

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES January 22, 2002

PRESENT:

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

REGRETS:

Councillor Brian Warshick

STAFF MEMBERS:

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

Table of Contents

1.	INVOCATION	4
2.	PROCLAMATIONS	4
2.1	Gilbert and Sullivan Society of Nova Scotia Week	4
3.	APPROVAL OF MINUTES - December 18, 2001 and January 8, 2002	4
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	4
5.	BUSINESS ARISING OUT OF THE MINUTES	5
6.	MOTIONS OF RECONSIDERATION - NONE	5
7.	MOTIONS OF RESCISSION - NONE	5
8.	CONSIDERATION OF DEFERRED BUSINESS	5
8.1	Canada - Nova Scotia Infrastructure Program (Jan. 15)	5
9.	PUBLIC HEARINGS - 6:00 p.m.	7
9.1	Second Reading By-Law S-700 - Respecting Swimming Pools	7
10.	CORRESPONDENCE, PETITIONS & DELEGATIONS	8
10.1	Petitions	8
10.1.1	Councillor Adams - Spay and Neuter of Pets Legislation	8
10.1.2	Councillor Adams - Supplementary Funding	9
10.2	Presentation	9
10.2.1	Halifax Regional School Board	9
11.	REPORTS	9
11.1	CHIEF ADMINISTRATIVE OFFICER	9
11.1.1	Tender 01-280 Intersection Realignment - Nantucket Ave. and Victoria Road - Eastern Region	9
11.1.2	Parks & Recreation Volunteer Initiatives	9
11.1.3	First Reading By-Law H-400 Respecting Marketing Levy Motion Councillor Fougere - Move First Reading	12
11.1.4	Hammonds Plains Road / Lucasville Road Traffic Signals Cost Sharing Agreement	12

11.2	MEMBERS OF COUNCIL	12
11.2.1	Councillor Adams - Overhead (RA-5) Crosswalk Signs	12
11.2.2	Councillor Mosher	
	(i) Blasting By-Law B-300	13
	(ii) Bennery Lake Watershed Protected Waters Area (Info Jan. 8/02)	14
12.	MOTIONS	15
13.	ADDED ITEMS	15
13.1	Councilor Adams - Pets Spaying and Neutering By-Law	15
13.2	Councillor Cooper - Flooding - Barbara Drive	15
13.3	Councillor Walker - Request to Move Information Item #4 - Appeals Process - Winter Parking Tickets, to agenda for discussion	15
13.4	Membership Selection Committee - Citizen Appointments	17
13.5	Preston Policing Initiative	17
14.	NOTICES OF MOTION	17
14.1	Councillor Streach - Acting CAO Position	18
14.2	Councillor Adams - By-Law T-108	18
15.	ADJOURNMENT	18

1. **INVOCATION**

Mayor Kelly called the meeting to order with the Invocation being led by Councillor Sarto.

Acknowledgements

Later in the meeting, Councillor Goucher acknowledged the presence in the gallery of Mr. Mike Flemming, Chair, and Ms. Peggy Draper, Vice-Chair, Halifax Regional School Board. As the request of Councillor Rankin, Mr. Flemming briefly addressed Council under Item 10 - Correspondence, Petitions & Delegations (see Page 10)

2. **PROCLAMATIONS**

2.1 **Gilbert and Sullivan Society of Nova Scotia Week**

January 25 - February 1, 2002 was proclaimed to be Gilbert and Sullivan Society of Nova Scotia week in Halifax Regional Municipality.

3. **APPROVAL OF MINUTES - December 18, 2001 and January 8, 2002**

MOVED by Councillor Goucher, seconded by Councillor Sarto, that the minutes of December 18, 2001 and January 8, 2002 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

- 13.1 Councilor Adams - Spaying and Neutering of Pets By-Law
- 13.2 Councillor Cooper - Flooding - Barbara Drive
- 13.3 Councillor Walker - Request to move Information Item #4, Appeals Process - Winter Parking Tickets, to agenda for discussion
- 13.4 Membership Selection Committee - Citizen Appointments
- 13.5 Preston Policing Initiative

The following item was deleted from the agenda:

- 11.2.2 (ii) Councillor Mosher - Bennery Lake Watershed Protected Waters Area (Info Jan. 8/02)

Councillor Goucher requested that Information Item #3 re: Green Cart Biodegradable Plastic Bags be added to the regular agenda for January 29, 2002.

5. **BUSINESS ARISING OUT OF THE MINUTES**

6. **MOTIONS OF RECONSIDERATION - NONE**

7. **MOTIONS OF RESCISSION - NONE**

8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 **Canada - Nova Scotia Infrastructure Program (Jan. 15)**

C A staff report prepared for George McLellan, Acting Chief Administrative Officer, was previously circulated to Council on January 15, 2002, and was now before Council for its consideration.

MOVED by Councillor Goucher, seconded by Councillor Johns, that Council approve the list of infrastructure priorities attached to the staff report dated January 17, 2002.

Councillor McInroy expressed concern regarding Priority #44 - Shore Road Erosion and stressed the urgency of moving forward with this project as soon as possible.

MOVED by Councillor McInroy, seconded by Councillor Goucher, that Priority #44 - Shore Road Erosion be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Meade inquired about the process for non-profit organizations to get on the infrastructure list. The Councillor noted the Province will not consider such applications unless the Municipality grants approval of them, however the municipality cannot submit the application on behalf of the non-profit group. Staff agreed to contact the Province to obtain further information regarding non-profit applications.

Councillor Cooper expressed thanks to Council for its support for water for Little Salmon River. The Councillor suggested that, based on the announcement made yesterday regarding this project, it can be removed from the infrastructure priority list.

Councillor Rankin stated water and sewer projects depend on external finances from the federal and provincial governments to proceed, unlike some other projects. The Councillor noted there are a number of water serviceable Districts that need water, including Priority #17 - Maplewood Water Service - Phase II. The Councillor asked for a staff report to address

water and sewer projects, already documented and approved by Council that need to be fixed; and, if they cannot be done this year, that the report address when they will be done.

MOVED by Councillor Rankin, seconded by Councillor Blumenthal, that Priority #17 - Maplewood Water Service - Phase II, and other similar serviceable district documented cases, be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Smith requested that two projects in his District be referred to staff for a report:

MOVED by Councillor Smith, seconded by Councillor Cunningham, that the following two projects be referred to staff for a report: (1) The extension of Wright Avenue and the new intersection at Burnside Drive, and (2) Proposed pedway across the Circumferential Highway to connect Burnside Park with the Highfield Park area.

With regard to the extension of Wright Avenue and the new intersection at Burnside Drive, Mr. Kulvinder Dhillon, Director, Public Works and Transportation Services, advised that this project was considered, but the Province did not approve it, and staff are examining other options to access the back of Burnside Industrial Park.

In terms of the process, Mr. McLellan stated there is an ability for a period of time to change the list after it has been submitted. Mr. Bruce Fisher stated HRM can add to or change the list, and noted that, in the past, the added items tended to go to the bottom of the list.

MOTION PUT AND PASSED.

Councillor Sarto noted \$195 million was allocated to the Province over a period of five years, and less than 25 percent of that is allocated to HRM. The Councillor stated HRM is the largest municipality in the Province, with the largest population, and inquired what criteria was used to decide that HRM would only get \$25 million. In response, Mr. Fisher explained how the amount was calculated, noting it was based on the ratio of population and unemployment which gave HRM its \$25.8 million. Councillor Sarto suggested it would be justifiable if HRM received a little more taking into consideration the geography of HRM, its population, and the service needs resulting from the expansion and growth of the municipality.

In response to a question of Councillor Streach regarding Priority #41 - Musquodoboit Harbour Water and Sewer, Mr. McLellan noted staff have not completed some assumptions as to how HRM's share of the cost of this project would be covered. Mr. Dhillon added that staff are also looking at a different way of resolving the problem rather than the conventional way and are awaiting further information and analysis which might affect the cost.

MOVED by Councillor Streach, seconded by Councillor Blumenthal, that Priority #41 - Musquodoboit Harbour Water and Sewer, be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Hetherington expressed appreciation that the top street and road priority is the Shearwater Connector Phase I.

Councillor Uteck expressed concern that there are no affordable housing projects on the list. In response, Mr. McLellan stated there is no specific mandate in HRM's administration that deals with this issue, but when the opportunity arises for Councillors to make suggestions regarding this matter, staff would be pleased to work with them.

Several Councillors expressed concern regarding the condition of CN bridges throughout HRM, and Council requested that a letter be sent to CN regarding these concerns and the need for repairs to the bridges.

Councillor Sloane expressed concern with the lack of upgrade and maintenance of water and sewer in downtown Halifax, and requested a staff report on this matter.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal, that the issue of maintenance of water and sewer in downtown Halifax, and whether or not there is a defined schedule for maintenance, be referred to staff for a report. MOTION PUT AND PASSED.

Councillor Sarto inquired about Priority #31 Recreation Facility - East Dartmouth, and whether or not there have been any discussions between the Boys and Girls Club Committee and HRM staff regarding the surplus school now owned by HRM in the area. Ms. Karen MacTavish, Director, Parks and Recreation Services, stated staff are represented on the Dartmouth East Committee and a staff report can be provided detailing what they analysed and how the criteria was weighed as to what would meet the development needs for recreation in the Dartmouth East area, but she noted all the options were considered.

MOVED by Councillor Sarto, seconded by Councillor Hetherington, that Priority #31 - Recreation Facility - East Dartmouth, be referred to staff for a status update. MOTION PUT AND PASSED.

The vote was then take on the main motion.

MOTION PUT AND PASSED UNANIMOUSLY.

9. PUBLIC HEARINGS - 6:00 p.m.

9.1 Second Reading By-Law S-700 - Respecting Swimming Pools

C An Information Report prepared for Paul Dunphy, Director, Planning and Development Services, regarding the above, was before Council for its information. Mr. Gary Porter, Planner, presented the report to Council, noting changes have been made to the By-Law as a result of requests made at the first Public Hearing held on December 4, 2001.

Responding to a question of Councillor Sarto regarding Section 6 (6) of the By-Law, Mr. Porter stated a community council would hear an appeal of a variance refusal. Mr. Wayne Anstey, Municipal Solicitor, clarified that the provisions in the MGA only deal with variances pursuant to the Land Use By-Law, and this would be a different situation. However, he noted there is general provision in the MGA that, if there are any appeals with respect to any decision-making, they can be made to a committee, community council or any other body designated by Council. To provide for an appeal to go to the community council of the area, Mr. Anstey advised that the definition of Council in Section 2 (a) of the By-Law could be amended, if Council so wished, after the Public Hearing, to read as follows: *Council”means the community council serving the area in which the pool is to be constructed.”*

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

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

COUNCIL DECISION

MOVED by Councillor Sarto, seconded by Councillor Rankin, that By-Law S-700 Respecting Swimming Pools, as presented in Appendix A of the Information Report dated December 6, 2001, pass Second Reading with the following amendment: Section 2(a) to read as follows: “*Council” means the community council serving the area in which the pool is to be constructed.*”

Responding to a question of Councillor Cooper regarding Section 6 (11) and notification requirements, Mr. Porter stated there is provision for notification, and this section comes directly out of the Municipal Government Act. There is an application fee that is charged which helps defray some of the advertising costs.

MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Petitions

10.1.1 Councillor Adams - Spay and Neuter of Pets Legislation

Councillor Adams submitted correspondence from Ms. Joan Durling, a resident of Dartmouth, regarding spay and neuter of pets legislation for Halifax Regional Municipality. The Councillor asked this be taken into consideration independent of any proposed Cat By-Law.

10.1.2 Councillor Adams - Supplementary Funding

Councillor Adams served a petition from Elizabeth Sutherland School, Halifax, containing approximately 340 signatures of residents supporting the current level, or an increase, in supplementary funding.

10.2 Presentation

10.2.1 Halifax Regional School Board

This item was addressed later in the meeting (see Page 10).

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender 01-280 Intersection Realignment - Nantucket Ave. and Victoria Road - Eastern Region

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that Council award Tender No. 01-280, Intersection Realignment, Nantucket Avenue and Victoria Road - Eastern Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$338,360.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$396,125.00, with funding available in Capital Account Numbers CTR00898, CTR00416, CTR00905, CZR00357 and authorized as per the Budget Implications Section of the staff report dated January 16, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.2 Parks & Recreation Volunteer Initiatives

- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

Councillor Fougere acknowledged the presence of members of the Planning Committee for the Parks and Recreation Volunteer conference that took place in November/December 2001 and introduced Mr. Grant MacDonald, Mineville Community Association, and Ms. Norma MacLean, Community Developer, who made a presentation to Council regarding Parks and Recreation Initiatives and the Mineville Community Association. Copies of the presentation were circulated to members of Council.

Mayor Kelly thanked the presenters for their comments.

Responding to a question of Councillor Colwell, Mr. MacDonald stated the Association received approximately \$200,000 in funding and in kind services over the last two years.

Councillor Fougere stated community participation by volunteers is incredible throughout HRM. The Councillor also congratulated the Parks and Recreation community developers for their work, and put forth the following motion:

MOVED by Councillor Fougere, seconded by Councillor Sloane, that Council adopt the following resolution:

WHEREAS the Halifax Regional Municipality is fortunate to have visionary, diverse and caring citizens whose involvement in their local communities is marked by their many acts of volunteerism; and,

WHEREAS over two hundred volunteers attended a Parks & Recreation Volunteer Conference on November 30 and December 1, 2001 to celebrate the International Year of the Volunteer, to attend training sessions and to network; and,

WHEREAS at this conference one of the outcomes of the plenary session question "How can Halifax Regional Municipality better support its volunteers?" was to hold an annual conference for volunteers,

BE IT RESOLVED that Halifax Regional Municipality support volunteer activity and a volunteer conference on an annual basis.

Councillor Fougere noted the cut-off date for nominations for HRM volunteer awards is January 31, 2002. The Councillor noted there are five exceptional volunteer awards granted

throughout HRM, and, this year, for the first time, there will also be two youth volunteers chosen.

MOTION PUT AND PASSED UNANIMOUSLY.

At this time, Councillor Rankin requested Council's support in permitting Mr. Michael Flemming, Chair, Halifax Regional School Board, to briefly address Council. Council agreed to the request.

10.2.1 Halifax Regional School Board

Mr. Michael Flemming, Chair, Halifax Regional School Board, addressed Council, noting in the past there has been some tension between Regional Council and the Halifax Regional School Board. Mr. Flemming stated he believes the two bodies have to forge a relationship built on understanding, trust and respect. He noted that both bodies share a lot of the same issues in terms of provincial downloading. Mr. Flemming stated the School Board agrees with Council that education is a provincial responsibility, and that the School Board's provincial funding is being deducted by the amount it receives from HRM in supplementary funding. He noted the problem is the Municipal Government Act does not permit the School Board to expend those funds in an equitable fashion around the municipality. Mr. Flemming stated he wants HRM to understand the problems that the School Board faces in terms of the dereliction of responsibility of the provincial government.

In closing, Mr. Flemming stated the School Board and Council have to work together, both in terms of providing the best possible education for the children of HRM, and in forcing the province to live up to its responsibilities. He asked that Council understand that the School Board has no flexibility as it does not have the ability to raise funds through taxes, and when downloading takes place they have to make cuts in the classrooms.

Councillor Sloane inquired if the merger of St. Pat's and Queen Elizabeth High Schools was put back on the table by the School Board or the Province. Mayor Kelly suggested that the question be referred to Mr. Flemming to respond back to the Councillor.

Councillor Blumenthal stated it is time the School Board and Council work together as partners to approach the Province.

Councillor Colwell expressed appreciation to Mr. Flemming for speaking to Council and stated he looks forward to a new era of cooperation.

Responding to a question of Councillor Sloane regarding the possibility of the School Board changing its meeting time so members of Council could attend meetings, Mr. Flemming stated this has been discussed, but it appears that Tuesday evening is currently the best time for most School Board members.

Councillor Johns also expressed appreciation to Mr. Flemming for attending, stating it is a positive move.

In response to a question of Councillor Streach, Mr. Flemming stated he is looking for a more cooperative relationship between the School Board and Regional Council. He further stated that both bodies are working for the good of the municipality, and it is counterproductive to work against each other. Councillor Streach noted the School Board works for the students and the education system, and not necessarily for the good of HRM as a whole.

Mayor Kelly thanked Mr. Flemming for his presentation and his greetings of support.

**11.1.3 First Reading By-Law H-400 Respecting Marketing Levy
Motion Councillor Fougere - Move First Reading**

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Fougere, seconded by Councillor Blumenthal, that Council approve First Reading of By-Law H-400 Marketing Levy (Attachment #1 of the staff report dated January 16, 2002), and direct the Municipal Clerk to advertise for a Public Hearing and Second Reading on February 12, 2002.

Councillor Sloane requested that staff examine the possibility of Councillors being permitted to issue vouchers for residents displaced from their homes due to Acts of God, and the possibility of these vouchers being issued by EMO through the Red Cross. In response, Mr. Lew Rogers, Director, Tourism, Culture and Heritage, stated the issue of displacement due to Acts of God was addressed in the staff report, but staff will explore the EMO and Red Cross processes to see if such a system could be implemented. With regarding to cases of individuals being displaced, Mr. Rogers stated staff are still trying to determine if there is a way to address these cases.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.4 Hammonds Plains Road / Lucasville Road Traffic Signals Cost Sharing Agreement

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Rankin, seconded by Councillor Meade, that Regional Council authorize the Mayor and Municipal Clerk to sign the agreement (attached to the staff report dated January 16, 2002) with the Province of Nova Scotia to share the cost of

installation of traffic signals at the intersection of Hammonds Plains Road (Route 213) and Lucasville Road.

Responding to a question of Councillor Johns, Mr. Kulvinder Dhillon, Director, Public Works and Transportation Services, stated the traffic lights will be on by the end of February 2002.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2 MEMBERS OF COUNCIL

11.2.1 Councillor Adams - Overhead (RA-5) Crosswalk Signs

Councillor Adams stated he would like to have some information from staff as to how the push button on the RA-5 crosswalk signs could be moved to the side of the pole that is visible to on-coming traffic so pedestrians can be seen the entire time they approach the crosswalk.

MOVED by Councillor Adams, seconded by Councillor Mosher, that this matter be referred to staff for a report.

Councillor Blumenthal stated a lot of drivers are not paying attention when they are driving, and suggested a letter should be sent to the Province requesting that some education take place for drivers with respect to the use of cell phones.

Councillor Sarto noted the Advisory Committee for Persons with Disabilities discussed the RA-5 crosswalk issue and will be forwarding a letter to Traffic Services expressing its concern.

Councillor Hetherington requested that the staff report include information regarding the criteria used for installing RA-5 crosswalk signs in an area.

Councillor Johns requested that the report include information regarding maintenance of these signs, noting it appears some of the buttons are sticking. The Councillor also suggested it may be worthwhile to reinstate the public awareness video, which dealt with how to cross at crosswalks, that was implemented by HRM a number of years ago.

MOTION PUT AND PASSED UNANIMOUSLY.

**11.2.2 Councillor Mosher
(i) Blasting By-Law B-300**

MOVED by Councillor Mosher, seconded by Councillor Adams, that staff evaluate Blasting By-Law B-300 to determine whether or not the technical limits are adequate to deter illegal blasting in HRM.

Speaking in support of the motion, Councillor Mosher asked that the staff report address the following:

- C What are the limits on a summary offence?
- C Does HRM have the ability to increase the fine to \$10,000 to create a substantial deterrent?
- C Are there any other measures staff can take to enforce this by-law?
- C The implications of revoking a permit.
- C The liability for blasting damage to homeowners.
- C How many cases have been moved to court by HRM, and how many pled guilty?
- C Can the insurance companies be made aware of the blasting companies that continually break the law?
- C Can HRM look at an escalating permit fine?
- C Are there any mechanisms for control available above and beyond the technical ones?
- C Proper calibration of the equipment
- C Provincial legislation to revoke these licenses
- C What are the requirements for a person to design a blast?
- C What is the time frame to get a blasting permit?
- C What is the exact depth to design the blast?
- C Will blasting permits be more time limited, such as 8 weeks?
- C More specific information should be required by the inspector.
- C Assessment of the automatic revocation of the license.

Councillor Hines questioned how highly trained are the HRM inspection teams to ensure that proper site preparation is done in the issuance of permits. The Councillor also stated he is not certain that all the people doing the blasting work are properly trained.

Speaking in support of the motion, Councillor Adams noted a recent illegal blasting took place in the Spryfield area a few weeks ago, and spoke in support of an increased fine.

Councillor Whalen noted the residents of Prince's Lodge have also requested that the By-Law be reviewed as they have experienced severe blasting due to large apartment building construction in the area. One problem pointed out by the residents with respect to the pre-blast inspection is that wells and water flow are not examined, which can be greatly affected by blasting. The Councillor also expressed concern with the fact that the monitoring company is hired and paid for by the blasting company, and suggested a better monitoring system could be established.

In response, Mr. George McLellan, Acting Chief Administrative Officer, stated staff are doing all they can with respect to this issue in terms of the By-Law, but sometimes the small penalties do not help the enforcement. Mr. McLellan stated a review of increased fines for all by-laws is currently under discussion, and staff expect to be back to Council in a couple of weeks with a report.

Councillor Mosher expressed thanks to staff who have assisted her in this regard, and clarified that her concern is with the By-Law and not staff.

Councillor Hines noted the issue of illegal blasting of wells in attempt to get better water also needs to be addressed as these are never done with permits.

MOTION PUT AND PASSED UNANIMOUSLY.

(ii) Bennery Lake Watershed Protected Waters Area (Info Jan. 8/02)

During Approval of the Order of Business, this item was deleted from the agenda.

12. MOTIONS

13. ADDED ITEMS

13.1 Councillor Adams - Pets Spaying and Neutering By-Law

Councillor Adams requested an update from staff on the status of a spaying and neutering by-law for pets, if it is indeed being discussed. The Councillor also asked that staff examine how other municipalities have incorporated such a by-law, and how the same could be implemented for HRM.

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

13.2 Councillor Cooper - Flooding - Barbara Drive

Councillor Cooper noted there are several areas in District 4 where roads have been improved over the years, and there are a lot of areas prone to flooding and gathering of water. The Councillor requested that a survey and evaluation of the Barbara Drive be done by staff. The Councillor noted staff have cleaned out the drainage ditches but the flooding problem still exists. Councillor Cooper noted the staff report could be forwarded to the Harbour East Community Council.

MOVED by Councillor Cooper, seconded by Councillor McInroy, that this matter be referred to staff for a report to be forwarded to the Harbour East Community Council. MOTION PUT AND PASSED UNANIMOUSLY.

13.3 Councillor Walker - Request to Move Information Item #4 - Appeals Process - Winter Parking Tickets, to agenda for discussion

C An Information Report prepared by Wayne Anstey, Director of Administrative Services, dated January 14, 2002, was before Council for its information.

Councillor Walker requested a supplementary staff report to response to the following questions:

- 1) Why the adjudication and review process detailed on the back of the ticket is not followed for the winter parking ban? Why can't the form be filled out and taken through the process from the storefront locations? Can this process be followed?
- 2) Staff to bring forward guidelines for issuing parking tickets under Section 139, as there currently are none.
- 3) Can residents use the parking meters during a storm during the day under Section 139?

MOVED by Councillor Walker, seconded by Councillor Blumenthal, that this matter be referred to staff for a supplementary report.

Councillor Adams expressed concern with the logic being used in determining what vehicles should be towed. The Councillor stated people are confused as to when it is safe for them to park on the street. Councillor Adams stated he believes Council has fallen short in providing the criteria that suggests when it is and is not safe to park on the street.

Councillor Sarto stated he received a number of calls from residents who believed they were unjustly issued tickets. The Councillor agreed with Councillor Walker that Section 139 has to be more clearly defined.

Mr. George McLellan, Acting Chief Administrative Officer, stated Section 139 is part of the Motor Vehicle Act and HRM can only petition the Province with respect to amending it. With regard to the current procedures, Mr. McLellan stated staff would be pleased to report back to Council at any time. He noted the "Snow Line" is now in effect for the use of residents. Mr. McLellan stated there will never be enough control of this issue to satisfy all members of the public. He further stated the practices of certain public and certain staff is largely the issue in this matter. Mr. McLellan suggested the more Council discusses this issue without resolution, the net of valued concerns are lost, and the sooner Council can resolve the issue, both the public and HRM will be best served.

Councillor Blumenthal suggested some sensitivity training should be provided to the ticketing agents in how to react to people who are being ticketed.

Councillor Sloane stated she received many calls and e-mails regarding this issue, and suggested HRM needs to be more sensitive to people who come to the downtown area to work.

Deputy Mayor Harvey suggested the problem is that Council has created an atmosphere where staff will not exercise discretion, because they have been continually told to “tow and ticket.”

Councillor Mosher stated she believes staff are exercising common sense. Council decided to lift the parking ban, and staff now have no designated time to clear the street. With regarding to the “Snow Line”, Councillor Mosher stated staff cannot be expected to update it every minute, and it is there as a guideline only.

Councillor Sloane stated most housing units in the downtown area do not have any off-street parking, and inquired if Parking Lot “J” is available for residents to park overnight. In response, Mr. McLellan stated staff could look at this, but there is another problem if they are not gone in the morning. Mr. McLellan cautioned Council that this will further complicate the issue.

Councillor Mosher asked that the report address portraying to the public that even though there is no ban, residents who rely on on-street parking will still have to secure alternate off-street parking in the winter.

Closing the debate, Councillor Walker stated from time to time someone will get a ticket they believe is not justified. On the back of the ticket, it states the process to follow. However, the residents are advised at the storefront locations that they cannot argue the ticket because it is for the winter parking ban. The Councillor suggested the ticket should be revised if this process is not available.

MOTION PUT AND PASSED.

13.4 Membership Selection Committee - Citizen Appointments

C A report from the Membership Selection Committee, regarding the above, was before Council for its consideration.

MOVED by Councillor Uteck, seconded by Councillor Blumenthal, that:

1. Kevin Johnson and Cynthia Sullivan be appointed to serve on the Halifax-Dartmouth Natal Day Committee to November 2005.
2. Nancy Reeder be appointed to serve on the Bedford Days Executive Committee to November 2004.
3. Councillor Mosher be appointed to the Program and Service Review Committee to fill an unexpired term to November 2002. **MOTION PUT AND PASSED UNANIMOUSLY.**

13.5 Preston Policing Initiative

- C This matter was discussed during an In Camera session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Colwell, seconded by Councillor Uteck, that Regional Council give pre-budget approval for the hiring of two additional RCMP officers to be assigned to the Prestons with an estimated cost of \$170,000. MOTION PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor Streach - Acting CAO Position

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on January 29, 2002, I intend to introduce a motion to have Council confirm our confidence in Mr. George McLellan as the CAO of the Halifax Regional Municipality, thereby eliminating the need for a costly, nation-wide head-hunt, and to drop the title of "Acting CAO" to offer permanence to Mr. McLellan's title.

It was agreed that this item also be added to the In Camera agenda for January 29th as a Personnel Matter.

14.2 Councillor Adams - By-Law T-108

TAKE NOTICE that at the regular meeting of Halifax Regional Council to be held on Tuesday, the 29th day of January 2002, I propose to move First Reading of By-Law T-119, a By-Law intended to amend By-Law T-108, the Taxi and Limousine By-Law by:

- (1) Increasing the maximum number of taxi owner licenses in the Halifax zone for the year 2002 to 610;

- (2) Providing for the maximum number of owner licenses to increase further over the next three years in accordance with the growth rate of the Gross Domestic Product of the Province of Nova Scotia.
- (3) Providing for a review of the maximum number of owner licenses after three years; and
- (4) Providing a mechanism for the distribution of available owner licenses to drivers who do not have vehicle licenses.

15. ADJOURNMENT

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the meeting adjourn at 8:20 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
Municipal Clerk