

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES NOVEMBER 5, 1996

PRESENT:

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

STAFF MEMBERS:

Ms. Val Spencer, Acting Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Jane Nauss, Assistant Municipal Clerk

TABLE OF CONTENTS

1.	<u>INVOCATION</u>	4
2.	<u>PROCLAMATIONS</u>	4
2.1	<u>Key Club - November, 1996</u>	4
2.2	<u>CPR Awareness Month</u>	4
3.	<u>APPROVAL OF MINUTES</u>	4
4.	<u>APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS</u>	4
5.	<u>BUSINESS ARISING OUT OF THE MINUTES</u>	5
6.	<u>MOTIONS OF RECONSIDERATION</u>	5
7.	<u>MOTIONS OF RESCISSION</u>	5
8.	<u>CONSIDERATION OF DEFERRED BUSINESS</u>	5
8.1	<u>FX International</u>	5
8.2	<u>Local Procurement Policy - Presentation by Commissioner of Corporate Services</u>	5
10.	<u>CORRESPONDENCE, PETITIONS AND DELEGATIONS</u>	6
10.1	<u>Presentation</u>	6
10.1.1	<u>Representative - Halifax County Truckers Association</u>	6
8.	<u>CONSIDERATION OF DEFERRED BUSINESS CON'T</u>	7
8.3	<u>Tender - Hauling of Bulk Salt #96-383</u>	7
11.	<u>REPORTS</u>	9

11.1	<u>Members of Council</u>	9
11.1.1	<u>Hunting Regulations - Councillor Hendsbee</u>	9
11.2	<u>Chief Administrative Officer</u>	9
11.2.2	<u>Campaign Contributions</u>	9
8.	<u>CONSIDERATION OF DEFERRED BUSINESS CON'T</u>	9
8.4	<u>In Camera Meetings</u>	9
9.	<u>PUBLIC HEARINGS</u>	10
11.	<u>REPORTS CON'T</u>	10
11.2	<u>Chief Administrative Officer</u>	10
11.2.1	<u>N.S. Department of Transportation and Public Works Cost-Sharing Agreement #HRM-03</u>	10
11.2.2	<u>Campaign Contributions</u>	10
11.2.3	<u>Temporary Solid Waste Depot - Lake Charlotte</u>	10
12.	<u>MOTIONS</u>	11
13.	<u>ADDED ITEMS</u>	11
13.1	<u>Information item #6</u>	11
14.	<u>NOTICES OF MOTION</u>	12
15.	<u>ADJOURNMENT</u>	12

1. **INVOCATION**

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

2. **PROCLAMATIONS**

The following proclamations were acknowledged:

2.1 **Key Club - November, 1996**

Deputy Mayor Greenough introduced Mr. Cal Beckwith, Ms. Amy Smeltzer, Mr. Chris Frazer and Mr. Richard Henneberry to Council. They in turn witnessed Mayor Fitzgerald signing the proclamation.

2.2 **CPR Awareness Month** (read by Mayor Fitzgerald)

3. **APPROVAL OF MINUTES** - October 29, 1996

MOVED by Councillors Hetherington and Mitchell to approve the minutes of October 29, 1996. MOTION PUT AND PASSED UNANIMOUSLY.

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

The Clerk requested the following two items be added to the Agenda:

- 13.1 The proclamation - CPR Awareness Month - had previously been acknowledged by the Mayor under item 2.2.
- 13.2 Councillor Rankin - Request to move Information Item #6 - Correspondence from concerned taxpayer (Mr. and Mrs. Blaesing) dated October 24, 1996 re Kingswood Subdivision) - to the Regular Council Agenda.

Councillor Blumenthal requested that item 8.1 - FX International - be deferred to December 3, 1996 as he was awaiting further information.

It was the consensus of Council to discuss item 10.1.1 following item 8.2.

MOVED by Councillors Mitchell and Snow to approve the Order of Business, as

amended. 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**
 - 8.1 **FX International - deferred**
 - 8.2 **Local Procurement Policy - Presentation by Commissioner of Corporate Services**

Mr. Larry Corrigan, Commissioner of Corporate Services, addressed Council on the issue of a Local Procurement Policy and through the use of overheads, reviewed the concept of local preference. The presentation included the following information:

- C Guiding Principles (Core Values and Procurement Policy Principles)
- C Procurement Policy (Existing Interim Policy Approved by Council and Draft Policy Currently under Review)
- C Procurement Policies of Other Municipalities
- C Effect of "Globalization" (Agreement on Internal Trade, North American Free Trade Agreement and Atlantic Procurement Agreement)
- C Organizations on Record as Opposing Local Preference Policy
- C Purchase of Goods and Services Locally (more than 3/4 of purchases by HRM are to local addresses, even without a "local preference policy")
- C Local Bidders Already have Competitive Advantages
- C Problems with Managing a Local Preference Policy
- C What does Local Preference Mean? (At what level would differentiation be a factor? And How would "local" be defined?)
- C Possible Cost of Local Preference Policy (Local preferences carry a high price tag; A local preference policy is essentially a tax to support local businesses; the actual cost cannot be calculated)
- C Local Government Purchase of Goods and Services in the Atlantic Economy
- C Conclusions and Recommendation.

Mr. Corrigan advised that staff will be recommending a local preference policy only in tie bid situations.

In response to an enquiry from Councillor Hetherington for a dollar factor which represents the 77% of purchases by HRM of goods and services locally, Mr. Corrigan advised he would provide this information.

In response to an enquiry from Councillor Kelly as to what would occur should both low bids be local, Mr. Corrigan stated that although this situation would be rare, should it occur, Council could make the final decision, have each company put in another bid or simply draw lots.

Councillor Harvey expressed concern with the fact that Council was heading in the wrong direction.

Councillor Stone suggested the biggest benefit to the residents of HRM is to award the bulk salt hauling tender to the lowest bidder. Further, he suggested Council may have to deal with the tendering process as a whole.

Councillor Hetherington also suggested that Council was heading in the wrong direction and that local haulers in this area should have the same opportunity for work outside the area, as within.

In response to an enquiry from Councillor Hendsbee on an incentive procurement policy i.e. minority business opportunities, and encouraging a new market for recyclable materials, Mr. Wayne Anstey, Municipal Solicitor, advised that although this comment was valid and that issues of equity do need to be addressed; Council needs to prepare a working policy first and then fine tune it to address this issue.

Mr. Anstey clarified that this evening, Council was not being requested to approve a procurement policy as this aspect will take place within a few weeks. Mr. Corrigan's presentation was carried out to assist Council in making a decision with the awarding of Tender #96-383 - Hauling of Bulk Salt.

Mr. Corrigan agreed and advised that the recommendation only relates to the issue of local preference. Further, he noted that staff will be moving ahead with a draft policy that will deal with tie bids.

MOVED by Councillors Rankin and Mitchell to defer further discussion on the matter to the next session of Council slated for November 19, 1996. MOTION PUT AND PASSED.

10. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

10.1 Presentation

10.1.1 Representative - Halifax County Truckers Association (see item #8.3)

- C Correspondence from Mr. Vernon Kynock, Halifax County Truckers Association, requesting permission to address Council on the matter of the hauling of bulk salt tender, was included in the Council package.

Mr. Peter McInroy, Solicitor, Municipal and Environmental Legal Services, addressed Council providing a review of case law in the matter at hand. Mr. McInroy passed to the Clerk copies of correspondence pertaining to his presentation, which were then distributed to Council. It was Mr. McInroy's opinion that the courts would support a decision of Council to award this tender to the bid which served the best interests of the municipality (based on the "reservation" and "best interest" clauses).

Mayor Fitzgerald thanked Mr. McInroy for his presentation.

8. CONSIDERATION OF DEFERRED BUSINESS CON'T

8.3 Tender - Hauling of Bulk Salt #96-383

- C A memorandum dated November 1, 1996, prepared for Mr. Ken Meech, Chief Administrative Officer; a staff report prepared by Mr. George McLellan, Commissioner of Regional Operations, and a memorandum from Mr. Doug Quinn, Director of Works and Natural Resources, were before Council for discussion.

Approval of Tender No. 96-383 was deferred on October 29, 1996 pending further clarification from Regional Operations and comments from the Municipal Solicitor.

Mr. Doug Quinn, at the request of Mayor Fitzgerald, addressed Council noting staff had been instructed that contact be made with Mr. Vernon Kynock, representing the Halifax County Truckers Association, to enquire if their price could be adjusted. Their written response was attached to Mr. George McLellan's staff report. Further, Mr. Kynock has now advised the Association will honour \$10.80 per tonne for all three years whereas the bid was initially \$10.80 per tonne for year one; \$11.80 per tonne for year two; and, \$12.30 per tonne for year three. It should be noted, however, that \$10.80 per tonne is still not the lowest bid.

In response to an enquiry from Councillor Hendsbee as to why a three year contract was called, Mr. Quinn advised this was a business decision based on past experience. Councillor Hendsbee responded by stating he would rather a one year contract be called.

Councillor Barnet suggested a one year approach may have proven better, particularly since there is no procurement policy in place.

Councillor Dooks expressed concern with the three year contract and suggested a one year contract as well.

MOVED by Councillors Hanson and Epstein to award Tender #96-383 - Hauling of Bulk Salt - to the three lowest tenders for one year:

- a. Millers Excavating (1990) Limited for the West Region for the bid amounts per tonne of \$9.90 for 1996/97;**
- b. Commercial Highway Services Limited for the Central Region for the bid amounts per tonne of \$9.89 for 1996/97; and**
- c. Seaboard Transport Group for the East Region for the bid amounts per tonne of \$9.95 for 1996/97.**

At the request of Councillor Mitchell, a recorded vote was taken (11 in favour - 13 against).

Those who voted in favour of the Motion included Councillors Dooks, Snow, Hendsbee, Cooper, Epstein, Walker, Hanson, Barnet, Kelly, Rankin and Mitchell.

Those who voted against the Motion included Councillors McInroy, Sarto, Hetherington, Schofield, Cunningham, Blumenthal, Downey, Uteck, Stone, Adams, Harvey; Deputy Mayor Greenough and Mayor Fitzgerald.

MOTION DEFEATED.

Another Motion was put on the floor.

MOVED by Councillor Hetherington and Deputy Mayor Greenough to award Tender #96-383 - Hauling of Bulk Salt to the three lowest tenders as recommended by staff:

- a. Millers Excavating (1990) Limited for the West Region for the bid amounts per tonne of \$9.90 for 1996/97; \$9.90 for 1997/98 and \$9.90 for 1998/99;**
- b. Commercial Highway Services Limited for the Central Region for the bid**

amounts per tonne of \$9.89 for 1996/97; \$10.49 for 1997/98 and \$10.49 for 1998/99; and

- c. **Seaboard Transport Group for the East Region for the bid amounts per tonne of \$9.95 for 1996/97; \$10.13 for 1997/98 and \$10.35 for 1998/99.**

Councillor Barnet requested staff to evaluate the performance of all three contractors and report back to Council.

MOTION PUT AND PASSED.

11. **REPORTS**

11.1 **Members of Council**

11.1.1 **Hunting Regulations - Councillor Hendsbee**

Councillor Hendsbee advised he had to leave the meeting at this point in time and requested a staff report on the regulations regarding hunting boundaries within the Halifax Regional Municipality. Further, he suggested comments be obtained from the Department of Natural Resources.

11.2 **Chief Administrative Officer**

11.2.2 **Campaign Contributions**

Councillor Hendsbee requested this item be deferred to November 19, 1996, to which Council agreed.

8. **CONSIDERATION OF DEFERRED BUSINESS CON'T**

8.4 **In Camera Meetings**

- C A memorandum prepared for Mr. Wayne Anstey, Municipal Solicitor, was before Council for discussion. This matter was deferred from the October 29, 1996 Council Session.

MOVED by Councillors Kelly and Epstein to approve the amendment to Administrative Order Number One attached to the staff report as Appendix "A" subject to the deletion of the following words in subsection 11 - "... unless Council determines that the minutes, reports and other information warrant restricted

public access, in which case the provisions of Section 8 shall apply to such minutes, reports and other information.” MOTION DEFEATED.

Another Motion was put on the floor.

MOVED by Councillors Cunningham and Cooper to approve the amendment to Administrative Order Number One attached as Appendix “B.” MOTION PUT AND PASSED.

9. **PUBLIC HEARINGS** - None

10.1.1 **Presentation** - Representative from Halifax County Truckers Association was heard following item 8.2

11. **REPORTS CON’T**

11.2 **Chief Administrative Officer**

11.2.1 **N.S. Department of Transportation and Public Works Cost-Sharing Agreement #HRM-03**

C A memorandum prepared for Mr. George McLellan, Commissioner of Regional Operations, pertaining to Cost-Sharing Agreement #HRM-03 was before Council for discussion.

MOVED by Councillors Hetherington and Schofield that HRM authorize the Mayor and Municipal Clerk to sign the three original copies of Construction Agreement #HRM-03, representing the various approved projects as outlined as Schedule “A” within the Agreement. MOTION PUT AND PASSED UNANIMOUSLY.

11.2.2 **Campaign Contributions** - Deferred

11.2.3 **Temporary Solid Waste Depot - Lake Charlotte**

C A memorandum prepared for Mr. George McLellan, Commissioner of Regional Operations, was before Council for discussion. This matter originated during the July 9, 1996 Council Session. Staff were recommending that the establishment of a temporary solid waste depot at Lake Charlotte be deferred pending a total review of the delivery of solid waste services to the eastern shore area.

Council requested staff to seek an interim solution to the establishment of a solid waste

depot in Lake Charlotte - Musquodoboit Harbour area.

MOVED by Councillor Hetherington the establishment of a temporary solid waste depot at Lake Charlotte be deferred pending a total review of the delivery of solid waste services to the eastern shore area.

As there was no seconder, the Motion was lost.

Councillor Dooks stated there currently was no means of disposing of waste (beds, parts of cars, etc.) in the area of Lake Charlotte. He requested Council's support in the installation of a temporary transfer station, for six months, to assist with the disposal of waste and to curb illegal dumping. Councillor Dooks advised he had contacted an individual who has agreed to install a mobile bin and supervise the project at an approximate cost of \$6,000.

Deputy Mayor Greenough took over the Chair.

Another Motion was put on the floor.

MOVED by Councillors Dooks and Walker to install a mobile transfer unit in the Lake Charlotte area, for a six month period, at which time, the matter is to be discussed during budget deliberations.

Mr. Jim Bauld, Manager, Solid Waste, addressed Council noting that staff was cognizant of the long distances between transfer stations and depots. He felt it would be premature to make a decision in this regard this evening, however, as over the next few months much of the waste will be moving to new plants. Further, there are no funds budgeted to cover the costs involved (approximately \$6,000).

MOTION PASSED.

12. **MOTIONS** - None

13. **ADDED ITEMS**

13.1 **Information item #6 - Correspondence from concerned taxpayer (Mike and Debbie Blaesing) - Kingswood Subdivision - dated October 24/96 (tax concern)**

C Correspondence from Mr. Steven Tasker, Chairman, Kingswood Ratepayers

Association, was distributed to Council

MOVED by Councillors Rankin and Hetherington to refer this matter to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

Mayor Fitzgerald assumed the Chair.

14. **NOTICES OF MOTION**

14.1 Councillor Rankin served Notice that at the meeting of the Halifax Regional Council to be held on November 19, 1996, he intends to introduce a Motion for First Reading of the Fire Prevention Ordinance F-100.

15. **ADJOURNMENT**

MOVED by Councillors Uteck and Blumenthal to adjourn the meeting at 8:50 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
Municipal Clerk