

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES May 21, 2002

PRESENT:

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

REGRETS:

Councillors: Harry McInroy
Diana Whalen
Jerry Blumenthal (attending function on behalf
of Mayor Kelly)

STAFF MEMBERS:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Deputy Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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1. INVOCATION

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Rankin.

2. PROCLAMATIONS

2.1 Nova Scotia Access Awareness Week - May 25 - June 1, 2002

The week of May 25 - June 1, 2002 was proclaimed to be Nova Scotia Access Awareness Week.

2.2 Hemochromatosis Awareness Week - May 25 - 31, 2002

The week of May 25 - 31, 2002 was proclaimed to be Hemochromatosis Awareness Week.

SPECIAL PRESENTATION - SWEARING IN OF POLICE CADETS

Erin Donovan	Roger Sayer
Derek Hood	Christina Trenholm

A swearing in ceremony took place for the above-named police cadets.

SPECIAL PRESENTATION - ROYAL BANK CUP, THE HALIFAX OLAND EXPORTS

On behalf of Council, Mayor Kelly made a presentation to the Halifax Oland Exports, in honour of their recent win of the Royal Bank Cup.

3. APPROVAL OF MINUTES - May 7, 2002

MOVED by Councillor Rankin, seconded by Councillor Meade, that the minutes of May 7, 2002, be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following item was deleted from the agenda:

10.1.1 Cultural Advisory Committee - Terms of Reference

The following items were added to the agenda:

- 12.1 Tender 02-208, Main Artery Patching
- 12.2 Capital District Vision Report
- 12.3 Property Matter - Harbour City Homes Request - North Mews as Affordable Housing
- 12.4 Property Matter - Acquisition of Collector Road Corridor, Berry Hill Village
- 12.5 Property Matter - Eastern Shore Recreation Centre
- 12.6 Councillor Sarto - Gravel Truck Spillage

Councillor Cunningham requested that Item 10.2.19 Capital District Not for Profit Society be moved up to follow Item 9.2 Petitions.

Councillor Goucher requested that Item 10.2.21 Case 00471 - Bedford Municipal Planning Strategy and Land Use By-law Amendment - 14 Doyle Street be moved up to follow Item 10.2.19 Capital District Not for Profit Society.

Councillor Walker requested that Item 13 Notices of Motion be moved up to follow Item 8.1 Councillor Mosher - High School Volunteer Community Service.

MOVED by Councillor Rankin, seconded by Councillor Fougere, that the Order of Business, Additions and Deletions, be approved. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS - May 14, 2002

8.1 Councillor Mosher - High School Volunteer Community Service

C Information from Senator John Edwards, North Carolina, dated April 29, 2002 regarding the High School Community Corps, was circulated to Council.

C Information from the Ontario Ministry of Education was previously circulated to Council.

MOVED by Councillor Mosher, seconded by Councillor Adams, that Council request a report from the Halifax Regional School Board and the Department of Education regarding incorporating a community involvement program into the education curriculum similar to the Ontario Ministry of Education. This report should assess the feasibility, scope, effectiveness, and benefits of this type of program.

Councillor Mosher stated she is requesting an information report to explore the option of having high school students perform community service, similar to an existing program in Ontario. In Ontario, Councillor Mosher noted the high school students are not paid for their efforts and they choose the service they perform so it is deemed voluntary. The choices can be based on career, athletic, or community interests. Councillor Mosher stated similar programs have been successfully implemented in other areas of Canada and the United States. In Ontario, the Councillor noted the time commitment is 40 hours over 4 years. Although the program benefits the community, it's primary purpose is to contribute to students' development.

Councillor Goucher expressed concern that this issue is purely 100 percent an education matter and has nothing to do with Halifax Regional Council. The Councillor expressed concern with comparing volunteering with community service, stating they can not be equated.

Councillor Sarto advised that he spoke to some students and many are not in favour of being mandated to take a volunteer course. The Councillor noted many of the students already volunteer on their own initiative.

Speaking in support of the motion, Councillor Fougere stated she has personal experience with developing, implementing and coordinating a volunteer program for junior high school students. The Councillor noted the program was voluntary and out of 200 students over 2 years, 196 students chose to volunteer. Councillor Fougere stated the program was highly successful. With respect to concerns expressed that this is not an issue for the Municipality, the Councillor stated it does impact HRM as the students are its citizens and its future adult volunteers and community activists. Councillor Fougere noted she has information regarding the Oxford Junior High School program that she would be willing to offer to the Department of Education and the Halifax Regional School Board.

Also speaking in support of the motion, Councillor Cunningham stated it is a worthwhile program to consider. The Councillor noted the current volunteer base is aging, and if high school students could be introduced into the aspect of volunteerism, they may learn how rewarding it can be and become future community volunteers.

Councillor Smith spoke in support of the motion stating it has merit, and Council has put forth issues relating to education to the School Board in the past. The Councillor noted the volunteer base is decreasing and this initiative deserves more thought.

Although he agreed the initiative was a good idea, Councillor Warshick expressed concern that this may not be the proper venue to put it forth. The Councillor questioned who will administer the program and inquired what costs will be involved and who will be responsible for them. Councillor Warshick suggested it would be more appropriate for Councillor Mosher to raise the idea directly with her School Board member and the Department of Education.

Speaking in support of the motion, Councillor Colwell stated introducing volunteerism in the schools is very important. The Councillor noted the motion is only asking for a report to explore the idea further.

Councillor Adams spoke in support of the motion noting there are students already involved in volunteer programs in the schools.

Speaking in favour of the motion, Councillor Cooper stated the opportunity to expose students to the positive experience of volunteering will assist them in the long run. The Councillor noted he views this as an opportunity to take another step in providing youth life experiences that will benefit both themselves and others.

Closing the debate, Councillor Mosher quoted some statistics: Nova Scotians give an average of 3.5 hours per week to volunteer work, but this had declined 7.2% in the past 10 years. With regard to this being an education issue, the Councillor noted Council has dealt with other education issues in the past. Councillor Mosher stated she is only asking that Council support her motion for a report and the details of the program would be worked out later.

MOTION PUT AND PASSED.

8.2 Councillor Whalen - Processes regarding Park Land Acquisition and Park Facilities

On behalf of Councillor Whalen, Councillor Walker put forth the following motion:

MOVED by Councillor Walker, seconded by Councillor Adams, that this matter be referred to staff for a report on the systems and procedures by which HRM accepts parkland and park facilities. MOTION PUT AND PASSED UNANIMOUSLY.

8.3 Motion - Councillor Adams

“To establish a body to protect the interests of all Volunteer Firefighters in HRM. This body will have input and representation in its formation and structure from volunteer firefighters throughout HRM.”

MOVED by Councillor Adams, seconded by Councillor Walker, that this matter be referred to staff for a report on establishing a body to protect the interests of all Volunteer Firefighters in HRM. This body will have input and representation in its formation and structure from volunteer firefighters throughout HRM.

Councillor Streach suggested that staff need to take credence to other efforts that have been undertaken relating to the existing fire advisory committee and the rural management board.

Mr. McLellan stated it would be his preference to have this report done in context with the current overall review process which is being conducted under the Office of the Chief Administrative Officer. Both the mover and seconder of the motion agreed

MOTION PUT AND PASSED UNANIMOUSLY.

8.4 Councillor Uteck - School Closure Policy

C Copies of the Halifax Regional School Board Review of Facilities for Permanent Closure Policy were previously circulated to Council.

C Copies of the minutes of the Halifax Regional School Board Special Meeting on April 9, 2001 were previously circulated to Council.

With respect to previous school closures, Councillor Uteck stated the operational expenditures of the receiving schools has often been more than double the projected savings. The Councillor expressed concern that it appears there have been no cuts to administration. Councillor Uteck also expressed concern that there seems to be a debate as to what constitutes an empty classroom. She quoted from correspondence from a School Board member who stated that the Board cannot agree on what a non-empty classroom is and, therefore, there will be always be confusion about the number of empty classrooms in a building. Councillor Uteck noted that this is a major criteria in a school closure. The Councillor cited examples of recent school closures where the Board has not followed its own criteria, and put forth the following motion:

MOVED by Councillor Uteck, seconded by Councillor Fougere, that the Mayor write a letter to the Minister of Education requesting a full inquiry into the closure policy of the Halifax Regional School Board throughout HRM. The inquiry should investigate the following:

- C the criteria versus Board decisions and reasonings,**
- C the estimated cost savings and reports on where they have actually been received;**

and, that any closures or future school reviews be delayed until this inquiry is conducted. MOTION PUT AND PASSED UNANIMOUSLY.

8.5 Councillor Colwell - Commercial Logging Along the Trail System

Councillor Colwell stated it is his understanding that there has been some discussion through the Department of Natural Resources to allow commercial logging right up to the trails. The Councillor expressed concern with the potential damage that could result on the trail system and put forth the following motion:

MOVED by Councillor Colwell, seconded by Councillor Hetherington, that the Mayor send a letter to the Premier indicating that HRM does not support commercial logging along the trail system. MOTION PUT AND PASSED UNANIMOUSLY.

8.6 Hotel Marketing Levy

C A report prepared for Dan English, Deputy Chief Administrative Officer, dated May 2, 2002, regarding the above, was before Council for its consideration.

Mr. Lew Rogers, Director, Tourism, Culture and Heritage, presented the report to Council and responded to questions of Council.

MOVED by Councillor Warshick, seconded by Councillor Sloane, that Council:

- 1. Direct staff to arrange for the formal introduction of an amendment to By-Law H-400 to increase the minimum size of facilities to be subject to the Marketing Levy from 20 or more to 100 rooms or more.**
- 2. Authorize staff to refrain from imposing penalties for non-registration under the By-Law to date for facilities having fewer than 100 rooms. MOTION PUT AND PASSED.**

Councillor Smith raised the issue of the request from the Park Place Ramada Plaza Hotel and Future Inns for an exemption from this By-Law, and put forth the following motion:

MOVED by Councillor Smith, seconded by Councillor Streach, that staff prepare a report regarding the request from the Park Place Ramada Plaza Hotel and Future Inns for an exemption under this by-law and whether or not staff believe it is appropriate. MOTION PUT AND PASSED UNANIMOUSLY.

8.7 Swimming Pool By-Law (see info rpt. #4)

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, dated May 9, 2002, regarding the above, was before Council for its consideration. The report *requested clarification whether it was Council's intention that chain link and standard lattice fencing be interpreted as complying with the requirements of Section 7(2) of the Swimming Pool By-Law (S-700).*

MOVED by Councillor Walker, seconded by Councillor Mosher, that Council clarify that it is Council's intention that chain link and privacy lattice fencing be interpreted as complying with the requirements of Section 7(2) of the Swimming Pool By-Law S-700.

Mr. Gary Porter, Planner, responded to questions of Council making the following points:

- C The By-Law would only apply to new fencing construction.
- C Privacy lattice has smaller openings than standard lattice.
- C Most municipalities permit chain link fencing around pools, but it has been determined to be climbable.
- C Standard lattice openings are similar to chain link fencing openings.

MOVED by Councillor Cunningham, seconded by Councillor Johns, that the motion be amended to change “privacy lattice” to “standard lattice.”

Speaking against the motion, Councillor Walker stated it is his understanding that privacy lattice openings are more similar in size to chain link fencing than standard lattice.

The vote was taken on the amendment.

MOTION DEFEATED.

The vote was then taken on the main motion.

MOTION PUT AND PASSED.

8.8 Preliminary Tax Structure Recommendations

- C This matter was discussed during an Committee of the Whole held on May 14th and was now before Council for ratification.

MOVED by Councillor Cooper, seconded by Councillor Johns, that Council:

THAT Halifax Regional Council approve the following course of action:

- **Approve the tax structure model in principle for the purpose of public consultations. This includes placing in the general tax rate the following additional items:**
 - **volunteer fire departments (policy pending re service standards)**
 - **street lighting**
 - **Cost sharing on the capital repair for existing Recreational Facilities**
 - **Cost sharing on the construction and acquisition of new Local and regional Recreational Facilities (related policies pending)**
 - **Crosswalk Guards**
- **That Local Improvement Charges on upgrading of existing asphalt curbing to concrete curb and gutter be eliminated.**

- That all areas of HRM with access to Metro Transit should share equally in the cost of Metro Transit.
- C That staff proceed to further develop the Framework of Service Standards so that it becomes clear to residents of HRM what service levels and standards HRM can realistically expect to provide.
- That the Tax Structure Committee report back to Committee of the Whole no later than October 15th, 2002 with the results of public consultations including the comments of citizens, business groups and volunteer fire departments and with final recommendations and/or options.
- That staff review the \$0.05 transfer from Urban/Suburban to Rural. **MOTION PUT AND PASSED.**

8.9 Property Matter - 94 Queen Street, Dartmouth

- C The following matter was discussed during an In Camera session held on May 14th and was now before Council for ratification.

MOVED by Councillor Cunningham, seconded by Councillor Smith, that:

1. Council authorize the Mayor and Municipal Clerk to formally reject all four (4) offers submitted for the sale of municipally owned land at 94 Queen Street, Dartmouth; and,
2. Council further direct staff to enter into direct negotiations with Innovative Properties Limited for the sale of the subject property with a view to incorporating HRM's parkland and trail interests into the agreement of purchase and sale; and,
3. The report dated May 1, 2002 not be released to the public until the transaction has closed. **MOTION PUT AND PASSED.**

8.10 Property Matter - Proposed Acquisition - Nine Mile River

- C The following matter was discussed during an In Camera session held on May 14th and was now before Council for ratification.

MOVED by Councillor Rankin, seconded by Councillor Meade, that:

1. Halifax Regional Council authorize the Mayor and Municipal Clerk to execute Purchase and Sale Agreements with Davie and Dorothy Longard for the

purchase of Parcel A, and Humphrey Longard for the purchase of Parcel B, subject to the terms and conditions set out in the report dated April 15, 2002.

2. Council approve the withdrawal from the Parkland Reserve Account, Q107, in the amount of \$71,425, inclusive of HST, appraisal and closing costs.
3. The April 15, 2002 report not be released to the public until, and if, the recommended transaction is finally concluded. **MOTION PUT AND PASSED UNANIMOUSLY.**

8.11 Property Matter - Proposed Acquisition - Kiley Property, Prospect Bay Road

C The following matter was discussed during an In Camera session held on May 14th and was now before Council for ratification.

MOVED by Councillor Meade, seconded by Councillor Fougere, that:

1. Halifax Regional Council authorize the Mayor and Municipal Clerk to execute a Purchase and Sale Agreement with Terrence Kiley for the purchase of parcel PID #00562876, Prospect Bay Road, Prospect, Nova Scotia, for the price of \$15,000 plus applicable HST and further subject to the terms and conditions set out in the report dated May 6, 2002.
2. Council approve a withdrawal from the Parkland Reserve Account Q107 in an amount of \$18,250, inclusive of appraisal, taxes and closing costs.
3. The May 6, 2002 report not be released to the public, until, and if, the recommended transaction is finally concluded. **MOTION PUT AND PASSED UNANIMOUSLY.**

At this time, Council agreed to deal with Item 13 - Notices of Motion.

13. NOTICES OF MOTION

13.1 Councillor Walker - Amendment to Administrative Order Number One

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, May 28, 2002, I intend to introduce a motion to amend Administrative Order Number One, Calling for the Question, Section 52 (2): When a motion to call for the question is resolved in the affirmative, by a 2/3 majority vote, the main motion is put immediately without amendment or debate.

13.2 Deputy Mayor Harvey - Cobequid Multi-Service Centre Capital Campaign

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, May 28, 2002, I intend to introduce a motion to provide to the Cobequid Multi-Service Centre Capital Campaign the net revenue from the sale of the Correctional Centre site in Sackville to the Province of Nova Scotia.

13.3 Councillor Adams - Amendment to Administrative Order Number One

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, May 28, 2002, I intend to introduce a motion amend Administrative Order Number One by repealing Section 11 (1) and (2). The intent of this amendment is to ensure the Order of Business is completed, as scheduled.

13.4 Councillor Rankin - First Reading, By-Law S-105

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 28th day of May 2002, I propose to move First Reading of By-Law S-105, the purpose of which is to amend Section 8 of By-Law S-100, the Sewer Charges By-Law to increase the rebate of Pollution Charges to which landscaping and agricultural uses are entitled to pursuant to that Section from 1/3 to 2/3 of the Charges levied.

13.5 Councillor Rankin - First Reading, By-Law S-602

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, May 28, 2002, I proposed to move First Reading of By-Law S-602, the purpose of which is to amend By-Law S-600, the Solid Waste Resource Collection and Disposal By-Law to prohibit the exportation of solid waste from Halifax Regional Municipality except under conditions prescribed by Halifax Regional Municipality.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor Sloane - Traffic Planning Problems

Councillor Sloane submitted correspondence from a resident regarding some traffic planning problems in her District.

9.2.2 Councillor Goucher - Infilling of Moirs Pond

Councillor Goucher served a further petition from residents opposing the infilling of Moirs Pond.

9.2.3 Councillor Adams - Ban on the Use of Exotic Animals in Circus Acts

Councillor Adams served a petition containing 1000+ signatures of residents supporting a ban on the use of exotic animals in circus acts. The Councillor asked that Council send endorsement of the content of the petition to the Province. It was agreed that this would be debated at the May 28th Council meeting.

9.2.4 Councillor Streach - Sewer & Water and Sidewalks: Sheet Harbour

Councillor Streach submitted correspondence from the Sheet Harbour & Area Chamber of Commerce regarding the installation of sewer and water and sidewalks in Sheet Harbour.

9.2.5 Councillor Hines - Condition of Road Maintenance - Beaver Brook Subdivisions

Councillor Hines served a petition from residents of Richard and Hescott Streets, Elmsdale, demanding the following: proper maintenance and upgrading of both streets, posted speed limit signs, posted "caution children playing" signs and paving of both roads.

10. REPORTS

10.1 PROGRAM AND SERVICE REVIEW COMMITTEE

10.1.1 Cultural Advisory Committee - Terms of Reference

This item was deleted during Approval of the Order of Business.

10.2 CHIEF ADMINISTRATIVE OFFICER

Council agreed to deal with Items 10.2.19 Capital District Not for Profit Society and 10.2.21 Case 00471 - Bedford Municipal Planning Strategy and Land Use By-law Amendment - 14 Doyle Street at this time.

10.2.19 Capital District Not for Profit Society

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, dated May 14, 2002, regarding the above, was before Council for its consideration.

MOVED by Councillor Cunningham, seconded by Councillor Sloane, that:

- 1. HRM create a Capital District Not for Profit Society.**

2. The Society Board membership be comprised of the Mayor, three Capital District Councillors, a suburban Councillor, a rural Councillor, the CAO or designate, and the Director of Tourism Culture Heritage or designate. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.2.21 Case 00471 - Bedford Municipal Planning Strategy and Land Use By-law Amendment - 14 Doyle Street

- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, dated May 9, 2002, regarding the above, was before Council for its consideration.

MOVED by Councillor Goucher, seconded by Councillor Hetherington, that Halifax Regional Council:

1. Instruct staff to initiate a process to amend the Bedford Municipal Planning Strategy and Land Use By-Law to designate 14 Doyle Street (the former Glen Moir School) Residential and rezone it RSU (Residential Single Unit) zone.
2. Request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.2.1 Tender 02-016, New Rescue Unit for Musquodoboit Harbour Volunteer Fire Department

- C A staff report prepared for George McLellan, Chief Administrative Officer, dated May 6, 2002, regarding the above, was before Council for its consideration.

MOVED by Councillor Streach, seconded by Councillor Hines, that Halifax Regional Council:

1. Authorize the award of Tender #02-016, one (1) Rescue Truck for Musquodoboit Harbour Volunteer Fire Department to the lowest bidder meeting specifications, Metalfab Ltd. at a cost of \$230,890.27 (tax included) with funding provided as outlined in the Budget Implications Section of the staff report dated May 6, 2002.
2. Council approve an increase in Capital Account #CVJ00167 in the amount of \$51,123.99 with funding provided as outlined in the Budget Implications Section of the staff report dated May 6, 2002. All prices include the non-refundable portion of the HST. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.2.2 Tender 02-201, Overhead Crosswalk Lights, Western Region

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, dated May 14, 2002, regarding the above, was before Council for its consideration.

MOVED by Councillor Sarto, seconded by Councillor Fougere, that Council award Tender No. 02-201, RA-5 Overhead Crosswalk Lights - West Region to Black & MacDonald Limited for materials and services listed at the unit prices quoted for a Tender Price of \$95,105.00 plus net HST from Capital Account CTR00420, RA-5 Replacement, with funding authorized as per the Budget Implications Section of the staff report dated May 14, 2002.

Councillor Uteck requested that Overhead Crosswalk Lights #6 and #7 be deferred until staff responds to the petition served a few weeks ago regarding these intersections. It was agreed that the tender would go forward and staff would examine these two specific locations.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.3 Tender 02-202, Paving Renewals, Western Region

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

MOVED by Deputy Mayor Harvey, seconded by Councillor Goucher, that Council award Tender No. 02-202 Paving Renewals - West Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$558,260.00 plus net HST from Capital Accounts CYR00991 - Paving Renewals, CZR00357 - Resurfacing and CKU00141 - Sidewalk Renewals, with funding authorized as per the Budget Implications Section of the staff report dated May 14, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.4 Tender 02-214, New Sidewalk - Purcells Cove Rd. - Western Region

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

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

- 1. Approve the recovery of Local Improvement Charges for the new concrete sidewalk and new concrete curb and gutter on Purcells Cove Road, in the amount of \$35,556.00 through frontage charges based on 2002/03 rates approved by Council.**
- 2. Award Tender No. 02-214, New Sidewalk - Purcells Cove Road - West Region to Ocean Contractors Ltd. for materials and services specified at the unit**

prices quoted for a Tender Price of \$81,180.00 plus net HST from Capital Account CJR00956, New Sidewalks, with funding authorized as per the Budget Implications Section of the staff report dated May 15, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.5 Tender 02-217, Evans Avenue, Paving & Watermain Renewal

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

MOVED by Councillor Walker, seconded by Councillor Mosher, that Council:

1. **Approve the recovery of Local Improvement Charges for the replacement of asphalt curb with new concrete curb and gutter on Evans Avenue in Halifax, by an amount of \$5,083.00 to be applied to the general area rate of District 15.**
2. **Approve an increase in the Gross Budget for Capital Account No. CYR00991, Paving Renewal Program, by \$65,430.00 with no change in the Net Budget to cover the cost of the Watermain Renewal on Evans Avenue.**
3. **Award Tender No. 02-217, Paving Renewal and Watermain Renewal - Western Region to J. R. Eisener Contracting Limited for materials and services listed at the unit prices quoted for a tender price of \$191,940.00 plus net HST from Capital Account CYR00991, Paving Renewal, with funding authorized as per Budget Implications Section of the staff report dated May 14, 2002.**

Councillor Cooper requested that staff provide clarification on the Budget Implications Section of the report for this tender and the following one (Tender 02-227) as they contained the exact same figures.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.6 Tender 02-227, Paving Projects - Wardour St. and Campbell Dr.

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

MOVED by Councillor Goucher, seconded by Councillor Warshick, that Council:

1. **Approve the recovery of Local Improvement Charges for the replacement of asphalt curb with concrete curb and gutter on Campbell Drive in the amount of \$21,920.00 to be applied to the area rate of District 21.**
2. **Award Tender No. 02-227, Paving Projects - Wardour Street and Campbell Drive - Central Region to Dexter Construction Company Limited for materials and services specified at the unit prices quoted for a Tender Price of \$373,960.00 plus net HST with funding from Capital Accounts CYR00999, Paving Renewal and CZR00357, Paving Resurfacing authorized as per the Budget Implications Section of the staff report dated May 14, 2002. MOTION PUT AND PASSED UNANIMOUSLY.**

10.2.7 Tender 02-232, Resurfacing - Almon St. & Connaught Ave.

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

MOVED by Councillor Fougere, seconded by Councillor Sarto, that Council award Tender No. 02-232, Resurfacing - Almon Street and Connaught Avenue - West Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$391,200.00 plus net HST from Capital Account CZR00357, Resurfacing, with funding authorized as outlined in the Budget Implications Section of the staff report dated May 14, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.8 Tender 02-233, Retaining Wall - Herring Cove Rd, Alex St. & Adelaide Ave, Western Region

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

MOVED by Councillor Adams, seconded by Councillor Walker, that Council award Tender No. 02-233, Retaining Wall - Herring Cove Road, Alex Street and Adelaide Avenue - West Region to W. Eric Whebby Limited for materials and services listed at the unit prices quoted for a Tender Price of \$60,150.00 plus net HST from Capital Account CRU00231, Other Road Related Works, with funding authorized as per the Budget Implications Section of the staff report dated May 14, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.9 Tender 02-234, Sidewalk Renewals, Western Region

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

MOVED by Councillor Fougere, seconded by Councillor Hetherington, that Council award Tender No. 02-234 Sidewalk Renewals - West Region to Precision Concrete Services Limited for materials and services listed at the unit prices quoted for a Tender Price of \$145,005.25, plus net HST from Capital Account CKU00141, Sidewalk Renewals, with funding authorized as per the Budget Implications Section of the staff report dated May 14, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.10 Tender 02-238, Quigley's Corner Forcemain, Phase III, Eastern Region

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

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Council award Tender No. 02-238, Quigley's Corner Forcemain, Phase III, East Region, to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$478,500.00 plus net HST from Capital Account CSR00804, Quigley's Corner Forcemain, Phase III with funding authorized as per the Budget Implications Section of the staff report dated May 14, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.11 RFP02-028, Greenfield Area Servicing Analysis

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

MOVED by Councillor Warshick, seconded by Councillor Streach, that Council award RFP02-028, Greenfield Area Servicing Analysis to the highest ranking proponent CBCL, in the amount of \$130,416.00 plus net HST for a total of \$138,800.00 with funding from Capital Account CDS00101, Capital Cost Contribution Area Studies, as outlined in the Budget Implications Section of the staff report dated May 15, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.12 First Reading By-Law L-301 Respecting Lot Grading

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

On behalf of Councillor Whalen, Councillor Cunningham put forth the following motion:

MOVED by Councillor Cunningham, seconded by Councillor Walker, that Council give First Reading to By-Law L-301 Respecting Lot Grading. MOTION PUT AND PASSED UNANIMOUSLY.

At this time, Council agreed to address Item 12.1 Tender 02-208, Main Artery Patching.

12.1 Tender 02-208, Main Artery Patching

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

MOVED by Councillor Fougere, seconded by Councillor Sloane, that Council award Tender No. 02-208, Main Artery Patching - East, West and Central Regions to Dexter Construction Company Limited for materials and services specified at the unit prices quoted for a Tender Price of \$725,118.00 plus net HST from Capital Accounts CZR00355, Main Artery Patching with funding authorized as per the Budget Implications Section of the staff report dated May 21, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.13 Main Street Widening / Sobeys' Development Agreement, Westphal

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

MOVED by Councillor Cooper, seconded by Councillor Colwell, that Halifax Regional Council authorize payment to Sobeys in the amount of \$77,162.35 plus net HST for the construction of a fifth lane on Main Street in the vicinity of the new Sobeys store at Main Street and Panavista Drive from Capital Account CTR00531, Main Street Study Recommendations, with funding authorized as per the Budget Implications Section of the staff report dated May 14, 2002.

Councillor Sarto requested that staff look at the potential for significantly increased traffic on Ridgecrest Drive and that he be involved in this review.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.14 Road Maintenance Outside the Urban Core Boundary

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

MOVED by Councillor Rankin, seconded by Councillor Adams, that Halifax Regional Council instruct:

- 1. Staff to meet with NSTPW, to explore the possibilities to redefining Agreement HRM - 01 to restore the "revenue neutral" basis of the**

agreement, and to include respective maintenance service standards as part of the agreement.

2. **Staff to explore the expansion of the urban core boundary, in consultation with NSTPW and on a revenue neutral basis, to address the present inventory (as well as a mechanism to address future inventories) of HRM owned roads outside the urban core resulting from new residential development.**

Councillor Adams requested that staff provide further information as to why Sambro Loop did not meet the criteria. Councillor Johns requested that staff look at including, under HRM's mandate, the 2.5 kilometers on both sides of District 19 which are currently the responsibility of the Province.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.15 Area Rated Operating & Capital Budgets for Fiscal 2002/03

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

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

1. **The Resolution for Approval of Area Rates for Fiscal 2002/03 (Appendix A of the staff report dated May 14, 2002) including the attached Schedule of Area Rates (Appendix B) be approved; and,**
2. **The capital projects as summarized in Appendix D and detailed in Appendix E for the area-rated fire departments be approved to commence in fiscal year 2002/03.**

In response to a question of Councillor Cooper, Mr. Gordon Roussel, Budget Coordinator, Financial Planning, noted there was an error in the report and the Commercial Rate for Sidewalk Plowing for the Urban Core and Waverley, Rall River, should read 0.020. Mr. Roussel also noted that staff were recommending that the Area Rate for the Hubbards Recreation Centre stay at 0.031 rather than being increased to 0.034 as stated in the report. Both the Mover and Secunder of the motion agreed to these changes. The amended motion now read as follows:

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

1. **The Resolution for Approval of Area Rates for Fiscal 2002/03 (Appendix A of the staff report dated May 14, 2002) including the attached Schedule of Area**

Rates (Appendix B) be approved; with the amendment that the Area Rate for the Hubbards Recreation Centre stay at 0.031, and that the Commercial Rate for Sidewalk Plowing for the Urban Core and Waverley, Rall River, read 0.020; and,

2. The capital projects as summarized in Appendix D and detailed in Appendix E for the area-rated fire departments be approved to commence in fiscal year 2002/03. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.16 New Area Rate for Mineville Community Association

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

MOVED by Councillor Colwell, seconded by Councillor Streach, that a flat rate of \$20.00 per household be approved to be applied against the properties within the mapped area depicted in Appendix A of the staff report dated May 15, 2002, effective with the 2002/03 fiscal year for the purpose of enabling the Mineville Community Association to increase and develop parkland and other recreational amenities within the community of Mineville. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.17 New Area Rate for Beaver Bank Recreation Centre

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

MOVED by Councillor Johns, seconded by Councillor Goucher, that:

1. Capital Project CB200399 for the Beaver Bank Recreation/Community Centre, as described in Appendix A of the staff report dated May 15, 2002, be approved in the amount of \$900,000 and added to the 2002/03 Capital Budget; and
2. An area rate of \$0.07 per \$100 of assessed value be approved to be applied against the properties within the mapped area depicted in Appendix B of the staff report dated May 15, 2002, effective with the 2002/03 fiscal year for the purpose of financing the construction and on-going operating costs of the Beaver Bank Community/Recreation Centre. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.18 Award RFP 02-151, Consulting Services Beaver Bank / Kinsac Firehall and Community Centre

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

MOVED by Councillor Johns, seconded by Councillor Hetherington, that Council award RFP 02-151, Architectural Consulting Services Beaver Bank/Kinsac Fire Hall and Community Centre to AMEC for a Tender Price of \$121,500.00 plus net HST from Capital Account CBF00444 Station Replacement and CB200399 Beaver Bank Community Centre, with funding authorized as per the Budget Implications Section of the staff report dated May 6, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.19 Capital District Not for Profit Society

This item was addressed earlier in the meeting.

10.2.20 Private Members Bill - Property Located in Seaforth

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

MOVED by Councillor Colwell, seconded by Councillor Hines, that Regional Council notify the solicitor for Service Nova Scotia and Municipal Relations that Halifax Regional Municipality does not object to the Private Members Bill which will enable subdivision of the Taker Estate into three lots pursuant to Mr. Taker's will. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.21 Case 00471 - Bedford Municipal Planning Strategy and Land Use By-law Amendment - 14 Doyle Street

This item was addressed earlier in the meeting (Page 16).

10.3 MEMBERS OF COUNCIL

10.3.1 Councillor Goucher (i) Theodore Tug Boat

Councillor Goucher spoke about an issue raised recently in the Nova Scotia Legislature with respect to efforts being undertaken to keep Theodore Tug Boat in Halifax Harbour. The Councillor stated the Municipality can help to bring all parties together to explore ways to keep the Tug Boat in Halifax and put forth the following motion:

MOVED by Councillor Goucher, seconded by Councillor Rankin, that HRM investigate the existing possibilities of keeping Theodore Tug Boat in Halifax Harbour; and, that, through the Mayor's Office, a "Save Theodore Tug Boat" Fund

be established so that private enterprise, the general public and government can get together to try to coordinate an effort to keep Theodore Tug Boat in HRM. MOTION PUT AND PASSED UNANIMOUSLY.

(ii) Use of Credits Cards for Tax Payments

MOVED by Councillor Goucher, seconded by Councillor Sloane, that this matter be referred to staff for a report regarding the use of credit cards for tax and other payments relative to the Municipality. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

12. ADDED ITEMS

12.1 Tender 02-208, Main Artery Patching

This item was addressed earlier in the meeting (Page 21).

12.2 Capital District Vision Report

C This matter was discussed at a Committee of the Whole session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Sloane, seconded by Councillor Uteck, that:

- 1. The Capital District Vision Report guide business planning.**
- 1. HRM seek endorsement in principle of the Capital District Vision Report at the Provincial and Federal levels.**
- 3. The future use of the Cogswell Interchange site, identified in the Vision Report as the number one priority for a signature project, be planned in the context of an open public process, respectful of Vision input. Further, that staff will report back with a process outlining the process for the Cogswell Street Interchange. MOTION PUT AND PASSED UNANIMOUSLY.**

12.3 Property Matter - Harbour City Homes Request - North Mews as Affordable Housing

C 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 Sloane, that:

1. Council decline the request of Harbour City Homes, and not sell the municipally owned 50% portion of the North Mews land, known as lot AM23, for a less than market value to Harbour City Homes for the reasons outlined in this report.
2. Council further authorize staff to explore joint options with CMHC for the market sale of the North Mews property.
3. Council approve the immediate release to the public of this report. MOTION PUT AND PASSED.

12.4 Property Matter - Acquisition of Collector Road Corridor, Berry Hill Village

- C 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 Johns, seconded by Councillor Goucher, that:

1. Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Anahid Investments Limited for the purchase of portions of PID #41027392, PID#41027376, PID#40848376, PID#40848616, PID#41031857 and PID#41031840, to be purchased in the amount of \$178,000, from the Sale of Land Reserve Account #Q101, based on the key business terms and conditions outlined in this report;
2. Council not release the contents of this report until the transaction has closed. MOTION PUT AND PASSED UNANIMOUSLY.

12.5 Property Matter - Eastern Shore Recreation Centre

- C 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:

1. Halifax Regional Council authorize an increase to the 2002-03 Capital Budget of \$235,000 for the purchase of the Eastern Shore Recreation Centre and Rink. Funding to be identified, from the General Rate, by staff, consistent with the double entry principle through a report at a later date.
2. Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Eastern Shore Recreation

Commission for the purchase of Eastern Shore Recreation Centre as set out in the Terms and Conditions and Budget Implications Section of this report;

- 3. Halifax Regional Municipality enter into a Management Agreement with the Eastern Shore Community Association Board of Directors for the operation of the facility with the key terms and conditions to be negotiated; and**
- 4. This report not be released to the public until the transaction closes.**

Some Councillors expressed concern with the legality of the motion, stating the staff report identifying the funding should be received before this is approved.

MOVED by Councillor Johns, seconded by Councillor Hetherington, that this matter be deferred for one week pending a staff report identifying from where the funds will come for this project.

Mr. Wayne Anstey, Municipal Solicitor, stated the main motion is a conditional motion and while it expresses intent to do something, it will not be complete until the report addresses the funding. Mr. George McLellan, Chief Administrative Officer, noted that Council has approved similar motions in the past. Ms. Dale MacLennan, Director, Financial Services, added that, on at least two occasions in the past, staff have been directed to identify funding at a later date. She noted the project is an approved one, and the only thing being questioned is from where it will be funded.

The vote was taken on the motion to defer.

MOTION DEFEATED.

The vote was then taken on the main motion.

MOTION PUT AND PASSED.

At this time, Councillor Hetherington served a **NOTICE OF MOTION OF RECONSIDERATION**, seconded by Councillor Johns.

12.6 Councillor Sarto - Gravel Truck Spillage

Councillor Sarto expressed concern about the spillage of gravel from two trucks on Day Avenue and Carver Street. The Councillor noted there is a Dartmouth By-Law that states such trucks have to be covered by canvas or some other material to prevent spillage, and put forth the following motion:

MOVED by Councillor Sarto, seconded by Councillor Hetherington, that the Mayor send a letter to the Inspectors to make staff aware of the By-Law in Dartmouth to protect further similar incidents. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

This item was addressed earlier in the meeting.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 9:00 p.m.

Jan Gibson
Deputy Municipal Clerk