

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES March 26, 2002

PRESENT:

Mayor Peter Kelly
Deputy Mayor Robert 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
Stephen Adams
Brad Johns
Len Goucher
Reg Rankin
Gary Meade

ABSENT
WITH REGRETS:

Councillor Jerry Blumenthal

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Barry Allen, 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 Whalen.

2. PROCLAMATIONS

2.1 Child Abuse Prevention Month

Mayor Kelly proclaimed April, 2002 as Child Abuse Prevention Month in the Halifax Regional Municipality.

Councillor Fougere offered congratulations to the Halifax Hawkes Midget Double A Hockey Team on winning the provincial championships.

Councillor Rankin requested Council extend condolences to Mayor Ann McLean of New Glasgow on the death of her husband.

3. APPROVAL OF MINUTES - March 5, 2002

MOVED by Councillor Hetherington, seconded by Councillor Cunningham, that the minutes of March 5, 2002 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 13.1 Marketing Levy
- 13.2 Legal Matter - URB Decision - 5620 South Street, Halifax
- 13.3 Property Matter - Sale of Parcel A Parkland Drive Extension Kearney Lake Road, Halifax

Council agreed to move item 8.1 back on the agenda to be addressed prior to item 12.

Council agreed to move item 13.1 forward on the agenda to be addressed following the public hearing.

MOVED by Deputy Mayor Harvey, seconded by Councillor Sloane, that the Order of Business 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**

8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 **Council Decision - Second Reading By-Law T-119 Respecting Taxi Limitations**

Council agreed to address this item later in the meeting prior to item 12. (See page.....)

9. **PUBLIC HEARING**

9.1 **Case 00404 - Application to amend Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy to allow a commercial entertainment use, 991 Beaver Bank Windsor Junction Cross Road**

- An extract from the draft March 5, 2002 Regional Council minutes was before Council.
- Correspondence from Ross Sheppard, 10 Forestview Way, Beaver Bank, NS, was circulated to Council.

Mr. Andrew Bone, Planner, with the aid of overheads, presented the staff report advising the application is to amend the plan to include policy which would allow any use within a municipally registered heritage property, subject to the provisions of a development agreement. Mr. Bone noted the development agreement would be addressed by Community Council if the planning strategy amendment is approved by Regional Council.

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

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

Councillor Johns submitted a petition in support of the application. The Councillor noted a set of lights was proposed for the intersection. The Councillor referenced the correspondence from Mr. Ross Sheppard. Mayor Kelly clarified that this would be part of the development agreement process which would be dealt with by Community Council.

DECISION OF COUNCIL

MOVED by Councillor Johns, seconded by Deputy Mayor Harvey that Regional Council adopt the amendments to the Beaver Bank, Hammonds Plains and Upper

Sackville Municipal Planning Strategy and Land Use By-Law as contained in Attachment "A" of the staff report dated January 7, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

13.1 Marketing Levy

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated March 26, 2002, on the above noted, was before Council.

Mr. Lewis Rogers, Director, Tourism, Culture & Heritage, addressed Council, outlining the staff report and recommendations contained therein.

MOVED by Councillor Hetherington, seconded by Councillor Fougere that:

- 1. implementation of the marketing levy continue as originally authorized; and,**
- 2. the entire Destination Marketing Organization (DMO) concept, including Board structure, be revisited and evaluated by staff after three years of operation; and,**
- 3. the board of the DMO provide for at least two (2) representatives in the 20 to 99 room category located outside the downtown core of Halifax/Dartmouth; as well as three HRM representatives (the Mayor, a Member of Council and the CAO or designate).**

Mayor Kelly suggested members of Council interested in sitting on this board should contact the office of the Municipal Clerk.

Mr. Rogers advised this is not a new initiative as this tax is currently levied in other cities in both Canada and the United States.

In response to Councillor Whalen, Mr. Rogers advised that during discussions on the formation of the DMO in 2001, the Town of Sackville staff had this should not be a member

MOVED by Councillor Hetherington, seconded by Councillor Fougere that:

1. implementation of the marketing levy continue as originally authorized; and,
2. the entire Destination Marketing Organization (DMO) concept, including Board structure, be revisited and evaluated by staff after three years of operation; and,
3. the board of the DMO provide for at least two (2) representatives in the 20 to 99 room category located outside the downtown core of Halifax/Dartmouth; as well as three HRM representatives (the Mayor or designate, a Member of Council and the CAO or designate).

MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Petitions - None

10.2 Correspondence

10.2.1 Federation of Canadian Municipalities re: Ratification of the Kyoto Protocol

- Correspondence from Mr. Jack Layton, President, Federation of Canadian Municipalities, dated March 18, 2002, and a copy of the Model Resolution were circulated to Council.

MOVED by Councillor Rankin, seconded by Councillor Sarto, that Halifax Regional Council endorse ratification of the Kyoto Protocol:

WHEREAS climate change causes drought, permafrost melting, sea-level rise and floods that damage municipal infrastructure, displace citizens and create a financial burden for municipal governments;

WHEREAS economic activity in rural and northern communities relying on fisheries, tourism, forestry and agriculture is disrupted by climate change;

WHEREAS investments in building retrofits, community energy systems, water conservation, renewable energy technologies, waste reduction, landfill gas capture, fleet management and public transit reduce municipal operating costs, help maintain community services and protect public health while cutting greenhouse gas emissions contributing to climate change;

WHEREAS forestry and agriculture sectors can expand business opportunities by increasing the capacity of trees and soils to absorb carbon dioxide and by developing renewable fuels like ethanol;

WHEREAS fossil fuel producers are increasing investment in renewable energy and alternative fossil fuel technologies that reduce the amount of carbon dioxide going into the air; and

WHEREAS 72 percent of Canadians want the Kyoto Protocol ratified;

BE IT RESOLVED THAT the Halifax Regional Municipality endorses ratification of the Kyoto Protocol; and

BE IT FURTHER RESOLVED THAT this resolution be communicated to our Members of Parliament, provincial environment and energy ministers, federal and provincial opposition leaders, community media and the Federation of Canadian Municipalities.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3 Presentations

10.3.1 Mandatory Consultation re: Spending of Supplementary Education Funding - Nancy Saunders

- Correspondence from Ms. Nancy Saunders, dated March 18, 2002, on the above noted, was before Council. A copy of the presentation was submitted for the record.

Ms. Nancy Saunders, with the aid of a Power Point presentation, addressed Council regarding the need for consultation between school representatives, school board and parents on spending of supplementary education funds.

Councillor Uteck noted that when the supplementary funds go forward, the School Board takes a portion and calls it an Exemplary Practice Fund. The funds are used for those programs or enhancements that are over and above supplementary. The Councillor noted Council does not have a say on how the supplementary dollars are spent but are consulted regarding the exemplary practice amounts, and the area Councillor signs off on where that money is spent.

Councillor Colwell noted there has been no accountability for the monies that are raised through area rates.

Mayor Kelly thanked Ms. Saunders for her presentation and advised it would be forwarded to the Halifax Regional School Board.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender 02-0003 Supply of Containers and Collection of Refuse

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated March 15, 2002, on the above noted, was before Council.

MOVED by Councillor Sarto, seconded by Councillor Cunningham, that Regional Council authorize the award of Tender 02-003 for the supply of containers and the collection of refuse from various HRM facilities to Enviro Waste for a three (3) year period at a cost of \$89,803.94 for the first year effective May 1, 2002, with funding as outlined in the Budget Implication section of the staff report dated March 15, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.2 Proposal 01-346 Nine Mile River Assimilation Study

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated March 20, 2002, on the above noted, was before Council.

MOVED by Councillor Rankin, seconded by Councillor Goucher, that Halifax Regional Council award Proposal Call #01-346, Nine Mile River Assimilation Study, to Dillon Consulting for a cost of \$43,025 plus net HST + 10% for unforeseen works for a total cost of \$50,400 with funding available from approved capital account CDS00101 as per the Budget Implications section of the report dated March 20, 2002.

Councillor Hines expressed concern that tenders have an additional 10% included for unforeseen works and suggested Council examine the formulation of a policy whereby the money can be made available only if it should be needed.

In response, Mr. McLellan advised the tenders are approved with the 10% added in order to allow for contingency and not have to come back to Council for approval of additional monies. He noted there is an internal review of the bidding process being undertaken.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.3 Titanic Commemorative Reserve and Transfer of White Star Ocean Steam Navigation Trust account from Royal Trust to HRM

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated March 12, 2002, on the above noted, was before Council.

Mr. Dan Norris, Manager, Culture and Heritage, addressed Council outlining the staff report and recommendations.

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

- 1. Council approve the creation of a Titanic Commemorative Reserve;**
- 2. Council approve the creation of a Titanic Trust Account;**
- 3. Council approve transfer of the remainder of the White Star Ocean Steam Navigation account from Royal Trust to HRM, to be deposited in the Titanic Trust Account. Interest on this trust account would be transferred annually into the Titanic Commemorative Reserve to be used for perpetual upkeep and maintenance of HRM owned Titanic victim grave sites.**

MOTION PUT AND PASSED UNANIMOUSLY.

Mr. Alan Ruffman presented a cheque in the amount of \$1,000.00 on behalf of the Swiss Titanic Society to the Mayor to be added to the trust account.

11.1.4 First Reading By-Law R-105 Respecting Repeal of Redundant By-Laws

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated March 13, 2002, on the above noted, was before Council.

MOVED by Deputy Mayor Harvey, seconded by Councillor Sarto, that Regional Council approve First Reading of By-Law R-105 attached as Appendix "A" to the staff report dated March 13, 2002.

Councillor Uteck requested Halifax By-Law #55, Tag Days, remain in effect.

Councillor Sarto requested Halifax County By-Law #54, the Curfew By-Law, remain in effect.

Mr. Allan, Municipal Solicitor, suggested recommendations to keep certain by-laws in effect would come forward at second reading. Mr. Allen suggested that at second reading a staff report providing a little more detail on why a by-law is being repealed and a copy of the by-laws being repealed be provided to Council.

Mr. McLellan suggested that when this comes back to Council for second reading, staff would provide a report indicating what the usage, impact and relevance the tag day by-law has had over the last several years.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.5 Permanent Write Off of Uncollectible Accounts - Property Taxes

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated March 1, 2002, on the above noted, was before Council.

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

1. **The tax account for M&M Fabricators Ltd. in the amount of \$231,006.13 principal and \$158,185.10 in accrued interest be permanently written out of the books of account.**
2. **The tax account for NS Ice Limited in the amount of \$19,825.24 principal and \$10,095.01 accrued interest be permanently written out of the books of account.**
3. **The tax account for Shearwater Development Limited in the amount of \$471,516.69 principal and \$115,088.48 in accrued interest be permanently written out of the books of account.**

Councillor McInroy suggested staff look into the possibility of there being some legislative changes that might put these types of businesses in some kind of context whereby crown property that is leased to a non profit agency can have the outstanding taxes collected.

MOVED by Councillor Hetherington, seconded by Councillor Cooper, that Halifax Regional Municipality pursue, through ACOA and the provincial Department of Public Works, an understanding of good faith on behalf of the citizens of HRM regarding the Shearwater and M & M Fabrications tax accounts. MOTION PUT AND PASSED UNANIMOUSLY.

MAIN MOTION PUT AND PASSED UNANIMOUSLY.

11.1.6 Proposed Withdrawal from Operations Stabilization Reserve Q308

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated March 21, 2002, on the above noted, was before Council.

MOVED by Councillor Hetherington, seconded by Councillor Smith, that Council approve the withdrawal of funds in the amount of \$175,620.49 from the Operations Stabilization Reserve, Q308, to cover the settlement costs of an arbitration decision. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.7 Harbour Solutions Financing Act

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated March 18, 2002, on the above noted, was before Council.

MOVED by Councillor Hetherington, seconded by Councillor Goucher, that Halifax Regional Council direct staff to arrange for the introduction of the draft Bill attached as Appendix "A" to the staff report dated March 18, 2002 before the Nova Scotia Legislature in the Spring sitting. MOTION PUT AND PASSED UNANIMOUSLY.

8.1 Council Decision - Second Reading By-Law T-119 Respecting Taxi Limitations

- An extract from the draft February 26, 2002 Regional Council minutes was before Council.
- A copy of Section 77 of certain By-Law T-108 Respecting Taxi and Limitations was before Council.
- A supplementary staff report prepared for Mr. George McLellan, Chief Administrative Officer, dated February 22, 2002, on the above noted, was before Council.

In response to Councillor Adams, the Municipal Clerk clarified that:

- On February 19, 2002 the public hearing was held and closed;
- Council approved a motion to increase the maximum number of taxi owner licenses in the Halifax zone for the year 2002 to 610;
- Motions to provide 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 and providing for a review of the maximum number of owner licenses after three years, were rejected.

The motion before Council at the present time is:

MOVED by Councillor Adams, seconded by Councillor Mosher, that Council approve the following proposed amendment to By-law T-108:

- 1. Providing a mechanism for the distribution of available owner licenses to drivers who do not have vehicle licenses.***

This motion as well as the Second Reading of By-Law T-119 is before Council for consideration.

MOVED by Councillor Adams, seconded by Councillor Hetherington, that Council

approve the providing of a mechanism for the distribution of available owner licenses to drivers who do not have a vehicle license and approve Second Reading of By-Law T-119, Respecting the Regulation of Taxis and Limousines.

Councillor Warshick spoke in favour of the By-law but suggested staff re-examine the grandfathering clause.

Councillor Goucher expressed concern with the leases, the number of cab licenses and which drivers will be receiving the new licenses. The Councillor suggested those individuals who are now leasing should be given the first opportunity to obtain the new licenses.

Councillor Sloane suggested HRM look at a provision for a premium rate at night.

MOTION PUT AND PASSED.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Marketing Levy

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

13.2 Legal Matter - URB Decision - 5620 South Street, Halifax

This item was discussed earlier at an In Camera session and was now before Council for ratification.

MOVED by Councillor Goucher, seconded by Councillor Sarto, that an appeal to the Nova Scotia Court of Appeal be undertaken to reinstate the Community Council's decision of July 16, 2001 allowing an amendment to the Land Use Bylaw for the purpose of increasing the height precinct on the property at 5620 South Street to 190 feet. MOTION PUT AND PASSED.

13.3 Property Matter - Sale of Parcel A Parkland Drive Extension and Kearney Lake Road, Halifax

This item was discussed earlier at an In Camera session and was now before Council for ratification.

MOVED by Councillor Whalen, seconded by Councillor Walker, that Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and

Sale with Cygnet Properties Limited or Assignee for the sale of Proposed Parcel A, Parkland Drive Extension based on the key terms and conditions outlined in the March 14, 2002 report; and that Council not release the contents of this report until the transaction has closed. MOTION PUT AND PASSED UNANIMOUSLY.

14. NOTICES OF MOTION - NONE

15. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Vi Carmichael
Municipal Clerk