

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL

August 27, 1996

PRESENT:

Mayor Walter Fitzgerald
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
Howard Epstein
Russell Walker
Bill Stone
Ron Hanson
Stephen Adams
Barry Barnet
Robert Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Jane Nauss, Acting Municipal Clerk
Julia Horncastle, Assistant Municipal Clerk

TABLE OF CONTENTS

1.	INVOCATION	04
2.	APPROVAL OF MINUTES - NONE.	04
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	04
4.	BUSINESS ARISING OUT OF THE MINUTES	05
5.	MOTIONS OF RECONSIDERATION - NONE	05
6.	MOTIONS OF RESCISSION - NONE	05
7.	CONSIDERATION OF DEFERRED BUSINESS	05
7.1	Lake Banook Bridge - Motion of Councillor Schofield (Deferred from August 20, 1996)	05
7.2	Prohibition of Motorized Craft in Small Lakes (Deferred from August 1996)	05
8.	PUBLIC HEARINGS - NONE	05
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS PRESENTATIONS	05
9.1	<u>Petitions</u>	
9.1.1	Appointment to Regional Taxi Committee	05
9.2	<u>Presentations</u>	
9.2.1	Private Rights of Way (reference agenda item #11.1)	06
9.3	<u>Correspondence</u>	
9.3.1	Spring Garden Business Association - The Word on the Street	06
10.	REPORTS	
10.1.	<u>Councillor Walker</u>	

10.1.1	Capital Works Projects	06
10.2	<u>Councillor Schofield</u>	
10.2.1	Tourism	07
10.3	<u>Chief Administrative Officer</u>	
10.3.1	Taxation Status - Recreational Facilities	08
10.3.2	In-Camera meetings	08
10.3.3	Carlisle Drive Area - Sewer Back Up and Storm Flooding	08
10.3.4	Appointment of Administrator - Unsightly/Dangerous Premises	10
10.3.5	Call for Consultant Proposals - Geotechnical Investigation of Abandoned Mine (Cobequid Road/Waverley Area) Tender No. 96-178	10
10.3.6	Property Re-Assessments	10
10.3.7	Award of Tender - Truck Scales for Transfer Stations	11
10.3.8	School Bus Drivers	12
11.	MOTIONS	
11.1	Councillor Hendsbee	11
12.	ADDED ITEMS	11
12.1	<u>Councillor Blumenthal</u>	
12.1.1	FX1	11
12.1.2	Sea King Helicopters	12
13.	NOTICES OF MOTION	12
14.	ADJOURNMENT	13

1. **INVOCATION**

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

2. **APPROVAL OF MINUTES - NONE**

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

Additions

9.1.2 Appointment to Regional Taxi Committee - Presentations

- Robert Richards
- Ali Roshani
- Wayne Campagna

10.3.7 Information Item #6 brought forward to Regular Agenda and re-titled "Award of Tender - Truck Scales for Transfer Stations"

10.3.8 School Bus Drivers

Councillor Blumenthal:

- (a) FX1
- (b) Sea King Helicopters

Deletions

11.1 Motion - Councillor Hendsbee - Defer for one week - That Council accept a petition in accordance with the N.S. Legislation "Private Ways Act" in order to grant permission for Naugle Sand and Gravel to gain access via a right of way easement to a parcel of property along the Provincial Highway Route 207 in the Three Fathom Harbour/Porter's Lake area.

MOVED by Councillor Blumenthal and Hetherington that Council approve the Order of Business and Approval of Additions and Deletions. MOTION PUT AND PASSED.

MOVED by Councillor Rankin and Uteck that the item "School Bus Drivers" be held In Camera. MOTION PUT AND PASSED.

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

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Lake Banook Bridge - Motion of Councillor Schofield (deferred from August 20, 1996)**

A report from Mr. Wayne Anstey, Q.C., Municipal Solicitor, dated August 23, 1996, entitled "Lake Banook Bridge - New Trail System" was before Council for consideration.

This item was deferred to the September 3, 1996 Council Session.

7.2 **Prohibition of Motorized Craft in Small Lakes (deferred from August 20, 1996)**

This item was deferred to the September 3, 1996 Council Session.

8. **PUBLIC HEARINGS - NONE**

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS PRESENTATIONS:**

9.1 **Petitions**

9.1.1 **Appointment to Regional Taxi Committee**

This item was deferred to the September 3, 1996 Council Session

9.1.2 **Appointment to Regional Taxi Committee - Presentations by Robert Richards, Ali Roshani and Wayne Campagna**

This item was deferred to the September 3, 1996 Council Session.

9.1.3 Councillor Blumenthal informed Council he has a petition and correspondence

regarding the Manor Buses and will be submitting it at the next meeting.

9.2 Presentations

9.2.1 Private Rights of Way

This item was deferred to the September 3, 1996 Council Session.

9.3 Correspondence

9.3.1 Spring Garden Business Association - The Word on the Street

Council was in receipt of a promotion package entitled "The Word on the Street - Halifax Book and Magazine Fair".

Mr. Paul McKinnon and Ms. Norene Smiley addressed Council advising they were requesting support from Halifax Regional Municipality to defray half the street closure costs.

MOVED by Councillor Kelly and Sarto that this be referred to the Grants and Special Events Committee for review and recommendation.

Councillor Downey requested figures indicating costs and cost sharing involved.

MOTION PUT AND PASSED

10. REPORTS

10.1 Councillor Walker

10.1.1 Capital Works Projects

A memorandum from Councillor Russell Walker, District 15, dated August 22, 1996 entitled "Capital Works Projects" was before Council for consideration.

Councillor Walker advised that under the Parks and Playgrounds section of the Capital Budget Councillors were to be informed which projects could or could not be completed this season. He requested that if projects cannot be completed, the Councillor for the unsuccessful areas should be notified. He suggested Councillors be contacted in order to ascertain the priority level of projects that may be at risk.

In response to Councillor Adams, Mr. Meech informed Council that projects which are not completed this construction season will be completed in the spring of 1997.

Councillor Adams stated Councillors should have been consulted as to priorities if it was known all projects could not be completed this season. He enquired as to how the priorities were derived.

Mr. Meech advised a report will be forthcoming identifying those projects that are at risk for this particular construction season.

Councillor Kelly requested the report come forward for the September 3, 1996 Council meeting.

Councillor Blumenthal suggested projects not completed this year be given priority next year.

Deputy Mayor Greenough noted projects addressing transportation, health and safety should be given high priority.

Councillor Cooper suggested the staff report indicate what projects staff hope to complete (conceptual and design) as well as what can be expected next year.

Councillor Walker reiterated that Councillors be consulted and informed if projects are not going to make the second list or be completed.

10.2 Councillor Schofield

10.2.1 Tourism

Councillor Schofield noted according to Mr. William Hayward, Amalgamation Coordinator, various tourism groups would be joined but, to date, this has not taken place.

Ms. Val Spencer, Commissioner of Policy and Planning, informed Council a report would be forthcoming. Council was advised there are approximately 40 community based organizations throughout the Municipality that are involved in Tourism. She advised it is intended to have a direct link between the Tourism Department and HRM industry.

Councillor Schofield stated his main concern is with the four main Tourism groups which must be amalgamated by March 31, 1997.

It was agreed that no further action would be taken until the staff report comes forward.

10.3 Chief Administrative Officer

10.3.1 Taxation Status - Recreation Facilities

This item was deferred to the September 3, 1996 Council Session.

10.3.2 In Camera Meetings

A reported dated August 1, 1996 from Mr. Wayne Anstey, Q.C., Municipal Solicitor, entitled "In Camera Meetings" was before Council for consideration.

MOVED by Deputy Mayor Greenough and Councillor Sarto that Council approve the amendment to Administrative Order Number One Appendix "A" to the staff report dated August 1, 1996 from Wayne Anstey, Q.C., Municipal Solicitor.

Councillor Barnet stated Councillors should be able to discuss In Camera topics. He noted Councillors should be permitted to use personal judgement regarding topics which are of a sensitive nature.

In response to a question from Councillor Kelly as to what topics can be discussed In Camera, Mr. Anstey informed Council Section 9 does not define what can be discussed In Camera but rather sets out procedures. He noted under Section 18 (5) matters that can be dealt with In Camera are listed. He noted the "other similar matters" items may be questioned.

Councillor Kelly indicated that upon disposition of an item by Council or completion of a transaction, documentation can become public.

Councillor Cooper stated he is not in agreement with Council holding private meetings. He suggested a determination be made with regards to length of time minutes of In Camera meetings remain confidential.

No vote was taken on the motion.

MOVED by Councillor Cooper and Kelly that the report be tabled for a further report from the Solicitor. MOTION PUT AND PASSED.

3 10.3. Carlisle Drive Area - Sewer Back Up and Storm Flooding

A report dated August 22, 1996, from George McLellan, Commissioner of Regional Operations, entitled "Carlisle Drive Area - Sewer Backup & Storm Flooding" was before

Council for consideration.

MOVED by Councillor McInroy and Deputy Mayor Greenough that the report be received. MOTION PUT AND PASSED

Councillor McInroy reviewed the process regarding the Carlisle Drive area. He noted reports and studies have been carried out with no resulting remedy. He noted Carlisle Drive pumping station is located on Sherwood Drive. He indicated he was in favour of the construction of a bypass or overflow facility to provide immediate relief and an interim solution for those property owners currently experiencing problems.

Mr. Kulvinder Dhillon, Director of Engineering Services, informed Council the Department of Environment will not approve the overflow unless the long term solution of taking the storm water out of the sanitary system is pursued. He indicated in order to do this the source of infiltration has to be determined which may involve work on private property.

Councillor McInroy suggested staff be directed to do whatever is necessary to proceed quickly with the sewer bypass facility.

Deputy Mayor Greenough indicated he would like to have costs identified as well as a time frame for implementation.

MOVED by Councillor McInroy that Council endorse staff proceeding with the construction of the sewer bypass facility that would alleviate the problem for those property owners presently in jeopardy; further, Council pursue a long term solution.

There was no seconder and no vote taken on the motion as put by Councillor McInroy. The following motion was then placed on the floor:

MOVED by Councillor McInroy and Hetherington that:

- 1. HRM Council authorize staff to engage an engineering firm to identify the location of flows entering the sanitary system other than sewage and further recommend a long-term solution to resolve the sewer backup problem,**
- 2. subject to the approval of the Provincial Department of Environment, Council approve the construction of a sewer bypass or overflow facility to divert flows from the sanitary system as an interim solution to alleviate sewer backup problems, and,**

3. funds for implementation of items 1 and 2 are available in the approved 1996/97 Capital Budget.

Councillor Cooper received clarification on costs involved and any effect on Morris Lake.

Mr. Dhillon said the Department of Environment will accept the bypass as a short term solution but the Department of Environment is not willing to accept it as a long term solution. He advised that the Department of Environment guidelines will be followed to monitor the effects on the Lake.

MOTION PUT AND PASSED.

10.3.4 Appointment of Administrator - Unsightly/Dangerous Premises

A report dated August 22, 1996, from Wayne Anstey, Q.C., Municipal Solicitor, entitled "Appointment of an Administrator" was before Council for consideration.

MOVED by Councillor Sarto and Walker that Council adopt the Administrative Order Number Six to appoint an Administrator to carry out the duties set out in the Halifax Regional Municipality Act involving unsightly or dangerous premises. MOTION PUT AND PASSED.

The Director of Planning and Development (Peter Dickson) is the appointed Administrator as per the Administrative Order.

10.3.5 Call for Consultant Proposals - Geotechnical Investigation of Abandoned Mine (Cobequid Road/Waverley Area) Tender No. 96-178

A report dated August 20, 1996, from George McLellan, Commissioner of Regional Operations, entitled "Call for Consultants Proposals - Geotechnical Investigation of Abandoned Mine (Cobequid Road/Waverley Area) Tender No. 96-178" was before Council for consideration.

MOVED by Councillor Hetherington and Sarto that Geotechnical investigation for Cobequid Road/Waverley Area be awarded to ADI Nolan Davis in the amount of \$25,000., plus GST and that it be funded from the Atlantic Street Sewer Reconstruction Account (Acct #83022) and the amount to be billed back to the Nova Scotia Department of Transportation. MOTION PUT AND PASSED.

10.3.6 Property Re-Assessments

This item was deferred to the September 3, 1996 Council Session.

10.3.7 Award of Tender - Truck Scales for Transfer Stations

A report dated August 19, 1996, from George McLellan, Commissioner of Regional Operations, entitled "Truck Scales for Transfer Station" was before Council for consideration.

MOVED by Councillor Hetherington and Hendsbee that the tender for the supply and installation of five truck scales be awarded to the low tenderer, All Weigh Systems Inc., for \$470,701.56 (includes \$30,793.56 GST) plus a provisional sum of \$1,500.00 per cubic metre for rock removal. The estimate for rock removal is 10 cubic metres. MOTION PUT AND PASSED.

10.3.8 School Bus Drivers

Deferred to end of meeting.

11. MOTIONS

11.1 Councillor Hendsbee

That Council accept a petition in accordance with the Nova Scotia Legislation "Private Ways Act" in order to grant permission for Naugle Sand and Gravel to gain access via a right of way easement to a parcel of property along the Provincial Highway Route 207 in the Three Fathom Harbour/Porter's Lake area.

This item was deferred to the September 3, 1996 Council Session.

12. ADDED ITEMS

12.1 Councillor Blumenthal

12.1.1 FX1

Councillor Blumenthal informed Council he had been contacted by a resident who works for an international company called FX1. He advised that references had been checked on the use of the product manufactured by this company and it was determined the product

can save up to 6% on fuel. He noted the product is used by the Canadian Forces. He stated Halifax Regional Municipality has an opportunity to have an international company located within the Municipality and requested Mr. Meech prepare a report in this regard. He requested Mr. MacDonald, Halifax Partnership, prepare a report as to why such a company is not being brought to the Province and why, when all the reports are positive, Halifax Regional Municipality is taking a negative approach.

12.1.2 Sea King Helicopters

Councillor Blumenthal informed Council the flight path of Sea King Helicopters when on emergency missions is over residential areas and schools. He noted that Seaview Park can be used to land helicopters and meet ambulances and suggested the Municipality correspond with DND to investigate an alternative flight path that would not have the Sea King helicopters flying over residential areas.

MOVED by Councillor Blumenthal and Hetherington that a letter be written to the Department of National Defence requesting they investigate an alternate route and location for emergency flights be investigated. MOTION PUT AND PASSED

Council agreed the Mayor would write to DND as requested.

13. NOTICES OF MOTION

13.1 Councillor Uteck

Re: Staff Report, dated June 11, 1996 from Commissioner Dan English and Mr. Ken Meech, Chief Administrative Officer re: Zoning of CN property - Atlantic, McLean and South Bland Street take notice that at the next regular meeting of the Halifax Regional Council to be held on September 5, 1996, I will move that Council direct staff to initiate a Plan Amendment and Rezoning process to implement the changes required by the neighbourhood residents in a petition, public meeting and public survey.

13.2 Councillor Epstein

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on September 3, 1996, I intend to introduce a motion to refer to the Ad Hoc advisory committee on committees the question of the role of Council in employee relations, including, but not so as to limit the generality of the foregoing: recruitment and review of the Chief Administrative Officer and the Commissioners, the terms and conditions of employment of non-unionized management personnel and employee complaints.

10. 3.8 School Bus Drivers

**MOVED by Councillors Adams and Mitchell that Council move In Camera.
MOTION PUT AND PASSED.**

At 8:30 p.m. Council reconvened in open meeting.

**MOVED by Councillor Rankin and Hanson that Council not approve the request
by NSUPE for a supplementary severance and retirement package for employees
of the school bus service.**

Councillor Epstein suggested NSUPE be given the opportunity to respond to the written report. He stated he has concerns with the possibility of employees having the ability to “bump”.

(Councillor McInroy left the meeting)

Councillor Hetherington stated the tabling of this report does not bring closure to the item and will not provide an answer to the employees.

**MOVED by Councillor Blumenthal and Cunningham that the motion be tabled for a
two week period in order to give NSUPE an opportunity to respond . MOTION PUT
AND PASSED. 12 in favour, 11 against, 1 absent.**

A recorded vote was requested and taken.

The following members of Council voted in favour of the motion: Deputy Mayor Greenough and Councillors Snow, Hendsbee, Cooper, Sarto, Hetherington, Schofield, Cunningham, Blumenthal, Uteck, Epstein, and Walker

The following members of Council voted in opposition of the motion: Mayor Fitzgerald and Councillors Dooks, Downey, Stone, Hanson, Adams, Barnet, Harvey, Kelly, Rankin, and Mitchell.

Councillor McInroy was absent.

14. ADJOURNMENT

**MOVED by Councillor Hetherington and Blumenthal that the meeting be
adjourned. MOTION PUT AND PASSED.**

**Jane Nauss
ACTING MUNICIPAL CLERK**