policy and procedure that had been adopted.

MOVED By Councillors Walker and Greenough that Council reconfirm its approval of the policy as set out in the December 10, 1999 Information Report related to the Multi-Year Financial Strategy - Capital Pool Procedures. MOTION PUT AND PASSED.

12.1.2 Administrative Order Number One

- Excerpt from December 14, 1999 Minutes, and Administrative Order Number One was before Council re amending Section 22k (1) (h).

Mr. Meech reported that this is with regard to a change in the Administrative Order with regard to the ability to have public hearings at any Council session, as opposed to the existing Administrative Order that refers to the third Tuesday of the month.

MOVED BY Councillors Greenough and Sarto THAT Section 22 (1) (h) of Administrative Order Number be amended to allow public hearings regarding planning issues to be scheduled on an as needed basis at any regular Council

session.

It was confirmed that this would only be on the recommendation of planning staff. It was suggested that staff look at the agenda when setting up public hearings in relation to planning issues so that they are evenly distributed.

MOTION PUT AND PASSED UNANIMOUSLY.

13. **MOTIONS** - None.

14. **ADDED ITEMS**

14.1 **Councillor Uteck**

(i) **Armview Traffic Ballot**

Mr. David McCusker, Manager, Traffic & Transportation Services responded to questions from Councillor Uteck re a ballot that was sent out to residents on December 16th. The ballot stated that it was a vote re making permanent the trial traffic calming measures. She asked if this should have read that the residents were voting on the shortcutting policy. Mr. McCusker agreed that it should have read that it was a shortcutting policy.

Councillor Uteck asked for clarification on the terms used to describe streets that were included in the voting process. She pointed out that some of the area residents are upset that they live within 60 meters of the project streets, but because of their street classification, they have been denied the right to vote. The Councillor stated that it was her understanding that Connaught Avenue had been designated as a 'collector road' and, therefore, these residents do not get a vote.

Mr. McCusker responded there are two reasons that Connaught Avenue is not included in the vote. One is because they are not within the 60 meters intended by the policy. Secondly, the policy was not intended to provide a vote for residents on collector or arterial streets, and to limit it to the local street classification.

Councillor Uteck responded that if she were a resident and read this as a trial traffic calming policy and not shortcutting, she believed this would be not be a legal ballot. Mr. McCusker responded that he did not believe there should be any confusion over what the test is intended to do. Everyone that received a ballot is aware of what the test is and that is what they are voting on.

Councillor Uteck expressed her concern with residents living in areas more than 60 meters away from the project streets being allowed to vote because they have been selected as

a project street, and those living with a light outside their door do not have a vote. Mr. McCusker responded that the intention of the subject street vote was for people whose access to their property is directly affected by the changes. Making restrictions on an isolated neighbourhood would have an impact on people on those streets being able to access their property. It was for these properties that the plan was intended to serve. Mr. McCusker said there are concerns on the streets outside the subject streets about the redistribution of traffic, but the concerns about access to property are not being impacted as directly.

Councillor Uteck stated that she strongly believes residents living within the immediate area of the lights are certainly affected by them, and should have a vote. Mr. McCusker agreed that they would be affected, but he would classify them as minor. He said there would be similar affects on people not living in the area commuting to work.

Councillor Uteck said it was her understanding that the ballot was to be sub-divided into individual parts. Mr. McCusker responded that it was the intention of the ballot to have the residents vote on the plan as a whole. He had not seen anything that was intended to separate individual measures that were part of the plan.

(ii) Lights at Connaught Avenue and Jubilee Road

Councillor Uteck noted that at the Council meeting held on December 7th, Mr. McCusker reported that the lights at Connaught Avenue and Jubilee Road were put in under warrants. The Councillor said it was her understanding from the solicitor that in order to do warrants that Council is required to hold a public hearing prior to the approval of any permanent installations. Councillor Uteck said on 23 different documents, Mr. McCusker had stated that the lights were part of a trial installation period, but Council had now been led to believe that these lights have been put in under warrants.

Mr. McCusker said the lights were put in under warrants and the distribution of the timing in a bias manner was made as part of the shortcutting test. Referring to the bias of the timing, Councillor Uteck quoted from an August 1994 report prepared by UMA in response to a request for a traffic light at Connaught Avenue and Jubilee Road. The UMA report stated quite clearly that this would not work. Reasons given were that the use of unwarranted traffic control devices for such purposes is contrary to acceptable engineering practices, it could compromise safety at other traffic signals, and could place those involved in approving their installation in a position of liability should accidents occur. The Councillor pointed out that Council voted on December 7th to continue with all the measures in place as a trial installation, and reiterated her earlier comments that public hearings were required before the lights were put in under warrants.

For clarification, Mr. Anstey said when he was referring to the permanent installation, he

was not referring to the lights, he was referring to the traffic calming solution and the permanent solution. He was addressing the policy. The installation of traffic lights, signs, etc., are under the jurisdiction of the traffic authority. Mr. McCusker responded that at the time the UMA report was written, signals were not warranted, but they are at this time. Councillor Uteck continued to express her concern with the permanent installation of these lights when it had been indicated 23 times that this was a trial installation.

Mr. Dhillon agreed with Mr. McCusker that the signals were not warranted in 1994, but that they were today. Mr. Dhillon stated that the Connaught Avenue lane markings have to be changed. The traffic lights will work with the change in lane markings.

Mayor Fitzgerald referred to the increased traffic now travelling the area from the traffic lights to Oxford Street. He asked why staff are not concerned about this traffic. Mr. McCusker said that section of Jubilee Road is classified as a collector roadway which is why there is no consideration for limiting the volumes. Armview, Pryor and the lower section of Jubilee are classified as local roads. Mayor Fitzgerald questioned why the same road had two classifications. Mr. McCusker responded that geometric concerns were considered when two classifications were given to Jubilee Road. These included consideration of the sight distance and safety for driveways on a local street, such as Armview, because of sharp curves, crests and on-street parking.

Councillor Cooper said he had a great deal of difficulty in excluding those who have been greatly affected by this process. He believes by installing the lights and barricades, Connaught Avenue has been changed from a collector road into an extremely very busy residential street. Councillor Cooper said he believes HRM is setting a bad precedent.

Councillor Rankin expressed his concern with what has happened. He does not believe the former Deputy Mayor would have asked to have a traffic calming policy carried out if he had known what was going to happen. Councillor Rankin said he believes staff have unduly prejudiced the traffic calming process by installing these lights under warrants before input from the residents had been received.

Councillor Uteck expressed her concern that the ballot had already been distributed. But, it was pointed out by Mr. Dhillon that Council had requested staff to speed up the process and it is expected that a report will be prepared for the January 18th meeting. Mr. Dhillon suggested that staff could meet with Council at an In Camera meeting in the afternoon and then bring it to the regular Agenda in the evening.

Councillor Uteck said she would like to make a motion to bag the lights for a two week period, but it was pointed out by the solicitor that Council cannot make this motion. This is under the jurisdiction of the Traffic Authority. Mr. Anstey said Council can pass a motion recommending that the Traffic Authority do this, but the Traffic Authority makes the final

decision.

It was pointed out by Councillor Uteck that when this whole exercise was started, both sides agreed that a three-way stop would suffice and this was the one thing that all residents could agree on. The Councillor referred to a May 1995 memorandum from Mr. Kennedy, Traffic Authority, stating that it was against any engineering practices to impede a collector road. This is exactly what has been done on Connaught Avenue.

14.2 Legal Matter - Claim Settlement

- This matter was addressed earlier at an In Camera meeting and was now before Council for ratification

MOVED BY Councillors Blumenthal and Fougere THAT Halifax Regional Council approve the settlement of the legal action brought by the Plaintiff, James Fletcher, in the total amount of \$20,500.00 all exclusive for non-pecuniary damages, pre-judgment interest, legal costs and disbursements. MOTION PUT AND PASSED UNANIMOUSLY.

14.3 Legal Matter - Claim Settlement

- This matter was addressed earlier at an In Camera meeting and was now before Council for ratification.

MOVED By Councillors Walker and Stone THAT Halifax Regional Council approve the settlement of two legal actions arising from the same incident in the total amount of \$33,638.00, which consists of compensation to Joan MacDougall, Michael MacDougall and Margaret MacDougall in the total amount of \$14,638.60 all inclusive for non-pecuniary damages, pre-judgment interest, legal costs and disbursements and to Robert Lough in the total amount of \$19,000.00 all inclusive for non-pecuniary damages, pre-judgment interest, legal costs and disbursements. MOTION PUT AND PASSED UNANIMOUSLY.

14.4 District Boundaries

Several Councillors expressed concern that there was not sufficient notice given to their residents to attend meetings that are being held on January 5, 6 and 10th to discuss district boundary amendments. It is being proposed that there be twenty-four districts, with some residents in existing districts being moved to another. Another concern expressed by the Councillors was the use of letters identifying the 24 districts, rather than using numbers that are currently used to identify the 23 districts. It was felt this would be confusing for residents. It was also suggested that it would be helpful to have comparison figures of the

number of people living in each of the existing and proposed districts. Maps showing the existing and proposed districts should be made available to the public.

Other Councillors expressed their concern with Councillors stating opinions at this point in time, suggesting that there should not be any discussion on this until after the public information meetings have been held. It was understood that the Committee would bring back information from these meetings to Council at which time a full discussion would be held on any recommendations. It was pointed out that 'equity' has been achieved with an equal number of voters for each of the proposed 24 districts.

Councillors and staff reported on the dates, times and locations for the public information meetings for each of the regions - western, central and eastern.

14.5 Supplementary Funding

Councillor Adams asked the solicitor to provide a report with regard to supplementary funding. This is in relation to children who attended Holly Drive School and had the benefit of supplementary education, but they are now attending William King in Herring Cove which does not have the supplementary education. It has been suggested that HRM would not allow money to be collected in one area and distributed to another. Councillor Adams asked the solicitor to report on what the by-law says with regard to the collection and distribution of supplementary education funding.

15. NOTICES OF MOTION

15.1 Councillor Uteck

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, January 11, 2000, I intend to introduce a motion to allow the residents within 60 meters of the project streets, regardless of their street classification, to be allowed to vote regarding the Armview Traffic ballot.

15.2 Councillor Kelly

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday January 11, 2000, I propose to introduce a motion to amend Section 22. (j) of Administrative Order Number One to revise the Council agenda to include all **Information Reports** on the regular weekly Council Agenda. Such reports to be identified on the regular agenda following Committee and staff reports as Section Roman Numeral (iv).

15.3 Councillor Kelly

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday January 11, 2000, I propose to introduce a motion to amend Section 22. (1) (i) of Administrative Order Number One. The purpose of this amendment is to allow presentations to be scheduled on an 'as requested' basis at any regular Council session; and,

FURTHER, amend Section 29. (2) of Administrative Order Number One to read 'A delegation shall first arrange to be heard by applying to the Clerk in writing, stating the essence of the presentation to be made, not later than 12:00 o'clock noon on the Friday immediately preceding each regular meeting of the Council.

15.4 Councillor Mitchell

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday January 11, 2000, I propose to introduce a motion to have HRM staff do a transit study in District 23 and report back to this Council.

15.5 Councillor Mitchell

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday January 11, 2000, I propose to introduce a motion to have a letter sent from Halifax Regional Council to Hon. Ron Russell, Minister, Transportation & Public Works, and Hon. John Chataway, MLA, Chester-St. Margaret's to have the provincial government install school zone signs on #3 Highway at the head of St. Margaret's Bay Road near P-3 school on Ridgewood Drive. This is a safety concern.

15.6 Councillor Adams1

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday January 11, 2000, I propose to introduce for First Reading, By-Law T-110, the purpose of which is to amend By-Law T-100, the Regional Taxi & Limousine Committee By-Law by changing the make-up of the Committee as well as an incidental amendment respecting the powers of the Committee.

16. ADJOURNMENT

MOVED By Councillors Hetherington and Sarto THAT the meeting adjourn at 8:05 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
Municipal Clerk