

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES January 26, 1999

PRESENT:

Deputy Mayor Larry Uteck
Councillors Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Sheila Fougere
Russell Walker
Bill Stone
Stephen D. Adams
Bob Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

ABSENT WITH REGRETS:

His Worship Mayor Walter Fitzgerald
Councillors Stephen D. Adams
Ron Hanson

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Dan English, Deputy Chief Administrative Officer
Mr. George McLellan, Deputy Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Karen Swim, Assistant Municipal Clerk

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1. INVOCATION

The meeting was called to order at approximately 6:00 p.m. Councillor Mitchell, at the Chair's request, led his colleagues in the recitation of the invocation.

2. PROCLAMATIONS

2.1 African Heritage Month

The Chair, on behalf of His Worship Mayor Fitzgerald, proclaimed February, 1999 as *African Heritage Month* in the Halifax Regional Municipality.

3. APPROVAL OF MINUTES

MOVED by Councillor Hetherington, seconded by Councillor Schofield that the Minutes from regular meetings of Halifax Regional Council held on January 12 and January 19, 1999 be approved as circulated. **MOTION PUT AND PASSED UNANIMOUSLY. .**

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

The following items were requested to be added to the agenda:

- 12.1 Councillor Kelly - 250th Birthday Party (Halifax-Dartmouth)**
- 12.2 Councillor Fougere - Pedestrian Activated Traffic Signals (Crosswalks on Robie Street)**
- 12.3 Recommendation Re: Collective Agreement (Outside Workers)**
- 12.4 Letter to Province of Nova Scotia Re: Halifax Regional School Board (Taxing Authority)**
- 12.5 Councillor Kelly - Capital Projects (Information Item #6)**
- 12.6 Councillor Walker - Metro Transit Service Reductions (Information Item #3)**

The following item was deferred at the request of Councillor Kelly:

- 11.1 Motion - "That a comprehensive travel, conference and seminar attendance policy be implemented for the Halifax Regional Municipality."**

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

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

6. **MOTIONS OF RECONSIDERATION - NONE**

7. **MOTIONS OF RESCISSION - NONE**

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

9. **CORRESPONDENCE, PETITIONS**

9.1 **Correspondence**

9.1.1 **Request for Contribution - Municipal Endowment Fund**

- Correspondence, dated January 18, 1999, was submitted from Mr. Jack Novack, Program Director, Public Sector Programs, Henson College.

MOVED by Councillor Greenough, seconded by Councillor Schofield that the request for an HRM contribution to the Henson College Municipal Endowment Fund be referred to the Grants Committee for review and recommendation. MOTION PUT AND PASSED.

9.2 **Petitions**

9.2.1 **Councillor Blumenthal - Transit Route #8**

Councillor Blumenthal submitted a petition containing approximately 110 signatures of individuals in opposition to the changes proposed for Transit Route #8 (Windsor Street).

Note: This matter was discussed in greater detail under Agenda Item 12.6, "Councillor Walker - Metro Transit Service Reductions."

10. **REPORTS**

10.1 **CHIEF ADMINISTRATIVE OFFICER**

10.1.1 **Year 2000 Project Presentation and Overview**

- An Information Report dated January 22, 1999 and entitled *Year 2000 Project Overview and Budget*, was submitted under the signature of Mr. Dan English, Deputy Chief Administrative Officer, in addition to a communique entitled *Countdown 2000* (January 1999).

Mr. Dan English, Deputy Chief Administrative Officer, introduced Mr. Dan Gautreau, Manager of HRM's Year 2000 Project, who, in turn, introduced the members of his core team.

Mr. Gautreau subsequently provided an overview of the implications the Y2K issue holds for the Halifax Regional Municipality, and outlined the strategy that has been put in place to address these concerns.

Responding to a question from Councillor Barnet, Mr. Gautreau advised that a public awareness program concerning the impact Y2K is likely to have on the delivery of municipal services will be launched in another six months' time as more detailed information becomes available as to what a reasonable level of preparedness might be.

Deputy Mayor Uteck expressed his appreciation to Mr. Gautreau and his team members for their efforts in this regard.

MOVED by Councillor Blumenthal, seconded by Councillor Mitchell that the report from the Year 2000 Project Committee (as contained in the Information Report dated January 22, 1999 and in the oral presentation made during the January 26 Regional Council meeting) be tabled. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Pesticide By-law

- A staff report dated January 21, 1999 and entitled *Pesticide By-law*, was submitted under the signatures of K. R. Meech, Chief Administrative Officer, and Dan English, Deputy Chief Administrative Officer.
- The following information was also submitted:-
 - Correspondence dated January 26, 1999 from Sandy Robertson, Integrated Lawncare Systems Inc.
 - Correspondence dated December 14, 1998 from Ms. Helen Jones
 - Correspondence dated March 4, 1997 from Doctors W. MacDonald and R. F. Maudsley, IWK-Grace Health Centre, Halifax
 - Correspondence dated February 26, 1997 from Mr. Neil Roberts, President and CEO, Queen Elizabeth II Health Sciences Centre
 - Correspondence dated February 21, 1997 from Dr. Cynthia Forbes, Medical Society of Nova Scotia

- Correspondence dated February 21, 1997 from Dr. Susan Pyke, 5991 Spring Garden Road, Suite #440, Halifax
- Correspondence dated February 20, 1997 from Dr. Valerie Lewis, 5880 Spring Garden Road, Suite #111, Halifax
- Correspondence dated February 3, 1997 from Dr. Paul L. Landrigan, 6447 Jubilee Road, Halifax
- Correspondence dated February 6, 1997 from Doctors Peter R. And Carol S. Camfield, IWK-Grace Health Centre, Halifax
- Correspondence dated January 21, 1997 from Dr. Earle L. Reid, 6112 Quinpool Road, Suite #200, Halifax
- Correspondence dated January 3, 1997 from Dr. Patricia Pearce, 28 Grosvenor Road, Halifax
- Proposal for the creation of a committee responsible for the development of a pesticide by-law for HRM (unsigned/undated)

Speaking in support of the staff recommendation, Councillor Schofield suggested that the proposed committee be asked to submit its report and recommendations within a time frame that would allow the new by-law to be implemented prior to the 1999 spraying season (i.e., before April 1). The Municipal Solicitor indicated that this suggestion could be considered during the finalization of the committee's terms of reference.

Councillor Hendsbee made reference to Section 533(1) of the Municipal Government Act, which will enable Halifax Regional Council to adopt regulations concerning pesticides, and expressed concern that the term "fungicide" is not used throughout these provisions. The Councillor also noted that the Act does not clearly identify the distinction between "residential," "commercial" and "institutional" property, and suggested that an explicit definition of these terms should be included in the proposed by-law.

In this same context, Councillor Snow observed that the term "pesticide" also refers to organic and non-toxic sprays, and added that he would prefer to see the word "toxic" used throughout the proposed regulations.

Concurring with the concerns put forward by Councillor Hendsbee, **it was MOVED by Councillor Cooper, seconded by Councillor Blumenthal that a letter be forwarded to the Province of Nova Scotia expressing Council's disappointment regarding the exclusion of commercial and institutional properties from the enabling legislation pertaining to the use of pesticides, and requesting that legislation to address this issue be reconsidered. MOTION PUT AND PASSED.**

MOVED by Councillor Schofield, seconded by Councillor Fougere that Council appoint a Committee made up of an appropriate cross-section of citizens and stakeholders, supported by HRM staff, to make recommendations to Council with respect to a strategy for the regulation of pesticides including the drafting of a Pesticide By-law. **MOTION PUT AND PASSED.**

10.1.3 Review of Halifax Waterfront Development Area Plan

- A staff report dated January 19, 1999 and entitled *Review of Halifax Waterfront Development Area Plan* was submitted under the signatures of K. R. Meech, Chief Administrative Officer, and Dan English, Deputy Chief Administrative Officer.

Mr. Austin French, Regional Coordinator, Planning Services, provided members of Council with a brief overview of the January 19 staff report.

Councillor Kelly expressed concern that staff had recommended proceeding with this Plan review at a time when the overall work schedule for Planning Services had not yet been approved by Council. He went on to point out that, by embarking on this project, staff may be reducing the potential for other projects of some long standing to be commenced during the next budget year, and strongly recommended that a decision on the Waterfront Plan Review be deferred until Council could review next year's planning projects in their entirety.

In reference to Councillor Kelly's concerns, Ms. Donna Davis-Lohnes, General Manager, Planning Services, noted that while a decision on this project could easily be deferred until February 12 (at which time the full work schedule for Planning Services is scheduled for review), staff had decided to bring it forward now, given the very minimal impact they feel the project will have on staff resources and the fact that a large portion of the required funding is being provided by the Waterfront Development Corporation.

MOVED by Councillor Downey, seconded by Councillor Mitchell that Regional Council:

1. **initiate a review of the Halifax Waterfront Development Area Plan in partnership with the Waterfront Development Corporation as outlined in the Memorandum of Understanding attached to the staff report dated January 19, 1999; and**
2. **as required under the Planning Act, adopt the public participation program indicated in the memorandum attached to the January 19, 1999 staff report to guide the Plan review for the Halifax Waterfront Development Area.**

MOVED by Councillor Kelly, seconded by Councillor Hendsbee that the matter be deferred until such time as the complete work plan for the Planning Services Division can be reviewed by Council. **THE MOTION TO DEFER WAS PUT AND DEFEATED.**

MAIN MOTION PUT AND PASSED.

10.1.4 Rail Warning Device - Akerley Boulevard

- A staff report dated January 19, 1999 and entitled *Rail Warning Device - Akerley Blvd.*, was submitted under the signatures of Ken Meech, Chief Administrative Officer, and Dan English, Deputy Chief Administrative Officer.

Mr. Kulvinder Dhillon, Director of Engineering and Transportation Services, responded to questions from Councillor Schofield concerning this matter.

MOVED by Councillor Schofield, seconded by Councillor Hetherington that the Mayor of the Halifax Regional Municipality and the Municipal Clerk be authorized to sign the cost-sharing agreement attached to the staff report dated January 19, 1999, which will commit HRM to funding 12.5 percent of the \$195,382 cost of the Akerley Boulevard rail crossing improvement project at a cost to the Municipality of \$24,500. **MOTION PUT AND PASSED.**

11. MOTIONS

11.1 Councillor Kelly Re: Policy on Travel, Conference and Seminar Attendance

This matter had been deferred during the setting of the agenda at the request of Councillor Kelly.

11.2 Councillor Rankin Re: Fee Schedule for Sportsfields and Ball Diamonds

Notice of Motion had been given by Councillor Rankin during the January 19 meeting of Halifax Regional Council; namely, that he proposed to introduce a motion that a fee schedule different than those debated during the January 19 Regional Council meeting be considered with respect to user fees for sportfields and ball diamonds.

- A memorandum dated January 22, 1999 and addressed to Councillor Rankin from Mr. Jim Naugler, Regional Coordinator, Outdoor Facilities, was submitted.
- Correspondence dated January 25, 1999 was received from Mr. Bob Ogilvie, Coach/Manager/Director, Dartmouth United Soccer Club.

Councillor Rankin made reference to the January 22 memorandum, noting that the revised fee schedules contained therein were intended to address various concerns raised by members of Council during their deliberations on January 19. In his remarks, the Councillor pointed out that the revised fees attempt to more clearly differentiate between the types of service provided (i.e., the quality of the fields being used), an approach consistent with the “user pay” model. In addition, he noted that the fees are now being proposed to relate to hourly usage, rather than being based on a “season” rate as was originally proposed.

Councillor Rankin went on to make reference to the concerns raised with regard to the “sweat equity” component of this proposal, emphasizing that, under its terms of reference, the proposed committee will be responsible not only for bringing back recommendations relating to refinements of the fee schedule but also suggestions as to how community partnerships might be fostered.

MOVED by Councillor Rankin, seconded by Councillor Fougere that Halifax Regional Council approve the fee schedule for outdoor facilities as outlined on p. 3 of the memorandum dated January 22, 1999 from Mr. Jim Naugler, Regional Coordinator, Outdoor Facilities, with the following amendment; namely, that the fees identified in the lower half of the page pertaining to the various classifications of “sportfields” be adjusted to be identical to those in the upper half of the page pertaining to “diamonds.”

Responding to comments put forward by Councillor Dooks, Mr. Peter Bigelow, General Manager, Recreation Facilities, advised Council that it is staff’s intention to review all the playing fields currently owned by HRM to ensure that their classification as reflected in the user fee schedule is as accurate as possible.

In reference to a question put forward by Councillor Walker, Mr. Stephen King, Manager of Parks and Natural Services, advised that a “menu” of tasks to be carried out under the heading of “sweat equity” will be established with regard to each of the playing fields and in accordance with standards currently adhered to by HRM staff. Each of these tasks will, in turn, be assigned a dollar value and, depending on the scope of the tasks performed by the community groups, credit will be given against the user fees normally charged. Mr. King went on to emphasize that staff envision this as a very simple procedure and one for which the preliminary establishment of tasks and dollar values has already been carried out.

Councillor Snow spoke in opposition to the motion, noting that, in his view, residents are being taxed twice for the use of these facilities.

Responding to a question from Councillor Stone, Mr. Jim Naugler, Regional Coordinator, Outdoor Facilities, advised that at the beginning of the playing season user groups will be required to estimate the number of hours playing time they feel they will need over the course of the season and to pay a deposit. At the end of the season, staff will work with the teams to calculate the actual number of hours used and collect the balance of the fees owing.

Councillor Cooper asked that information be made generally available concerning costs and anticipated cost recoveries relative to each classification of diamond and sportfield.

THE MOTION WAS PUT AND PASSED.

12. ADDED ITEMS

12.1 Councillor Kelly - 250th Birthday Party (Halifax-Dartmouth)

MOVED by Councillor Kelly, seconded by Councillor Mitchell that a representative from HRM's Millennium Committee be requested to make a presentation to the next regular meeting of Halifax Regional Council scheduled for Tuesday, February 2, 1999 (or, failing that, to the meeting scheduled for February 9), and that that presentation include details as to the funding sources for these celebrations. MOTION PUT AND PASSED.

12.2 Councillor Fougere - Pedestrian-Activated Traffic Signals (Crosswalks on Robie Street)

Councillor Fougere expressed her deepest sympathy to the family of Paul Andrew Levy, who was killed at a Robie Street crosswalk on Monday, January 25.

MOVED by Councillor Fougere, seconded by Councillor Dooks that a comprehensive staff report be requested from both the Traffic and Transportation section and from Police Services outlining the options available to improve crosswalk safety in general but, in particular, the pedestrian-activated crosswalks on multi-lane traffic arteries; and further, that recommendations be brought forward as to how these options could be implemented in a timely and cost-effective manner so that safety can be improved for pedestrians and motorists alike.

Speaking in support of the motion, Councillor Blumenthal recommended that a comprehensive education program should be considered as one of the options, while

Councillors Stone and Hendsbee suggested that, with regard to the RA-5 signals, the flashing lights are too high and the color used is not sufficiently visible to motorists.

MOTION PUT AND PASSED.

12.3 Recommendation Re: Collective Agreement (Outside Workers)

CONFLICT OF INTEREST

Councillor Downey declared a conflict of interest (owing to the fact that his son is a member of Local 108), and removed himself from the discussion.

MOVED by Councillor Blumenthal, seconded by Councillor Schofield that, as recommended by Committee of the Whole, Halifax Regional Council ratify the collective agreement negotiated by the Halifax Regional Municipality's negotiating team and the Halifax Civic Workers Union, Local 108/CUPE, and as ratified by the Union, and authorize the Mayor and Municipal Clerk to execute the same on behalf of the Halifax Regional Municipality. MOTION PUT AND PASSED.

Councillor Downey returned to the Council Chamber.

12.4 Letter to Province of Nova Scotia Re: Halifax Regional School Board (Taxing Authority)

MOVED by Councillor Barnet, seconded by Councillor Hendsbee that, as recommended by Committee of the Whole, Halifax Regional Council send a letter to the Departments of Education and of Housing and Municipal Affairs requesting that they examine the possibility of the Halifax Regional School Board having its own taxing authority. MOTION PUT AND PASSED.

12.5 Councillor Kelly - Capital Projects

- An Information Report, dated January 19, 1999 and entitled *Capital Projects*, was submitted under the signatures of Reg Ridgley, Acting Director of Finance, and Nancy Ellwood, Team Leader - Capital Funds.

Councillor Kelly expressed concern regarding the projects contained in Attachment "C" of the January 19 Information Report and proposed for deferral, emphasizing that residents have been waiting a considerable period of time for certain of these initiatives to be commenced. The Councillor also emphasized that, in his opinion, Attachment "C" is

inappropriate given the fact that many of the projects listed therein will affect one particular community, rather than being drawn from all of the districts which make up the Regional Municipality. He concluded his remarks by stating that, in future, he hoped that Councillors would be advised in advance of such changes so that they might keep their constituents properly informed.

In response to Councillor Kelly's concerns, Mr. George McLellan, Deputy Chief Administrative Officer, clarified that the projects listed in Attachment "C" are intended only to be withdrawn from the construction schedule for the 1998/99 budget year, and that, in developing this list, staff had been following Council's directive with regard to the deficit reduction strategy. He went on to emphasize that while it is intended that these same projects will be given first priority during the 1999/2000 budget discussions, it remains at Council's discretion to reinstate projects in the current year's budget.

No further action was required in this regard.

12.6 Councillor Walker - Metro Transit Service Reductions

- An Information Report dated January 18, 1999 and entitled *Metro Transit Service Reductions*, was submitted under the signature of Mr. Brian T. Smith, Director of Business Operations.

Councillor Walker expressed concern regarding the proposal to reduce service on Transit Route #5, particularly given its impact on the residents of the Springvale subdivision. In his remarks, the Councillor noted that this transit route is extremely important to the students of Queen Elizabeth High School and St. Agnes, adding that it was his understanding that ridership generally stands at 72 percent. He went on to point out that 52 new homes will be constructed in this area within the next several months, and strongly recommended that, rather than sitting idle in front of the West End Shopping Mall as is proposed, the bus continue its loop through Springvale.

Concurring with the concerns put forward by Councillor Walker, Councillor Blumenthal made reference to the changes proposed for Transit Route #8. Referring to the several petitions that have been submitted over the past several weeks in opposition to those changes, the Councillor emphasized that Route #8 has a ridership of between 79-80 percent. He added that, if the proposed changes are implemented, service will be removed from Windsor Street, Strawberry Hill and Hood Street, a move that will have direct implications for many employees of DND.

Councillor Schofield advised that a number of concerns have been expressed to him with regard to the changes proposed for Route #53 (Notting Park), and noted that there would appear to be a discrepancy between the information provided to Council by staff in November of 1998 and that later brought forward by the Amalgamated Transit Union.

Mr. Brian Smith, Director of Business Operations, emphasized that Council had not been given inaccurate information at the time the proposed changes in transit service were under review in November. He went on to remind Councillors that, as explained on p. 2 of the January 18 Information Report, the principles used by staff in putting forward their proposals for change were *not* based on ridership or route cost-recovery (as are the arguments put forward by the ATU) but rather on other factors which, in staff's view, would have less impact on overall ridership.

Mr. Smith went on to express concern that Council appears to be reconsidering the direction given to staff at its November 17 meeting, noting that at this point in time the new schedules (reflecting the proposed changes) have been printed and the "pick" process completed.

Councillors Walker and Blumenthal made reference to the information received from ATU, and asked for clarification as to whether in fact the service that will be eliminated from Route Nos. 5 and 8 *will* be duplicated by some other route.

At the Chair's suggestion, **IT WAS AGREED that staff would provide a further report addressing the concerns put forward by Councillors Walker, Blumenthal and Schofield and, in particular, the apparent discrepancies between the information provided to Council by staff in November of 1998 and that subsequently brought forward by the Amalgamated Transit Union.**

Note: At a later point in the meeting's agenda, Councillor Walker gave Notice of Motion of Rescission with regard to the Council motion of November 17, 1998 pertaining to transit service reductions.

13. NOTICES OF MOTION

13.1 Councillor Walker - Notice of Motion of Rescission Re: Transit Route Nos. 8 and 5

Councillor Walker gave notice that at the next regular meeting of Halifax Regional Council, scheduled for Tuesday, February 2, 1999, he will introduce a Motion of Rescission regarding Council's motion of November 17, 1998, pertaining to the changes proposed for Transit Route Nos. 8 and 5.

13.2 Councillor Harvey Re: Supplementary Education Funding

Councillor Harvey gave notice that at the next regular meeting of Halifax Regional Council, scheduled for Tuesday, February 2, 1999, he will introduce a motion to maintain the supplementary funding levels for education in Halifax and Dartmouth and to increase the total supplementary funding paid to the School Board by a proportionate amount of County/Bedford funding, such proportionate County/Bedford funding to be phased in over ten (10) years.

13.3 Councillor Stone Re: Amendments to Administrative Order Number 1

Councillor Stone gave notice that at the next regular meeting of Halifax Regional Council, scheduled for Tuesday, February 2, 1999, he will introduce a motion to amend Administrative Order Number 1 to provide that a vote on a motion arising out of a presentation made at Council or an added item not be voted on by Council until a staff report and recommendation has been received from the Chief Administrative Officer.

14. ADJOURNMENT

MOVED by Councillor Hetherington, seconded by Councillor Greenough that the meeting adjourn at approximately 8:35 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
MUNICIPAL CLERK

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