

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES MARCH 31, 1998

PRESENT:

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
Howard Epstein
Russell Walker
Bill Stone
Ron Hanson
Stephen Adams
Barry Barnet
Bob Harvey
Peter Kelly
Jack Mitchell

REGRETS

Mayor Walter Fitzgerald

STAFF MEMBERS:

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

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

Congratulations were extended to Councillor Hetherington on his birthday, and Councillor Epstein on his success in the recent Provincial Election.

Mr. Jerry Pye, recently elected MLA, Dartmouth North, was acknowledged as being present in the gallery.

2. PROCLAMATION

2.1 Information Rights Week - March 30 - April 5, 1998

Deputy Mayor Rankin declared March 30 - April 5, 1998 as Information Rights Week.

3. APPROVAL OF MINUTES - March 10 and 24, 1998

MOVED by Councillors Schofield and Greenough to adopt the minutes of March 10 and 24, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

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

The Municipal Clerk requested the addition of the following items to the agenda:

- 12.1 Deputy Mayor Rankin - Cost Recovery for Subdivision Access - Greenwood Heights
- 12.2 Councillor McInroy - Solid Waste Collection
- 12.3 Tender No. 98-219, Upper Sackville Recreation Facility Ballfield Lighting
- 12.4 In Camera - Land Matter - Building Transition Program
- 12.5 In Camera - Legal Matter - Insurance Claim - Water Damage.

Councillor Harvey requested the following item be added to the agenda:

- 12.6 Fire Protection Rate on Exempt Properties - Information Item #4.

Councillor Kelly requested the addition of the following item to the agenda:

- 12.7 213-217 Bedford Highway - Metro Food Bank Society.

MOVED by Councilors Stone and Downey to adopt 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 - None**

9. **REPORTS**

9.1 **COMMITTEE OF THE WHOLE (Meeting of March 24, 1998)**

9.1.1 **Liaison Committee for Supplementary School Board Funding**

MOVED by Councillors Sarto and Schofield, as recommended by the Committee of the Whole, to adopt the proposal attached to the report dated March 16, 1998 and terms of reference for a Liaison Committee on Supplementary Funding; further, to appoint Councillors Cunningham, Blumenthal and Harvey as the HRM representatives on this Committee. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 **Councillor Dooks - Municipal Tax Properties for Sale**

MOVED by Councillors Dooks and Blumenthal, as recommended by the Committee of the Whole, that Councillors be advised when properties are put up for sale (municipal tax) in their Districts. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Dooks requested this information as soon as possible.

9.1.3 **Councillor Kelly - Sidewalk, Hydrant, and Transit Charges Discussion/Policy**

MOVED by Councillors Kelly and Barnet, as recommended by the Committee of the Whole, that staff prepare a report on the sidewalk, hydrant and transit charges.

In response to an enquiry from Councillor Kelly if this will be discussed during the April 8 Operating Budget Session, Mr. George McLellan, Acting Chief Administrative Officer, advised that staff will prepare an Information Report and distribute same to Council prior to the Session. In the meantime, the issue of the tax structure itself will be discussed *in sequence* with the issues to be discussed on April 8.

Councillor Stone referenced Fernleigh Park (as to what occurred last year) and enquired if this issue could be addressed in the report.

MOTION PUT AND PASSED.

9.1.4 Harbour East Community Council - Eastern Passage/Cow Bay
Municipal Planning Strategy and Review Process - Commercial
Development in the C-2 (General Business) Zone for Eastern
Passage

MOVED by Councillors McInroy and Cooper, as recommended by the Committee of the Whole, that a public hearing date be set for April 28, 1998 to consider amendments to the Municipal Planning Strategy and Land Use By-Law for Eastern Passage/Cow Bay, as outlined in the staff report dated February 26, 1998. **MOTION PUT AND PASSED UNANIMOUSLY.**

9.1.5 North West Community Council - Sackville Servicing Study

MOVED by Councillors Barnet and Harvey, as recommended by the Committee of the Whole to:

- establish a capital budgeting program for undertaking the remedial improvements recommended in the Phase A report of the Sackville Servicing Study;
- maintain the status quo of no expansions of the Sackville and Beaver Bank servicing boundaries; however, this would not preclude Regional Council from looking at very minor clarifications of the boundary, if required;
- initiate a process to consider changes to Sackville's Municipal Planning Strategy as discussed in this report including:
 - a) reductions of the land area currently included in the service boundary; and
 - b) restrictions on development of on-site systems.

The above recommendation will provide Council with an interim strategy for development until further study can be done on the regional implications of future growth in Sackville. **MOTION PUT AND PASSED UNANIMOUSLY.**

9.1.6 Planning Advisory Committee (PAC) - District 21

MOVED by Councillors Barnet and Kelly, as recommended by the Committee of the Whole, to support the creation of a general framework to rationalize plan areas and PACs within Halifax Regional Municipality. **MOTION PUT AND PASSED.**

9.1.7 Heritage Advisory Committee - Second House - 1260 Blenheim Terrace

MOVED by Councillors Uteck and Downey, as recommended by the Committee of the Whole, that approval be given to the design for the house on Lot 2A-1 of 1260 Blenheim Terrace in principle, and that details are to be forwarded to Mr. Dan Norris, Heritage Co-ordinator. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.8 Lease Renewal - North Woodside School (Lands of Province of Nova Scotia)

MOVED by Councillors Hetherington and Cunningham, as recommended by the Committee of the Whole, that the Mayor and Municipal Clerk be authorized to execute a renewal lease for 23 acres of Provincial land on the west side of Pleasant Street in North Woodside, for park purposes with rent of \$150 per annum to be paid to the Government of Nova Scotia. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.9 Street Closure and Land Exchange, Garrick Street

MOVED by Councillors Downey and Stone, as recommended by the Committee of the Whole to:

- **authorize staff to set a date for a public hearing (April 28, 1998) for consideration of Halifax Regional Municipality Administrative Order SC-10, concerning the closure of Garrick Street as shown on the sketch attached to the staff report dated March 10, 1998 and identified as Parcel GS-1 on Servant Dunbrack Plan No. 13-1149-0; and, subject to approval of the street closure; further,**
- **that Parcel GS-1 comprising of approximately 18,000 square feet (1,672.3 square meters) as shown on the sketch attached to the staff report dated March 10, 1998 be sold for a unit value of \$11.00 per square foot encumbered to O'Regan's Chev Olds Limited in exchange for a 11.5 sliver of land required by Halifax Regional Municipality for the widening of Robie Street containing approximately 4,500 square feet (418.5 square meters) for a unit value of \$25.00 per square foot fee simple interest, subject to confirmation of areas by survey, with the balance owing to Halifax Regional Municipality. Funds to be deposited in the Sale of Land Account. MOTION PUT AND PASSED.**

9.1.10 Acquisition : Civic No. 56 Herring Cove Road

MOVED by Councillors Hanson and Stone, as recommended by the Committee of the Whole, to acquire Civic No. 56 Herring Cove Road from Mr. Clyde Welsh, Mr. Lionel Welsh, and others, for the sum of \$92,000, plus applicable taxes and legal expenses incurred in finalizing this land transaction, with funds to be drawn from the Sale of Land Capital Reserve Account. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.11 Land Requirements Angus L. Macdonald Bridge (Halifax Approach Ramps)

MOVED by Councillors Downey and Greenough, as recommended by the Committee of the Whole, that:

- **Civic No. 2564 Barrington Street including Parcel L and Parcel B containing 419.3 square meters and 75.2 square meters respectively be expropriated from Laurie E. & Anne M. Barr for street purposes as shown on Servant, Dunbrack Plan No. 7-1217-0 and that an offer of compensation in the amount of \$155,000 based on an appraisal by Kempton Appraisals Limited be made to the owners; further**
- **that the Mayor be authorized to seek Orders of Immediate Possession from the Attorney General for Parcels L and B. MOTION PUT AND PASSED.**

9.1.12 5220 and 5226 North Street, Halifax

MOVED by Councillors Downey and Uteck, as recommended by the Committee of the Whole, to direct staff to place an advertisement in a local newspaper to offer the houses located at 5220 and 5226 North Street to any party interested in relocation. MOTION PUT AND PASSED.

9.1.13 Solid Waste/Resource Management Strategy: Condominium Collection - Supplementary Information

MOVED by Councillors Greenough and Blumenthal, as recommended by the Committee of the Whole, to adopt Option 4, outlined in staff report dated March 17, 1998, which provides full service to Condominiums as in Option 3, however, work with each building to assist them in managing their waste so as to reduce the average number of weekly collections by one or more, if possible.

Councillor Hendsbee suggested the costs involved be monitored.

At the request of Councillor Cooper, Mr. Mark Bernard, Manager, Waste Resources, advised he would provide further information to Council, the following day.

MOTION PUT AND PASSED.

9.1.14 Source Control Implementation

MOVED by Councillors Sarto and Hendsbee, as recommended by the Committee of the Whole, to approve the appointment of Vaughan Environmental Consultants Limited to proceed with the next phase of the implementation of the Source Control (Pollution Prevention) Program for the Halifax Regional Municipality at an estimated cost of \$110,000.00 plus HST. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.15 Halifax Regional Search and Rescue

MOVED by Councillors Dooks and Hendsbee, as recommended by the Committee of the Whole, to direct the Halifax Regional Search and Rescue to apply to the Grants Committee for appropriate funding for the fiscal year 1998-99.

Following a brief discussion, both the Mover and Seconder of the Motion agreed that a report on the condition of the emergency vehicles and training centre should be prepared by staff within thirty (30) days.

The amended Motion now reads:

MOVED by Councillors Dooks and Hendsbee, as recommended by the Committee of the Whole, to direct the Halifax Regional Search and Rescue to apply to the Grants Committee for appropriate funding for the fiscal year 1998-99; further, that a report on the condition of the emergency vehicles and training centre be prepared by staff within thirty (30) days. MOTION PUT AND PASSED.

Councillor Cooper requested the report include the number of calls responded to last year.

Councillor Dooks enquired if these types of organizations receive sufficient funding to respond to emergencies (the Councillor suggested equalized funding should be made available to all search and rescue teams).

9.1.16 Area-Rated Loan to Finance Tender 97-383 New Roof for Upper Hammonds Plains Fire Hall

MOVED by Councillors Mitchell and Snow, as recommended by the Committee of the Whole, to authorize the issuing of an area-rated loan for \$35,000 at 5.96

percent to be amortized over 15 years. **MOTION PUT AND PASSED UNANIMOUSLY.**

9.1.17 Transfer of Parkland Dedication - Glen Haven and St. Margarets Village

MOVED by Councillors Mitchell and Walker, as recommended by the Committee of the Whole, that 40,500 square feet of the surplus parkland in St. Margarets Village Subdivision, Upper Tantallon, be accepted to fulfill the 5 percent parkland requirement for Mariners Anchorage Subdivision in Glen Haven. **MOTION PUT AND PASSED UNANIMOUSLY.**

9.1.18 Petition - Councillor Rankin - Beechville, Lakeside, Timberlea School Parents - Re Overcrowding

MOVED by Councillors Blumenthal and Hetherington, as recommended by the Committee of the Whole, to forward a petition from the parents of students attending Beechville, Lakeside, Timberlea School, regarding overcrowding, to the Minister of Education and the Halifax Regional School Board. **MOTION PUT AND PASSED UNANIMOUSLY.**

9.1.19 Drainage Problems - Avenue du Portage - Mr. Vince Walsh

MOVED by Councillors Greenough and Cunningham, as recommended by the Committee of the Whole, that staff prepare a report to clarify the drainage problems on Avenue du Portage, and determine how the municipality can rectify the problem. **MOTION PUT AND PASSED UNANIMOUSLY.**

9.2 CHIEF ADMINISTRATIVE OFFICER

9.2.1 Third Reading - By-Law S-400 Respecting Charges for Street Improvements

- A copy of a staff report prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above-noted, was before Council. Second Reading for By-Law S-400 had been given on March 10, 1998.

MOVED by Councillors Stone and Hanson to give Third Reading to By-Law S-400 Respecting Charges for Street Improvements.

Councillor Barnet stated he could not support the by-law in its current state, noting that 4% above prime (interest rate) was too high.

MOVED by Councillors Barnet and Hendsbee to amend the By-Law to reduce the interest rate to 2% above prime. MOTION DEFEATED.

Discussion on the Main Motion continued.

Councillors Schofield and Greenough referenced local improvement charges, as they applied to pre-amalgamation projects. The former City of Dartmouth Council position was that no local improvement charges would be levied against abutting property owners as these costs would be embodied in the general tax rate. The Councillor suggested, therefore, that local improvement charges for that year, should now not apply.

In response, Mr. George McLellan advised that the Dartmouth policy had been taken into consideration by staff.

MOTION PUT AND PASSED.

10. PETITION

10.1 Councillor Schofield - Dartmouth North Branch Library - Request for Increased Hours of Operation

Councillor Schofield submitted a petition for increased hours of operation at the Dartmouth North Branch Library.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Deputy Mayor Rankin - Cost Recovery for Subdivision Access - Greenwood Heights

- A memorandum prepared for Deputy Mayor Rankin, on the above-noted, was before Council.

MOVED by Deputy Mayor Rankin and Councillor Cunningham that a report be prepared by staff. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Councillor McInroy - Solid Waste Collection

This item was discussed at a later point in the meeting (refer to page 14).

12.3 Tender No. 98-219 - Upper Sackville Recreation Facility Ballfield Lighting

- A memorandum prepared for Mr. George McLellan, Acting Chief Administrative Officer, on the above-noted, was before Council.

MOVED by Councillors Barnet and Adams to award Tender No. 98-219, Upper Sackville Recreation Facility Ballfield Lighting to Black & McDonald Ltd. , Alternative #3 (Steel Poles) for materials and services specified at the unit prices quoted for a Total Tender Price of \$227,273.35 and a total project cost of \$261,364, with funding from the Capital Account Number noted in the Budget Implications section of the staff report dated March 30, 1998. MOTION PUT AND PASSED UNANIMOUSLY.

12.4 In Camera - Land Matter - Building Transition Program

MOVED by Councillors Sarto and Greenough to ratify a decision made In camera on "Land Matter - Building Transition Program." MOTION PUT AND PASSED UNANIMOUSLY.

12.5 In Camera - Legal Matter - Insurance Claim - Water Damage

MOVED by Councillors Greenough and Blumenthal to ratify a decision made In camera on "Legal Matter - Insurance Claim - Water Damage." MOTION PUT AND PASSED UNANIMOUSLY.

12.6 Fire Protection Rate on Exempt Properties - Information Item #4

Councillor Harvey enquired as to where Legions fit into the analysis. Mr. Derek Tynski, Team Leader, Cash Management, advised he would provide the information. Further, Councillor Harvey suggested the municipality could be challenged under the Assessment Act. The Councillor also referenced non profit organizations being charged at the commercial rate, and as vacant land.

Councillor Harvey suggested that Alternative #2 of the staff report should be adopted.

MOVED by Councillors Harvey and Hetherington that the due date for accounts not previously billed could be further extended to a year to allow these organizations an opportunity to incorporate this levy in their budgets. Should all organizations recently billed take advantage of this, the forgone interest income from late payment charges would be approximately \$13,000.

No vote was taken on the Motion at this point in time.

RECESS

MOVED by Councillors Hetherington and Schofield to recess at 7:40 p.m. to move into Committee of the Whole and reconvene at 9:50 p.m. MOTION PUT AND PASSED.

MOTION TO EXTEND THE MEETING

Council reconvened following the Committee of the Whole. The following Motion to extend the meeting time was placed on the floor.

MOVED by Councillors Adams and Barnet to extend the meeting past 10:00 p.m. MOTION PUT AND PASSED.

Councillor Barnet referenced the Motion on the floor (alternative #2) and distributed photographs to Council. The Councillor expressed concern with the fact that this issue should be deferred for further debate.

Deputy Mayor Rankin suggested staff prepare a report for the next Committee of the Whole Meeting. Mr. George McLellan advised that staff would speak to Council informally over the next week in order to respond to their questions prior to the next Committee of the Whole Meeting.

No vote was taken on the Motion.

MOVED by Councillors Uteck and Schofield to defer further discussion on this issue to the next Committee of the Whole. MOTION PUT AND PASSED.

12.2 Councillor McInroy - Solid Waste Collection

- A memorandum prepared by Mr. Mark Bernard, on the above-noted, was before Council.

Councillor McInroy referenced the above-noted memorandum noting an addendum to the Agreement the has been drafted, ***subject to refinement by staff.***

MOVED by Councillors McInroy and Epstein that staff be authorized to proceed with the inclusion of the following addendum "... all prices and clauses in this contract remain intact for 5 years. However, after the end of year 3, if there is a greater than difference in waste streams, as determined by HRM facility records, between that in year two and that in year three, the contract will be re-examined to determine if more or less equipment is required than that legitimately

estimated. Unit prices shall then be renegotiated based on these finds. In order to take advantage of this clause, contractors are required to submit for approval their anticipated equipment requirements for the duration of the contract upon which their bid prices are based. This submission must be included with the bid submission.” **MOTION PUT AND PASSED.**

12.7 Councillor Kelly - 213-217 Bedford Highway

Councillor Kelly enquired if the Metro Food Bank could begin to set up its office administration at 213-217 Bedford Highway.

MOVED by Councilors Kelly and Barnet to permit the Metro Food Bank Society to move into 213-217 Bedford Highway to set up their office administration.

Mr. George McLellan, Acting Chief Administrative Officer, referenced correspondence from the Province, addressed to the Food Bank stating that although they wish to assist, a copy of their business plan was required.

Councillor Walker suggested a report from staff should be prepared.

Mr. McLellan suggested Council authorize staff to make another attempt for a financial commitment from the Province.

MOVED by Councillors Blumenthal and Walker to defer this matter. MOTION DEFEATED.

Another Motion was put on the floor.

MOVED by Councillors Kelly and Barnet to permit staff to the end of the week, to make an attempt for a financial commitment from the Province; failing that, staff will provide a recommendation to Council on another course of action. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

13.1 Councillor Adams

Councillor Adams served the following Notice of Motion - that at the next regular meeting of the Halifax Regional Council to be held on April 14, he intends to introduce a Motion to amend the HRM Taxi & Limousine Ordinance to modify the composition of the HRM Taxi & Limousine Committee to eliminate the position for a UCDA member.

13.2 Councillor Schofield

Councillor Schofield served the following Notice of Motion - that at the next regular meeting of the Halifax Regional Council to be held on April 14, he intends to introduce a Motion to ask the Traffic Authority to review the possibility of installing or placing a three-way stop sign at the intersection of Lancaster Drive and Sea King Drive in Dartmouth.

14. ADJOURNMENT

MOVED by Councillors Harvey and Cunningham to adjourn the meeting at 10:45 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
MUNICIPAL CLERK