

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL MINUTES January 13, 2004

### PRESENT:

Mayor Peter J. Kelly  
Deputy Mayor Steve Streach  
Councillors: David Hendsbee  
Ron Cooper  
Harry McInroy  
Brian Warshick  
Condo Sarto  
Bruce Hetherington  
Jim Smith  
John Cunningham  
Jerry Blumenthal  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Debbie Hum  
Linda Mosher  
Stephen Adams  
Brad Johns  
Len Goucher  
Robert Harvey  
Reg Rankin  
Gary Meade

### REGRETS:

Councillor Krista Snow

### STAFF:

Mr. George McLellan, Chief Administrative Officer  
Mr. Barry Allen, Acting Municipal Solicitor  
Ms. Jan Gibson, Acting Municipal Clerk  
Ms. Patti Halliday, Legislative Assistant

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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 Hendsbee.

2. **APPROVAL OF MINUTES - December 9 & 16, 2003**

**MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the minutes of December 9 and 16, 2003 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

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

The following items were added to the agenda:

- 12.1 Property Matter - Sale of 64-66 Lakecrest Drive, Dartmouth
- 12.2 Legal Matter - DND/HRM License Agreement
- 12.3 Legal Matter - Harbour Solutions Project Update

The following Information Items were added to the agenda:

- 1. Memorandum from Director, Legal Services, dated January 12, 2004 re: District Boundaries Application - URB Hearing.
- 2. Proclamation - National Non-Smoking Week - January 18 - 24, 2004

**MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the Order of Business, Additions and Deletions, be approved.**

On behalf of Regional Council, Councillor Uteck expressed thanks to the P-4 (Preserving Point Pleasant Park) Society, and its Chair, Ms. Janet Chernin, for its fundraising efforts to assist with the restoration of Point Pleasant Park following Hurricane Juan.

**MOTION PUT AND PASSED UNANIMOUSLY.**

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

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

8. **PUBLIC HEARINGS**

8.1 **By-Law L-114, An Amendment to By-Law L-100, Respecting Charges for Local Improvement Projects, Point Pleasant Drive Sanitary Sewer**

C By-Law L-114 passed First Reading on December 16, 2003 and was now before Council for Second Reading.

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, dated November 26, 2003, was before Council for its consideration.

Mr. Gerry Boyd, Manager, Design and Construction Services, 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 Hetherington, seconded by Councillor Goucher, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

**MOVED by Councillor Uteck, seconded by Councillor Sloane, that Council give Second Reading to By-Law L-114, An Amendment to By-Law L-100, Respecting Charges for Local Improvement Projects, Point Pleasant Drive Sanitary Sewer. MOTION PUT AND PASSED UNANIMOUSLY.**

8.2 **By-Law N-200, Respecting Noise Exemption Application - Rideau Construction Incorporated - 11 Fairfax Drive, Clayton Park**

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, dated January 7, 2004, was before Council for its consideration.

Mr. Ed Thornhill, Planning and Development Services, presented the staff report to Council and responded to questions of clarification of Council.

Mayor Kelly called three times for members of the public living within a 100' radius of the property wishing to speak either in favour of or against the application. Hearing none, the

following motion was put on the floor:

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

**COUNCIL DECISION**

**MOVED by Councillor Hum, seconded by Councillor Walker, that Regional Council approve Rideau Construction Inc.'s application for exemption from the provisions of the Noise By-Law under specific conditions as outlined in Appendix C of the staff report dated January 7, 2004.**

During debate of the motion, several Councillors expressed concern with the size of the notification area and whether or not it is necessary for such applications to come before Regional Council. Councillor Uteck suggested a brief overview of the process for exemption applications be provided to Council at a future Committee of the Whole meeting.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence**

**9.1.1 2005 World Peace Forum - Alexa McDonough, MP**

C Correspondence from Ms. Alexa McDonough, MP, dated December 19, 2003, regarding the above, was before Council for its consideration.

**MOVED by Councillor Hetherington, seconded by Councillor Goucher, that the correspondence from Ms. Alexa McDonough, MP, regarding the 2005 World Peace Forum be received and filed. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.2 Petitions**

**9.2.1 Deputy Mayor Streach - Bookmobile, Harbourside Elementary School**

Deputy Mayor Streach submitted a petition from students of Harbourside Elementary School requesting that their bookmobile service be reinstated. The Deputy Mayor requested that the petition be forwarded to the Halifax Regional Library Board.

**9.2.2 Councillor Blumenthal - Crossing Conditions, Leeds Street**

Councillor Blumenthal submitted correspondence and a petition from residents requesting that crossing lights be installed, as well as the crosswalk painted, in front of the Nova Scotia Community College on Leeds Street. The residents also requested that the intersection at Leeds and Robie Streets be changed to a 4-way stop to discourage speeding. The Councillor requested that the petition be forwarded to Traffic Services.

**10. REPORTS**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Request for Proposal 03-341, Hurricane Juan Clean Up - Forestry Remediation - Point Pleasant Park - Unit Price Contract**

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 RFP #03-341, Juan Clean Up - Forestry Remediation - Point Pleasant Park be awarded to the highest ranking evaluated proposal, Asplundh Tree Service Inc., at the unit prices quoted for an estimated cost of \$2,150,000.00 plus net HST for a total estimated cost of \$2,288,223.50 from Hurricane Juan Account - PJUAN-079-W928, with funding authorized as per the Budget Implications Section of the staff report dated January 9, 2004.**

Mr. Peter Bigelow, Manager, Real Property Planning, responded to questions of Council making the following points:

C Any amount of marketable timber that comes back will be put against the overall costs for the remediation of Point Pleasant Park. The dollar amount is difficult to assess at this point because of the nature of the damage. Until the timber is milled, what can and cannot be sold will not be known.

C The extra costs are being incurred as this is not a normal forestry operation as it deals with a historic site with coastally and environmentally sensitive areas and it needs to be restored to a park.

C There is an upcoming meeting with the Department of Natural Resources, HRM Fire Services and Parks to deal with other areas of HRM where there are substantial amounts of timber down so a forest fire plan can be devised for those areas.

C The proponent has assured, in writing, that it has the equipment and personnel available to complete this project within the time lines stated in the RFP. The work is expected to be completed in May 2004.

C If the proponent is unable to deliver the contract, HRM has a 50 percent performance bid on the contract. The proponent has also stated it can bring in additional

equipment if necessary.

Councillor Goucher requested that staff provide Council with a prioritization for restoration of parks, at some point in time, and to address the issue of clean up of green belt areas, noting some residents are inquiring if they are permitted to do this themselves.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.2 Case 00628: Halifax Municipal Planning Strategy and Land Use By-Law Amendments - 5837 Cunard Street and 2372 June Street**

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

**MOVED by Councillor Sloane, seconded by Councillor Blumenthal, that:**

1. **Halifax Regional Council instruct staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and Land Use By-Law to enable a development agreement at 5837 Cunard Street and 2372 June Street; and**
  2. **The public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.**
- MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.3 First Reading By-Law S-305, An Amendment to By-Law S-300, Respecting Streets**

C A revised staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, dated December 9, 2003, was before Council for its consideration.

**MOVED by Councillor Sloane, seconded by Councillor Sarto, that Council give First Reading to By-Law S-305, An Amendment to By-Law S-300, Respecting Streets.**  
**MOTION PUT AND PASSED UNANIMOUSLY.**

The Public Hearing will be held on February 3, 2004.

**10.1.4 First Reading By-Law T-212, An Amendment to By-Law T-201, Respecting Tax Exemption for Non-Profit Organizations: 2003-04, New Applications**



- C A report from the Grant Committee, dated November 26, 2003, regarding the above, was before Council for its consideration.

**MOVED by Councillor Walker, seconded by Councillor Goucher, that Council give First Reading to By-Law T-212, An Amendment to By-Law T-201, Respecting Tax Exemption for Non-Profit Organizations. MOTION PUT AND PASSED UNANIMOUSLY.**

It was noted the Public Hearing will be held on February 10, 2004.

## **10.2 GRANT COMMITTEE**

### **10.2.1 HRM Community Grants Program 2003-2004 - Appeal Recommendation**

- C A report from the Grant Committee, dated December 2, 2003, regarding the above, was before Council for its consideration.

**MOVED by Councillor Walker, seconded by Councillor Blumenthal, that Regional Council approve an additional grant in the amount of \$3,200 to Avalon Sexual Assault Centre for the 2003-04 fiscal year. MOTION PUT AND PASSED UNANIMOUSLY.**

## **10.3 MEMBERS OF COUNCIL**

### **10.3.1 Councillor Smith - On-line Voting for the Next Municipal Election**

Councillor Smith noted the Province of Nova Scotia amended the Municipal Government Act, at the request of, and with the consent of, the UNSM, to permit councils to create by-laws that will authorize voters to vote in elections by mail or another voting method. The Councillor suggested HRM should be utilizing this to provide alternative methods of voting for the 2004 election. However, he noted the by-law must be in place not less than 60 days prior to the election. Councillor Smith suggested a good starting point would be to implement the option of a mail-in ballot.

**MOVED by Councillor Smith, seconded by Councillor Hendsbee, that staff, in consultation with the Municipal Clerk's Office, examine complementary voting alternatives, including costs/savings and timelines for the next election and bring a report and/or an appropriate by-law for Council's consideration by the 10<sup>th</sup> of February 2004.**

Councillor Blumenthal requested that the report also address the issue of security.

Councillor Goucher noted Markham, Ontario, is a good example of how online voting can work.

Councillor Harvey expressed some concerns with the use of this technology and stated a committed and informed public is required to increase voter turnout.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3.2 Councillor Snow - Leave of Absence Request**

**MOVED by Councillor Hendsbee, seconded by Councillor Goucher, that Councillor Krista Snow be granted a leave of absence from three consecutive Council meetings: January 13, 20 and 27, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3.3 Councillor Sloane - Proposed High School Site**

Councillor Sloane referenced correspondence received by the Mayor and Council from the Halifax Junior Bengal Lancers expressing concerns regarding the proposed high school site on Halifax Commons land.

**MOVED by Councillor Sloane, seconded by Councillor Cunningham, that the correspondence from the Halifax Junior Bengal Lancers be referred to staff for review and to look at possibilities with regard to the riding ring and to see if HRM can engage in conversation with the Province regarding the retention of the riding ring.**

In response, Mr. George McLellan, Chief Administrative Officer, stated there has been no suggestion or discussion with HRM, to date, that the proposed school site would in any way involve HRM's property, which is the Bengal Lancer's leased property. However, he stated staff can look at and monitor the issue and if there is any indication that the HRM site would be involved, staff will engage the Councillor and others in the discussion.

Councillor Blumenthal noted the four Peninsula Councillors will be meeting with the Halifax Regional School Board concerning the new high school.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11. MOTIONS**

**11.1 Councillor Walker - First Reading of By-Law S-604, an Amendment to By-Law S-600, the Solid Waste Resource Collection and Disposal By-Law**

**MOVED by Councillor Walker, seconded by Councillor Blumenthal, that Council give First Reading to By-Law S-604, an Amendment to By-Law S-600, the Solid Waste Resources Collection and Disposal By-Law, to insert to Section 16.2 (a) and (b).**

**Section 16.1 - No person shall:**

- (a) pick over, remove, disturb or otherwise interfere with any waste material that has been set out for municipal collection**
- (b) collect waste material placed for municipal collection; or**
- (c) remove a container or organics collection cart placed at curbside.**

**Section 16.2 - The prohibitions in Section 16.1 do not apply to:**

- (a) the person who placed the waste material for collection or the municipality, its contractors or authorized municipal collection contractors; and**
- (b) blue bag recyclables**

The Public Hearing will be held on February 3, 2003.

**MOTION PUT AND PASSED.**

**12. ADDED ITEMS**

**12.1 Property Matter - Sale of 64-66 Lakecrest Drive, Dartmouth**

C This item was before Council at an In Camera Session held prior to the Regular Session and was now before Council for ratification.

**MOVED by Councillor Sarto, seconded by Councillor Walker,**

**That Halifax Regional Council:**

- 1. Approve in principle an Agreement of Purchase and Sale whereby 64-66 Lakecrest Drive, Dartmouth, be conveyed to Affirmative Industry Association of Nova Scotia for the sum of \$1.00, plus cost of sale expenses.**
- 2. Approve proceeding to a public hearing process concerning the sale of municipal property at less than market value. MOTION PUT AND PASSED UNANIMOUSLY.**

The Public Hearing will be held on February 17, 2004.

**12.2 Legal Matter - DND/HRM License Agreement**

C This item was before Council at an In Camera Session held prior to the Regular Session and was now before Council for ratification.

**MOVED by Councillor Uteck, seconded by Councillor Blumenthal,**

**That Halifax Regional Council:**

- 1. Authorize the Mayor and Municipal Clerk to execute the License Agreement (attached as Appendix #1) between Her Majesty The Queen in right of Canada as represented by the Minister of National Defence and Halifax Regional Municipality for the purpose of construction of a portion of the Sewage Collection System on Department of National Defence property for an annual fee of \$34,000 plus net HST for a total of \$36,186, with yearly cumulative increases of the Consumer Price Index for the Municipality as determined by Statistics Canada, funds to come from Capital Account #CSE00386-CSE00399, Pollution Control - Halifax Harbour Project.**
- 2. This report not be released to the public until the license is approved by Council and executed. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.3 Legal Matter - Halifax Harbour Solutions Project Update**

C This item was before Council at an In Camera Session held prior to the Regular Session and was now before Council for ratification.

**MOVED by Councillor Mosher, seconded by Councillor Sloane,**

**That Halifax Regional Council direct:**

- 1. Staff to proceed immediately with an Expression of Interest to short list potential proponents to Design/Build/Operate the Sludge Plant and further that staff return to Council with a recommendation to proceed with a Request for Proposal or to negotiate direct.**
- 2. The Mayor forward a letter to the Minister of Environment and Labour regarding the moratorium on the disposal of bio-solids produced from sewage treatment.**

Members of Council voting in favour of the motion: Mayor Kelly, Councillors: Hendsbee,

Warshick, Sarto, Smith, Cunningham, Sloane, Fougere, Walker, Hum, Mosher, Adams, Johns and Harvey.

Members of Council voting **against** the motion: Councillors: Cooper, Hetherington, Blumenthal, Uteck, Goucher and Meade.

(Deputy Mayor Streach, Councillors Snow, McInroy and Rankin were absent for the vote.)

**MOTION PUT AND PASSED.**

**13. NOTICES OF MOTION**

There were no Notices of Motion served at this meeting.

**14. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:10 p.m.

Jan Gibson  
Acting Municipal Clerk