

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES February 3, 2004

PRESENT:

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

REGRETS:

Councillor: Sue Uteck
Brad Johns

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Acting Municipal Clerk
Ms. Sherryll Murphy, Legislative Assistant

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1. INVOCATION

The meeting was called to order at 6:00 p.m.

Councillor Hendsbee rose to acknowledge that this evening at the North Branch Library on Gottingen Street, there will be proclamations relative to African Heritage Month. He further noted that this year will mark the 20th anniversary of the recognition of African Heritage Month in HRM and the Province.

Councillor Sloane advised that she and Councillor Hendsbee would be competing against each other in the Adult quiz for African Heritage Month in two weeks time.

2. APPROVAL OF MINUTES

MOVED by Councillor Blumenthal, seconded by Councillor Harvey that the minutes of the January 20, 2004 and the January 22, 2004 meetings of Halifax Regional Council, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Addition:

12.1 Timing of Council Meeting for April 6, 2004 (Councillor Warshick).

MOVED by Councillor Goucher, seconded by Councillor Blumenthal that the agenda, as amended, be approved. 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 S-305, An Amendment to By-Law S-300, Respecting Streets

- First Reading of By-law S-305, an amendment to By-law S-300, Respecting Streets was given on January 13, 2004. A previously circulated staff report dated

December 9, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

Ms. Denise Schofield, Acting Manager, Development Engineering, reviewed for Council the amendments as set out in the December 9, 2003 staff report noting that they were housekeeping amendments. Ms. Schofield then responded to questions of clarification with regard to the amendments.

Mayor Kelly called three times for persons wishing to speak for or against the proposed amendments. Hearing none it was **MOVED by Councillor Blumenthal, seconded by Councillor Warshick that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Sloane, seconded by Councillor McInroy that Regional Council approve By-law S-205, an amendment to By-law S-300, Respecting Streets, as set out in Appendix A of the December 9, 2003 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 By-Law S-604, An Amendment to By-Law S-600, Respecting Solid Waste Resource Collection and Disposal

- First Reading of By-law S-604, an amendment to By-law S-600, Respecting Streets was given on January 13, 2004. A related information report dated January 15, 2004 submitted by Brad Anguish, Director, Environmental Management Services, was before Council.

Mr. Jim Bauld, Manager, Solid Waste Resources, gave a brief presentation relative to the proposed amendment noting that staff did not support the prohibitions being lifted from the blue bags. In his presentation, Mr. Bauld outlined the staff concerns should this amendment be approved including: customer complaints, litter due to bags being opened and non-deposit containers being discarded, dumping, and interruption of collection schedules resulting in collection delays. A copy of this presentation is on file. Mr. Bauld then responded to questions of clarification from members of Council.

Mayor Kelly called for persons wishing to speak in favour of or against the proposed amendment.

Mr. Steven Taylor, Lower Sackville

Mr. Steven Taylor addressed Council making the following points:

- He is opposed to the proposed changes to the By-law
- His opposition is not based on any of the concerns expressed by staff

- He is opposed as he sees this as a step backwards for HRM in its solid waste progression
- Expressed concern that HRM is giving special rights to a particular group of individuals at the expense of the taxpaying homeowner and that the proposed amendment takes away the right to privacy of the homeowner
- Questioned why HRM would remove itself from being the self-provider over its own contracts and commented that HRM has no right to give unrestricted access to its taxpaying homeowners
- HRM must bear some responsibility for the service for which it is collecting a tax, to give this away would make one wonder if the tax should be collected
- HRM is taking away the right of the resident to question someone interfering with the disposal of their refundables
- The very people that Council is trying to protect, are breaking the law
- If there are issues regarding torn bags and litter now, why would Council believe this would change with this amendment
- Encouraged Council to not amend the By-law

Mr. Borden Boutilier, Sackville

- Indicated that he could see nothing wrong in picking up blue bags
- He has helped to support his family in this manner for many years

Mayor Kelly called three times for members of the public wishing to speak either in favour of or against the By-Law. Hearing none, it was **MOVED by Councillor Hetherington, seconded by Councillor Smith that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

Noting the concerns of staff, Councillor Walker indicated that he had a slightly amended motion and provided copies of the amended motion to the Clerk for distribution to Council.

MOVED by Councillor Walker, seconded by Councillor Sloane that Regional Council approve By-Law S-604, an Amendment to By-Law S-600, the Solid Waste Resources Collection and Disposal By-Law, to insert to Section 16.1, subsections (d), (e), and (f) and to insert Section 16.2, subsections (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**

- (d) leave a blue (recyclable) bag open or the recyclables on the ground**
- (e) obstruct or interfere with the municipality's contractors or authorized municipal collection contractors; and**
- (f) use a vehicle to collect blue bag recyclables**

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**

A discussion ensued with the following points being made in opposition to proposed amendment:

- Concern for overall implications of this amendment to the solid waste strategy
- Message we are sending to the public is that we want you to place your garbage on the curb appropriately sorted, but we can't control where it goes from there
- This amendment is regressive, will cost HRM money, is not sponsored by staff nor by Council as a whole
- By-law S-600 is not a vehicle to enact social change
- This Council does not want to encourage commercial scavenging
- HRM must use discretion in enforcing the By-law in cases where the scavenging is not being carried out commercially

Councillor Sloane suggested that if Council is unwilling to support this amendment, they must agree to write to the Province relative to the need for individuals to scavenge in order to sustain themselves. She went on indicate that she believed that enforcement around commercial scavenging was essential.

In response to a concern by Councillor Streach as to whether the amended motion was in order, the Municipal Solicitor indicated that the changes were not substantive. He went on to explain that the amendment in essence limits the amount by which scavenging is being opened up. The amendment will only apply to carts and people using vehicles would be prohibited from scavenging.

Following a further short discussion, the Solicitor suggested that in clause (f) the word "motor" should precede the word "vehicle".

The MOTION WAS PUT AND DEFEATED.

Members of Council voting **in favour** of the motion: Mayor Kelly and Councillors Sloane, Walker, Hum and Mosher.

Members of Council voting **against** the motion: Deputy Mayor Streach and Councillors Snow, Hendsbee, Cooper, McInroy, Warshick, Sarto, Hetherington, Smith, Cunningham, Blumenthal, Fougere, Adams, Harvey, Goucher, Rankin and Meade.

Councillors Uteck and Johns were not present at the meeting.

Councillor Sloane, referring to her request that Council write the Province, asked if this would be done.

Councillor McInroy suggested that Council should not go forward to the Province without first researching the matter and **MOVED, seconded by Councillor Blumenthal that this matter be referred to staff for a report regarding the socioeconomic conditions which make it necessary for individuals to scavenge the blue bags in order to meet their basic needs, and further that this report be prepared with a view to contacting the Province in this regard.**

MOTION TO REFER WAS PUT AND PASSED.

(Councillor Hendsbee left the meeting at this time to attend the event at the North Branch Library on Gottingen Street with respect to the 20th anniversary of the recognition of African Heritage Month in HRM and the Province.)

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 03-120, Four (4) Compact Utility Tractors

- A staff report dated January 19, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Cooper, seconded by Councillor Sloane that Regional Council award Tender 03-120 to Nova International; the lowest bidder meeting specifications at a total contract cost of \$203,598.68 including net HST; from Capital Account No.

CVD00413, Fleet Vehicle Replacement Program, with funding authorized as per the Budget Implications section of the January 19, 2004 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Tenders 03-144, 03-145 & 03-146, Fleet Vehicles

- A staff report dated January 13, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Cunningham, seconded by Councillor Adams that Regional Council authorize the award of Tenders #03-144, 03-145 and 03-146 to the lowest bidders meeting specifications as outlined in the discussion section of the January 13, 2004 report, in the amount of \$1,395,127.00 plus net HST for a total cost of \$1,484,819.72 from Capital Account No. CVD00413, Fleet Vehicle Replacement Program with funding authorized as per the budget implications of the January 13, 2004 report.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Request for Proposal 2003M884, Transit Passenger Shelters

- A staff report dated January 21, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Smith that Regional Council authorize the award of 2003M884 to Daytech Mfg. Ltd. to supply and install passenger shelters for \$54,100.00 plus net HST for a total project cost of \$57,578.09 from Capital Account No. CBT00438, New Bus Shelters and Operating Account No. PJUAN001-R928-89802, Hurricane Juan, as outlined in the Budget Implications section of the January 21, 2004 staff report.

A brief discussion and questioning of staff ensued and the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

10.1.4 Capital Budget Increase - Regional Trails Development Beechville-Lakeside-Timberlea Rails to Trails

- A staff report dated January 27, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Rankin, seconded by Councillor Meade that Council approve an increase in the Gross Capital Budget to Capital Account No. CPC00467, Regional Trails Development in the amount of \$33,852.46 with no change to the Net Budget.

This is to reflect cost sharing from the Beechville-Lakeside-Timberlea Rails to Trails Association, as per the Background Section of the January 27, 2004 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.5 Third Quarter 2003/04 Financial Report

- An information report dated January 27, 2004 submitted by Dale MacLennan, Director, Financial Services, was before Council for consideration.
- A presentation dated February 3, 2004 re Third Quarter 2003/0 Financial Report was distributed to Council.

Ms. Dale MacLennan, Director, Financial Services, introduced the Third Quarter 2003/04 Financial Report and Ms. Pam Caswill, Manager, Accounting and Mr. Hugh Avery, Team Leader Financial Planning, who would be making a presentation in this regard.

Ms. Pam Caswill, assisted by Mr. Avery, reviewed with Council the distributed presentation. A copy of the presentation is on file.

Mayor Kelly noted that indications are that, as per the announcement made in the Federal, Speech from the Throne, as of February 1, 2004 the GST paid by HRM will be fully refundable.

Ms. MacLennan noted that preliminary estimates indicate that this could be mean as much as \$1 million in the present fiscal year.

A discussion ensued with Mr. McLellan indicating that staff is hopeful that the snow budget will be met this year. He went on to indicate that costs related to Hurricane Juan have yet to be fully determined creating a question in terms of where exactly the municipality will find itself at year end with regard to these costs. Mr. McLellan noted that all discretionary spending has been held since the day after Hurricane Juan and commented that the actions of all staff have mitigated against the financial impact of Hurricane Juan.

MOVED by Councillor Hetherington, seconded by Councillor Fougere that the Third Quarter 2003/04 Financial Report be accepted as presented.

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

10.1.6 Proposed Rate Increase to Wastewater Management Levy

- A staff report dated January 19, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

- A presentation entitled "Wastewater Levy Q106 Rate Increase" was distributed to members of Council.

Ms. Dale MacLennan, Director, Financial Services addressed Council noting that she, Mr. Rick Paynter, Director, Public Works and Transportation, and Mr. Brad Anguish, Director, Environmental Management Services were present this evening to provide Council with information relative to the proposed rate increase. Ms. MacLennan noted that the current rate will no longer support the base spending level (2003/04 level). She went on to note that a deficit of approximately \$1.6 million exists and that the proposed increase covers the base spending and the deficit. The rate increase will be accomplished over a two year period, thereby, spreading out the impact to the taxpayer.

Ms. MacLennan gave a brief presentation outlining current water and sewer rates, proposed water and sewer rates and a comparison of Canadian sewer rates. She went on to speak to the Alternatives set out in the staff report, noting that staff was not recommending any of these. Ms. MacLennan noted that staff intends, during the budget discussions, to address these rates in the longer term.

As it was now 7:50 p.m., Council recessed for 10 minutes.

At 8:00 p.m. Council reconvened with all the same members being present excepting Deputy Mayor Streach.

MOVED by Councillor Hetherington, seconded by Councillor Walker that Halifax Regional Council approve an increase in the Wastewater Management Levy component of the Pollution Control Charge of 9.62 cents (\$.0962) per cubic metre of water effective April 1, 2004.

A lengthy debate ensued including the following points:

- If possible, some of the money returned to HRM on the GST should be applied in this area to defray the cost to the taxpayer
- Concern that sewer related charges are not on the general urban tax rate. Residents who do not contact the police, use transit or have need a fire truck, still pay for these services
- Awareness of the public regarding what exactly they are paying on their 'water' bill is lacking. Efforts should be made to ensure that residents understand exactly what they are paying for when they pay their water bill.
- Staff should have a very good handle on the costs of the service provided through the wastewater rate, that is, how much does the sewer portion cost and how much does that stormwater portion cost. This is of particular importance as there are some stormwater systems maintained by HRM (respond to floods) for which residents are not contributing

- If urban sprawl is to continue, perhaps HRM must begin to look at utilizing watersheds rather than pumping stations
- Alternatives with regard to the replacement of infrastructure must be investigate (i.e. liners)

Responding to the points made, Ms. MacLennan noted that the GST exemption would impact expenditures made in this reserve as it will across HRM expenditures. As this increase is a phased in over two years, the intent is to come back to Council prior to April of 2005 with regard to the rate increase. Staff will review with Council at that time any positive or negative issues impacting the Reserve.

With reference to the clarity of the water bill, Ms. MacLennan noted that it is staff's intent that an insert in the water bill will very clearly explain this increase in rates. On a go forward basis efforts will be made to clarify for residents what they are paying for when they pay their water bill. Ms. MacLennan went on to note that the Regional Plan will be considering policies relative to the handling of water and sewer in the future including the financial impact of these policies. Mr. Paynter reiterated that staff would be discussing with Council, during the budget meetings, a longer term vision for these rates.

The MOTION WAS PUT AND PASSED UNANIMOUSLY.

10.1.7 By-Law A-200 - HRM Automatic Machine Licensing

- A staff report dated October 24, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal that Regional Council:

- 1. Approve in principle By-law A-200 Respecting Automatic Machines and Administrative Order 15 direct staff arrange for their formal adoption.**
- 2. Authorize staff to request a change to the definition of automatic machine in the MGA to include the introduction of an "electronic card or device" in addition to coin, counter or slug. (If successful, future amendments of the Bylaw will be required.)**
- 3. Authorize staff to request the inclusion of penalties levied under the by-law in the Summary Offence Proceedings Act.**

Councillor Goucher requested staff to consider a change to By-law A-200 which would provide for the inclusion of groups that are not registered under the federal Income Tax Act, but are charitable organizations, such as the Bedford Youth Centre and the Boys and Girls Clubs of Dartmouth.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.8 Eastern Passage WPCP Digester Cover Replacement

- A staff report dated January 27, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor, seconded by Councillor that Regional Council:

1. **Authorize an increase to Capital Account No. CGU00512, Eastern Passage Digester Cover Replacement, in the amount of \$15,275.00. Funding is provided from the Wastewater Treatment Reserve (Q122) as indicated in the Budget implication section of the January 27, 2004 staff report.**
2. **Approve the amount of \$ 14,352.00 plus net HST for a total of \$15,275.00 to Black and MacDonald as a result of additional costs incurred related to Tender #02-110, funding is available from Capital Account No. CGU00512, Eastern Passage Digester Cover Replacement, as indicated in the budget implication section of the January 27, 2004 staff report.**

Following a brief questioning of staff, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

10.1.9 Aerotech STP Upgrade / Biosolids Dewatering Facility

- A staff report dated January 2, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Deputy Mayor Streach, seconded by Councillor Snow that Regional Council approve the amount of \$76,000 plus net HST for a total of \$80,887 to Dillon Consulting/ABL Environmental for additional design services. Funding is available from Capital Account No. CSU00138, Aerotech Sewage Treatment Plant Upgrade/Biosolids Dewatering Facility, as outlined in the Budget Implications of the January 27, 2004 report. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 MEMBERS OF COUNCIL

10.2.1 Councillor Meade - Leave of Absence Request

- A report from Gary Meade, Councillor, District 23 - St. Margarets Bay-Prospect, was before Council for consideration.

MOVED by Councillor Meade, seconded by Councillor Goucher that Councillor Gary Meade, District 23, St. Margarets Bay-Prospect be granted a leave of absence from three consecutive Council meetings: March 2, 2004 and March 9, 2004 and March 23, 2004. **MOTION PUT AND PASSED UNANIMOUSLY.**

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Timing of Council Meeting for April 6, 2004 (Councillor Warshick)**

Councillor Warshick referred to the upcoming World Womens' Juniors games and noted that both the bronze medal and gold medal games will be held on April 6, 2004 during the time Council would traditionally be meeting.

MOVED by Councillor Warshick, seconded by Councillor Cooper that Regional Council reschedule the April 6, 2004 meeting of Regional Council from 6:00 p.m. to 9:00 a.m. to allow members of Council and the viewing public to attend two of the medal games of the upcoming World Womens' Juniors.

The **MOTION WAS PUT AND DEFEATED.**

Members of Council voting in favour of the motion: Councillors Cooper, Warshick, Smith and Meade.

Members of Council voting against the motion: Mayor Kelly, Deputy Mayor Streach and Councillors Snow, McInroy, Sloane, Fougere, Walker, Hum, Mosher, Harvey, and Goucher.

Councillors Hendsbee, Sarto, Hetherington, Cunningham, Blumenthal, Adams and Rankin were not present in the Chamber for the vote.

Councillors Uteck and Johns were not present at the meeting.

At the invitation of the Mayor, the Clerk requested that members of Council see her following the meeting to receive a revised copy of the information report dated January 29, 2004 entitled "Action Plan: Interim Planning Processing".

13. **NOTICES OF MOTION**

13.1 **Notice of Motion - Councillor Cooper - First Reading of By-law A-200 - Consolidation of Former By-laws Respecting Automatic Machines**

Councillor Cooper gave Notice of Motion that at the next regular meeting of Regional Council to be held on Tuesday, February 10, 2004, he intends to introduce First Reading of By-law A-200, the purpose of which is to consolidate all former by-laws respecting automatic machines resulting in common definitions and standardized licensing fees throughout the HRM.

13.2 Notice of Motion - Councillor Cooper - First Reading of By-law T-128, an Amendment to By-law T-108 , Respecting Geography Testing

Councillor Cooper gave Notice of Motion that at the next regular meeting of Halifax Regional Council to be held on Tuesday, February 3, 2004, he intends to introduce First Reading of By-law T-128, a By-law intended to amend By-law T-108, the Taxi and Limousine By-law, relative to geography testing

14. ADJOURNMENT

There being no further business, the meeting adjourned at 9:30 p.m.

Jan Gibson
Acting Municipal Clerk