

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES March 19, 2002

PRESENT:

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

REGRETS:

Councillors: Diana Whalen
Linda Mosher

STAFF MEMBERS:

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

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1. INVOCATION

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Fougere.

2. PROCLAMATIONS

2.1 International Day for the Elimination of Racial Discrimination

March 21, 2002 was proclaimed to be International Day for the Elimination of Racial Discrimination.

3. APPROVAL OF MINUTES - February 26, 2002

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the minutes of February 26, 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 Property Matter - Expropriation Settlement - Otter Lake Landfill
- 13.2 Legal Matter - Settlement of Claim

The following item was deferred to a future date:

- 11.1.1 Heritage Case H00063 - Heritage Registration, 2535 Robie Street, Halifax, All Nations Christian Reformed Church

Councillor Rankin requested that the following item be placed on the March 26, 2002, Council agenda:

Correspondence - Federation of Canadian Municipalities re: Ratification of the Kyoto Protocol

In the meantime, the Councillor encouraged any Councillor who may have questions regarding the resolution to call the FCM Office in Ottawa.

It was agreed to deal with Item 11.1.2 - Heritage Case H00080 Plaques for Registered Heritage Properties within the Halifax Regional Municipality following Item 8.1 - Case H00073 Heritage Registration Hearing, 1137 Ketch Harbour Rd.

MOVED by Councillor Rankin, seconded by Councillor Hetherington, that the Order of Business, and Additions and Deletions, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

- 5. **BUSINESS ARISING OUT OF THE MINUTES**
- 6. **MOTIONS OF RECONSIDERATION - NONE**
- 7. **MOTIONS OF RESCISSION - NONE**
- 8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 **Case H00073 Heritage Registration Hearing, 1137 Ketch Harbour Rd. (Feb. 26/02)**

- C A report from the Heritage Advisory Committee, regarding the above, was before Council for its consideration.

Mr. Kevin Barrett, Planner, presented the report to Council, noting the property owners are in favour of the heritage registration, but they have conveyed in writing that they do not wish to address Council regarding the issue.

In response to a question of Councillor Streach, Mr. Barrett explained the restrictions that are placed on a property once it is registered, as well as the benefits of registration.

MOVED by Councillor Adams, seconded by Councillor Johns, that Regional Council approve the heritage registration of 1137 Ketch Harbour Road under the HRM Heritage Property Program. MOTION PUT AND PASSED UNANIMOUSLY.

As agreed to during Approval of the Order of Business, Council dealt with Item 11.1.2 - Heritage Case H00080 Plaques for Registered Heritage Properties within the Halifax Regional Municipality, at this time.

11.1.2 **Heritage Case H00080 Plaques for Registered Heritage Properties within the Halifax Regional Municipality**

- C A report from the Heritage Advisory Committee, regarding the above, was before Council for its consideration.

Mr. Kevin Barrett, Planner, presented the report to Council.

Responding to a question of Councillor Blumenthal, Mr. Barrett stated the new plaque will only be issued to properties newly registered.

Councillor Uteck expressed thanks to Mr. Barrett and the Committee for their work on this issue, noting it signifies that HRM is one municipal unit.

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Regional Council approve the proposed Heritage Plaque for Halifax Regional Municipality as described in the staff report to the Heritage Advisory Committee dated February 18, 2002.

Councillor Sloane spoke in support of the motion, however she expressed a preference for gold lettering. In response, Mr. Barrett stated a meeting was held with the designers to find something that would be distinct from the former City of Halifax, and it was felt that white lettering would be more appropriate to the design of the plaque.

Responding to a question of Councillor Smith, Mr. Barrett stated seven properties have been registered since amalgamation and there are eight more under consideration. He noted there are also some plaques that have been stolen or damaged that need to be replaced, bringing the total plaque requirement to approximately 25. Councillor Smith expressed concern with the price of the plaques. In response, Councillor Uteck noted many registered heritage property owners pay over \$5,000 per year to maintain their homes, and the heritage properties also bring money to the municipality through tourism.

Councillor Goucher suggested staff may want to consider adding the HRM heritage number to the plaques.

In response to a question of Councillor Sarto, Mr. Barrett stated the proposed colour of the plaque is green to differentiate it from the former City of Halifax plaques and to pick up on the tones of the HRM Coat of Arms.

Councillor Streach spoke in support of the proposed plaque.

MOTION PUT AND PASSED UNANIMOUSLY.

9. PUBLIC HEARINGS

9.1 By-Law T-208 Respecting Tax Exemptions - St. Thomas More Church

C By-Law T-208 Respecting Tax Exemptions - St. Thomas More Church passed First Reading on February 26, 2002, and was now before Council for Second Reading.

C A staff report prepared for George McLellan, Chief Administrative Officer, regarding the above, was before Council for its consideration.

Mr. Peter Bigelow, Manager, Parks and Open Spaces, presented the staff report to Council.

Mayor Kelly called three times 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 Blumenthal, seconded by Councillor Hetherington, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor Warshick, seconded by Councillor Sarto, that Regional Council give Second Reading to By-Law T-208, Respecting Tax Exemption for Non-Profit Organizations, 2001-2002: Saint Thomas More Church. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 Administrative Order SC-27 Respecting Street Closure - Portion of Lower Water Street, Halifax

C A staff report prepared for Dan English, Acting Chief Administrative Officer, regarding the above, was previously circulated to Council for its consideration.

Mr. Mike Woods, Senior Real Estate Officer, Real Property Services, presented the staff report to Council.

In response to a question of Councillor Sloane, Mr. Woods stated a street closure is a formal procedure which takes place whenever a street line is moved. He noted that in this case it is just a realignment of the street.

Mayor Kelly called three times for members of the public wishing to speak either in favour of or against the Administrative Order. Hearing none, the following motion was put on the floor:

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

COUNCIL DECISION

MOVED by Councillor Sloane, seconded by Councillor Blumenthal, that Council approve HRM Administrative Order SC-27 concerning the closure of Parcel "A", a portion of Lower Water Street, identified on Attachment "A" of the staff report dated January 21, 2002, based on a land exchange with Nova Scotia Power Corporation approved by the former City of Halifax on July 19, 1995, as detailed in the staff report dated January 21, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Petitions

There were no petitions served at this meeting.

10.2 Presentation

10.2.1 By-Law H-400, Marketing Levy Impact

- i) **Seymour Trihopoylos - Stardust Motel**
- ii) **Angela Browne - Econo Lodge**

- C Correspondence from Mr. David MacDonald, King Edward Inn, regarding the above, was before Council for its consideration.
- C Correspondence from Mr. Paul Stackhouse, Steering Committee Chair, Destination Halifax, regarding the above, was before Council for its consideration.

Before the presentation, for the appearances of impropriety, Councillor Uteck withdrew herself from the discussion of this item.

Ms. Angela Browne, General Manager, Econo-Lodge, made a presentation to Council in opposition to By-Law H-400, Marketing Levy. A copy of her presentation was provided for the record. Ms. Browne also submitted a petition, containing approximately 23 signatures of businesses requesting that amendments be made immediately to the By-Law so that it includes only those properties of 100 rooms or more within the HRM.

Mr. Seymour Trihopoylos, Stardust Motel, addressed Council regarding the impact of the marketing levy on smaller businesses, and also requested that amendments be made immediately to the By-Law so that it includes only those properties of 100 rooms or more within the HRM. A copy of his presentation was provided for the record along with a document entitled "Common Myths" regarding the By-Law.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the presentation be referred to staff for a report to Council. MOTION PUT AND PASSED UNANIMOUSLY.

11. REPORTS

11.1 HERITAGE ADVISORY COMMITTEE

11.1.1 Heritage Case H00063 - Heritage Registration, 2535 Robie Street, Halifax, All Nations Christian Reformed Church

During Approval of the Order of Business, this item was deferred.

11.1.2 Heritage Case H00080 Plaques for Registered Heritage Properties within the Halifax Regional Municipality

This item was addressed earlier in the meeting.

11.2 CHIEF ADMINISTRATIVE OFFICER

11.2.1 Quote 02-C208 - Price Agreement to Remove and Dispose of CFC's from Domestic Appliances

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 Sarto, that Council award Quotation Number 02C208 for removal and disposal of CFC's to Dartmouth Appliance Repair Ltd. in Service Areas 1 and 2 for the price of \$18.75 per serviced appliance over a three year period. The total anticipated price of this service is \$65,853 per year or \$197,559 over the three years based on servicing 3,300 appliances each year. The net HST is included in the above prices and funding is outlined in the Budget Implications section of the staff report dated March 11, 2002.

Councillor Hetherington noted the public can now call HRM to have CFC's taken out of appliances when they wish to dispose of them. Mayor Kelly advised Council that advertisements relative to this matter will be placed in the newspapers.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2.2 Tender 02-203 Johnstone Ave Upgrading, 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 Hetherington, seconded by Councillor Goucher, that Council:

- 1. Approve the recovery of Local Improvement Charges for new sidewalk and new concrete curb and gutter on Johnstone Avenue, by an amount of \$16,653.20, to be applied to the general area rate of District 8.**
- 2. Award Tender No. 02-203, Johnstone Avenue Upgrading to Lafarge Canada Inc. for materials and services listed at the unit prices quoted for a Tender Price of \$464,307,50, plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$543,600.00, with funding from capital accounts CZR00357, CGR00368, CKR00948 and**

CK00141 as per the Budget Implications Section of the staff report dated March 11, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.2.3 Tender 02-204 Bissett Road Reconstruction & New Sidewalk

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

MOVED by Councillor McInroy, seconded by Councillor Warshick, that Council:

- 1. Approve the recovery of Local Improvement Charges for new sidewalk and new concrete curb and gutter on Bissett Road, by an amount of \$47,124.00, to be applied to the general area rate of District 5.**
- 2. Award Tender No. 02-204, Bissett Road Reconstruction and New Sidewalk to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$264,180.00, plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$309,280.00, with funding authorized as per the Budget Implications Section of the staff report dated March 8, 2002.**

Councillor McInroy requested that staff make this project a priority as traffic on this road increases dramatically in the summer months.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2.4 Tender 02-210 Paving Renewal Watt Street - Western 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 Uteck, seconded by Councillor Fougere, that Council award Tender No. 02-210 Paving Renewal Watt Street - Western Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$322,790.00, plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$377,896.00, with funding from capital account CYR00991 as outlined in the Budget Implications Section of the staff report dated March 8, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.2.5 Dartmouth Titans Gymnastics Club Land Lease 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 Hetherington, seconded by Councillor Sarto, that Council authorize the Mayor and Municipal Clerk to execute a lease in the general form as shown in Schedule "B" of the staff report dated February 12, 2002, for a portion of land situated at 17 Acadia Street/Ragus Road (behind Bowles Arena). MOTION PUT AND PASSED UNANIMOUSLY.

11.2.6 Loan Guarantee - Halifax Forum Expansion

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

CONFLICT OF INTEREST

As he is an employee of the Dartmouth Sportsplex, Councillor Johns declared a **Conflict of Interest** and removed himself from the discussion of this item.

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

- 1. Approve a new capital project - The new business plan proposed by the Halifax Forum Community Association for the expansion of the Halifax Forum in the amount of \$1.75 million to be financed by a 20 year debenture to be refinanced after 10 years. Debt charges will be recovered through operations of the Halifax Forum at no cost to HRM.**
- 2. Approve a temporary borrowing resolution for \$1.75 million to enable HRM to borrow these funds.**

Responding to a question of Councillor Streach, Mr. Doug Rafuse, Manager, Service Delivery, stated a new plan was submitted by the Association to refurbish the existing Civic Arena building. With regard to how other HRM facilities would be impacted by this plan, Mr. Rafuse stated a meeting was convened with the general managers of all the major recreational facilities to obtain feedback. A meeting was also held with some of the church and community groups that had expressed concern. As a result of these meetings, some suggestions were offered by the Forum to alleviate the concerns. Mr. Rafuse stated that most of the concern appeared to be with the bingo operation being significantly enhanced and going to seven days per week. When the Forum offered to drop those particular features of the original business plan, it seemed to be acceptable to most of the groups. Therefore, the Forum developed a new business plan which is now before Council.

Councillor Streach inquired if this expansion would be detrimental to Exhibition Park. In response, Mr. Rafuse stated this would not have an impact on its operations. Mr. George McLellan, Chief Administrative Officer, noted the Forum is an HRM building and by approving this motion, Council would be reinvesting in its own property.

Councillor Hines stated he has spoken to some small bingo operators and they still believe they may be in jeopardy from this revised expansion. The Councillor noted Council would have no control over a future application for a seven day per week bingo license if it decided to pursue such an application. Councillor Hines stated if the smaller bingo operations lose three or four players on an on-going basis it will put them in jeopardy. The Councillor also expressed concern with the effect this will have on community fundraising resulting in increased pressure on HRM for funding. Therefore, Councillor Hines stated he could not support the motion.

Mr. McLellan stated staff has conducted its analysis and are of the opinion that there will not be any great dislocation. He noted the purpose of the reinvestment in the property is not solely related to bingo. Mr. McLellan also noted the Association is prepared to pay back the funds over a period of time.

Councillor Fougere reiterated that the Forum is a municipal facility and the issue is not bingo which is a management issue for that facility. The Councillor stated the issue is a policy issue about whether or not Council will secure a loan for the expansion of this facility and its improved use and its improved viability as a facility that HRM owns.

Councillor Cunningham inquired if there is anything in the contract to hold the Forum to holding bingo only five nights per week. In response, Mr. Rafuse stated he was not certain, but this is what was stated in the business case. Responding to a further question of the Councillor regarding satellite bingo, Mr. Rafuse stated staff did some research on this which indicates that it is moving this way. However, he noted that some of the small bingo operations are looking at this as a benefit.

Councillor McInroy stated that any changes that could be made relative to the Halifax Forum proposal would be minute compared to the upcoming changes to bingo overall.

Speaking in support of the motion, Councillor Adams stated the proposal will have a negligible effect, if any, on other facilities and the loan will be paid back.

Councillor Smith stated he believes the concerns raised have been addressed in the revised plan, but he noted the Forum should address the risks involved in using a bingo operation to pay down its debt.

Councillor Meade suggested there could be an amendment to the motion that would restrict the Forum to operating only five bingos per week.

MOVED by Councillor Meade, seconded by Councillor Sloane, that the motion be amended to restrict the Halifax Forum to holding a maximum of five bingos per week.

Speaking against the amendment, Councillor Uteck stated the issue is the loan and the expansion and not the number of permitted bingo games.

Also speaking against the amendment, Councillor Warshick stated the bingo operation is being moved to another building altogether and has nothing to do with the expansion.

Mr. McLellan cautioned Council in the signals it sends to organizations supporting HRM on a volunteer basis.

Councillor Rankin suggested the amendment be changed to reflect that any change in the permit be negotiated with staff before it is submitted to Province. The Mover and Secunder of the motion agreed.

The amended amendment now read as follows:

MOVED by Councillor Meade, seconded by Councillor Sloane, that the motion be amended to reflect that a term be included in the management agreement to state that any change sought in the permit be negotiated with staff before it is submitted to Province.

Speaking against the amendment, Deputy Mayor Harvey stated Council should be making decisions on a high level policy end. The Deputy Mayor stated he would support the staff recommendation as it is consistent with what Council has done for other major facilities.

Also speaking against the amendment, Councillor Blumenthal stated it is only being imposed on one facility and not all bingo facilities.

Councillor Hetherington stated there is no uniformity across HRM facilities with this amendment, and, therefore, he could not support it. The Councillor stated the expansion is an enhancement to an HRM facility and similar loans have been granted to other facilities, and, therefore, he would support the main motion.

Speaking against the amendment, Councillor Walker stated the Forum has submitted a revised business plan that addresses most concerns. The Councillor stated the issue is a loan from HRM and not bingo.

Councillor Cooper stated HRM put agreements in place to allow the Association to run this facility and Council needs to trust them to do their job.

Speaking in favour of the amendment, Councillor Goucher stated it is a reasonable way to ensure what it is being proposed is what does, in fact, take place.

The vote was then taken on the amendment.

MOTION DEFEATED.

The main motion, which read as follows, was back on the floor:

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

- 1. Approve a new capital project - The new business plan proposed by the Halifax Forum Community Association for the expansion of the Halifax Forum in the amount of \$1.75 million to be financed by a 20 year debenture to be refinanced after 10 years. Debt charges will be recovered through operations of the Halifax Forum at no cost to HRM.**
- 2. Approve a temporary borrowing resolution for \$1.75 million to enable HRM to borrow these funds.**

Councillors Uteck, Warshick, Sarto and Deputy Mayor Harvey spoke in support of the main motion.

Councillor Streach stated he would support the staff recommendation, but noted that it is a significant amount of money and any member of Council should feel free to ask any question they feel to be pertinent.

Closing the debate, Councillor Blumenthal reiterated that this is an HRM building and the members of the Association are volunteers who do a good job managing the facility for the municipality.

MOTION PUT AND PASSED.

11.2.7 Case 00414 Plan Amendment to the Bedford Municipal Planning Strategy and Land Use By-law, Bedford

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

Councillor Goucher suggested this plan amendment, and the following one (Case 00406), be referred to the North West Planning Advisory Committee for review before coming back to Council.

MOVED by Councillor Goucher, seconded by Councillor Sloane, that Case 00414 Plan Amendment to the Bedford Municipal Planning Strategy and Land Use By-law, Bedford, be referred to the North West Planning Advisory Committee for review before coming back to Council. MOTION PUT AND PASSED UNANIMOUSLY.

11.2.8 Case 00406 Plan Amendment to the Bedford Municipal Planning Strategy and Land Use By-law, 961 Bedford Highway

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

MOVED by Councillor Goucher, seconded by Councillor Sloane, that Case 00406 Plan Amendment to the Bedford Municipal Planning Strategy and Land Use By-law, 961 Bedford Highway, be referred to the North West Planning Advisory Committee for review before coming back to Council. MOTION PUT AND PASSED UNANIMOUSLY.

11.3 MEMBERS OF COUNCIL

11.3.1 Councillor Colwell - Replacement of Street Signs

Councillor Colwell requested a staff report on the feasibility of developing a protocol for the replacement of street signs that are knocked down or damaged.

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

Councillor Sarto requested that the staff report also address the issue of traffic signs as well. Councillor Colwell agreed as long as it did not delay the staff report. He stressed the importance of replacing damaged or missing street signs for the 911 system. It was agreed that a staff report would be brought back in two weeks.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3.2 Councillor Rankin - Provincial Decision to Remove Paint from the Hazardous Waste Stream

MOVED by Councillor Rankin, seconded by Councillor Hetherington, that correspondence be sent to the Minister of Environment commending the Province on its decision regarding the implementation of the Paint Stewardship Program. MOTION PUT AND PASSED UNANIMOUSLY.

12. MOTIONS - NONE

13. **ADDED ITEMS**

13.1 **Property Matter - Expropriation Settlement - Otter Lake Landfill**

- 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 Warshick, seconded by Councillor Fougere, that Council:

1. **Approve an all exclusive expropriation settlement of \$395,000.00 plus legal fees of \$55,000.00, subject to review, for the former Lands of Humphrey Longard at Otter Lake (PID#40289191), to be funded through capital account CWR00408.**
2. **This report not be released to the public until the transaction has closed. MOTION PUT AND PASSED UNANIMOUSLY.**

13.2 **Legal Matter - Settlement of Claim**

- 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 Hetherington, seconded by Councillor Sarto, that Council approve payment of the sum of \$85,992.81 to Lombard Canada in full settlement of all amounts owing in respect of the claim arising out of an accident which occurred on January 28, 1997. MOTION PUT AND PASSED.

14. **NOTICES OF MOTION**

14.1 **Deputy Mayor Harvey - First Reading By-Law R-105**

TAKE NOTICE that, at the next regular meeting of Halifax Regional Council, to be held on Tuesday, the 26th day of March, 2002, I propose to introduce for First Reading, By-Law R-105, the purpose of which is to repeal a number of By-Laws which have been identified by the By-Law Rationalization Review Committee as redundant.

15. **ADJOURNMENT**

There being no further business, the meeting adjourned at 7:40 p.m.

Vi Carmichael
Municipal Clerk