

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES AUGUST 28, 2001

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Jerry Blumenthal
Councillors: Steve Streach
Gary Hines
Keith Colwell
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Stephen Adams
Brad Johns
Len Goucher
Reg Rankin
Gary Meade

ABSENT

WITH REGRETS: Councillor Robert Harvey

STAFF:

Mr. K. R. Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Julia Horncastle, Assistant Municipal Clerk

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	A letter be written to the Provincial Government requesting the legislative authority to allow HRM to regulate and manage vegetation on "as of right" developments.	

HRM Legal Services utilize the Keating Road situation to assist them in presenting an application to the URB regarding NS Power easements.

The Steering Committee endorsed by Regional Council on July 17, 2001 be utilized to assess clear-cutting issues on private lands.

This Committee, which was struck to investigate the feasibility of underground wiring, be directed to analyze by-laws from other Canadian municipalities that manage private vegetation. The mandate should be to "foster urban canopy" 07

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1. INVOCATION

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

Councillor Bruce Hetherington advised Mr. Lawrence MacDonald, a longtime volunteer on the Dartmouth Lakes Advisory Board, passed away on July 14, 2001 and requested the Mayor, on behalf of Council, send a letter of condolence to the family and acknowledge the amount of volunteer work Mr. MacDonald did for the Municipality.

Councillor Hines offered congratulations to Karen Furneaux, Waverley, recipient of a gold medal in the world K100 and 200 metres canoe championships competition.

Councillor Warshick requested the Mayor, on behalf of Council, send a letter of congratulations to Mr. Mike Bell, Chef de Mission, his staff and their coaches on their remarkable effort at the Canada Games. The Councillor requested Mayor Kelly write to the Minister of Amateur Sports in Canada encouraging him to obtain federal funding for the region so that national venues may be built to help athletes train and compete.

Councillor Warshick requested the Mayor, on behalf of Council, send a letter of congratulations to Mr. Joel Irvine, President, Dartmouth Moosehead Dry Baseball Team on winning the silver medal at the 2001 Canada Senior Baseball Championships.

Mayor Kelly offered congratulations to former City of Halifax Mayor Ron Wallace, Robert George Ackerman, Dartmouth and Edward G. Byrne, Halifax, who have been appointed to the Order of Canada.

2. PROCLAMATIONS

2.1 Shinerama Day - September 4, 2001

Mayor Kelly proclaimed September 4, 2001 as Shinerama Day in the Halifax Regional Municipality.

SPECIAL PRESENTATION

RRFB (Resource Recovery Fund Board) - Diversion Credit Cheque

Halifax Regional Municipality was presented with a cheque in the amount of \$2,895,760. from the Resource Recovery Fund Board as part of the diversion credits to Municipalities for fiscal year 2000/2001 which is based on the amount of solid waste diverted by a Municipality from landfills and incinerators.

3. APPROVAL OF MINUTES - NONE

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

Additions

- 12.1 Property Exchange - Highway 102 and Duke Street, Bedford
- 12.2 Property Exchange - Lands of Halifax Regional Municipality and Province of Nova Scotia
- 12.3 Halifax Shopping Centre - Bayers Road Right Turn Lane
- 12.4 Musquodoboit Harbour Rink Complex - Emergency Funding

Council agreed to hear a presentation by Mr. Kent Baker regarding item 11.1.

MOVED by Councillor Hetherington, seconded by Councillor Warshick, 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 RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Tender 01-116 Receipt and Management of Separately Collected Leaf and Yard Waste, Christmas Trees and Related Services (Aug. 21/01)

- A report prepared for Mr. K. R. Meech, dated August 14, 2001, on the above noted, was before Council.

Mr. Brian Smith, Director, Solid Waste Resources, advised staff is trying to supplement the existing processing capacity in the compost plants with an arrangement for external processing of the leaf and yard waste for several seasons.

MOVED by Councillor Rankin, seconded by Councillor Hetherington, that the tender comprises three parts: Service A-1 - Receipt of Leaf and Yard for Composting, Service A-2 - Receipt of Christmas Trees, and Service A-3 - Removal of Material from

375 Cowie Hill Rd. It is recommended that Council award Tender 01-116, Receipt and Management of Separately Collected Leaf and Yard Waste, Christmas Trees and Related Services for a two year period as follows:

- 1. Service A-1 to Kell Ann Organics Ltd. at a total upset price of \$120,750.**
- 2. Service A-2 to Owen Davis & Sons Contracting Ltd for a total upset price of \$54,050.**
- 3. Service A-3 to Owen Davis & Sons Contracting Ltd. for a total upset price of \$3,047.50**

The HST is included in the above prices and funding is outlined in the Budget Implications section of the staff report dated August 14, 2001.

In response to questions from members of Council, Mr. Smith advised:

- Both plants have a 25,000 tonne a year maximum capacity but the fixed payment is for 20,000 tonnes. The plants were at their 20,000 ton mark last year.
- Last year, on an annual fiscal year basis, HRM took in 42,000 tons over the twelve months.
- Staff estimated what HRM is intending to collect and asked for a fixed price, regardless of the tonnage.
- This is an interim arrangement while staff examines what can be done with the plants over time.
- Staff has put forward a fixed price contract and the bidders have been told about the quantity normally expected to be received.
- They are developing a contingency plan and at the present time the growth in the Municipality does not show the need for a big fix but it does confirm that the arrangements that were put in place for the last two seasons are going to need to be there for the next several seasons.
- This years focus has been on organics capacity.
- There is still, on an annual basis, sufficient capacity in the 50,000 tonnes to handle what is expected this year. The difficulty is that the plants have a 480 tonne per week limit but during the spring and fall leaf surges they expect to be significantly above that enough such that an alternative needs to be in place.
- Last year the “put” levels were even but growth is expected both this year and next year.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Petitions

9.1.1 Councillor Goucher

Councillor Goucher submitted a letter on behalf of Bryce and Helen Dart, 9 North Street, Bedford, regarding tree cutting by Nova Scotia Power.

9.1.2 Councillor Cunningham

Councillor Cunningham submitted a letter on behalf of Mr. James Dawe, 36 Rose Street, Dartmouth, regarding pavement conditions in the area of Rose Street between Maple Street and Beech Street.

9.1.3 Councillor Colwell

Councillor Colwell submitted petitions on behalf of the residents of Queens Road and Cathy Court in Lawrencetown wherein they are requesting paving of these streets.

9.2 Presentation

Mr. Kent Baker, reading from prepared text, addressed Council regarding clear cutting by Nova Scotia Power on Keating Road, Halifax.

During the approval of the Order of Business, Council agreed to address item 11.1 at this time.

11. MOTIONS

11.1 Councillor Mosher

- An extract from the Draft August 21, 2001 Regional Council minutes was before Council.
- An open letter to Mayor Kelly and the Council of the Halifax Regional Municipality from Mr. Kent Baker was before Council.
- A section of Private Property Tree By-Law #7347, City of Vancouver, BC, was before Council.
- A site plan and photos relative to vegetation management by NS Power was before Council.
- Correspondence from Nova Scotia Power, dated August 28, 2001, was circulated to Council.
- Correspondence from Maureen Reynolds, dated August 22, 2001, was circulated

to Council.

MOVED by Councillor Mosher, seconded by Councillor Adams, that:

A letter be written to the Provincial Government requesting the legislative authority to allow HRM to regulate and manage vegetation on “as of right” developments.

HRM Legal Services utilize the Keating Road situation to assist them in presenting an application to the URB regarding NS Power easements.

The Steering Committee endorsed by Regional Council on July 17, 2001 be utilized to assess clear-cutting issues on private lands.

This Committee, which was struck to investigate the feasibility of underground wiring, be directed to analyze by-laws from other Canadian municipalities that manage private vegetation. The mandate should be to “foster urban canopy”

Mr. Wayne Anstey, Municipal Solicitor, suggested the wording in the first paragraph be amended such that the words “as of right” are removed and the word “generally” is inserted after the word developments.

The mover and seconder agreed to the suggested change.

The motion, as amended now reads:

MOVED by Councillor Mosher, seconded by Councillor Adams that:

A letter be written to the Provincial Government requesting the legislative authority to allow HRM to regulate and manage vegetation on private property whether in connection with developments or otherwise.

HRM Legal Services utilize the Keating Road situation to assist them in presenting an application to the URB regarding NS Power easements.

The Steering Committee endorsed by Regional Council on July 17, 2001 be utilized to assess clear-cutting issues on private lands.

This Committee, which was struck to investigate the feasibility of underground wiring, be directed to analyze by-laws from other Canadian municipalities that manage private vegetation. The mandate should be to “foster urban canopy”

Councillor Mosher stated a developer can clear cut his land prior to applying for a building

permit. She stated she would like to see Council being pro active in providing protection for the trees and the environment as well as preventing clear cutting situations. The Councillor suggested the solution would be to utilize the Keating Road example when presenting to the URB, investigate the feasibility of having a private property tree by-law and seek legislative authority from the Province to regulate developments under the Municipal Government Act. There needs to be an overall urban forest master plan used to provide solutions for tree retention.

Councillor Adams requested that consideration also be given to the process such that when someone is given a permit to build, perhaps a mandatory percentage of trees be required to be kept.

Councillor Smith suggested the urban canopy fostering plan contain provisions for planting trees along sidewalks in subdivisions.

In response to Councillor Streach, Mr. Anstey advised the by-law could vary in its application for urban and rural areas of the Municipality.

MOTION PUT AND PASSED UNANIMOUSLY.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 01-103R Six (6) Model 2002 Four Door Wagons

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated August 21, 2001, on the above noted, was before Council.

**MOVED by Councillor Cunningham, seconded by Deputy Mayor Blumenthal, that Council authorize the award of Tender #01-103R to Wood Motors Limited at a price of \$18,162.00 (HST extra) per unit for a total project cost of \$108,972.00 (HST extra). Funds are available in Capital Account #CVJ00043 titled Additional Utility Vehicles.
MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.2 Tender 01-275 RA-5 Overhead Crosswalk Lights

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated August 15, 2001, on the above noted, was before Council.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Council award Tender No. 01-275, RA-5 Overhead Crosswalk Lights be awarded to Black & McDonald Limited for materials and services listed at the unit prices quoted for a

Tender Price of \$43,395. plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$50,804., with funding authorized as per the Budget Implications sections of the report dated August 15, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Tender 01-270 Paving and Water Main Renewal - Western Region

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated August 20, 2001, on the above noted, was before Council.

MOVED by Councillor Walker, seconded by Councillor Whalen, that Halifax Regional Council:

- 1. approve the recovery of Local Improvement Charges for the new concrete curb and gutter on Castlehill Drive in Halifax, by an amount of \$19,998.03 to be applied to an area rate of a portion of District 16 (as shown on sketch attached to staff report dated August 20, 2001).**
- 2. approve the recovery of Local Improvement Charges for a new concrete curb and gutter on Clayton Park Drive in Halifax, by an amount of \$30,977.70 to be applied to the general area rate of District 15.**
- 3. approve an increase in the Gross Budget for Capital Account No. CYR00991, Paving Renewal Program, by \$240,893. with no change in the Net Budget to cover the cost of the watermain renewal on Clayton Park Drive.**
- 4. award Tender No. 01-270, Paving Renewal and Watermain Renewal - Western Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$638,484. plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$747,485. with funding authorized as per the Budget Implications section of the report dated August 20, 2001.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Tender 01-272 Resurfacing - Western Region

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated August 15, 2001, on the above noted, was before Council.

MOVED by Councillor Whalen, seconded by Councillor Walker, that Halifax Regional Council:

1. **approve the recovery of Local Improvement Charges for new concrete curb and gutter on Meadowlark Crescent, by an amount of \$22, 484.80 to be applied to an area rate for a portion of District 16 (as shown on sketch attached to the staff report dated August 15, 2001)**
2. **approve the recovery of Local Improvement Charges for new concrete curb and gutter on Swan Crescent in Halifax, by an amount of \$25,051.00 to be applied to an area rate for a portion of District 16 (as shown on sketch attached to the staff report dated August 15, 2001)**
3. **award Tender No. 01-272, Street Resurfacing - Western Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$361,380. plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$423,074., with funding authorized as per the Budget Implications section of the staff report dated August 15, 2001.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.5 Protection from Pesticides - Medical Offices

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated August 20, 2001, on the above noted, was before Council.

Councillor Cooper suggested institutions such as schools and churches be included.

MOVED by Councillor Cooper, seconded by Councillor Fougere, that Council forward to the Province, a request to amend Section 533(1) of the Municipal Government Act by adding after the words “residential purposes” in the fifth line a comma and the words “on any property containing medical offices” and on institutional properties.

In response to Deputy Mayor Blumenthal, Mr. Anstey advised that any property, such as a mall, in which a medical office is contained would come under the by-law.

Councillor Hines expressed concern that such a restriction may prohibit certain offices from maintaining their current position. This may have the effect of forcing doctors out of their current locations.

In response to Councillor Adams, Mr. Stephen King, Manager - Senior Advisor, Parks and Open Spaces, advised this request was to ask the Province to give the Municipality the authority to enact legislation regarding spraying around medical offices. The Councillor stated, if this was a concern for the medical profession, why would they even consider spraying on their premises.

Councillor Rankin stated HRM has to stay consistent with its original submission and not distinguish categories of buildings or people.

Councillor Cooper requested a recorded vote.

MOTION DEFEATED (12 against, 10 in favour, 2 absent)

Councillors McInroy and Harvey were absent.

Those voting in favour of the motion: Mayor Kelly and Councillors Cooper, Sarto, Smith, Cunningham, Uteck, Fougere, Walker, Whalen and Meade.

Those voting against the motion: Deputy Mayor Blumenthal and Councillors Streach, Hines, Colwell, Warshick, Hetherington, Sloane, Mosher, Adams, Johns, Goucher and Rankin.

10.1.6 Debenture Issue

- A report prepared for Mr. K. R. Meech, Chief Administrative Officer, dated August 17, 2001, on the above noted, was before Council.

Council requested the words “not to exceed” be inserted prior to the wording “..the amount of \$15,344,000.”

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the Mayor and Municipal Clerk be authorized to sign the Resolution for Pre-Approval of Debenture Issue Subject to Interest Rate confirmation, not to exceed 8%, to enable the Halifax Regional Municipality to issue a debenture not to exceed the amount of \$15,344,000. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

The item was addressed earlier in the meeting (see page 7)

12. ADDED ITEMS

12.1 Property Exchange - Highway 102 and Duke Street, Bedford

- This matter was discussed during an In Camera session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Goucher, seconded by Councillor Hines, that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of

Purchase and Sale whereby the HRM property, PID #40278509, being approximately 47 acres, is deeded to the Province of Nova Scotia in exchange for a portion of the Provincial property, PID #00636571, being approximately 41 acres, as shown on Attachment "A" of the August 10, 2001 Private and Confidential staff report; and further that Council approve the immediate release to the public of the August 10, 2001 Private and Confidential staff report. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Property Exchange Lands of Halifax Regional Municipality and Province of Nova Scotia

- This matter was discussed during an In Camera session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that:

1. That Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale whereby six properties of the Halifax Regional Municipality, at an appraised value of \$1,030,800 as shown on Attachment "A" of the July 11, 2001 Private and Confidential staff report, are deeded to the Province and six properties of the Province of Nova Scotia, at an appraised value of \$995,000 as shown on Attachment "B" of the July 11, 2001 Private and Confidential staff report and other financial consideration as set out in the same report, are acquired by the Municipality; and
2. That the July 11, 2001 Private and Confidential staff report not be released to the public until and if the recommended transaction is finally concluded.

MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Halifax Shopping Centre - Bayers Road Right Turn Lane

- This matter was discussed during an In Camera session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Fougere, seconded by Councillor Rankin, that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with OPB Realty Inc. for the purchase of a portion of Coleman Court, shown as Parcel "B" on the Plan of Survey prepared by Thompson Conn Limited on terms and conditions contained in the August 10, 2001; and further that Council approve the immediate release to the public of the August 10, 2001 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

12.4 Musquodoboit Harbour Rink Complex - Emergency Funding

- This matter was discussed during an In Camera session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Streach, seconded by Councillor Colwell, that Halifax Regional Council approve a one time, secured \$30,000 loan to repair the brine compressor at the Musquodoboit Harbour Rink Complex. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

14. ADJOURNMENT

MOVED by Councillor Hines, seconded by Councillor Meade, that the meeting be adjourned at 8:15 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

**Vi Carmichael
Municipal Clerk**