

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES April 23, 2002

PRESENT:

Mayor Peter Kelly
Deputy Mayor Robert Harvey
Councillors: Steve Streach
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
Diana Whalen
Linda Mosher
Stephen Adams
Brad Johns
Len Goucher
Reg Rankin
Gary Meade

ABSENT

WITH REGRETS:

Councillor: Gary Hines

STAFF:

Mr. George McLellan, 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 Deputy Mayor Harvey.

At this time Council observed two minutes of silence in remembrance of Private Richard Anthony Green and Private Nathan Lloyd Smith, members of the Edmonton based 3^d Battalion Princess Patricia's Canadian Light Infantry, who lost their lives in Afghanistan.

At a later point in the meeting, Council recognized Ms. Mary Ann McGrath, MLA, who was present in the gallery.

2. PROCLAMATIONS

2.1 Car Free Day - April 25, 2002

Mayor Kelly proclaimed April 25, 2002 as Car Free Day in the Halifax Regional Municipality.

2.2 Leave a Legacy Week - May 4 - 11, 2002

Mayor Kelly proclaimed May 4 -11, 2002 as Leave a Legacy Week in the Halifax Regional Municipality.

2.3 North American Occupational Safety and Health Week - May 5-11, 2002

Mayor Kelly proclaimed May 5 -11, 2002 as North American Occupational Safety and Health Week in the Halifax Regional Municipality.

2.4 New Homes Month - April, 2002

Mayor Kelly proclaimed April, 2002 as New Homes Month in the Halifax Regional Municipality.

SPECIAL PRESENTATION - Representative Volunteer Recognition

Mayor Kelly presented certificates to HRM Volunteer Award recipients. Those receiving awards were: Mitchell Borden, District 9; Ryan Cane, District 2; Leah Cross, District 20; Jennifer Sears, District 21; Simon Wittich, District 5; Robert Anthony, District 9; Ruth Coates, District 21; Grant MacDonald, District 3; Margaret MacLennan, District 11; Alma Russell, District 16; Erin O'Prey, District 19; and Dave Aalders on behalf of the Community of Spryfield.

3. **APPROVAL OF MINUTES - April 9, 2002**

MOVED by Councillor Blumenthal, seconded by Councillor Goucher, that the minutes of April 9, 2002 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 12.1 Councillor Adams - Old Sambro Road - Traffic Count, Crosswalk Safety
- 12.2 Tender #02-052 - East and West Region Cemeteries, Grass Mowing and Landscape Maintenance
- 12.3 Board and Committee Appointments
- 12.4 Property Matter - 116 Lakeview Road, Lakeview - Halifax Regional Search and Rescue
- 12.5 Legal Matter - Settlement of Claim

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

5. **BUSINESS ARISING OUT THE MINUTES - NONE**

6. **MOTIONS OF RECONSIDERATION - NONE**

7. **MOTIONS OF RESCISSION - NONE**

8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 **Capital Cost Contribution Policy - Recreation Facility Funding**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated April 11, 2002, on the above noted, was before Council.

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

- 1. **Regional Council authorize staff to report back with more detail and a recommended course of action to initiate amendments to HRM's municipal planning strategies and by-laws in order to collect 10% subdivision fees; and,**

2. The option of using area rates to supplement the 10% subdivision fee be forwarded to the Tax Structure Committee.

Councillor Goucher noted that the Capital Cost Contribution Policy did not allow contributions toward recreation funding and, at the previous meeting, the Mayor had been requested to write the Province seeking legislation to allow recreation based funding to be funded through Capital Cost Contribution. The Councillor requested staff examine the use of Deed Transfer Tax for recreation funding.

Councillor Colwell expressed concern and spoke against the subdivision fees being raised to 10%.

Mr. Dunphy advised the staff report would include financial analysis of what the impact would be on lot prices, the percentage increase, the dollar increase and the dollar increase on the total purchase price of a home and a lot. He noted the recommendation to look at the 10% subdivision fee has the same intent as a motion previously passed by Council.

MOTION PUT AND PASSED.

Councillor Blumenthal requested the minutes reflect that he voted against the motion.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Petitions

9.1.1 Councillor Uteck

Councillor Uteck served a petition on behalf of the residents of Jubilee, Vernon and Preston Streets requesting the RA-5 crosswalks, that have been identified for two locations in the area not be installed. Further, the residents are requesting 4-way stops be placed at those locations instead.

9.1.2 Councillor Adams

Councillor Adams read into the record correspondence from a number of residents of District 18 regarding the dismissal of three volunteer firefighters from the Herring Cove Volunteer Fire Department.

MOVED by Councillor Adams, seconded by Councillor Mosher, that the correspondence be forwarded to staff for a report and further, that Regional Council

support the establishment of a body to protect the interests of all volunteer firefighters in HRM. This body would have input and equal representation from Volunteer Firefighters.

Councillor Adams advised the volunteers feel they don't have equal representation and have no protection as they are not part of a union.

Mayor Kelly suggested the issue be referred to the CAO as part of his overview of this situation.

Without a vote being taken on the motion, the item was referred to the CAO.

At a later point in the meeting, Councillor Adams served Notice of Motion regarding the establishment of a body to protect the interests of all volunteer firefighters in HRM.

9.3 Councillor Streach

Councillor Streach served a petition from a number of branches of the Royal Canadian Legion regarding the decision by the Province to cut back on the availability of VLT machines. The Councillor requested the Mayor send a letter to Minister Neil Leblanc, with a copy to Ms. Suzanne Langmaid, President, Valley Branch #147, Royal Canadian Legion, regarding this issue.

9.3 Councillor Sloane

Councillor Sloane served a petition to be added to the ongoing petition regarding Harbour Solutions.

9.2 Presentation

9.2.1 Destination Marketing Organization Plan - Peter O'Brien

- Correspondence from Mr. Peter O'Brien, VP Atlantic, Canadian Federation of Independent Businesses, dated April 18, 2002, was before Council.
- Correspondence from Judith Cabrita, Managing Director, Tourism Industry of Nova Scotia, dated April 19, 2002, was circulated to Council.
- Correspondence from Nicholas Carson, Chair, Destination Halifax, dated April 23, 2002, was circulated to Council.
- Correspondence from Paul Stackhouse, President, Hotel Association of Nova Scotia, dated April 23, 2002, was circulated to Council.

Mr. Peter O'Brien, VP Atlantic, Canadian Federation of Independent Business, addressed Council, advising the hotels and motels in the metropolitan area that have between 20 and 100 hundred rooms have some concerns and are requesting the implementation of H-400 for these facilities be deferred until April 1, 2004. They are also requesting the penalty free period be extended so that those facilities that are now in violation would not be penalized.

Mayor Kelly thanked Mr. O'Brien for his presentation.

MOVED by Councillor Hetherington, seconded by Councillor Warshick, that the issue be referred to staff for a report and recommendation. MOTION PUT AND PASSED.

9.2.2 Sewage Treatment Facilities

- Correspondence from Reverend Gus Pendleton, dated April 17, 2002, was before Council.
- Correspondence from Reverend Gregory McMullin, dated April 23, 2002 and a copy of his presentation were submitted for the record.

Reverend Pendleton, Brunswick Street United Church, introduced Reverend Greg McMullin who addressed Council regarding the siting of the sewage treatment facilities at Barrington and Cornwallis Streets.

Reverend Lionel Moriah, Cornwallis Street Baptist Church, addressed Council regarding the siting of the treatment facilities suggesting the community had not been adequately consulted prior to Council's decision to site the facility at the proposed location.

Mayor Kelly thanked the presenters for their presentations.

10. REPORTS

10.1 GRANTS ADVISORY COMMITTEE

10.1.1 By-Law T-209, Respecting Tax Exemptions for Non-Profit Organizations

- A report from Jim Hobin, Chair, HRM Grants Committee, dated March 4, 2002, on the above noted, was before Council.

MOVED by Councillor Walker, seconded by Councillor Colwell, that Council approve, in principle, By-law T-209, An Amendment to By-law T-201, Respecting Tax Exemption for Non-Profit Organizations where:

1. **The addition of new organizations is recommended as itemized in Section A of the Discussion section of the report dated March 4, 2002;**
2. **Applications be declined as per Section B of the staff report;**
3. **The deletion of organizations as recommended in Section C of the staff report;**
4. **Council approve a public hearing date be set.**

Councillor Colwell noted the exemptions for the Chezzetcook and District Lions Club is only recommended for partial tax exemption whereas the Sackville Lions Club has 100% tax exemption and asked why the tax exemptions were not the same. In response, Ms. Temple advised that those clubs that have been granted 100% exemption are those which provide a recreation facility to the community.

Councillor Hetherington suggested an arrangement be made such that taxes be forgiven on non-profit housing with a guarantee that the monies be put back into the properties, thus protecting these older properties and provide better housing for the future.

MOTION PUT AND PASSED UNANIMOUSLY.

At a later point in the meeting, Councillor Walker gave Notice of Motion for First Reading of By-law T-209, An Amendment to By-law T-201 Respecting Tax Exemption for Non-Profit Organizations.

10.2 CHIEF ADMINISTRATIVE OFFICER

10.2.1 Tender 01-167, Grand Parade Electrical Upgrades

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated April 4, 2002, on the above noted, was before Council.

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

- a) **Council approve an increase to Capital Account CB200378, Grand Parade - Electrical Distribution Upgrade, in the amount of \$12,845 with funding to be provided by a transfer from the Heritage Reserve Account Q312,**
- b) **Council award the tender to the low bid from Gardner Electric Ltd. for \$171,800 (\$182,845.02 including net taxes). Funding available in account CB200378 and**

Q312.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.2 Quote 2002M677 - 45 Single Box Modems and 45 Dual Mode Antenna for AVL/GPS Systems

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

MOVED by Councillor Streach, seconded by Councillor Goucher, that:

1. **Regional Council approve an increase to Capital Account CIP00760, Automatic Vehicle Location System (AVL), in the amount of \$2,962.78 with funding to be provided by a transfer from operating account P105-6204.**
2. **Regional Council authorize the purchase of forty-five (45) modems and antenna for the Halifax Regional Police Service from the lowest bidder meeting specifications, Bwireless Communications Inc. at a cost of \$82,711.30 (tax included) with funding from account CIP00760 as outlined in the Budget Implications of the report dated April 15, 2002.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.3 Consultant Engineering Services Award RFP01-293 - Pumping Stations and Forcemains Capital Projects

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated April 10, 2002, on the above noted, was before Council.

MOVED by Councillor Cunningham, seconded by Councillor Goucher, that RFP01-293, Consultant Engineering Services, Pumping Stations and Forcemains Capital Projects be awarded to CBCL Limited for a cost of \$78,630. plus net HST, for a Total Project Cost of \$83,685., with funding from Capital Account CGR00371 as per the Budget Implications section of the report dated April 10, 2002.

Mr. Rick Paynter, Manager, Design & Construction Services, noted that as a result of the budget approval, the uncommitted balance as noted in the Budget Implications section should be amended such that the amount of \$894,738 would replace the current amount of \$497,738 and the Gross Budget would now be \$1,042,000 rather than \$692,000 as indicated.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.4 Local Telephone Service

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

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that Halifax Regional Council approve a nine-month extension of the current contract with MTT to provide Local Telephone Service. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.5 Beaver Bank Sewer and Water Services - Phase IV A and E and Reservoir

- A supplementary report prepared for Mr. George McLellan, Chief Administrative Officer, dated April 17, 2002, on the above noted, was before Council.

MOVED by Councillor Johns, seconded by Councillor Goucher, that:

- 1. The Capital Budget for Beaver Bank Sewer Services Phase IV A to C inclusive be approved in the amount of \$4,700,000 gross, with the net residual amount (after Infrastructure Funding and other recoveries) funded from a frontage charge;**
- 2. Pending approval of Infrastructure Funding for Phases IV B&C, the Halifax Regional Water Commission (HRWC) install the necessary water services for Phases IV A to C inclusive in the amount of \$2,700,000 gross, with the net residual amount (after Infrastructure Funding and other recoveries) funded from a frontage charge;**
- 3. Approve in principle and give notice of motion to begin the formal process for the adoption of By-Law Number L-108, Respecting Charges for Beaver Bank Sewer and Water Servicing, attached hereto as Appendix A;**
- 4. That the Province of Nova Scotia be requested to amend sections 81(1)(c) of the MGA to allow Council to impose local improvement charges for the capital cost of water systems whether the capital cost is incurred by the municipality or pursuant to an agreement with a water utility servicing the municipality.**

MOTION PUT AND PASSED UNANIMOUSLY.

At a later point in the meeting, Councillor Johns gave Notice of Motion for First Reading of By-law L-108, Respecting Charges for Local Improvement Projects.

10.2.6 By-Law L-104, Respecting Local Improvement Charges - Cow Bay Road Sewer and Water

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

MOVED by Councillor McInroy, seconded by Councillor Hetherington, that Halifax Regional Council approve, in principle, By-Law L-104 and begin the formal adoption process. MOTION PUT AND PASSED UNANIMOUSLY.

At a later point in the meeting, Councillor McInroy gave Notice of Motion for First Reading of By-law L-104 An Amendment to By-law L-101.

10.2.7 Investment Policy

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated April 17, 2002, on the above noted, was before Council.

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

- 1. Halifax Regional Municipality adopt the amended Halifax Regional Municipality Investment Policy as attached to the report dated April 17, 2002.**
- 2. The criteria for volunteer members of the Investment Policy Advisory Committee be amended to those individuals holding a combination of finance and investment knowledge and relevant professional, business and educational experience.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.8 Harbour Solutions Financing Act

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

MOVED by Councillor Hetherington, seconded by Councillor Goucher, that Halifax Regional Council approve the form of the Bill attached as Appendix "A" to the staff

report dated April 18, 2002. MOTION PUT AND PASSED.

10.2.9 First Reading By-Law S-411, Respecting Charges for Street Improvements

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated April 8, 2002, on the above noted, was before Council.

MOVED by Councillor Sarto, seconded by Councillor Hetherington, that Halifax Regional Council give First Reading to By-law S-411, Respecting Charges for Street Improvements. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 MEMBERS OF COUNCIL

10.3.1 Councillor McInroy - Hovercraft Use On and Around McNabs, Lawlor Islands and MacCormacks Beach

Councillor McInroy advised the Department of Natural Resources has a set of draft guidelines which, if adopted, would resolve the problem of hovercraft going onto the beaches of these islands. The Councillor noted that staff have met with the Department and have verbally endorsed the Department's intention to proceed to prohibit the use of the hovercraft on the beaches and shores of the islands. The Councillor requested permission for Ms. Catherine McCarthy, Friends of McNabs Island, to address Council.

Ms. Catherine McCarthy, Friends of McNabs Island, addressed Council noting the islands are going to receive Provincial Park designation in the fall of 2002. She advised the hovercraft noise and access on the beach disturbs the shore birds. Ms. McCarthy was asking for Council's support for the protection of these islands as a natural environment park.

MOVED by Councillor McInroy, seconded by Councillor Cooper, that the Mayor write to the Minister of Natural Resources, indicating Council's support for the initiatives that the Department has underway at the present time to complete the designation of the islands as Provincial Parks, and to continue with their indicated intention with respect to the guidelines and regulations relative to the operation of the hovercraft.

Councillor McInroy requested staff examine the lease for the landing on the HRM waterfront.

Councillor McInroy requested a copy of the letter be forwarded to the Halifax Waterfront Development Corporation and the operator of the hovercraft service.

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Councillor Adams - Old Sambro Road - Traffic Count, Crosswalk Safety

MOVED by Councillor Adams, seconded by Councillor Johns, that a staff report be requested regarding a traffic count of trucks going through and beyond the school zone that are C&D related as well as crosswalk safety at the Harrietsfield Elementary School. Further, Mayor Kelly write to Minister Ron Russell, Department of Transportation, regarding the condition of the road and the lack of shoulders which poses a danger to school children and residents walking along that road. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Tender #02-052 - East and West Region Cemeteries, Grass Mowing and Landscape Maintenance

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated April 22, 2002, on the above noted, was before Council.

MOVED by Councillor Sarto, seconded by Councillor Hetherington, that:

- 1. Council authorize the award of tender #02-052 to the lowest bidder meeting specifications, Changing Seasons Landscaping Service Ltd. at a cost of \$96,000.00 plus HST for the period May 1, 2002 to November 15, 2002 with funding outlined in the budget implications section of the report date April 22, 2002.**
- 2. Council authorize staff to award the second and third year of the tender at a cost of \$96,000.00 per year plus HST for the periods May 1st to November 15th of each year. The second and third year award would be contingent upon an annual performance review and budget allocation.**

Councillor Blumenthal suggested staff closely supervise the contract.

MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Board and Committee Appointments

- A report from Mayor Peter Kelly, Chair, Membership Selection Committee, dated April 23, 2002, on the above noted was before Council.

MOVED by Deputy Mayor Harvey, seconded by Councillor Sarto that:

1. **Councillor Hetherington be re-appointed to the UNSM to October, 2004, and Councillors Cunningham and Walker be confirmed to remain as alternates.**
2. **Councillor Warshick be appointed to the Destination Marketing Board to May, 2004.**
3. **Councillor Blumenthal be appointed to the Community & Race Relations Advisory Committee to fill an unexpired term, to November, 2002.**
4. **Membership on the Private Roads Committee be increased to five and Councillor Johns be appointed to the Committee to November, 2004.**
5. **Janet Morris and Olive Parsons Dawson be appointed to the Regional Heritage Advisory Committee to fill unexpired terms to November, 2003.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.4 Property Matter - 116 Lakeview Road, Lakeview - Halifax Regional Search and Rescue

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

1. **Approve in principle to authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale whereby the property located at 116 Lakeview Road, Lakeview, be conveyed to Halifax Regional Search and Rescue for the sum of \$1 plus cost of sale expenses estimated to be \$2,500, subject to the terms and conditions as set out in the Discussion section of the April 9, 2002 Private and Confidential staff report.**
2. **Approve a public hearing date be set.**
3. **Approve immediate release to the public of the April 9, 2002 Private and Confidential staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.5 Legal Matter - Settlement of Claim

MOVED by Councillor Smith, seconded by Councillor Hetherington, that Halifax Regional Council settle this claim, as set out in the April 3 and April 16, 2002 Private and Confidential staff reports, brought by the Plaintiff in the amount of not more than \$45,000.00 as settlement in full, subject to obtaining a full release from the Plaintiff from any further claims arising out of the accident which occurred on January 12, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

13.1 Councillor Walker

Take Notice that at the next regular Regional Council meeting, to be held on Tuesday, the 7th day of May 2002, I propose to introduce for First Reading, By-law T-209, An Amendment to By-law T-201 Respecting Tax Exemption for Non-Profit Organizations, 2002-2003, the purpose of which is to amend By-law T-201 with the addition of new organizations and the deletion of expired accounts.

13.2 Councillor McInroy

Take Notice that at the next regular meeting of Council on May 7, 2002, I intend to move First Reading of By-law L-104, the purpose of which is to amend By-law L-101 by reducing the bulk land charge and removing the first lateral charge levied on properties under the Cow Bay Sewer and Water Local Improvements, By-law L-101.

13.3 Councillor Johns

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, the 7th day of May, 2002, I propose to move First Reading of By-law L-108, Respecting Charges for Local Improvement Projects, the purpose of which is to set an interim rate of \$70 per lineal foot frontage charge for sewer and water service in the Beaver Bank area.

13.4 Councillor Adams

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on May 7, 2002, I intend to introduce a motion to establish a body to protect the interests of all Volunteer Firefighters in HRM. This body will have input and representation in its formation and structure from volunteer firefighters throughout HRM.

14. **ADJOURNMENT**

The meeting was adjourned at 8:35 p.m.

Vi Carmichael
Municipal Clerk