

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES DECEMBER 3, 2002

PRESENT:

Mayor Peter Kelly
Deputy Mayor Harry McInroy
Councillors: Stephen Streach
Gary Hines
Keith Colwell
Ron Cooper
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 D. Adams
Brad Johns
Robert P. Harvey
Len Goucher
Reg Rankin
Gary Meade

STAFF MEMBERS:

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

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1. INVOCATION

The meeting was called to order at 6:00 p.m. with Councillor Streach leading the Invocation.

1A. SPECIAL PRESENTATION - SAINT MARY'S UNIVERSITY 200TH ANNIVERSARY

Councillor Uteck, on behalf of the Mayor and Council, offered congratulations to Saint Mary's University and the Saint Mary's Huskies on winning the Vanier Cup. Councillor Uteck then made a presentation to Dr. Colin Dodds, President, Saint Mary's University and Mr. Blake Nil, Head Coach, Saint Mary's Huskies.

Mr. Blake Nil, on behalf of Saint Mary's University, presented a framed Huskies shirt to Mayor Peter Kelly, thanking HRM for their support.

Concluding the presentations, Dr. Colin Dodds made a presentation to Mayor Kelly, in recognition of HRM having held a flag raising ceremony on behalf of Saint Mary's.

Councillor Sloane congratulated, on behalf of the Mayor and Members of Council, Master Warrant Officer Harry Kerrigan, Commissionaire for City Hall, noting that he would be receiving the Queens Golden Jubilee Medal in the upcoming week.

Councillor Blumenthal, on behalf of the Mayor and Council, extended to the Jewish community of HRM, Happy Chanukkah greetings.

2. APPROVAL OF MINUTES

MOVED by Councillor, seconded by Councillor that the Halifax Regional Council minutes of November 19, 2002 as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following item was added to the Information Items agenda:

Information Item - Proclamation - Saint Mary's University Football Huskies Day - December 3, 2002

At the request of Councillor Whalen, Items 9.4.1 and 10.1 were moved up on the agenda to be dealt with immediately following the approval of the agenda.

MOVED by Councillor Hetherington, seconded by Councillor Goucher that agenda, as amended, be adopted. MOTION PUT AND PASSED UNANIMOUSLY.

4. **BUSINESS ARISING OUT OF THE MINTUES** - None
5. **MOTIONS OF RECONSIDERATION** - None
6. **MOTIONS OF RECISSION** - None
7. **CONSIDERATION OF DEFERRED BUSINESS** - None
8. **CORRESPONDENCE, PETITIONS & DELEGATIONS**
 - 8.1 **Correspondence** - None
 - 8.2 **Petitions**

Petitions were dealt with later in the meeting.

8.3 **Presentations**

Presentations were dealt with later in the meeting.

9.4 **MEMBERS OF COUNCIL**

9.4.1 **Councillor Whalen - Information Item 7, November 26, 2002 Regional Council -Effectiveness of Chicanes**

- Councillor Whalen requested that this matter be brought forward to this agenda from the November 26, 2002 Information Item Agenda.

Referring to the Information Report dated November 13, 2002 regarding Effectiveness of Chicanes, Councillor Whalen clarified that her original request had been that staff report addressing both the issue of the effectiveness of the chicanes and the public perception that the chicanes are dangerous. Councillor Whalen suggested that staff might contact jurisdictions having more experience with chicanes to determine if, in fact, the chicanes are unsafe.

MOVED by Councillor Whalen, seconded by Councillor Hetherington that staff provide a report addressing both the effectiveness of the chicanes and the perception that the chicanes are dangerous. MOTION PUT AND PASSED UNANIMOUSLY.

10. **MOTIONS**

10.1 **Councillor Mosher - Street Closures and Intersection Turning Movement Prohibitions - Neighbourhood Shortcutting Policy**

- Councillor Mosher gave Notice of Motion at the November 26, 2002 meeting of Halifax Regional Council.

MOVED by Councillor Mosher, seconded by Councillor Adams that staff be made aware that it is the view of Regional Council that no street closures or intersection turning movement prohibitions be implemented outside of the Neighbourhood Shortcutting Policy except in the following circumstances:

- i) where a specific intersection safety hazard has been demonstrated**
- ii) where street operation will be improved**
- iii) where impacts from new roadway projects or developments are being mitigated .**

Mr. David McCusker, Traffic Authority, addressed Council indicating that staff would be appreciative of getting direction from Regional Council on this issue. He went on to note that staff's position has been that they would like to have the ability to make decisions relative to traffic control and safety, but that the issue of managing traffic out of neighbourhoods for the purpose of preventing shortcutting is an issue for Regional Council. Mr. McCusker noted that it has never really been clear as to whether the only way to deal with shortcutting problems is through the approved policy, or if there is an ability to try and manage smaller scale projects outside of the policy.

Responding to a question from the Mayor, Mr. McCusker indicated that staff would support direction from Council. Providing Council an alternative, Mr. McCusker suggested that Council could choose to direct staff to consider smaller scale projects outside of the Shortcutting Policy.

A lengthy debate ensued with Councillors making the following points in favour of the motion:

- Given that there are standards in place to address traffic control devices, staff should not be closing streets without input from Councillors
- The Shortcutting Policy involves a lengthy process which in certain instances is unnecessary
- The motion will allow Council to have a little more input or, at least, to offer an opinion
- This motion will provide more structure for dealing with those traffic concerns raised which would not be considered abnormal for a city street

- Councillors will have an opportunity to make the Traffic Authority aware of opinions and information provided by residents
- The motion will assist the Traffic Authority in making his decisions

Speaking in opposition to the motion, Councillors made the following points:

- Concern that the motion will have no effect
- Concern that the motion limits what Council will be able to do on a case by case basis
- Council does not have the technical ability to direct the Traffic Authority in matters relating to traffic
- Council should not deal with traffic issues on a piecemeal basis
- Concern that this motion will open HRM up to increased requests with regard to traffic calming
- Concern the motion will raise expectations with the public that Council has meaningful input
- Concern that there is no staff report to provide Council context

Closing the debate, Councillor Mosher called for the question and requested a recorded vote.

The **MOTION WAS PUT AND PASSED** as follows:

In Favour:

Mayor Kelly, Deputy Mayor McInroy and Councillors Streach, Hines, Colwell, Cooper, Warshick, Sarto, Hetherington, Smith, Sloane, Walker, Whalen, Mosher, Adams, Johns, Goucher, and Meade. (**18 in favour**)

Against:

Councillors Cunningham, Blumenthal, Uteck, Fougere, Harvey and Rankin (**6 against**)

8.2 Petitions

8.2.1 Petition -Councillor Walker - Parking on School Avenue

Councillor Walker submitted petition on behalf of residents of School Avenue requesting that parking on School Avenue be permanently restricted to one side only.

8.2.2 Petition - Councillor Smith - Sidewalks on Birchwood Terrace and Lawnsdale Drive

Councillor Smith submitted a petition on behalf of parents of students attending Crichton Park Elementary School requesting, for the safety of children walking to and from school, sidewalks along Birchwood and Lawnsdale Drive.

8.2.3 Councillor Blumenthal - Support of Councillor Stephen Adams as Chair of the Taxi and Limousine Committee

Councillor Blumenthal submitted a petition on behalf of approximately 80 HRM taxi drivers supporting Councillor Steve Adams as Chair of the Taxi and Limousine Committee. Councillor Blumenthal noted that these taxi drivers have requested that Councillor Adams reconsider his decision to resign as Chair of the Committee.

8.2.4 Deputy Mayor McInroy - Proposed Development - Heritage Hill Drive

Deputy Mayor McInroy submitted a petition on behalf of area residents in opposition to the proposed development of 65 Townhouses on the extension of Heritage Hill Drive.

8.3 Presentations

8.3.1 Bridgeway Academy - Martha Jodrey and Cam Binnie

- Correspondence, with attached brochure, dated November 21, 2002 from Lucinda E. Low, Executive Director, Bridgeway Academy, was before Council for consideration.

Ms. Martha Jodrey, Bridgeway Academy and Mr. Cam Binnie, parent of a student attending Bridgeway, made a presentation regarding the Bridgeway Academy, a school teaching children with learning disabilities and difficulties the way they learn.

His Worship the Mayor thanked Ms. Jodrey and Mr. Binnie for their presentation.

8.3.2 Regional Trails Advisory Team - Jessie Debaie, Vice Chair and Don Ambler, Chair

- Information pertaining to Halifax Regional Trails Advisory Committee was before Council for consideration. In addition, a presentation entitled "Halifax Regional Trails Advisory Team Connecting our Communities" dated December 3, 2002 was distributed to members of Council.

Mr. Don Ambler and Ms. Jessie Debaie presented the Regional Trails Advisory Team Annual Report and made a request for funding for the coming year.

Mayor Kelly noted that this request would be forwarded to staff for inclusion in the budgetary process.

9. REPORTS

9.1 PENINSULA COMMUNITY COUNCIL

9.1.1 Case 00440: Review of C-2 (General Business) Zone in District 12 re: Auto Body Repair and/or Paint Shop

- A report submitted by Councillor Sheila Fougere, Chair, Peninsula Community Council, dated November 20, 2002 was before Council for consideration.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that, as recommended by Peninsula Community Council, Regional Council direct staff to begin the process of public consultation to consider amendments to the MPS relative to auto body repair and/or paint shops as set out in Options 3 and 4 of the attached September 4, 2002 Information Report. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 Review of Public Participation Program

- A report submitted by Councillor Sheila Fougere, Chair, Peninsula Community Council, dated November 20, 2002 was before Council for consideration.

MOVED by Councillor Fougere, seconded by Councillor Blumenthal that, as recommended by Peninsula Community Council, the 1997 public participation program be reevaluated with a view to identifying and addressing the gaps that exist, specifically, but not limited to, the concerns expressed relative to the Peninsula of Halifax. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 CHIEF ADMINISTRATIVE OFFICER

9.2.1 Tender 02-158, Marr II Wharf Restoration

- A staff report dated November 22, 2002 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Council award Tender 02-158 Mar II Wharf Restoration to Waterworks Construction Ltd. for \$310,000 plus net HST for a total of \$329,929.99 from Capital Account CB100070, with funding authorized as per the Budget Implications section of the November 22, 2002 staff report.

Following a brief discussion, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Hetherington, seconded by Councillor Sloane that staff provide a report outlining the location of HRM owned wharves, revenues received from the lease of wharves, whether or not the public has use of these wharves and the details of leasing arrangements including the expiry date.

Noting that these wharves were of great benefit to HRM, Councillor Colwell requested that the report include a cost analysis of revenues versus the cost of maintaining the wharves.

MOTION PUT AND PASSED UNANIMOUSLY.

9.2.2 Safe Communities Initiative (Staff Presentation)

- A summary of the presentation on The Safe Communities Vision for Halifax Regional Municipality was distributed to Council. In addition, Ms. Watson-Borg submitted her presentation notes. A copy of each is on file.

Mr. Mike Lerue, Manager, Public Education & Prevention, Fire & Emergency Services, using a presentation application, gave a brief presentation outlining the Safe Communities Initiative. A copy of the presentation is on file.

Ms. Bette Watson-Borg, Co-Chair of the Safe Communities Coalition of Halifax Regional Municipality, shared with Council further information, thoughts and ideas about the Safe Communities vision which will contribute to making the diverse and vibrant communities of HRM, the safest place(s) to live, learn, work and play. Ms. Watson-Borg thanked Mike Eddy, Fire Chief and his staff for their leadership role in this initiative.

Mr. Lerue and Ms. Watson-Borg responded to questions from members of Council, after which Mayor Kelly thanked them for their presentation.

9.2.3 Budget and Business Planning 2003/2004 (Staff Presentation)

- A presentation entitled "Budget and Business Planning 2003-2004, Process and Outlook, was distributed to Council.

Ms. Dale McLellan, Director, Financial Services and Mr. Bruce Fisher, Manager, Financial Planning, Financial Services, using a presentation application, made a brief presentation regarding budget and business planning for 2003-2004. The presentation, in part, outlined the fiscal challenges facing HRM including a Capital funding shortfall. Note was made that if Council chooses to continue with the existing policy of lowering the tax rate a balanced budget will be achieved, however, additional services would be unlikely and no progress will be made on asset deficiencies. On the other hand, if Council chooses to retain or increase the present tax rate, additional services and re-investment in public assets will be possible.

After a brief questioning of staff, Mayor Kelly thanked members of staff for their presentation.

9.2.4 Appointment of Development Officer

- A staff report dated November 26, 2002 submitted by George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that Regional Council appoint Kurt Pyle as a Development Officer for the Halifax Regional Municipality as required by Chapter VII, Section 243 (1) of the Municipal Government Act. MOTION PUT AND PASSED UNANIMOUSLY.

9.2.5 By-Law R-106 re: Repeal of By-law S-200 Respecting Smoking

- A staff report dated November 27, 2002 submitted by George McLellan, Chief Administrative Officer, was before Council for consideration.
- The following correspondence was also received with regard to this matter:
 - Two e-mails dated November 28, 2002 from Matthew Dubois, Halifax
 - An e-mail dated November 28, 2002 from Jack Boomer, Provincial Manager, Clean Air Coalition of British Columbia
 - Correspondence received December 2, 2002 from Alan Ruffman, President, Geomarine Associates Ltd.

MOVED by Councillor Adams, seconded by Councillor Mosher that the process to repeal By-law S-200, the Smoking By-law, be abandoned at this time and that the Public Hearing not be re-scheduled.

MOVED by Councillor Adams, seconded by Councillor Mosher that the question now be put. MOTION PUT AND PASSED.

The original **MOTION WAS PUT AND PASSED.**

9.2.6 Regional Planning: Phase II Action Plan

- A staff report dated December 3, 2002 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

Ms. Betty MacDonald, General Manager, Governance and Strategic Initiatives, briefly reviewed the staff report and responded to questions from members of Council.

MOVED by Councillor Sloane, seconded by Councillor Fougere that Council approve the establishment of the Regional Planning Community Stakeholder Committee, as described in the December 3, 2002 report, to make recommendations to Council on the development of an HRM Regional Plan.

Responding to a question regarding how Councillors would be appointed to the Committee, the Chief Administrative Officer suggested that interested Councillors could provide their name to Ms. MacDonald.

Councillor Cooper expressed concern regarding the time frame in which this Committee would report to Council and noted that he feared that the process would take years. Mr. McLellan responded that he would provide an updated time frame for the project.

At this point in the meeting the Mayor left the meeting and Deputy Mayor McInroy assumed the Chair.

Councillor Walker requested a status report relative to the projects set out in Section 1A of the December 3, 2002 report. He further requested that staff re-visit the issue of the Committee being made up Council representatives from rural, urban and suburban communities. Councillor Walker indicated that he did not believe this delineation was necessary. No objection was expressed by Council to this suggestion.

After a further brief discussion, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

10. MOTIONS

This agenda item was dealt with earlier in the meeting.

11. ADDED ITEMS - None

At this point in the meeting Councillor Harvey assumed the Chair to provide Deputy Mayor McInroy the opportunity to give a Notice of Motion.

12. NOTICES OF MOTION

12.1 Deputy Mayor McInroy - Notice of Motion re amendment to Administrative Order Number 1 re Electronic Voting System

Take Notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 10th day of December 2002, I propose to place before Council for adoption as a policy pursuant to the Municipal Government Act an amendment to Administrative Order Number 1, the amendment being to formally incorporate into the rules of order of Council, procedures surrounding the electronic voting system currently installed in the Council Chamber.

13. ADJOURNMENT

There being no further business, the meeting adjourned at 8:55 p.m.

Sherryl Murphy
Assistant Municipal Clerk