

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL MINUTES June 1, 1998

PRESENT:

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

ABSENT:

Councillors Gordon R. Snow (Regrets)  
Barry Barnet (Regets)

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Patti Halliday, Assistant Municipal Clerk

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## INVOCATION

Mayor Fitzgerald called the meeting to order at 2:30 p.m. with the Invocation.

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

- 6.1 Councillor Uteck - 1260 Blenheim Terrace (Item 4.2.1 from the June 1, 1998 Committee of the Whole agenda)
- 6.2 Report - Encroachment on Municipal Right of Way, 1336 Bedford Highway
- 6.3 Appointments - Audit Committee
- 6.4 Ratification - In Camera Action - Land Matter - Starr Manufacturing Site and Adjacent Properties
- 6.5 Councillor Harvey - Sale of 2619 Sackville Drive (Item 4.3.9 from the June 1, 1998 Committee of the Whole agenda)

1. **Springvale School - Halifax Christian Academy (deferred from May 26th for decision)**

- A supplementary staff report prepared for Brian Smith, Director, Business Operations, and Simpson McLeod, Manager, Building Transition, was before Council for consideration. The report answered questions raised during the Public Hearing held on May 26, 1998. At the meeting, following closure of the Public Hearing, Council deferred a decision on the matter pending a staff report responding to concerns/questions raised at the Public Hearing.
- Correspondence from the following was circulated to Council: Jim Spurway, President, Springvale - Fairmount Residents' Association; Jacinda M. Butler, Resident; Springvale PTA; Tom McLean, Project Manager, MT&T Business Communications; W. H. Gates, W. H. Gates Utility Consultants Ltd.; Dave Wilson, Resident; Doreen Pilon, Resident; C. E. Stewart, Director, Operations, Halifax Regional School Board; Pamela DeMone and Janet Gates, Co-Chairs Parent-Teacher Cooperative; Kevin Estabrooks, School Board Member; Tom McLean and Dan MacDonald, Co-Chairmen, Parent Education Action Committee; Valerie Weagle, Resident; and Kim and Tom Trigg, Residents.

Deputy Mayor Rankin, in presenting the background on this matter, stated in the interest of achieving some measure of accommodation to all the stakeholders involved, he would like to propose the following motion:

**MOVED by Deputy Mayor Rankin and Councillor Hendsbee that the May 26, 1998 resolution be tabled, and, in the alternative, to sell Springvale School for the appraised value of \$76,000 on the basis that one-half (\$38,000) be met from the Halifax Regional School Board and that one-half (\$38,000) be met from the community of Beechville/Lakeside/Timberlea through an area rate over a period of two years.**

Deputy Mayor Rankin stated he believed the staff report has provided some added comfort with respect to traffic concerns. The Deputy Mayor stated he does not believe it has been the School Board that has created the problem, as the Province has not built the necessary schools. Deputy Mayor Rankin stated the school is a regional school, and, therefore, he is requesting a regional solution.

Councillor Hanson stated, at this point in time, it is inappropriate for Council to consider that Springvale School should be a option for the Halifax Christian Academy. The Councillor strongly recommended that the matter be referred back to staff, in consultation with the School Board, to explore other options to accommodate the Halifax Christian Academy.

Councillor Uteck inquired why it is assumed in the staff report that HRM, rather than the School Board, would assume all costs if the alternative to renovate the school was taken. Staff responded the School Board have committed funding to renovating the former Glengarry School building, but have not offered any assistance regarding the Beechville/Lakeside/Timberlea Centre.

Councillor McInroy expressed concern with the motion in that it requests taxpayers to put up money for a building that they already own. The Councillor stated he believes the School Board needs to become involved in this matter, and suggested if portables are an option, it should be the responsibility of the School Board.

Councillor Greenough also expressed concern with using taxpayers money to pay for a building they already own. The Councillor suggested the School Board may have prematurely declared Springvale School surplus. Councillor Greenough stated a motion to refer may be appropriate to allow HRM to enter into discussions with the School Board on this matter.

Mr. George McLellan, Deputy Chief Administrative Officer, stated the School Board brought HRM into this matter to broker it, but it is the School Board's problem. Mr. McLellan stated it is very difficult to proceed further with this matter without involvement of the School Board. However, he noted this is the forum that permits the residents to participate.

Mr. Ross Stanley, Capital Facility Planner, Halifax Regional School Board, stated the School Board was informed that the former Lakeside School would not be made available to meet their needs, as it was required to meet the community needs. With respect to portables, Mr. Stanley stated this is not an option due to provincial and municipal regulations limiting the number of portable classrooms that can be placed at any school site. The issue of returning Springvale School to the School Board does not solve the crowding problem in Lakeside/Beechville/Timberlea, as more schools are required. Mr. Stanley noted the construction of schools is the responsibility of the Province and not the School Board. The School Board is working closely with the Province to acquire the necessary schools.

In response to a question from Councillor Kelly inquiring about the zoning of Springvale School, staff replied it is currently zoned R-1. Mr. Gary Porter, Planner, stated schools are not permitted in R-1 zoning. Subject to clarification from the Development Officer, Mr. Porter stated if the building has ceased to be a school for six months, it cannot be recommenced under that zoning. Councillor Kelly stated this information should be obtained to ensure it can legally be used as a school without being rezoned. Mr. Anstey stated if the issue of discontinuance requires rezoning, the property will have to follow the rezoning process to be rezoned to Parks and Institutional.

Councillor Kelly noted it is important to know if the building has been used for other purposes since the time it ceased being used as a school. The Councillor stated the community has requested copies of the Kempton appraisals and inquired if these can be provided throughout the process. Mayor Fitzgerald replied this can be done.

Mr. McLellan advised he would assume the Halifax Christian Academy would have looked into the zoning matter. The issue for Council is to decide whether or not it is going to intervene in resolving the issue.

Mr. Anstey noted the issue currently before Council is with respect to selling the property at less than market value. He noted there may be an additional process to follow with respect to rezoning. If rezoning is necessary, it will require a public hearing and a decision of Council. However, Mr. Anstey stated Council needs to make a decision now with respect to the selling of the property at less than market value.

In response to a question from Councillor Blumenthal, Mr. Stanley advised the School Board has limited options if this is not approved. Some of these options would include split shifts and transportation of students outside the community. Councillor Blumenthal stated this issue belongs to the School Board and not HRM.

Councillor Mitchell stated the children and education have to be considered first, and something needs to be done for the residents of Lakeside/Beechville/Timberlea.

Councillor Cooper noted the School Board is not prepared to handle this problem. The Councillor suggested the community is suffering from "instant community syndrome" which has happened in the past and will probably happen again. Councillor Cooper advised he was not prepared to sell the property for \$1 or \$76,000 as he believes the present and future needs of the community will not be addressed. The Councillor stated he may support a motion to refer it back to staff to look at other options.

Councillor Harvey stated the issue of rezoning is important as it may affect the decision of the Halifax Christian Academy to purchase the property. The Councillor noted the proposed selling figure of \$76,000 will not require a public hearing as the property would no longer be being sold for less than market value. Mr. Anstey confirmed a public hearing would not be necessary and a simple majority vote would pass the motion on the floor.

Councillor Harvey inquired if the Halifax Christian Academy was aware of the possible need for rezoning. At this point, Council agreed to take a five minute recess.

**MOVED by Deputy Mayor Rankin and Councillor Hendsbee that a five minute recess be taken. MOTION PUT AND PASSED UNANIMOUSLY.**

**RECESS**

A five minute recess was taken at 3:30 p.m. The meeting reconvened at 3:35 p.m.

(Councillor Hetherington left the meeting at the recess)

With respect to the matter of rezoning, Mr. Anstey stated, on the basis of what is currently known, the matter could go both ways. He stated that, other than the environmental problems with the building, it could be used immediately as a school, as the structure has not been changed to fit any other use. The building was only turned over to the Municipality in April 1998. Mr. Anstey stated the Halifax Christian Academy is only trying to accommodate the School Board in relocating.

Councillor Hendsbee stated he believes the rezoning is not an issue and that the building should be permitted to recommence as a school.

Councillor Stone stated the biggest concern expressed by the residents is that they were not consulted. The Councillor stated Council is trying to solve the problem in one area by creating a problem in another area, and the Halifax Christian Academy is caught in the middle. Councillor Stone stated HRM has tried to do its part in solving this problem, but it is no longer an HRM problem, and is now the School Board's problem. The Councillor stated he is prepared to support the motion to refer the matter back to staff to explore other options.

Councillor Greenough noted the Halifax Christian Academy will need to spend almost \$500,000 to renovate the Springvale School to meet its needs. The Councillor stated a decision has to be made on the matter and it can be done here just as easily as at the School Board level. Councillor Greenough stated he did not see traffic as being a problem, and stated he would support the motion to sell Springvale School to the Halifax Christian Academy.

In closing the debate, Deputy Mayor Rankin stated all groups involved cannot be satisfied. Council has to consider what is in the best interest of the public. The Deputy Mayor stated there are no prospects for other solutions as this has already been examined by staff and the community. Deputy Mayor Rankin stressed the importance of the time factor in having this matter settled.

Councillor Hendsbee requested a **Recorded Vote**. The vote was then taken on the motion on the floor with the following results:

Members of Council **in favour** of the motion: Mayor Fitzgerald, Deputy Mayor Rankin, Councillors Dooks, Hendsbee, Greenough, Sarto, Schofield, Cunningham, Downey, Uteck, Harvey, Kelly and Mitchell.

Members of Council **against** the motion: Councillors Cooper, McInroy, Blumenthal, Walker, Stone, Hanson, Adams.

(13 in favour, 7 against) The following members of Council were absent: Councillors Snow, Hetherington and Barnet.

**MOTION PASSED.**

2. **Case 7504 - Request for an Amendment to the Halifax Municipal Planning Strategy - Melville Ridge (Polling District 17) (set date for public hearing) (deferred from May 26th)**

- A staff report prepared for Donna Davis-Lohnes, General Manager, Planning Services, regarding the above was circulated to Council for consideration.

**MOVED by Councillors Hanson and Blumenthal that Halifax Regional Council amend the Halifax Municipal Planning Strategy as set out in Appendix A of the staff report dated May 26, 1998 to enable a development agreement to permit an 80 bed residential care and retirement facility on Lot 4 of the Melville Ridge Senior Citizens retirement community, and that a Public Hearing date be set for June 30, 1998.**

In response to a request of Councillor Cooper, Mr. Gary Porter, Planner, reviewed the report.

Councillor Cooper inquired who would be responsible for the provision of water to the residents. Mr. Porter replied the developer has agreed to install a water line as well as laterals from the water line to the building. This will be done at the developer's cost.

Responding to a question from Councillor Cooper regarding a resident's concerns with water coming onto his property from a swamp area, Mr. Porter stated there have been reports prepared previously by the Engineering Department with respect to that issue. Mr. Porter noted some of this water may be the result of water travelling through some recent trenches put in to install a water line to another property. It is uncertain where the water is really coming from, and could possibly be from several sources. Mr. Porter stated Engineering attempted to do some remedial work, but he was unsure if there was any on-going work on this matter.

In response to a question from Councillor Walker, Mr. Porter stated staff has attempted to address Mr. Corkum's concerns on Page 2 of the May 26, 1998 report. The policy attached to the report will deal with most of Mr. Corkum's points.

**MOTION PUT AND PASSED UNANIMOUSLY.**

3. **Metro Turning Point, Mens Shelter (set date for public hearing)**

- A staff report prepared for Betty MacDonald, Acting Director, Priority and Policy Group, regarding the above was before Council for consideration.



**MOVED by Councillors Downey and Greenough that Council sell two properties as specified in Appendix 1, to the Metro Turning Point Society, a charitable, nonprofit organization, at less than market value for the purpose of re-locating their mens night shelter from 2155-57 Barrington Street, which is no longer suitable for use; further, that Council set June 30, 1998 as the date for a public hearing on the matter of sale of two properties as specified in Appendix 1 of the staff report dated May 29, 1998, to the Metro Turning Point Society, a charitable, nonprofit organization, at less than market value.**

In response to Councillor Kelly's inquiry, Ms. Barbara Nehiley, Principal, Societal Issues and Initiatives, replied an appraisal has been commissioned and this information will be provided in the advertisement for the public hearing.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**4. Tender 98-233, Highway 103 Interchange**

- A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

**MOVED by Councillors Mitchell and Walker that Council:**

- 1. Award Tender 98-233, Highway 103 Interchange, for the materials and services listed at the unit prices quoted for a Total Tender Price of \$2,268,789.58, and a Total Project Cost of \$2,495,669 to Dexter Construction Company Limited.**
  - 2. Approve the appointment of Porter Dillon Limited to provide project management and site inspection services at an estimated cost of \$80,000 plus HST.**
  - 3. Authorize funding from Capital Account No. 83526, Interchange Highway 103 and Connector, as noted in the Budget Implications Section of the staff report dated May 22, 1998. MOTION PUT AND PASSED UNANIMOUSLY.**
- 5. Tender 98- 035, Purchase of two (2) 1998 Four Wheel Drive, Extended Cab Pick-Up Trucks for the Halifax Regional Fire & Emergency Service**

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

**MOVED by Councillors Sarto and Greenough that Council authorize the award of Tender 98-035 for the purchase of two (2) 4 wheel drive pick-up trucks to the lowest bidder meeting specifications, Taylor Lincoln Mercury Limited, at a cost of \$57,772.00 plus HST. MOTION PUT AND PASSED UNANIMOUSLY.**

**6. ADDED ITEMS**

**6.1 Councillor Uteck - 1260 Blenheim Terrace - Application for 3rd and 4th Houses**

- A report from the Heritage Advisory Committee, regarding the above, was before Council for consideration. This item was brought forward from the June 1, 1998 Committee of the Whole agenda.

Councillor Uteck noted the Heritage Advisory Committee has approved the design of the houses.

**MOVED by Councillors Uteck and Downey that Council approve the proposed designs for the 3rd and 4th houses, to be located on Lots 2CD and 2E-3 at 1260 Blenheim Terrace, as presented to the Heritage Advisory Committee at its February 18, May 13, and May 27, 1998 meetings with the understanding that the Regional Heritage Coordinator be permitted to approve minor variations, if necessary. MOTION PUT AND PASSED UNANIMOUSLY.**

**6.2 Report - Encroachment on Municipal Right of Way, 1336 Bedford Highway**

- A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

**MOVED by Councillors Kelly and Schofield that Council authorize the Mayor and the Municipal Clerk to execute an Agreement for Encroachment on the Municipal right-of-way in front of Civic No. 1336 Bedford Highway, according to the terms and conditions outlined in the staff report dated June 1, 1998. MOTION PUT AND PASSED UNANIMOUSLY.**

**6.3 Appointments to the Audit Committee**

- A memorandum from Mayor Walter Fitzgerald regarding the appointments to the Audit Committee, was before Council for consideration.

**MOVED by Councillors Blumenthal and Greenough that the Audit Committee be expanded to add the following Councillors for the purpose of leading the Program and Service Review initiative: Councillors Hetherington, Stone, Harvey, Barnet and Hendsbee. MOTION PUT AND PASSED UNANIMOUSLY.**

**6.4 Ratification - In Camera Action - Land Matter - Starr Manufacturing Site and Adjacent Properties**

- This item was discussed during the In Camera Session held prior to the Special Council Session.

**MOVED by Councillors Sarto and Greenough that the recommendation adopted In Camera, be ratified by Council. MOTION PUT AND PASSED.**

**6.5 Councillor Harvey - Sale of 2619 Sackville Drive (Item 4.3.9 from the June 1, 1998 Committee of the Whole agenda)**

- A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration. This item was brought forward from the June 1, 1998 Committee of the Whole agenda.

**MOVED by Councillors Harvey and Blumenthal that Council approve the sale of 2619 Sackville Drive, as shown on the sketch attached to the staff report dated May 21, 1998, as settlement in full, plus any additional taxes and adjustments that may be applicable to Mike and Lena Briand.**

In response to questions from Mayor Fitzgerald, staff advised Metropolitan Authority purchased the property in 1995 for \$102,000.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillors Blumenthal and Greenough that the meeting adjourn at 4:15 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael  
Municipal Clerk