

HALIFAX REGIONAL MUNICIPALITY

**HALIFAX REGIONAL COUNCIL
MINUTES
May 3, 2005**

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Goucher
Councillors: Steve Streach
Krista Snow
David Hendsbee
Harry McInroy
Gloria McCluskey
Andrew Younger
Bill Karsten
Becky Kent
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Stephen D. Adams
Brad Johns
Robert P. Harvey
Reg Rankin
Gary Meade

STAFF:

Mr. Dan English, Acting Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, 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 Harvey.

ACKNOWLEDGEMENTS

Deputy Mayor Goucher acknowledged the presence in the gallery of Dr. Scully, Dalhousie University, and Dr. Chen, Vice President, Southwest China Normal University, Chongqing, Peoples Republic of China. The Deputy Mayor noted Southwest China Normal University is a comprehensive teacher's university under the direct jurisdiction of the state education ministry. The university is comprised of a campus with over 800,000 square metres of facility area and has a current student population of 60,000. Deputy Mayor Goucher welcomed Dr. Chen to Halifax Regional Municipality and wished him well on his visit.

Deputy Mayor Goucher invited members of Council and the public to attend an Arbor Day event being held on May 7th in Bedford at the Moir's Information Centre.

For the benefit of the public, Ms. Jan Gibson, Municipal Clerk, listed the dates and locations of the upcoming public workshops regarding the Regional Plan. A brief discussion ensued, and Councillor Johns suggested there should be an additional meeting in Sackville due to the water service boundary issue. Ms. Betty MacDonald, Director, Governance and Strategic Initiatives, advised that Regional Planning staff will come back to Council in a month's time with a review and assessment of attendance at the workshops to determine if additional meetings are required. She noted attendance at the currently scheduled workshops is by invitation and registration. Councillor Johns requested that the Berry Hill Parkland Association be invited to attend the workshop in his area.

In response to a question of Councillor Streach regarding the Regional Planning information phone line, Ms. MacDonald indicated that it is her understanding that staff have been dedicated to answer this phone line. Minutes will taken at the workshops and made available to Council.

2. APPROVAL OF MINUTES - NONE

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

The following items were added to the agenda:

11.1 Councillor Harvey - Bill #172 Rocky Lake Commons and Ice Rink Act

11.2 Councillor Murphy - Speeding Concerns - Devonshire Avenue

Information Item

1. Proclamation - Halifax Regional Municipality Remembers V-E Day, 1945 - May 8, 2005

MOVED By Councillor McCluskey, seconded by Councillor Wile, that the Agenda be approved, as amended. 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

7.1 By-Law N-202, An Amendment to By-Law N-200, Respecting Noise

C By-Law N-202 was before Council on October 28, 2003 at which time a Public Hearing was held and closed. A decision on Second Reading was deferred at that time.

C Correspondence from Ms. Jan Gibson, Municipal Clerk, dated April 20, 2005 was before Council for its consideration.

Councillor Uteck noted comments made at the Public Hearing held on October 28, 2003 indicated that the By-Law would not receive public support. Therefore, she inquired if she could withdraw or table the motion. Mr. Wayne Anstey, Municipal Solicitor, suggested Council proceed with the vote on Second Reading, and, if the motion fails, the Councillor could put forth another Notice of Motion if so desired.

MOVED by Councillor Uteck, seconded by Councillor Fougere, that By-Law N-200 Respecting Noise be given Second Reading.

Mayor Kelly clarified the following Councillors were present at the 2003 Public Hearing and were the only ones eligible to vote on Second Reading: Councillors Streach, Sloane, Uteck, Fougere, Adams, Goucher, Rankin, Meade, McInroy, Smith, Walker, Mosher and Harvey.

Councillor Wile spoke in support of the by-law noting noise is a problem in her district and something has to be done to deal with those responsible.

Speaking against the by-law, Councillor Streach stated he did not believe noise was the responsibility of the landlord.

Councillor Smith expressed difficulty with the landlord being responsible at the time of the first complaint.

Councillor Walker stated he would vote against the motion as Council has not gone back to the landlords since they were given the opportunity to seek changes to the Residential Tenancy Act.

Also speaking against the motion, Councillor McInroy stated the Residential Tenancy Act is too lenient in favour of tenants.

Councillor Sloane stated this issue still needs to be addressed and something has to be done to make people responsible for their actions.

Councillor Mosher spoke against the motion stating the landlord has no control even with due diligence. She also noted this by-law may hinder students seeking accommodations.

MOTION DEFEATED. Later in the meeting, a further Notice of Motion was put forth regarding this issue (see Item 12.4).

8. CORRESPONDENCE, PETITIONS & DELEGATIONS

8.1 Correspondence - None

8.2 Petitions

8.2.1 Councillor Harvey - Traffic Island, Erondale Drive

Councillor Harvey served a petition from residents of Erondale Drive requesting that a traffic island, in some form, be maintained on their street. The Councillor requested that the petition be referred to Mr. Larry Drew, Public Works and Transportation Services.

8.2.2 Councillor Harvey - Sidewalk Request, Kingfisher Way

Councillor Harvey served a petition signed by approximately 260 residents requesting a sidewalk on Kingfisher Way. The Councillor requested the petition be referred to Public Works and Transportation Services and a copy sent to Mr. Wade Marshall, Halifax Regional School Board.

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 Bedford Highway/Millview - Sewer and Water Servicing

C A staff report dated April 26, 2005 was before Council for its consideration.

MOVED by Deputy Mayor Goucher, seconded by Councillor Hum, that Regional Council:

- 1. Approve a new Capital Budget Project for Bedford Highway/Millview Sewer and Water Servicing in the amount of \$1,800,000 (gross) with the net residual amount (after external funding and other recoveries) funded from a Local Improvement Charge as defined in By-Law L-122, with no net budget increase to HRM.**
- 2. Approve, in principle, and begin the formal process for the adoption of By-Law Number L-122 respecting charges for the Bedford Highway/Millview Sewer and Water Servicing, attached to the April 26, 2005 staff report.**

In response to questions of Councillor Uteck, Mr. Dan English, Acting Chief Administrative Officer, briefly explained the Provincial Capital Assistance Program (PCAP).

In discussion of the motion, Councillor Adams requested further information on whether or not there will be another infrastructure program so HRM can determine how it can continue on with some of its projects. Councillor Uteck requested a breakdown of the PCAP program in HRM, as to what projects have been funded and in what areas, and how the program application process works.

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 Application for PCAP Funding - Wastewater Projects

C A staff report dated April 28, 2005 was before Council for its consideration.

MOVED by Councillor Rankin, seconded by Councillor Mosher, that the Mayor forward to the Minister of Service Nova Scotia and Municipal Relations the letter of application for funding (attached to the April 28, 2005 staff report) from the 2005/06 Provincial Capital Assistance Program for three priority wastewater infrastructure projects: Riverwood Drive Pumping Station, Whimsical Lake Pumping Station, and

Uplands Park Sanitary and Storm Sewers.

Councillor Snow requested further information from staff about the high priority projects not presented to Council as mentioned in the staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.3 Debt Repayment Plan - Dartmouth Sportsplex

C A staff report dated April 26, 2005 was before Council for its consideration.

MOVED by Councillor McCluskey, seconded by Councillor Younger, that the annual debt repayment for Dartmouth Sportsplex be reduced to \$75,000 to enable them to meet operational requirements without incurring a deficit.

Councillor McCluskey stated the Dartmouth Sportsplex fully intends to pay all of the debt, but its bingo operation revenue has decreased. Therefore, the Sportsplex is requesting that the annual debt payment be reduced.

Councillor Hendsbee expressed concern with the impact reduced bingo revenue is having on other community based facilities.

Speaking in support of the motion, Councillor Smith stated the Dartmouth Sportsplex is a very important facility in HRM and it is only requesting to be permitted to pay its debt over a longer period of time.

Also speaking in support of the motion, Councillor Johns concurred that reduced bingo revenue is beginning to hurt community based facilities. The Councillor noted this impact was anticipated when Council adopted the Smoking By-Law, and Council needs to take responsibility for its action and support the Sportsplex in its request.

Councillor Adams spoke in support of the motion and requested information respecting the change in revenue from bingo operations since the passing of the Smoking By-Law. Staff agreed to circulate this information to Council directly rather than in the form of a Council report.

Councillor Hum emphasized that the implications on human health with respect to smoking are far more important than financial implications on HRM.

Councillor McInroy noted that the Smoking By-Law is not the only factor contributing to the demise of bingo. The Councillor noted Cole Harbour Place no longer has bingo, and it has been replaced with health related rental agreements which are alternative revenue generators.

Councillor Harvey spoke in support of Councillor Hum's comments stating the Smoking By-Law is a separate issue altogether and should not be brought into this discussion.

Councillor Johns clarified that he does not oppose the Smoking By-Law but reiterated that Council needs to be aware of the implications when it makes such decisions.

Councillor McCluskey noted the Nova Scotia Gaming Authority has information on the relationship between smoking and bingo revenue.

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.4 Appointment of Building Inspectors

C A staff report dated April 18, 2005 was before Council for its consideration.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Regional Council appoint the staff included in Appendix "A" of the April 18, 2005 staff report, as Building Inspectors, pursuant to Sections 5 (2) of the Nova Scotia Building Code Act. These appointments are effective for the duration of their current conditions of employment with Halifax Regional Municipality. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.5 First Reading - By-Law P-1002, Respecting On-Street Parking Exemptions and Permits

C A staff report dated May 3, 2005 was before Council for its consideration.

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Council give First Reading to By-Law P-1002, Respecting On-Street Parking Exemptions and Permits. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.6 Administrative Order #33 Respecting Open Air Burning

C A staff report dated April 28, 2005 recommending that Council not approve the amendments to the Administrative Order was before Council for its consideration.

MOVED by Councillor Meade, seconded by Councillor Streach, that Council approve the following amendments to Administrative order No. 33, Section 2 to include the following Fire Protection Districts in which a burning permit is not required, providing all requirements that are outlined in Section 13 of the By-Law O-103 are met: Glen Margaret, Hacketts Cove, Indian Harbour, Peggy's Cove, West Dover, East Dover, Big

Lake, Blind Bay, Shad Bay, White's Lake, Hatchet Lake, Goodwood, Terence Bay, Prospect, Prospect Bay, Hubbards, Queensland, Black Point, Ingramport, Boutilliers Point, Head of St. Margarets Bay, Upper Tantallon, Lower Tantallon, Glen Haven, French Village, Seabright and Lewis Lake. MOTION PUT AND PASSED.

9.2 GRANT COMMITTEE

9.2.1 Administrative Order 10: Property Tax Exemption for Residential Homeowners - Revisions to Program Criteria and Level of Assistance

C A report from the Grants Committee, dated April 25, 2005, was before Council for its consideration.

MOVED by Councillor Walker, seconded by Deputy Mayor Goucher, that Regional Council approve, in principle, the proposed amendments to Administrative Order 10 as detailed in the Discussion Section of the April 25, 2005 report for implementation effective April 1, 2005. MOTION PUT AND PASSED UNANIMOUSLY.

9.2.2 By-Law T-700, Replacement of By-Law T-300, Residential Property Tax Deferral - Revisions

C A report from the Grants Committee, dated April 25, 2005, was before Council for its consideration.

MOVED by Councillor Walker, seconded by Deputy Mayor Goucher, that Regional Council:

1. **Approve, in principle, the replacement of By-Law T-300 with By-Law T-700 as detailed in the Discussion Section of the April 25, 2005 report.**
2. **Allow for interest to be applied against any deferred amount not otherwise subject to interest. Such interest is to be deferred. The interest rate in such cases will be set at 0 percent in 2005-06.**
3. **Direct staff to set a date for a public hearing date. MOTION PUT AND PASSED UNANIMOUSLY.**

10. MOTIONS

10.1 Councillor Younger - Assessment Charges

“WHEREAS the provincial budget of April 26, 2005 will increase assessment charges to HRM by \$1 million; that Regional Council withhold payment of provincial charges for assessment services until such time that an agreement is reached between UNSM and the Province on the future direction, existence and authority for assessment services.”

MOVED by Councillor Younger, seconded by Councillor Karsten, that the motion be deferred pending the receipt of a staff report addressing the following issues:

- C The legality of the increase as per Section 5.1.9 of the Municipal Government Act with respect to notice.**
- C The exact amount of the increase.**
- C The impact on HRM capital or operating budget**
- C Information from Mr. George McLellan and Councillor Walker on the status of current negotiations**

MOTION PUT AND PASSED UNANIMOUSLY.

11. ADDED ITEMS

11.1 Councillor Harvey - Bill No. 172 Rocky Lake Commons and Ice Rink Act

Councillor Harvey raised the issue of Bill No. 172 Rocky Lake Commons Ice Rinks Act which passed First Reading at the Legislature on April 26, 2005. The Councillor noted the Bill is an act to exempt from municipal taxation certain ice rinks in Rocky Lake Commons. Councillor Harvey stated the bill raises the following questions:

- C What is HRM’s involvement with the three proposed ice surfaces?**
- C Would this for-profit recreation proposal meet the test of our own tax exemption by-law?**
- C Should the HRM taxpayers be providing what amounts to a subsidy to this project?**
- C Why would the Provincial Legislature consider imposing this on HRM without consultation?**
- C Is this a public/private partnership arrangement?**
- C What precedent is going to be set by this legislation?**

MOVED by Councillor Harvey, seconded by Councillor McInroy that Council take the position of opposition to Bill 172 and communicate this to the three party caucuses and Mr. Russell MacKinnon.

Deputy Mayor Goucher clarified that this Bill only deals with the ice surface. The Deputy Mayor

stated this is a private initiative which will fill a void in availability of ice surfaces, which is part of HRM's mandate. By removing the tax from the ice surface, it puts it into an affordable range for groups to rent. Deputy Mayor Goucher stated this is a badly needed facility for Bedford and will be used by people throughout HRM.

Speaking against the motion, Councillor Streach stated he did not see a problem with the Bill, noting it is only requesting the same consideration that is given to other rinks in HRM. He questioned if Council does not support the Bill, is the project in jeopardy. Deputy Mayor Goucher responded if the legislation fails the facility will probably not be built.

Speaking in support of the motion, Councillor Johns expressed concern that Council is being requested to give a tax exemption to a private business. The Councillor also expressed concern that HRM has a staff person working on an indoor facilities master plan study which indicates that this is not the proper location for such a facility. Councillor Johns noted the proposed location is 2.5 km away from the Sackville Sports Stadium, which HRM owns, and he expressed concerns with the implications this for-profit facility will have on it. The Councillor also noted that no one from the Province came to Council to discuss this issue. Councillor Johns stated he supports additional ice surfaces in HRM, but reiterated that this is not the right location.

Councillor Hendsbee spoke in support of receiving a staff report to respond to the questions raised by Councillor Harvey. The Councillor also expressed concern as to what precedent would be set if this Bill is adopted.

Mr. Dan English, Acting Chief Administrative Officer, noted he met with the MLA bringing forth the local bill earlier today, and he indicated that he would defer Second Reading until a report was received by Council. Mr. English stated should Council request a report, it may be possible for it to come forward at next week's meeting.

MOVED by Councillor McCluskey, seconded by Councillor Younger, that this matter be deferred, pending a staff report.

In discussion of the deferral, several Councillors stated Council needs more information before forming an opinion on the proposed bill.

Councillor Smith suggested this issue should have come to Council first before being considered at the provincial level.

Speaking against the deferral, Councillor Fougere stated she would like Council to support Councillor Harvey's motion as this proposed bill is an affront to the position of municipal government. The Councillor stated this is a decision HRM should make, not one the Province makes for it. Councillor McInroy expressed similar sentiments.

Responding to a question of Councillor Younger, Mr. English confirmed that the MLA stated he would like feedback from HRM before moving Second Reading of the Bill.

Speaking in support of the deferral, Councillor Adams questioned why the Province is requesting this tax exemption when it did not in the case of Imperial Oil.

Although she supported the deferral, Councillor Mosher clarified the Bill is only related the ice surface and ice surface availability is a problem in HRM.

Deputy Mayor Goucher stated he would support the deferral in order to allow staff the opportunity to respond to the questions raised by members of Council.

Councillor Streach noted HRM does not collect taxes from this facility currently as it has not yet been built, so there will be no tax revenue lost.

Councillor Johns stated he would like the report to also address the implications of this on the Sackville Sports Stadium and the indoor facilities master plan.

Several Councillors spoke against the deferral stating the issue should be addressed now.

Councillor McCluskey noted the P3 schools are not schools as defined in the Assessment Act, yet none of them are required to pay taxes.

A Recorded Vote was taken on the deferral. **MOTION PUT AND PASSED (14 in favour, 10 against).**

Members of Council voting **in favour** of the motion: Mayor Kelly, Deputy Mayor Goucher, Councillors: Streach, Hendsbee, McCluskey, Karsten, Wile, Murphy, Walker, Hum, Mosher, Adams, Rankin and Meade.

Members of Council voting **against** the motion: Councillors: Snow, McInroy, Younger, Kent, Smith, Sloane, Uteck, Fougere, Johns and Harvey.

11.2 Councillor Murphy - Speeding Concerns, Devonshire Ave.

Councillor Murphy expressed concerns with respect to speeding in residential areas, particularly in light of the recent tragic accident on Devonshire Avenue. The Councillor suggested this matter be referred to staff for a report to address traffic calming measures for the Devonshire Avenue area and for information as to how HRM can increase public education and awareness with respect to speeding. Councillor Mosher suggested Halifax Regional Police Services could conduct a presentation at an upcoming meeting to advise

Council of their efforts to help reduce speeding.

MOVED by Councillor Murphy, seconded by Councillor Sloane, that this matter be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

12. NOTICES OF MOTION

12.1 Councillor Snow - Amendment to Administrative Order 33

TAKE NOTICE that at the next regular Regional Council meeting, to be held on Tuesday, the 10th day of May 2005, I intend to introduce a motion to ask Council to amend Administrative Order No. 33, Section 2, to include the following fire protection district in which a burning permit is not required: Beaver Bank/Kinsac.

12.2 Councillor Karsten - Updated By-Law to Prohibit Littering

TAKE NOTICE that at the next regular Regional Council meeting, to be held on Tuesday, the 10th day of May 2005, I intend to introduce a motion that requests staff bring forward to Council an updated by-law to prohibit the littering of streets, alleys, sidewalks, parks, lakes, lake shores, city-owned land or public places; that by doing so the former City of Dartmouth By-Law 400 be reviewed and implemented, if feasible; that a substantial summary offence ticket be issued to persons violating the proposed littering by-law; and that a program be initiated to encourage citizens' participation in cleaning up our communities.

12.3 Councillor Walker - First Reading, By-Law T-700

TAKE NOTICE that at the next regular Regional Council meeting, to be held on Tuesday, the 10th day of May 2005, I propose to move First Reading of By-Law T-700, the purpose of which is to replace By-law T-300 - Respecting Residential Tax Deferrals.

12.4 Councillor Uteck - Amendment to By-Law N-200 Respecting Noise

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, the 10th of May 2005, I intend to introduce a motion to move First Reading of an amendment to By-Law N-200, Respecting Noise, to increase the summary offence ticket from \$125.00 to \$300.00.

12.5 Deputy Mayor Goucher - First Reading, By-Law L-122

TAKE NOTICE that at the next regular Regional Council meeting, to be held on Tuesday, the 10th day of May 2005, I propose to move First Reading of By-Law L-122, the purpose of

which is to set local improvement charges for Bedford Highway/Millview - Sewer and Water Servicing.

13. ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council:

1. Memorandum from Acting Director, Real Property & Asset Management & Director, Financial Services dated April 21, 2005 re: Financial Performance HRM's Major Facilities
2. Memorandum from Acting Director, Real Property and Asset Management & Director of Finance dated April 21, 2005 re: Alderney Landing
3. Memorandum from Acting Director, Recreation, Tourism and Culture dated April 18, 2005 re: Greater Halifax Visitor Guide Publishing Process
4. Memorandum from Acting Director, Real Property & Asset Management & Acting Director, Recreation, Tourism and Culture dated April 22, 2005 re: Recreation Reserve
5. Memorandum from the Municipal Clerk, dated April 29, 2005 re: Requests for Presentations to Council - No requests received.