

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL MINUTES September 9, 2003

PRESENT:

Mayor Peter J. Kelly  
Deputy Mayor Harry McInroy  
Councillors: Steve Streach  
Ron Cooper  
Brian Warshick  
Condo Sarto  
Bruce Hetherington  
John Cunningham  
Dawn M. Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Linda Mosher  
Stephen D. Adams  
Len Goucher  
Reg Rankin  
Gary G. Meade

ABSENT WITH  
REGRETS:

Councillors: Jim Smith  
Jerry S. Blumenthal  
Brad Johns  
Robert P. Harvey

STAFF:

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

**Table of Contents**

|       |  |   |
|-------|--|---|
| 1.    | INVOCATION .....   | 4 |
| 2.    | APPROVAL OF MINUTES - NONE .....   | 4 |
| 3.    | APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS<br>AND DELETIONS .....                       | 4 |
| 4.    | BUSINESS ARISING OUT OF THE MINUTES .....  | 5 |
| 5.    | MOTIONS OF RECONSIDERATION - NONE .....  | 5 |
| 6.    | MOTIONS OF RESCISSION - NONE .....   | 5 |
| 7.    | CONSIDERATION OF DEFERRED BUSINESS - NONE .....  | 5 |
| 8.    | CORRESPONDENCE, PETITIONS & DELEGATIONS .....  | 5 |
| 8.1   | Correspondence - None .....  | 5 |
| 8.2   | Petitions .....  | 5 |
| 8.2.1 | Councillor Goucher - District 2 - School Bus Service .....   | 5 |
| 8.2.2 | Councillor Rankin - Abbey Road .....   | 5 |
| 9.    | REPORTS .....  | 6 |
| 9.1   | CHIEF ADMINISTRATIVE OFFICER .....   | 6 |
| 9.1.1 | Tender 03-233, Fairmount Storm Drainage, Arlington Avenue and<br>Milsom Avenue - West Region .....       | 6 |
| 9.1.2 | Tender 03-254, Paving Renewals and New Sidewalk - Bissett Road and<br>Dorothea Drive - East Region ..... | 6 |
| 9.1.3 | Tender 03-270 , Paving Renewals - West Region .....  | 7 |
| 9.1.4 | Cost Sharing Agreement, Lacewood Drive and Highway 102<br>Interchange Upgrades .....                     | 7 |
| 9.1.5 | Special Elections - HRM Districts 2, 3 & 16 .....  | 8 |
| 9.2   | REGIONAL PLANNING COMMUNITY STAKEHOLDER COMMITTEE ...  | 8 |
| 9.2.1 | Regional Planning Workbook .....   | 8 |
| 9.3   | MEMBERS OF COUNCIL .....   | 8 |
| 9.3.1 | Councillor Warshick - Expression of Interest for Purchase of Surplus<br>Submarine for HRM .....          | 8 |
| 9.3.2 | Councillor Uteck - Proposed Amendment to By-Law N-200 Respecting   |   |

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|      |  |    |
|------|--|----|
|      | Noise .....  | 9  |
| 10.  | MOTIONS .....  | 9  |
| 11.  | ADDED ITEMS .....  | 9  |
| 11.1 | Councillor Adams - Tax Bills and Area Rates .....  | 9  |
| 11.2 | Councillor Adams - Riverview Children's Centre - Temporary Alternate Accommodations .....                                    | 10 |
| 11.3 | Deputy Mayor Harry McInroy - Transit Service to the Atholea Drive, Pearl Drive, Amethyst Crescent area of Cole Harbour ..... | 10 |
| 11.4 | Councillor Rankin and Councillor Meade - Paving Outside Core Area - Cost Sharing with DOT .....                              | 10 |
| 11.5 | Proposed Revised Regional Council Schedule .....   | 11 |
| 11.6 | Interim Tender Approval .....  | 11 |
| 11.7 | Property Matter - Former Greenvale School - 130 Ochterloney Street ...   | 12 |
| 11.8 | Councillor Streach - Withdrawal from District 3 Discretionary Fund .....   | 12 |
| 12.  | NOTICES OF MOTION .....  | 12 |
| 12.1 | Councillor Cunningham - First Reading By-Law L-113, the Highway 111 - Micmac Blvd. Improvement Project .....                 | 12 |
| 13.  | ADJOURNMENT .....  | 13 |

**1. INVOCATION**

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

**ACKNOWLEDGMENTS**

Later in the meeting, Councillor Rankin acknowledged the presence in the gallery of The Honourable Barry Barnett, Minister of Service Nova Scotia and Municipal Relations, Minister of African Nova Scotian Affairs and Minister responsible for the Residential Tenancies Act.

Minister Barnett briefly addressed Council stating it is important that HRM, the Province and the federal government work together to bring about positive change. Therefore, he stated he will be working to develop a closer relationship between the Province and its municipalities. The Minister noted he is currently touring the province meeting as many mayors and councils as possible and would like to meet with HRM Council in the near future.

Later in the meeting, Councillor Meade acknowledged the presence in the gallery of Mr. Bill Estabrooks, MLA, Timberlea - Prospect.

On behalf of Council, Councillor Sloane extended best wishes to Jeffrey Simpson, Halifax Herald, who will be going to London for a year to further his career.

Councillor Cooper recognized the participation and success to date of Mr. Gary Beals, Jr., in *Canadian Idol*. On behalf of Council, Councillor Cooper extended best wishes to Mr. Beals during the remainder of the competition and suggested Council should personally recognize Mr. Beals when it is completed. In response, Mayor Kelly indicated that planning for such an event is currently taking place.

**2. APPROVAL OF MINUTES - NONE**

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

The following items were added to the agenda:

11.1 Councillor Adams - Tax Bills and Area Rates

11.2 Councillor Adams - Riverview Children's Centre - Temporary Alternate Accommodations

11.3 Deputy Mayor Harry McInroy - Transit Service to the Atholea Drive, Pearl Drive,

Amethyst Crescent area of Cole Harbour

- 11.4 Councillor Rankin and Councillor Meade - Paving Outside Core Area - Cost Sharing with DOT
- 11.5 Proposed Revised Regional Council Schedule
- 11.6 Interim Tender Approval
- 11.7 Property Matter - Former Greenvale School - 130 Ochterloney Street
- 11.8 Councillor Streach - Withdrawal from District 3 Discretionary Fund

**MOVED by Councillor Hetherington, seconded by Councillor Cunningham, that the agenda be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.**

- 4. BUSINESS ARISING OUT OF THE MINUTES**
- 5. MOTIONS OF RECONSIDERATION - NONE**
- 6. MOTIONS OF RESCISSION - NONE**
- 7. CONSIDERATION OF DEFERRED BUSINESS - NONE**
- 8. CORRESPONDENCE, PETITIONS & DELEGATIONS**
  - 8.1 Correspondence - None**
  - 8.2 Petitions**
    - 8.2.1 Councillor Goucher - District 2 - School Bus Service**

Councillor Goucher served a petition containing approximately 166 signatures of residents of Wellington/Fletcher's Lake requesting that school bus service to Holland Road Elementary School be reinstated and that Brook Street be upgraded to suitable standards for pedestrians.

**8.2.2 Councillor Rankin - Abbey Road**

Councillor Rankin served a petition from residents of Abbey Road requesting that all construction type vehicles be banned from traveling Abbey Road in Haliburton Heights until

such time as Abbey Road is paved. Further, they requested that appropriate signage be erected at both ends of Abbey Road designating this ban.

The Councillor stated it was his understanding that the Mayor would be meeting with the Minister of Transportation and Public Works, and he requested that the Minister of Service Nova Scotia and Municipal Relations and the area MLA be informed of when this meeting will take place and be included in the discussions.

**9. REPORTS**

**9.1 CHIEF ADMINISTRATIVE OFFICER**

**9.1.1 Tender 03-233, Fairmount Storm Drainage, Arlington Avenue and Milsom Avenue - West Region**

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, dated August 29, 2003, was before Council for its consideration.

**CONFLICT OF INTEREST**

As her residence was on this street, Councillor Mosher declared a Conflict of Interest on this matter and removed herself from the discussion and vote.

**MOVED by Councillor Walker, seconded by Councillor Goucher, that Regional Council:**

- 1. approve an increase to Capital Account No. CGU00465, Fairmount Storm Drainage, in the amount of \$27,698, with funds from Account No. CRESPOOL, as indicated in the budget implications section of the staff report dated August 29, 2003.**
- 2. award Tender No. 03-233, Fairmount Storm Drainage, Arlington Avenue and Milsom Avenue to A.C.L. Construction Limited for materials and services listed at the unit prices quoted for a Tender Price of \$101,192, plus net HST for a total of \$107,698 from Account No. CGU00465, Fairmount Storm Drainage, with funding authorized as per the Budget Implications section of the staff report dated August 29, 2003. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.2 Tender 03-254, Paving Renewals and New Sidewalk - Bissett Road and Dorothea Drive - East Region**

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, dated August 28, 2003, was before Council for its consideration.

**MOVED by Councillor Sarto, seconded by Councillor Hetherington, that Regional Council:**

- 1. Approve the recovery of \$45,567.60 as a general area rate for District 5 for the new concrete curb and gutter and sidewalk on Bissett Road from Civic 65 to Patrick Lane.**
- 2. Award Tender No. 03-254 - Paving Renewals and New Sidewalk- Bissett Road and Dorothea Drive - East Region to Dexter Construction Company Limited for materials and services specified at the unit prices quoted for a Tender Price of \$867,880, plus net HST for a total of \$923,676 from Account Nos. CJR00956, New Sidewalk and CYR00991, Paving Renewal with authorization as per the Budget Implications of the staff report dated August 28, 2003. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.3 Tender 03-270 , Paving Renewals - West Region**

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, dated August 29, 2003, was before Council for its consideration.

**MOVED by Councillor Uteck, seconded by Councillor Fougere, that Regional Council award Tender No. 03-270, Paving Renewals - West Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$599,735, plus net HST for a total of \$638,292 from Account No. CYR00991, Paving Renewal Program, with funding authorized as per the Budget Implications section of the staff report dated August 29, 2003. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.4 Cost Sharing Agreement, Lacewood Drive and Highway 102 Interchange Upgrades**

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, dated September 4, 2003, was before Council for its consideration.

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

1. Approve an increase in the Gross Budget for Account No. CQ200414, Business Parks - Major Intersection Improvements in the amount of \$300,000 with funding as a withdrawal from Account No. Q121, Business/Industrial Parks Expansion Reserve.
2. Authorize the Mayor and Municipal Clerk to sign the attached re-issued cost sharing agreement with the Nova Scotia Department of Transportation and Public Works. MOTION PUT AND PASSED UNANIMOUSLY.

**9.1.5 Special Elections - HRM Districts 2, 3 & 16**

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

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

1. Council accept the resignations of Councillors Hines, Colwell and Whalen from Halifax Regional Council.
2. Approve the appointment of Jan Gibson, Deputy Municipal Clerk, as Returning Officer to conduct the Special Election in Districts 2, 3 and 16 to fill the vacancies on the Halifax Regional Council.
3. Permit the Returning Officer to use in this Special Election the list of electors prepared for the 2003 Provincial Election, as provided for in the Municipal Elections Act.
4. Set the date of Saturday, November 8, 2003 as Ordinary Polling Day. Further, set the first Advance Poll date of Saturday, November 1, 2003. The second Advance Poll day will be Tuesday, November 4, 2003, as is mandatory under the Municipal Elections Act.
5. Approve a withdrawal from the Election Reserve, Q313, in the amount of \$65,000. MOTION PUT AND PASSED UNANIMOUSLY.

**9.2 REGIONAL PLANNING COMMUNITY STAKEHOLDER COMMITTEE**

**9.2.1 Regional Planning Workbook**

With the use of overheads, Dr. Hugh Millward made a presentation to Council regarding the

regional planning workbook. Copies of his presentation were provided to Council.

### 9.3 MEMBERS OF COUNCIL

#### 9.3.1 Councillor Warshick - Expression of Interest for Purchase of Surplus Submarine for HRM

Councillor Warshick requested that the Mayor, on behalf of Council, write a letter to the federal government showing an expression of interest for the possible purchase of one of the retired submarines currently in Halifax Harbour. The Councillor suggested the submarine could be used for tourism purposes, perhaps as part of the new Dartmouth Heritage Museum. He also suggested HRM could approach the Waterfront Development Corporation, the Maritime Museum of the Atlantic, and other interested parties to explore partnership possibilities. Councillor Warshick stated a copy of the letter should be forwarded to the local Members of Parliament to solicit their support for this project as well. He noted that the letter would only be expressing an interest at this time.

**MOVED by Councillor Warshick, seconded by Councillor Cooper, that a letter of expression of interest be sent to the federal government regarding the purchase of a surplus submarine for HRM.**

Councillor Cunningham noted there has been a fair amount of discussion regarding this issue over the past few years among various organizations. The Councillor stated there are a number of questions to be answered and suggested that the motion be deferred pending receipt of a staff report.

**MOVED by Councillor Cunningham, seconded by Councillor Uteck, that this matter be deferred pending a staff report.**

Councillor Hetherington submitted information from Alderney Landing regarding this issue which he requested be referred to staff for their consideration in preparing the report.

The motion to defer was **PUT AND PASSED UNANIMOUSLY.**

#### 9.3.2 Councillor Uteck - Proposed Amendment to By-Law N-200 Respecting Noise

**MOVED by Councillor Uteck, seconded by Councillor Sloane, that Council request a staff report recommending changes to By-Law N-200 Respecting Noise in that the assessed property owner as well as tenants be held responsible for any tickets issued as a result of complaints received in violation of the Noise By-Law. MOTION PUT AND PASSED UNANIMOUSLY.**

10. MOTIONS

11. ADDED ITEMS

11.1 Councillor Adams - Tax Bills and Area Rates

**MOVED by Councillor Adams, seconded by Councillor Goucher, that a staff report be requested regarding what parameters were utilized to determine which residents pay area rates and which residents do not.**

Councillor Rankin stated the area rates captured charges other than transit and this needs to be reviewed. He further stated that, with respect to transit, there was to be reasonable access, but some areas do not have sidewalks, and, therefore, do not have reasonable access to transit. The Councillor requested that this also be addressed in the staff report.

**MOTION PUT AND PASSED UNANIMOUSLY.**

11.2 Councillor Adams - Riverview Children's Centre - Temporary Alternate Accommodations

Councillor Adams advised Council that staff are working on temporary alternate accommodations for the Riverview Children's Centre. He expressed thanks to staff for their work and requested that the Mayor pursue this issue through the Province as well to ensure they are aware of the concerns and determine if there is a way to expedite the matter.

**MOVED by Councillor Adams, seconded by Councillor Mosher, that the Mayor pursue this issue through the Province as well to ensure they are aware of the concerns and determine if there is a way to expedite the matter. MOTION PUT AND PASSED UNANIMOUSLY.**

11.3 Deputy Mayor Harry McInroy - Transit Service to the Atholea Drive, Pearl Drive, Amethyst Crescent area of Cole Harbour

**MOVED by Deputy Mayor McInroy, seconded by Councilor Cooper, that staff thoroughly review the request for transit service to the Altholea Drive, Pearl Drive, Amethyst Crescent area of Cole Harbour and report back directly to the Deputy Mayor. MOTION PUT AND PASSED UNANIMOUSLY.**

11.4 Councillor Rankin and Councillor Meade - Paving Outside Core Area - Cost Sharing with DOT

Councillor Meade stated that in 1999, the residents of Country Lake Drive in District 3, MacDonald Lake Drive and Bayview Drive in District 23 and Minna Drive and Cheshire Lane and Paddington Way in District 22 were petitioned for new paving. In the summer of 2003, the tenders for these streets were called by the NSDOT which came in at a price increase of approximately 35 percent.

Councillor Meade stated it was requested that Country Lake Drive in District 3 not be done at this time due to the age of the petition and it was requested that HRM re-petition.

**MOVED by Councillor Meade, seconded by Councillor Rankin, that roads in District 22 and 23, as listed above, be paved this year with a frontage charge estimated at \$25.00 per lineal foot and that the next priority street being Ellen Cres. in District 23, be added if money is available.**

Councillor Meade stated this will not have any impact on HRM budget as the residents pay 50% and the Province pays the other 50%.

Councillor Rankin spoke in support of the motion stating he hopes the province recognizes that the faster the paving program is rolled out, the less difficult it will be. The Councillor also requested that staff come back to Council with an amendment to the by-law to change the recovery period for the residents to fifteen years to make it more affordable. In response, Mr. Rick Paynter, Director, Public Works and Transportation Services, stated the by-law would be implemented after all the work is completed and the residents will be charged the actual costs. Mr. McLellan agreed staff could come back with a report addressing this request.

Councillor Cooper noted a lot of petitions get stale dated and stated this should be addressed in staff report as well.

**MOTION PUT AND PASSED UNANIMOUSLY.**

#### **11.5 Proposed Revised Regional Council Schedule**

**MOVED by Deputy Mayor McInroy, seconded by Councillor Uteck, that Council adopt the proposed Regional Council Meeting Schedule as revised September 9, 2003.  
MOTION PUT AND PASSED UNANIMOUSLY.**

#### **11.6 Interim Tender Approval**

**MOVED by Deputy Mayor McInroy, seconded by Councillor Hetherington, that Halifax Regional Council:**

1. Authorize the CAO to approve the award of tenders on those weeks between September 10<sup>th</sup> and October 20<sup>th</sup>, 2003, when Council does not convene, as outlined in the approved revised Council Meeting schedule. The proposed award policy would allow the CAO to award tenders on the following basis during this period:
  - C** The tender is awarded to the lowest responsible bidder meeting specifications.
  - C** The award is not to a sole source.
  - C** Award of Call for Proposals where a standard procurement process has been followed and the contract is awarded to the best overall submission.
  - C** Where the funds and program have been approved by Council.
2. A report of any awards made under this interim policy will be sent to Council.  
**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.7 Property Matter - Former Greenvale School - 130 Ochterloney Street**

- 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 Cunningham, seconded by Councillor Hetherington, that:**

1. Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Greenvale Realty Partners for the sale of 130 Ochterloney Street, Dartmouth, subject to terms and conditions set out in the Private and Confidential staff report dated August 26, 2003.
2. The August 26, 2003 staff report not be released to the public until the transaction has closed. **MOTION PUT AND PASSED UNANIMOUSLY.**

**11.8 Councillor Streach - Withdrawal from District 3 Discretionary Fund**

**MOVED by Councillor Streach, seconded by Councillor Sloane, that Council approve the withdrawal of \$200 from District 3 Discretionary Fund for the Eastern Shore Wildlife Rehabilitation Facility. MOTION PUT AND PASSED UNANIMOUSLY.**

**12. NOTICES OF MOTION**

**12.1 Councillor Cunningham - First Reading By-Law L-113, the Highway 111 - Micmac Blvd. Improvement Project**

**TAKE NOTICE** that, at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 23rd day of September 2003, I propose to move First Reading of By-Law L-113, the Highway 111 - Micmac Blvd. Improvement Project, the purpose of which is to set fixed percentages for certain properties as a local improvement charge to allow for the addressing of traffic capacity deficiencies of the Highway 111 - MicMac Blvd. Interchange and improve further commercial - residential expansion and build-out opportunities.

**13. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:20 p.m.

Jan Gibson  
Deputy Municipal Clerk