

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES January 8, 2002

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Robert P. Harvey
Councillors: Steve Streach
Gary Hines
Keith Colwell
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Brad Johns
Len Goucher
Reg Rankin

ABSENT WITH REGRETS:

Councillors Jerry Blumenthal
Steve Adams
Gary Meade

STAFF:

Mr. George McLellan, Acting Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Julia Horncastle, Assistant Municipal Clerk

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1. INVOCATION

The meeting was called to order at 6:00 p.m. with the Invocation being led by Councillor Cooper.

2. PROCLAMATIONS - NONE

3. APPROVAL OF MINUTES - NONE

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

Additions

13.1 Chebucto Community Council - Traffic Signals - Lacewood and Parkland

Council agreed to address this item in conjunction with item 8.1

13.2 Legal Matter - Memorandum of Understanding (MOU) - Natural Gas

Council agreed to address this item following item 9.1.

Information Items

1. Public Consultation - Proposed 2002/03 Budget Process

2. Creation of Winter Parking Hot Line

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

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

9.1 Second Reading By-Law S-104 Respecting Sewer Charges - Late Payment on Pollution Control Billings

- An extract from the Draft December 18, 2001 Regional Council minutes was before

Council.

- A report prepared for Mr. George McLellan, Acting Chief Administrative Officer, dated December 11, 2001, on the above noted, was before Council.

Mr. Blaine Rooney, Manager of Finance, Halifax Regional Water Commission, outlined the staff report advising the amendment is a change in the late payment calculation on pollution control charges from a one time fixed rate of 3.9% to a monthly charge of 1.5% of the outstanding balance. This amendment will harmonize HRM's charges with those of the Water Commission which have been approved by the Nova Scotia Utility and Review Board for the water charges.

Mayor Kelly called three times for those wishing to speak either in favour of or in opposition to the By-law amendment. Hearing none, the following motion was placed.

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

Council Decision

MOVED by Councillor Cooper, seconded by Councillor Hetherington, that Council approve By-Law S-104, Respecting Sewer Charges - Late Payment Charges on Pollution Control Billings, effective January 1, 2002, an amendment to By-Law S-100 to eliminate the one-time late payment charge and replace it with a regulation which provides for an interest charge of 1.5% per month on outstanding Pollution Control amounts beyond the due date. MOTION PUT AND PASSED.

13.2 Legal Matter - Memorandum of Understanding (MOU) - Natural Gas

MOVED by Councillor Hetherington, seconded by Councillor Goucher, that Halifax Regional Council authorize the Mayor and Municipal Clerk to execute a Memorandum of Understanding (MOU) in substantially the same terms as the Agreement (MOU) attached to the January 3, 2002 Private and Confidential staff report with the noted change to 9(a) to read Per paragraph 6 above, as well as, the noted formatting changes; and, that this report be released to the public. MOTION PUT AND PASSED UNANIMOUSLY.

Mr. Blaine Clark, President, Sask Energy, addressed Council stating Sask Energy believes that natural gas can be economically and competitively distributed both in the metropolitan area and throughout Nova Scotia.

Mayor Kelly thanked Mr. Clark for his presentation.

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Advanced Funding Approval Proposed 2002/03 Roads & Sidewalks Capital Budget

13.1 Traffic Signals at Lacewood Drive/Parkland Drive Intersection

- A report prepared for Mr. George McLellan, Acting Chief Administrative Officer, dated December 12, 2001, on the above noted, was before Council.
- A report from the Chebucto Community Council, dated January 8, 2002, was before Council.

Mr. Rick Paynter, Manager, Design and Construction Services, overviewed the staff report, advising this will allow staff an earlier start on the implementation of the Capital Budget.

Councillor Whalen addressed the report from the Chebucto Community Council advising this is to address an urgent need at this intersection.

In response to Councillor Cooper, Council was advised the list before Council was applicable to streets only. Mr. Paynter advised this is the list of streets, for both paving renewal and resurfacing, that have not yet been tendered. Mr. Paynter advised everything from the 2001 budget has been tendered with the exception of the listing provided in the staff report.

MOVED by Councillor McInroy, seconded by Councillor Goucher, that Halifax Regional Council:

- 1. Provide advanced funding approval of the proposed 2002/03 Capital Roads & Sidewalk Budget for Public Works and Transportation Services in the amount of \$6,500,000. as outlined within Schedule "A" of the staff report dated December 12, 2001, and as per the Discussion and Budget Implications section of the staff report dated December 12, 2001.**
- 2. Include traffic signals at Lacewood Drive/Parkland Drive Intersection in the list of projects that are being approved for early tendering and work as this intersection is very critical to development in the area.**

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Councillor Smith - Recent Decision by Provincial Government re: Unightly Premises

Councillor Smith noted a resolution was adopted by UNSM for HRM to order less than thirty day orders under Dangerous and Unsightly. The Councilor noted the Province split the motion allowing HRM to order less than thirty day orders for dangerous situations but denied the unsightly. He noted no information was provided as to why the Province split the resolution.

MOVED by Councillor Smith, seconded by Councillor Sloane, that a letter be sent to UNSM expressing disappointment with the decision by the Provincial Government. Further, a letter be sent to the Minister asking for the reasons why “unsightly” was removed and ask that reconsideration be given to the issue at the next sitting of the Legislature. MOTION PUT AND PASSED UNANIMOUSLY.

8.3 Councillor Goucher - Green Cart Biodegradable Bags

Councillor Goucher noted that residents have been advised that plastic compost bags are no longer acceptable and placed the following motion.

MOVED by Councillor Goucher, seconded by Councillor Sloane, that a staff report be provided to Council regarding the use of the compostable bags as well as request staff to investigate an alternative to these bags such as the Bio Corp Compostable bag. MOTION PUT AND PASSED UNANIMOUSLY.

(Councillor Streach left the meeting at 6:50 p.m.)

8.4 Halifax International Airport Advisory Committee

- An extract from the Draft December 18, 2001 Regional Council minutes was before Council.
- A report from Mayor Peter J. Kelly, Chair, Membership Selection Committee, dated December 12, 2001, on the above noted, was before Council.

The motion on the floor was:

MOVED by Councillor Rankin, seconded by Councillor Fougere, that the citizens nominated to serve on the Halifax International Airport Authority Advisory Committee be at large and not based on the geographical boundaries of the four previous municipal units.

Councillor Hetherington noted that representation is currently from the four previous municipal units and suggested the status quo be maintained.

Councillor Fougere spoke in favour of the representation being at large, noting that all former units have been amalgamated into one municipal unit and if Council continues to delineate those former boundaries, it may have the effect of eliminating persons who can contribute expertise to boards and committees.

Councilor Cooper suggested representation be from urban, suburban, rural and one at large representative.

Councillor Hines expressed concern with not having a representative from the airport area as the nature of the environment surrounding the airport is fragile. The Councillor advised there are issues regarding the watershed, pyritic slate and sewage treatment requirements that may not be familiar to someone who was not from the area.

Councillor Goucher stated the most important thing is to have people on the board that are going to steer the Authority in the direction that it will survive.

MOVED by Councillor Goucher, seconded by Councillor Cooper, that the motion be amended to state that citizens nominated to serve on the Halifax International Airport Authority Advisory Committee be at large but where possible geographical distribution be considered.

Councillor Hetherington stated that if the ad is placed and not enough qualified candidate applications are received from the geographic area in which the vacancy is created, then you go for at large representation.

Councillor Goucher clarified that the intent of his motion is a general distribution on a regional geographical basis within the whole Region.

Councillor Walker expressed concern that this may have ramifications as people may come with a certain bias because of where they live.

Councillor Cooper suggested one of the members come from the area where the airport is located and suggested that one of the positions on the committee be designated for a representative from District 1 or 2 and the others be geographical, if possible, to meet the commercial and airport interests of the Regional Municipality.

Councillor Smith stated that if there is no qualified representative from the geographical area then the appointments should be made at large.

MOVED by Councillor Cooper, seconded by Councillor Hines, in the amendment to the amendment, that one representative be appointed from District 1 or 2. MOTION

DEFEATED.

The amendment was now on the floor for consideration.

AMENDMENT DEFEATED.

Councillor Rankin noted the advertisement for boards and committees did not identify specific qualification requirements in order to be considered for appointment to this board. The Councillor stated that consideration has to be given to what is in the best interest of the public.

The original motion was now before Council:

MOVED by Councillor Rankin, seconded by Councillor Fougere, that the citizens nominated to serve on the Halifax International Airport Authority Advisory Committee be at large and not based on the geographical boundaries of the four previous municipal units.

A recorded vote was requested.

Members of Council voting **in favour** were: Mayor Kelly, Deputy Mayor Harvey, Councillors Cooper, McInroy, Uteck, Fougere, Walker, Whalen, Mosher, Goucher and Rankin

Members of Council voting **against** were: Councillors Hines, Warshick, Sarto, Hetherington, Smith, Cunningham, Sloane and Johns

Councillors Streach, Colwell, Blumenthal, Adams and Meade were not present for the vote.

MOTION PUT AND PASSED (11 in favour, 8 against)

At a later point in the meeting, Councillor Hetherington moved and Councillor Cunningham seconded a Notice of Reconsideration for the January 15, 2002 Council session.

9. PUBLIC HEARINGS

9.1 Second Reading By-Law S-104 Respecting Sewer Charges - Late Payment on Pollution Control Billings

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

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Correspondence

10.1.1 Correspondence from Superintendent, Halifax Regional School Board, dated December 18, 2001 re: Pupil Transportation Policy

- A copy of correspondence from Mayor Kelly to Mr. David Reid, Superintendent, Halifax Regional School Board, dated November 29, 2001 and correspondence from Mr. David Reid to Mayor Kelly, dated December 18, 2001, was before Council.

MOVED by Councillor Goucher, seconded by Councillor Sarto, that the Mayor write the School Board requesting clarification on how the distances are calculated for bussing purposes, are there any alternatives that can be suggested and, what criteria is used to determine how courtesy bus passes are given out. Further, a request be made to the Province requesting the logic for the 3.6 km distance for bussing purposes. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Petitions

10.2.1 Councillor Sloane

Councillor Sloane submitted a petition on behalf of Gottingen Street business owners requesting the parking regulations in the area be changed to allow for thirty minute customer parking.

(Councillor Streach resumed his seat at 8:00 p.m.)

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Aerotech Biosolids Lagoon Emergency Cleanout

- A report prepared for Mr. George McLellan, Acting Chief Administrative Officer, dated December 4, 2001, on the above noted, was before Council.

MOVED by Councillor Hines, seconded by Councillor Streach, that Council:

1. confirm approval of withdrawal of \$390,000 from the Aerotech Lagoon Reserve (Q117) and \$288,000 from the Environmental Protection Reserve (Q105) as approved by the Acting Chief Administrative Officer (Tender #01-118) on July

26, 2001.

2. **approve an increase in Aerotech Lagoon tipping fees from 5.5 cents per gallon to 8.0 cents per gallon effective April 1, 2002.**
3. **approve that Aerotech Lagoon tipping fee revenues (surplus) in excess of the amount in the operating account (R260-5203) be transferred to the Aerotech Lagoon Reserve (Q117) annually.**

In response to Councillor Walker, Council was advised the increase in tipping fees would cover the private haulers share of the clean up.

Councillor Mosher requested a report be provided on the exact surpluses in the Environmental Protection Reserve.

In response to Councillor Colwell as to what steps have been taken to ensure there won't be a requirement for another emergency pump out, Mr. Kulvinder Dhillon, Director, Public Works and Transportation, advised staff are monitoring the lagoon more closely with regards to how much sewage is at the bottom and how much water is in the lagoon. Also, there is more capacity as a result of the berm being raised. He noted the cleanout cycle has been changed to one and a half years versus the previous three year cycle.

MOTION PUT AND PASSED.

11.1.2 Request to Retain School Crossing Guard - Astral Drive

- A report prepared for Mr. George McLellan, Acting Chief Administrative Officer, dated December 6, 2001, on the above noted, was before Council.

MOVED by Councillor McInroy, seconded by Councillor Hetherington, that the Crossing Guard not be retained at Astral Drive. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 MEMBERS OF COUNCIL

11.2.1 Councillor Walker - Appeal Process for Winter Parking Ban Tickets

MOVED by Councillor Walker, seconded by Councillor Sloane, that a staff report be provided on setting up an appeal process for tickets issued to parked cars on streets during snow storms.

Councillor Walker noted the present system does not allow for an appeal process unless the recipient takes the ticket to court and, in taking the ticket to court, the amount goes from \$15.00 to \$45.00 because appeals are not heard by the courts within the sixty days.

The Councillor requested information be provided on whether this process can be done and, if not, how can the process be changed so that an appeal can be allowed. The Councillor asked if there was a way to change the sixty days on the tickets so the amount does not go to \$45.00 if the ticket is appealed. He stated he would like to see a process put in place that would make it simpler for the residents to appeal who do not feel justified in getting a ticket.

The Councillor requested the report include options the Municipality has or does not have with regards to changing the system.

Mr. Anstey, Municipal Solicitor, advised the tickets are issued under the Provincial Motor Vehicle Act and are the same as for any other offence under the Act. Once the ticket is issued then it is part of the court process and legally there are only two people that can withdraw the ticket, the officer that issued it or the prosecutor. A committee of Council would have no jurisdiction with respect to the tickets.

Councillor Cooper requested Council be provided with a copy of the Policy and Procedures with regards to the issuance of tickets in order to clarify whether it gives up to date consideration of weather conditions and how soon information is provided to the public regarding cancellation of winter maintenance.

A number of Councillors expressed concern that tickets may be questioned if the information provided on the HRM Snow Line is not accurate and up to date.

MOTION PUT AND PASSED.

11.2.2 Councillor Goucher - Municipal Government Act - Subdivisions 10% Rule

Councillor Goucher advised this pertains to Section 279 of the Municipal Government Act which states "*where a Subdivision By-law specifies minimum lot dimensions or lot area and the By-law so provides the Development Officer may approve a plan of subdivision that shows not more than two lots that do not meet these requirements provided lot dimensions and area are not less than 90% of the required minimums*".

The Councillor noted this section is permissive only in nature and undermines the intent of the MPS and LUB's within HRM. He noted this section is used as of right and has cast doubts in the minds of the public in Council's ability to control the planning policy. The rule can affect every district without any prior knowledge. The Councillor suggested serious consideration be given to termination of the use of this rule.

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

1. request legal staff provide an opinion with regards to the validity of Section 279 of the MGA without enabling policy contained within planning documents within HRM;
2. request planning provide a detailed report as to use of Section 279 of the MGA and it's application; and,
3. until such time as a report is returned to Council, ask staff that any approval under Section 279 be withheld.

MOTION PUT AND PASSED UNANIMOUSLY.

12. **MOTIONS - NONE**

13. **ADDED ITEMS**

13.1 **Chebucto Community Council - Traffic Signals - Lacewood and Parkland**

This item was addressed earlier in the meeting. (see page 6)

13.2 **Legal Matter - Memorandum of Understanding (MOU) - Natural Gas**

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

14. **NOTICES OF MOTION**

MOVED by Councillor Hetherington, seconded by Councillor Cunningham, that reconsideration be given to item 8.4, the Halifax International Airport Authority Board, at the January 15, 2002 Council session.

15. **ADJOURNMENT**

MOVED by Councillor Sloane, seconded by Councillor Sarto, that the meeting be adjourned at 9:05 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk