

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES October 29, 2002

PRESENT:

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

STAFF:

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

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1. **INVOCATION**

The meeting was called to order at 6:00 p.m. with the Invocation being led by Councillor Goucher.

2. **APPROVAL OF MINUTES - NONE**

RECOGNITION OF LARRY UTECK ON RECEIVING THE ORDER OF CANADA

Councillor Rankin referred to the national recognition and honor bestowed upon Mr. Larry Uteck upon receiving the Order of Canada. Councillor Rankin went on to indicate that locally Mr. Uteck's service to the community has been well known for some time and that it was wonderful to see this service recognized nationally. In conclusion, Councillor Rankin congratulated former Deputy Mayor Uteck emeritus on receiving this prestigious award.

His Worship the Mayor added his congratulations to Mr. Uteck and his family.

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

Additions

11.1 Councillor Goucher - Use of Recreation Playing Fields

11.2 2010 Commonwealth Games

Mr. McLellan referred to the matter raised last week by Councillor Streach regarding the designation of all areas within HRM's boundary as a single local dialing zone and noted that staff has been requested to prepare a report. Mr. McLellan went on to note that pending the development of that report, staff has forwarded a letter to Aliant asking for the information in this regard. Mr. McLellan asked for Council's indulgence in this slight liberty and noted that a report will come to Council once the information has been received.

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

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RECISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS** - None

8. **CORRESPONDENCE, PETITIONS & DELEGATIONS**

8.1 **Correspondence** - None

8.2 **Petitions**

8.2.1 **Petition - Councillor Mosher - Parking Concerns at QEII Health Care Sciences Centre**

Councillor Mosher submitted a petition on behalf of staff of the QEII containing approximately 679 signatures which expresses concern that there will not be adequate staff parking at the QEII Health Care Sciences Centre while the new parking structure is being built on Robie Street. The petition requests that HRM issue permit parking for staff of the QEII in order to meet the following objectives:

1. To make previously non-accessible parking (i.e. No parking and/or 2 hour parking streets) available to QEII staff members
2. To allow QEII staff to park on the designated streets during winter storm days (2003) if staff are unable to secure underground parking due to visitor and patient demand.

8.2.2 **Petition - Councillor Smith - Acquisition of the Shannon Park Fields for Continued Use in Sport**

Councillor Smith submitted a petition on behalf of the Dartmouth Soccer Community urging the Government of Canada, the Province of Nova Scotia and HRM to negotiate with Canada Lands to acquire the Shannon Park Field for the continued use as a sports field.

Councillor Sarto requested that all members of Council receive a copy of the wording of the petition.

8.3 **Presentation**

8.3.1 **Parking Issues - QEII Health Care Sciences Centre - (i) Donna Langille (ii) Sandra Scott**

Ms. Donna Langille and Ms. Sandra Scott made a presentation to Council relative to a lack of parking for staff, visitors and patients at the Queen Elizabeth Health Care Sciences Centre, with a primary focus on staff. In her presentation, Ms. Langille, described the present situation with regard to parking at the QEII Health Care Sciences Centre. Ms. Scott's presentation outlined the objectives of this presentation and the proposed solutions both temporary and long term. A copy of the presentation is on file.

His Worship thanked Ms. Langille and Ms. Scott for their presentation.

MOVED by Councillor Hetherington, seconded by Councillor Sloane that this presentation be referred to staff for a report responding to the presentation and further that the report come back to Council in two weeks.

Councillor Uteck, referring to supplementary staff report dated October 15, 2002 regarding the overnight parking ban, noted that this report indicated that QEII administrators had given HRM staff to understand that all overnight parking associated with the hospitals can be fully accommodated off street, even during parkade construction activities. Councillor Uteck requested that staff respond as to why there are conflicting opinions with regard to this issue.

Councillor Mosher requested that the report not only assess the comments made by the presenters, but also bring forward any other appropriate recommendations. She went on request that staff specifically assess the Trollop Street recommendation. The Councillor further requested that Public Works comment on whether they could have their snow program complete on these busy streets by 6:30 a.m to 6:45 a.m. in order to accommodate people arriving for work at 7:00 a.m.

Councillor Cooper noted that this report provides an opportunity to address the issue of 24 hour operations over all of HRM.

Councillor Sloane requested that staff speak with Metro Transit regarding the proposal that direct transit from a central location be provided which will accommodate staff shift work.

Councillor Colwell asked that the report address the possibility of using shuttle buses to the hospitals.

Councillor Sarto expressed concern that parking for visitors be maintained within the solutions found.

Councillor Blumenthal, noting the cost of Metro Transit providing shuttle service, suggested that hospital administration should look into trying to arrange a private shuttle service for their employees.

Councillor Goucher requested that staff investigate the possibility of space being allocated, on an interim basis, in the old Ultramar building. He noted that there was a four (4) to six (6) storey parkade in that building which appears not to be fully utilized at this time.

After a further brief discussion, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

9. REPORTS

9.1 Private Roads Committee

9.1.1 Capital Budget Funding for Takeover of Private Roads

- A report dated October 24, 2002 submitted by Councillor Stephen Adams, Chair, Private Roads Committee, was before Council for consideration.

MOVED by Councillor Adams, seconded by Councillor Colwell that staff provide a report regarding the possibility of including a \$500,000 annual allocation in the Capital Budget to upgrade private roads throughout HRM on a cost sharing basis (75% residents/25% HRM).

A discussion ensued with Councillor Cunningham requesting that staff take into consideration the deplorable state of roads in the core and noted that he would not be in favour of diverting money to upgrading private roads when there is such a need in the core area.

Councillor Cooper, noting that this would in essence be a new program within the Municipality, requested that the report contain information on the criteria of the takeover, how the streets would be chosen, whether there would have to be services placed in the street, and who would buy the property in order to meet the standard of a either a 50 or 60 foot right of way.

Councillor Colwell, providing background, advised that the intent was to bring the roads up to HRM standard in order that they could then be taken over by HRM as an HRM street.

Councillor McInroy, indicating that he would be supporting the motion, noted that many of the private roads in Halifax have become common travel roads for the public. He requested that staff look at the possibility of grandfathering private roads that existed prior to amalgamation that are constrained from being upgraded to HRM standard (e.g. inability to achieve required right of way) even if the residents are willing for the road to be upgraded.

After a further brief discussion, the **MOTION WAS PUT AND PASSED.**

9.2 CHIEF ADMINISTRATIVE OFFICER

9.2.1 Request for Proposal 02-127 for Archaeological Mitigation of Resources Contained Within the Proposed Site of the Halifax Wastewater Treatment Plant

- A staff report dated October 24, 2002 submitted by George McLellan, Chief Administrative Officer was before Council for consideration. Staff was recommending:

“that the Request for Proposal #02-127 for Archaeological Mitigation of Resources Contained Within the Proposed Site of The Halifax Wastewater Treatment Plant (Bounded by Barrington, Cornwallis and Upper Water Streets) be awarded to Saint Mary’s University based on the attached evaluation criteria (Appendix “A”). The estimated cost of \$230,000.00 plus net HST will be funded from Capital Account CSE00386, as per the Budget Implications section of this report.”

Following a questioning of staff relative to the Request for Proposals, Councillor Hines expressed concern that the bid was being granted to a public sector entity when the private sector bidder price was so much lower. He went on to note that, as indicated by staff, both proposals were considered acceptable by the Nova Scotia Museum (i.e. capable of doing the work). He further suggested that the private sector bidder would likely employ a student and that student would receive compensation for his/her work.

MOVED by Councillor Hines, seconded by Councillor Streach that the Request for Proposal #02-127 for Archaeological Mitigation of Resources Contained Within the Proposed Site of The Halifax Wastewater Treatment Plant (Bounded by Barrington, Cornwallis and Upper Water Streets) be awarded to Cultural Resource Management Group (CRM).

In response to a question from Mayor Kelly regarding price, Mr. Kroger indicated that the price for CRM is \$30,000 to \$50,000 less than Saint Mary’s University. However, the bid from Saint Mary’s University was superior in terms of the technical evaluation. Clarifying, the price, Mr. Kroger estimated the CRM bid price would be \$180,000 to \$190,000.

Councillor Streach, as seconder to the motion, indicated that he supported the comments made by Councillor Hines and noted that CRM had done the work on the first two stages of this project.

A discussion and further questioning of staff ensued with Councillor Rankin noting that both teams were aware of the criteria prior to tendering and agreed that only 20% of the possible points would be assigned to cost. He went on to indicate that there does not appear to be any suggestion that the integrity of the process was flawed and cautioned that Council may be opening itself to legal action. Councillor Rankin requested that the Solicitor provide an opinion on the possibility of legal action and further requested a Recorded Vote on the motion.

Based upon advice from the Chair that a response from the Solicitor would require that Council move In Camera, it was **MOVED by Councillor Rankin, seconded by Councillor Uteck that the further discussion of the matter be deferred pending completion of the remainder of the agenda at which time Council will move In Camera to hear the opinion of the Solicitor with regard to legal action.**

After a further brief discussion, the **MOTION TO DEFER WAS PUT AND DEFEATED.**

In response to a question from Councillor Uteck as to whether this matter will be a legal issue for the taxpayer, Mr. Anstey indicated that with the tender process or an RFP, the rules are set out in the document and the expectation is that the rules will be followed in the judging of the proposals. If Council departs from these rules, it does so at its own jeopardy. Mr. Anstey went on to indicate that a legal challenge could take place. Further clarifying, Mr. Anstey indicated that the recommendation was in accordance with the RFP and the motion on the floor is not.

After a further debate it was **MOVED by Councillor Blumenthal, seconded by Councillor Cunningham that the question be now put.**

Providing clarification regarding the bids, Mr. Dan Norris, a member of the review team, advised that the involvement of the Nova Scotia Museum had been limited to confirming that the individuals involved in the two proposal were qualified archaeologists. He went on to note that the CRM proposal was missing two components which had been included in the Request for Proposal. Mr. Norris commented that this explains the difference in price. He went on to explain that the CRM proposal indicated that they would take finds from the site and bag them, while the Saint Mary's proposal indicated that they would take the finds from the site to the laboratory, analyze them, put them on display in the museum and provide for storage at the museum. Mr. Norris indicated that these required components which were included in the call, were not included in the CRM proposal.

A discussion ensued regarding the appropriate conduct of the meeting given the above motion 'that the question be now put'. Note was made that there was ambiguity as to whether Section 52 or Section 49 of Administrative Order 1 applied in this instance. Given past practice, Section 52, which states in part, "*A motion to call for the question shall preclude any further amendments to and debate on the main question*", was applied.

The **MOTION CALLING FOR THE QUESTION WAS PUT AND PASSED.**

His Worship requested that legal staff bring forward the appropriate amendments to Administrative Order 1 to ensure that the ambiguity experienced this evening would not occur again.

As requested earlier in the meeting, a recorded vote was taken, as follows:

MOVED by Councillor Rankin, seconded by Councillor Uteck that the Request for Proposal #02-127 for Archaeological Mitigation of Resources Contained Within the Proposed Site of The Halifax Wastewater Treatment Plant (Bounded by Barrington, Cornwallis and Upper Water Streets) be awarded to Cultural Resource Management Group (CRM).

Those voting **in favour** of the motion were: Mayor Kelly and Councillors Streach, Hines, Colwell, Cooper, McInroy, Sarto, Hetherington, Smith, Blumenthal, Sloane, Mosher, and Goucher.

Those voting **against** the motion were: Deputy Mayor Harvey and Councillors Warshick, Cunningham, Uteck, Fougere, Walker, Whalen, Adams, Rankin and Meade.

Councillor Johns was absent from the Chamber at the time the motion was put.

MOTION PUT AND PASSED.

(13 voting in favour of the motion, 10 voting against the motion, 1 absent).

9.2.2 Appointment of Building Inspectors

- A staff report dated October 22, 2002 submitted by George McLellan, Chief Administrative Officer was before Council for consideration.

After a brief questioning of staff, it was **MOVED** by Councillor Hetherington, seconded by Councillor Smith that Regional Council appoint the staff included in Appendix A of the October 22, 2002 report as Building Inspectors, pursuant to Sections 5(2) of the Nova Scotia Building Code Act. **MOTION PUT AND PASSED UNANIMOUSLY.**

9.2.3 Residential On-Street Parking Policy - By-Law P-1000

- A staff report dated October 22, 2002 submitted by George McLellan, Chief Administrative Officer, was before Council for consideration.

Ms. Kenda MacKenzie, P. Eng., Development Engineer, utilizing Corel Presentations, made a presentation with regard to the proposed Residential On-Street Parking Policy. A copy of the presentation is on file.

MOVED by Councillor Fougere, seconded by Councillor Uteck that Regional Council approve the Residential On-Street Parking Policy as outlined in the October 22, 2002 staff report.

A debate ensued with Councillors making the following points:

- The policy attempts to provide a balance between residents and non-residents as it relates to on street parking (e.g. permit parking and timed parking)
- Concern expressed regarding residential exemptions (residents required to pay \$30 per year to park on their own street). At the present time exemptions are granted at no cost to residents in Dartmouth and the Councillor would not like to see residents having to pay for these exemptions
- Given the lack of enforcement resource, staff consider deleting two hour parking.
- The greatest challenge is transportation and more emphasis needs to be placed on transit services (i.e. Park and Ride). There is a need for Park and Ride parking lots outside the core, and a reliable and fast transit service to downtown
- Comment that one of the situations adding to the problems being experienced with parking is approval of developments without a requirement for off street parking. Will staff be recommending a policy requiring off street parking relative to new development?
-

Given the debate generated by this report, it was **MOVED by Councillor Adams, seconded by Councillor Johns that further consideration of this matter be referred to a Committee of the Whole Council to allow an opportunity for a more full debate of the issues. MOTION PUT AND PASSED UNANIMOUSLY.**

10. **MOTIONS** - None

11. **ADDED ITEMS**

11.1 **Councillor Goucher - Use of Recreation Playing Fields**

Councillor Goucher referred to a communication he had received from a local coach regarding the poor condition of the playing field at C.P. Allen School. In fact, the field was in such poor condition it had become unsafe. The Councillor noted that poor field conditions were common throughout HRM as a result of a lack of attention due to budgetary restraints. Councillor Goucher went on to note that although Council has recently approved construction of two artificial fields, there is a lack of facilities which Council must address.

MOVED by Councillor Goucher, seconded by Councillor Mosher that staff bring back a report addressing the poor condition of fields and concerns expressed by the sporting community.

Mr. McLellan indicated that it would be appropriate for staff to report as to capacity, as well as, the responsibility of other agencies in maintaining playing fields (i.e. the School Board).

Councillor Fougere requested that the report address the issue of private sponsorship relative to the maintenance of playing fields.

The **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

11.2 2010 Commonwealth Games

- This item 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 Rankin that Council give full endorsement to Mr. Fred MacGillivray and the Committee to move forward to obtain the approval for the Canadian bid for the 2010 Commonwealth Games.
MOTION PUT AND PASSED UNANIMOUSLY.**

12. NOTICES OF MOTION

12.1 Notice of Motion - Councillor Goucher re Amendment to Administrative Order 1 - Clarification of Ambiguity in Sections 49 and 52 Relative to a Motion to "Call for the Question"

Councillor Goucher gave Notice of Motion of his intention, at the next meeting of Halifax Regional Council to be held on Tuesday, November 12, 2002, to introduce an amendment to Administrative Order 1 to clarify the ambiguity in Section 49 and Section 52 of that Administrative Order respecting the motion to "call for the question".

13. ADJOURNMENT

There being no further business, the meeting adjourned at 8:45 p.m.

Jan Gibson
Deputy Municipal Clerk