

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES September 1, 1998

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor Reg Rankin
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
Larry Uteck
Sheila Fougere
Russell Walker
Bill Stone
Ron Hanson
Stephen D. Adams
Barry Barnet
Peter Kelly
Jack Mitchell

REGRETS:

Councillors Bob Harvey

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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1. INVOCATION

Mayor Fitzgerald called the meeting to order at 6:00 p.m. with the Invocation.

Acknowledgement

At this point in the meeting, Mayor Fitzgerald expressed Council's sorrow in learning of the passing away of Mr. Peter Dickson, Director, Planning and Development, stating Mr. Dickson was admired by his many friends and colleagues and will be greatly missed. On behalf of Council, Mayor Fitzgerald extended sympathy to Mr. Dickson's family.

2. PROCLAMATIONS

2.1 Muscular Dystrophy Awareness Month 1998

Mayor Fitzgerald proclaimed the month of September as Muscular Dystrophy Awareness Month 1998.

3. APPROVAL OF MINUTES - August 18 & 25, 1998

MOVED by Councillors Hetherington and Blumenthal that the minutes of August 18 and 25, 1998 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 - Budgetary Update/Mayor's Comments/Provincial Commitment
- 12.2 Councillor Schofield - Garbage Storage and Pickup in District 9
- 12.3 Councillor Blumenthal - Acknowledgement of Police Services
- 12.4 Councillor Fougere - Fencing Dispute
- 12.5 Land Matter - Recreation Property Purchase - Shad Bay
- 12.6 Land Matter - United Baptist Church, Eastern Passage; Shambhala Ctr., Upper Tantallon; City Heights Church, Dartmouth
- 12.7 Land Matter - Sale of Lot Windmill Road, Burnside Park
- 12.8 Land Matter - Timberlea West Collector
- 12.9 Award of Tender #98-272 - Timberlea West Collector

- 12.10 Macdonald Bridge Tender (oral)
- 12.11 Councillor Hetherington - Clarification - Canadian Coast Guard Base, Dartmouth
- 12.12 Councillor Barnet - Courtesy Busing Issue - Beaver Bank

MOVED by Councillors Blumenthal and Hetherington 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 RECISSION - None

8. CONSIDERATION OF DEFERRED BUSINESS - None

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - None

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender #98-080, Furnishing of One (1) Ice Resurfacer

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

MOVED by Councillors Greenough and Hetherington that Regional Council authorize the award of Tender #98-080 Ice Resurfacer (for the LeBrun Centre), to the lowest responsible bidder meeting specifications, Leclair Equipment Ltd., at a cost of \$54,320.00 plus HST. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Award of Tender No. 98-259 - Waverley Road Curb, Sidewalk, Paving, Sanitary Sewer and Watermain Upgrading

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

MOVED by Councillors Greenough and McInroy that:

1. Council award Tender No. 98-259 - Waverley Road Curb, Sidewalk, Paving, Sanitary Sewer and Watermain Upgrading to Ocean Contractors Limited for materials and services specified at the unit prices quoted at a Tender Price of \$1,332,997.20, and an allowance of 15% for contingencies, for a Total Project Cost of \$1,532,947.00, with funding provided as outlined in the Budget Implications section of the staff report dated August 27, 1998.
2. Council approve the appointment of Porter Dillon Limited, for part-time supervision and project management services during construction, for an estimated fee of \$20,000.00, with funding provided as outlined in the Budget Implications section of the staff report dated August 27, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Proposed Steam Line, University Ave. and Morris St.

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

MOVED by Councillors Downey and Uteck that Halifax Regional Council agree to give Dalhousie University an encroachment license for the installation of steam and communication lines within University Avenue and Morris Street in accordance with the terms and conditions set out in the license agreement attached to the staff report dated August 27, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Area-Rated Loan to Finance Replacement of Septic Field for Herring Cove Fire Hall (Revised)

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

MOVED by Councillors Adams and Hanson that Regional Council authorize the issuing of an area-rated loan for \$37,000 at 5.96% to be amortized over 5 years to replace the area-rated loan for \$30,000 which it had previously approved on July 14, 1998.

Councillor Adams noted the higher amount was to allow for contingencies.

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

11.1 Councillor Snow

MOVED by Councillors Snow and Dooks that staff be requested to investigate the feasibility and probability of having the Provincial Government initiate the necessary amendments to applicable provincial acts and statutes which would permit the Municipality to form its own Board of Health whose responsibilities and coverage area would be strictly limited to the confines of Halifax Regional Municipality. MOTION PUT AND PASSED UNANIMOUSLY

12. ADDED ITEMS

12.1 Councillor Kelly - Budgetary Update/Mayor's Comments/Provincial Commitment

In response to questions raised by Councillor Kelly regarding the provincial commitment with respect to funding, Mayor Fitzgerald stated he and Mr. Meech met with the Premier and his staff earlier today to discuss a number of items. As a result of this meeting, the Premier has agreed to attend the UNSM conference, the Province has made a commitment to the Birthday Fund, and the \$15 million commitment over three years from the Provincial Government has been basically assured. With respect to the budgetary update, Mayor Fitzgerald stated there will be a future special Council meeting to discuss this matter. Mr. Meech stated staff should be in a position to provide more accurate information regarding a budget projection sometime later this month.

12.2 Councillor Schofield - Garbage Storage and Pickup in District 9

Councillor Schofield requested a staff report regarding garbage storage and pickup in his District with respect to the following issues:

- The Municipality picks up garbage for apartment buildings with less than six units. In District 9 there are several cases where there are three six unit buildings in a row and there is one storage bin for all three buildings. Councillor Schofield inquired if there is a requirement that each building have a storage area; or, if the garbage is not being stored properly, how is this dealt with.
- Prior to the new garbage collection regulations coming into effect, there were two pick ups per week in Wallis Heights, one being paid for by the Department of National Defence. Currently, there is only one pick up per week, and the Councillor questioned if this is a form of downloading to the Municipality. He

also expressed concern with the difficulty of storing the garbage containers due to the limited storage space.

Councillor Greenough stated he has received a number of complaints regarding odours and insect problems with respect to the organic carts, and requested a staff report providing an update on this issue. Deputy Mayor Rankin suggested Council should bring forward its concerns respecting solid waste to the Solid Waste Resource Advisory Committee which meets again next week.

In an unrelated matter, Councillor Schofield also expressed concern with a past problem with a light standard in Wallis Heights falling in an area frequented by school children. A letter had been received from the Nova Scotia Power Corporation stating the situation would be corrected. The Councillor stated he did not believe this has been done yet and requested that a follow up letter be sent. Council agreed to the request.

12.3 Councillor Blumenthal - Acknowledgement of Police Services

Councillor Blumenthal acknowledged the efforts of the HRM Police Service last week with respect to the drug arrests throughout the Municipality. The Councillor expressed his satisfaction with the efforts to clear drugs and prostitution from the North End community. Mayor Fitzgerald stated Councillor Blumenthal's support for the police will be passed on to Police Services.

12.4 Councillor Fougere - Fencing Dispute

Councillor Fougere raised the issue of a fencing dispute involving the property at 2525 Armcrescent East and the abutting property at 6730 Chebucto Road which has been ongoing since June 1997. The structure in question is over ten feet in height.

MOVED by Councillors Fougere and Dooks that Council request a staff report detailing what by-laws were in place when this structure was built, what permits were issued, if any, and any other pertinent details, so the matter can be resolved. MOTION PUT AND PASSED UNANIMOUSLY.

12.5 Land Matter - Recreation Property Purchase - Shad Bay

- This matter was discussed at an In Camera session held prior to the public session.

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

12.6 Land Matter - United Baptist Church, Eastern Passage; Shambhala Ctr., Upper Tantallon; City Heights Church, Dartmouth

- This matter was discussed at an In Camera session held prior to the public session.

MOVED by Councillors McInroy and Hetherington that the recommendation adopted In Camera be ratified by Council. MOTION PUT AND PASSED UNANIMOUSLY.

12.7 Land Matter - Sale of Lot Windmill Road, Burnside Park

- This matter was discussed at an In Camera session held prior to the public session.

MOVED by Councillors Schofield and Greenough that the recommendation adopted In Camera be ratified by Council. MOTION PUT AND PASSED UNANIMOUSLY.

12.8 Land Matter - Timberlea West Collector

- This matter was discussed at an In Camera session held prior to the public session.

MOVED by Deputy Mayor Rankin and Councillor Hetherington that the recommendation adopted In Camera be ratified by Council.

Councillor Hendsbee stated the expropriated land intended for a watershed was to revert back to the original owners when it was no longer required for that use. The Councillor suggested this matter should be thoroughly investigated and clarified. In response, Deputy Mayor Rankin stated these concerns have been dealt with by Council and the Solid Waste Resource Advisory Committee. Staff has responded and the matter has been resolved.

MOTION PUT AND PASSED.

12.9 Award of Tender #98-272 - Timberlea West Collector

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

MOVED by Deputy Mayor Rankin and Councillor Mitchell that Council:

- 1. Award Tender No. 98-272, Timberlea West Collector (TWC), for the materials and services listed at the unit prices quoted for a Total Tender Price of \$855,543.00 and a Total Project Cost of \$941,097.00 to Dexter Construction Company Limited subject to the finalization of negotiations with the land owner to acquire the right-of-way.**
- 2. Approve the appointment of Jacquest Whitford and Associates Limited to provide geotechnical and environmental inspection services during construction at an estimated cost of \$11,500.00 including H.S.T.**
- 3. Authorize an increase of \$15,065.00 including H.S.T. to Wallace MacDonald and Lively's budget in order to complete the design and tender documents. MOTION PUT AND PASSED.**

12.10 Macdonald Bridge Tender (oral)

Mr. Kulvinder Dhillon, Director, Engineering and Transportation Services, provided Council with an update with respect to the approaches on the Halifax side for upgrading of the Macdonald Bridge. The tender was closed about two weeks ago and came in higher than estimated due to various reasons. Mr. Dhillon noted the net cost of the project is about \$2 million higher than originally budgeted. Staff of HRM and the Halifax Dartmouth Bridge Commission have been dealing with the situation and attempting to come up with a solution to the problem. Based on this, Mr. Dhillon circulated a staff recommendation to Council which was as follows:

It is recommended that Council approve:

1. That the Halifax Dartmouth Bridge Commission implement Phase II of the project, i.e., upgrading of the Halifax approaches to the Macdonald Bridge.
2. That the Halifax Dartmouth Bridge Commission own and maintain Barrington Ramp.
3. That HRM transfer the land and grant air rights which are affected by the Barrington Ramp to the Halifax Dartmouth Bridge Commission with the condition that, if in future these lands are not required by the Bridge Commission, they will be transferred back to HRM at no cost.
4. That a contribution up to \$250,000 to the project to upgrade certain sections of North Street and Barrington Street which are not directly required for this project but will be required soon. Staff to find this amount in the approved 1998/99 Capital Budget, details to be subsequently advised to Council.

Councillor Blumenthal spoke in support of staff's recommendation stating it was the best deal for HRM.

MOVED by Councillors Blumenthal and Greenough that Council approve:

- 1. That the Halifax Dartmouth Bridge Commission implement Phase II of the project, i.e., upgrading of the Halifax approaches to the Macdonald Bridge.**
- 2. That the Halifax Dartmouth Bridge Commission own and maintain Barrington Ramp.**
- 3. That HRM transfer the land and grant air rights which are affected by the Barrington Ramp to the Halifax Dartmouth Bridge Commission with the condition that, if in future these lands are not required by the Bridge Commission, they will be transferred back to HRM at no cost.**
- 4. That a contribution up to \$250,000 to the project to upgrade certain sections of North Street and Barrington Street which are not directly required for this project but will be required soon. Staff to find this amount in the approved 1998/99 Capital Budget, details to be subsequently advised to Council.**

Responding to questions from Councillor Hendsbee, Mr. Dhillon stated it is his understanding that the Bridge Commission would like to own the Barrington Ramp.

Councillor Hendsbee suggested it may have been more cost effective to have gone with the original option with respect to the Halifax approaches. The Councillor stated he would like to see the future Natal Day Parade span from the foot of Citadel Hill, across the bridge, to Alderney Gate Landing, and suggested it should be ensured that the bridge will be wide enough to accommodate floats safely.

In response to questions from Councillor Cooper regarding costs, Mr. Dhillon stated when the matter was before Council two years ago, the construction cost approved for this option was about \$5.3 million. There was also a land acquisition cost which was separate. The current cost is about \$2 million over the estimated cost. Mr. Dhillon stated it is his understanding that staff's recommendation is within the mandate given by the Bridge Commission. Mr. Steven Snider, General Manager, Halifax Dartmouth Bridge Commission, stated the approval of this recommendation by Council is subject to the acceptance of the Bridge Commission. Councillor Cooper expressed concern with the cost difference, and stated it will be difficult to support this recommendation until the Bridge Commission has had full opportunity to discuss this matter. Mr. Dhillon

stated HRM will be saving the maintenance costs of the structure and HRM's contribution will be \$250,000 for work that will have to be done anyway.

Councillor McInroy expressed concern with the \$250,000 in light of the Municipality's present financial position. The Councillor stated other capital projects may suffer to pay for this project, and suggested it should be included in next year's budget. In response, Mr. Dhillon stated if the project is done later the cost will be higher. With respect to the funding for the project, Mr. Dhillon noted some tenders are coming in low and any unutilized funds from tenders already approved will be put towards this project.

Deputy Mayor Rankin spoke in support of staff's recommendation.

Councillor Kelly inquired if the situation regarding 2510 Barrington Street becoming landlocked and a possible buyout has been discussed in the overall approach for this particular project. Mr. Meech replied this is not included as part of this project and is a separate issue. To further clarify, Mr. Meech stated it is his understanding that HRM does not have any obligation at this point to purchase that property, and staff is attempting to determine a solution to the access problem for this property. Councillor Kelly requested that this matter be put on the next Council agenda for an update. Council agreed to this request.

Responding to a question from Councillor Walker regarding the acquisition of the required lands, Mr. Dhillon stated Council has already approved the expropriation of these lands and staff is moving ahead with this matter. Councillor Walker stated it is his understanding that the lands owned by Harbour City Homes are still in negotiations and requested that this be clarified at the next Council meeting.

In response to a question from Councillor Schofield, Mr. Snider stated there are no plans for a bridge fare increase at this time, nor in the foreseeable future.

Responding to a question from Councillor Hetherington, Mr. Dhillon stated the construction is to be completed in conjunction with the opening of the third lane of the bridge which is projected for the fall of 1999. Councillor Hetherington suggested the \$250,000 required should be put in next year's Capital Budget.

MOTION PUT AND PASSED.

12.11 Councillor Hetherington - Clarification - Canadian Coast Guard Base, Dartmouth

Councillor Hetherington stated there are a lot of rumours circulating regarding the Canadian Coast Guard Base located in Dartmouth. The Councillor requested that the Mayor write a letter to the appropriate Federal Government Department seeking clarification regarding the future of this base, ensuring that it will remain, that the land will be protected, and the employees will continue to have jobs at that location. Councillor Hetherington requested a copy of this letter. Council agreed to this request.

12.12 Councillor Barnet - Courtesy Busing Issue - Beaver Bank

Councillor Barnet raised concerns regarding the recent cut in the School Board budget with respect to courtesy busing. The Councillor stated students of Monarch Elementary School living in Woodbine Mobile Home Park are required to walk along Beaver Bank Road and Monarch Drive. Currently, there is a major sewer and water project occurring on Beaver Bank Road which will create serious safety problems for students returning to school tomorrow.

MOVED by Councillors Barnet and Adams that Council send a letter to the Halifax Regional School Board this evening requesting that it temporarily restore the courtesy bus service until such time that the construction on the Beaver Bank Road is completed, and until such time that the safety concerns with respect to shortcutting across the lake and river can be addressed; and, further, that the School Board work with the District Councillor, the private sector and parents to explore alternative funding sources, if necessary, to restore this service.

Councillor Blumenthal suggested funding for this could be obtained from the Sackville Landfill Compensation Fund. In response, Councillor Barnet noted the funding in this account has already been allocated to projects and Beaver Bank was not part of the compensation as it is a separate community.

Councillor Cunningham expressed concern with Council interfering in School Board business.

MOTION PUT AND PASSED.

13. NOTICES OF MOTION

13.1 Councillor Kelly

TAKE NOTICE that at the next regular Council meeting to be held on September 8, 1998, I intend to introduce the following motion:

BE IT RESOLVED that Administrative Order No. 1, the Procedure of Council Administrative Order, be amended by adding thereto immediately following Section 23 the following section:

23a A motion made in respect of a matter which was the subject of a Public Hearing under the Planning Act shall not be debated or voted on at the meeting at which the Public Hearing was held, but shall be deferred to the meeting of Council next following

that meeting, unless Council by unanimous consent determine to debate and vote on the motion at the meeting at which the Public Hearing was held.

14. ADJOURNMENT

MOVED by Councillors Hendsbee and Blumenthal that the meeting adjourn at 7:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
Municipal Clerk