

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES October 21, 2003

PRESENT:

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

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Legislative Assistant

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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 Walker.

2. **APPROVAL OF MINUTES - October 7, 2003**

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the minutes of October 7, 2003 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

- 12.1 Legal Matter - Harbour Solutions
- 12.2 Legal Matter - Settlement of Claim

Councillor Hetherington requested that Information Item #8 - Truck Routes in HRM be placed on a regular Council agenda in the near future.

Later in the meeting, Councillor Cooper requested that Information Item #2 - Smoke Free Places By-Law - Tobacco Bars be put on the regular agenda for the October 28, 2003 meeting.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the Order of Business 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. **PUBLIC HEARINGS**

8.1 By-Law L-113, An Amendment to By-Law L-100, Respecting Highway 111/Mic Mac Boulevard Improvements

C Correspondence from Mr. John D. Coffin, ASC Commercial Leasing Ltd., dated October 21, 2003, regarding the above, was circulated to Council.

C Correspondence from Mr. John R. Scott, Vice President, Development, Ivanhoe Cambridge, dated Oct. 15, 2003, regarding the above, was circulated to Council.

With the aid of overheads, Ms. Susan Corser, Planner, presented the report to Council.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the proposed By-Law.

Mr. Kevin Riles, Vice President, United Golf Developments Ltd.

Mr. Riles addressed Council stating United Golf Developments Ltd. fully supports the By-Law. He also extended congratulations to staff and Mr. McLellan on this matter.

Mayor Kelly called three times for any further members of the public wishing to speak. Hearing none, the following motion was put on the floor:

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that Halifax Regional Council give Second Reading to By-Law L-113, Respecting Charges for Local Improvement Projects. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 000594: Municipal Planning Strategy and Land Use By-Law Amendments - 6038-40 Cedar Street, Halifax (Lot T)

C Correspondence from Ms. Judith Fingard, dated October 19, 2003, regarding the above, was circulated to Council.

C Correspondence from Mr. Ronald Mitton, dated October 21, 2003, regarding the above, was circulated to Council.

With the aid of overheads, Mr. Gary Porter, Planner, presented the staff report to Council.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the MPS and LUB amendments.

Ms. Elaine McCourt, 6525 Chebucto Road, Halifax

Ms. McCourt addressed Council stating she was representing her parents, Mary and Bernard Burke, 6047 Jubilee Road. Reading from prepared text, Ms. McCourt provided a brief history of the area in question and urged HRM to support its by-laws and defend the residents' rights.

Ms. Ann Louise King, 1735 Henry Street

Ms. King addressed Council stating this by-law will assist the residents in their efforts to maintain and protect their neighbourhood from intrusive and non-conforming development on this lot as it will not allow as-of-right development. Ms. King noted this interior lot is surrounded on four sides by residential homes and was originally intended to be a courtyard for these residents. Ms. King reviewed the problems faced by the residents of the area and how the use of the lot affects the block.

Mr. Eric McKee, 6049 Jubilee Road

Mr. McKee spoke in support of the amendments stating it is a welcome and constructive step for this site that has had a troubled history.

Ms. Judith Fingard, 6061 Jubilee Road

Ms. Fingard spoke in support of the amendments stating the residents of this area should be afforded the same protection from insensitive developers as are other areas.

Mr. Ronald Mitton

Mr. Ronald Mitton spoke in support of the amendments stating they address the important factors concerning this lot and serve to help preserve the particular character of the neighbourhood. Therefore, he urged Council's support.

Mr. Steven Fudge, 1745 Henry Street

Mr. Fudge addressed Council expressing thanks to Councillor Uteck and staff for bringing this matter forth. Mr. Fudge strongly recommended approval of the amendments as they will allow suitable development on the lot.

Ms. Helena Bilsbury, 1755 Henry Street

Ms. Bilsbury addressed Council inquiring, if a church is developed on this site, where will the front door be located as there is no street frontage. She expressed frustration with the loss of parking, green space and play areas in the area. In closing, Ms. Bilsbury urged Council, before it approves anything, to consider the residents of the townhouses who have had the use of that back lot for 100 years.

Mayor Kelly called three times for further members of the public wishing to speak either in favour of or against the MPS and LUB amendments.

MOVED by Councillor Hetherington, seconded by Councillor Goucher, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

Councillor Uteck noted there have been ten proposed developments since 1955 for this lot, each of them extremely contentious as there is a constant battle with drainage, rights-of-way, and the access to sewer and water infrastructure with regard to development of this lot. Councillor Uteck noted the proposed amendments do not prohibit development, but they ensure that future development will be compatible with the surrounding area.

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Regional Council give Second Reading to the proposed amendments to Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law with respect to Lot T, 6038-40 Cedar Street (PID #137273) as set out in Attachment A of the August 13, 2003 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor Sarto - Woodlawn Place

Councillor Sarto served a petition from residents of Woodlawn Place, Dartmouth, requesting that HRM do a survey of their situation with a view to determine the costs to replace individual sewage holding tanks and pumping stations. The Councillor requested that the petition be referred to staff for a report.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Request for Proposal 03-151, PWT Depot Rationalization Study

MOVED by Deputy Mayor McInroy, seconded by Councillor Johns, that Regional Council award RFP 03-151, PWT Depot Rationalization Study, be awarded to the highest ranking evaluated proposal, Dillon Consulting, for a total contract cost of \$57,407.80 including net H.S.T. from Operating Account R101-6303 with funding authorized as per the Budget Implications section of the staff report dated October 14, 2003.

In response to an inquiry of Councillor Smith as to why this study cannot be done in-house, Mr. Rick Paynter, Director, Public Works and Transportation Services, stated there are some particular expertise and approaches required regarding the assessment of needs of the study, and it was believed to be more appropriate to contract it out to companies who have experience with similar studies.

Councillor Warshick inquired if it would be better to conduct this study one year after the recommendations from Regional Planning are put forth. Mr. George McLellan, Chief Administrative Officer, noted staff will be looking at baseline information available through the Regional Plan.

Following a brief discussion, the vote was taken.

MOTION PUT AND PASSED.

10.1.2 Proposed By-Law B-501, An Amendment to By-Law B-500, Respecting Building Service Connections

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 Blumenthal, that Regional Council:

- 1) Approve, in principle, the amendment to By-Law B-500, Respecting Building Service Connections, attached to the staff report dated October 16, 2003, as well as the subsequent policy and procedures statements and direct staff to arrange for the introduction of the By-Law before Regional Council for formal adoption.**

2. Approve an increase in the Wastewater Management Levy component of the Pollution Control Charge of five cents per cubic metre of water effective November 1, 2003.

Speaking against the motion, Councillor Walker stated it would give the residents less service than they are currently receiving. The Councillor questioned the figures used by staff and inquired what happened to the money collected on the water bill as there is a shortfall of money. In response, Mr. Rick Paynter, Director, Public Works and Transportation Services, stated the infrastructure maintenance expenditures have grown beyond annual revenues, and the reserve account has not had a price adjustment since 1999. Mr. Paynter stated if Council feels it should retain the service lateral replacement component of this, then staff would have to look at the alternative section of the staff report to address the funding requirements, noting an 8 cent increase would be required. Councillor Walker stated he would prefer this over the homeowner being responsible for the cost.

Councillor Walker further inquired how many households are there that have not had the laterals replaced with the non-corrode pipe. Mr. Paynter responded that he did not have this information, but that it could probably be assembled by reviewing the sewer records. However, he noted that could take some time.

Councillor Smith expressed concerns with supporting the motion, noting he would prefer to see one of the alternatives implemented rather than putting the cost on the homeowner. Deputy Mayor McInroy questioned the proposed change in policy regarding the portion of the lateral that is in a public right-of-way. The Deputy Mayor noted there have been a few cases in Cole Harbour where there has been a shear of pipe in the street, and, as a result, that portion had to be replaced, but it had nothing to do with invasion of tree roots. In other situations, a water main break could undermine an area which might cause a dip in the pipe resulting in backup, which is also not related to trees. Deputy Mayor McInroy suggested staff may wish to find some wording to capture situations that are not attributable to the usage of the lateral and some other event has caused the problem.

In response to a question of Councillor Harvey, Mr. Paynter stated the staff recommendation would take HRM back to the policy that was in effect at amalgamation. Councillor Harvey stated people are accepting of splitting the cost and stated a way to do this needs to be found. Therefore, he stated he would not support the motion. In response, Mr. McLellan stated staff can come back with something that takes into account the gains that have been made in some areas where this used to be the regime and preserve those, and look at the fact that it is not all related to tree roots and there are development issues. However, he noted Council has to understand it will come back as a direct charge to the homeowner who is affected, or it will come back as an additional wastewater rate increase to recover the cost. He stated this is an additional service being provided, and HRM has to cover those monies for that effort one way or the other.

Councillor Goucher expressed concern with collecting taxes through the water bill, stating that every time something like this comes forward, the water bill is increased. The Councillor stated the water bill is the wrong place for it and, if HRM is going to pay for it, it should be put on the general tax rate.

Councillor Sarto stated he would continue to support By-Law B-500 until a better proposal comes forward.

Ms. Dale MacLennan, Director, Financial Services, stated staff responded to the motion of Council in July by bringing back just the policy change with only a small part of the shortfall covered by the increase. She noted that one of the alternatives that is included in the report is to collect all of the funds directly through an increase, and suggested Council could consider these alternatives this evening.

Councillor Sloane also supported further examination of this issue by Council.

Also speaking against the motion, Councillor Fougere stated this is not an additional service being provided to residents as it has been the policy for the last 4.5 years. She stated HRM has crumbling infrastructure that it cannot afford to maintain and replace, and if taxes need to be increased to maintain infrastructure, it should put up front on the tax bill. In response, Mr. McLellan clarified the description of an added service as only in reference to that part of the staff report which talks about growth in the systems, new pump stations, etc. With regard to crumbling infrastructure, Mr. McLellan stated staff is doing the best it can. In terms of the suggestion of placing this on the tax rate, he stated issues such as putting it on the general rate vs. area rate will need to be addressed. In closing, Mr. McLellan stated staff have indicated to Council there is a problem, and Council will have to give direction as to how to recover the cost.

Councillor Hetherington stated the rural areas utilize septic tanks and if this is placed on the general tax rate, they will question paying for it. Also, new subdivisions will not have the same problems as the older core area, and they, too, will question why they are paying for it. The Councillor suggested the matter be referred back to staff for further review to see if there are some alternative solutions.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that this matter be referred back to staff.

Councillor Rankin noted the Municipality only has one revenue source which is the property tax. With respect to the general tax rate, the Councillor stated it is better to tax on the use of wastewater rather than the value of the home as the actual use of the pipe is a better relationship.

Councillor Cooper suggested perhaps staff should be looking at whether or not it is necessary to have a separation of the wastewater and stormwater.

Councillor Harvey requested that staff examine the option of new construction paying the whole cost of the lateral, and maintenance/replacement cost being split.

Speaking in support of the referral, Councillor Walker requested that, if there are certain things which can come out of this account (ie. streetlights, traffic lights, flood control), and moved into the general tax rate, that they be addressed in the report and the water bill remain as is. In response, Ms. MacLennan clarified that the withdrawals from this reserve are expressly stated in the reserve business case which was approved by Council in 2000, copies of which will be made available to Council. Councillor Walker also requested clarification why the 2000-2001 budget projection of \$14 million for this reserve was not achieved.

MOTION PUT AND PASSED.

10.1.3 Proposed By-Law P-501, An Amendment to By-Law P-500, Respecting Liability of Owner for Parking Tickets

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

**MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that Regional Council approve in principle and direct staff to arrange for formal adoption of the amendment to By-Law P-500 outlined in Appendix A of the staff report.
MOTION PUT AND PASSED UNANIMOUSLY.**

Later in the meeting, A Notice of Motion was served for First Reading of this By-Law on October 28, 2003.

10.1.4 Terms of Reference, HRM (Hurricane Juan) Infrastructure Renewal Fund

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

Ms. Cathie O'Toole, Executive Assistant, CAO Office, presented the staff report to Council.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that Regional Council:

1. Approve the Terms of Reference (attachment A of the staff report dated

October 21, 2003) for the HRM Infrastructure Recovery Fund (HIRF) Committee.

2. **Approve the HRM Infrastructure Recovery Fund to be comprised of three separate operating trust accounts for accounting purposes - one for restoration of general parks and recreation facilities, one for restoration of the Public Gardens, and one for restoration of Point Pleasant Park.**
3. **Approve the establishment of the Halifax Public Gardens Restoration Foundation to make use of the funds raised by the Maritime Broadcasting Systems radiothon on October 13, 2003. The Foundation will be governed by a Board of Trustees. The formal Terms of Reference regarding the Halifax Public Gardens Foundation will be brought forward to Council for approval at a later date.**

In response to a question of Councillor Mosher, Ms. O'Toole stated residents can designate a specific park to receive their donation.

Councillor Blumenthal suggested donors be offered a plaque, or something similar, to acknowledge their donation.

Councillor Sloane volunteered to sit on the HRM Infrastructure Recovery Fund (HIRF) Committee or to assist in any way.

In response to a question of Councillor Sarto, Ms. O'Toole stated HRM is accepting donations towards anything that a community group/organization/individual would like to make a donation. The Infrastructure Renewal Committee will be looking at applying the funds where people have made the donations but in areas where there may not be other sources of funding. With regard to tree replanting, Mr. McLellan stated programs for this will come back to Council in the future.

Councillor Cooper suggested there should be a video record made of the damage caused by Hurricane Juan. The Councillor noted he has received a number of requests for community input in park restoration and information with respect to this should be put out as soon as possible.

In response to a question of Councillor Smith, Ms. O'Toole stated most clean up costs are recoverable under the federal disaster assistance program. The Councillor encouraged residents to donate to organizations such as the Metro Food Bank as well as to park restoration.

Councillor Warshick suggested HRM explore the possibility of utilizing the media on a no-cost basis to advertise for these committees and to provide information as to where to donate so it does not further burden the cost of the recovery efforts.

MOTION PUT AND PASSED UNANIMOUSLY.

RECESS

A recess was taken at 8:05 p.m. The meeting reconvened at 8:15 p.m.

10.1.5 Halifax Regional Water Commission Annual Report (staff presentation)

C The Halifax Regional Water Commission Annual Report was before Council for its consideration.

Mr. Carl Yates, General Manager, Ms. Cheryl Newcombe, Chair, and Mr. Blaine Rooney, Chief Financial Officer, presented the Halifax Regional Water Commission annual report to Council. Copies of the presentation were provided to Council.

Councillor Cooper congratulated the representatives of the Halifax Regional Water Commission for their report.

On behalf of the residents, Councillor Hetherington expressed thanks to the Halifax Regional Water Commission for its uninterrupted service following Hurricane Juan.

MOVED by Councillor Cooper, seconded by Councillor Hetherington, that Regional Council refer the Halifax Regional Water Commission Annual Report to staff for comment. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.6 Case 00479: Eastern Passage/Cow Bay Recreation Centre (Former Tallahassee School) (to set Public Hearing date)

C A report from the Harbour East Community Council, regarding the above, was before Council for its consideration.

MOVED by Deputy Mayor McInroy, seconded by Councillor Cooper, that Regional Council give First Reading to amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law, presented as Attachment V of the staff report dated August 25, 2003, and to schedule a public hearing for November 18, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.7 District Boundaries Application to UARB (staff presentation)

C A staff report prepared by Wayne Anstey, Municipal Solicitor, regarding the above, was before Council for its consideration.

Mr. Angus Schaffenburg, Planner, and Ms. Hilary Campbell, Planning Technician, presented the staff report to Council, noting that the changes recommended for Districts 3 and 5 were not necessary, and requesting that Map 2 of the report and the associated recommendations be removed from the staff proposal.

In discussion of the proposed district boundaries, the following amendments were made:

MOVED by Councillor Cooper, seconded by Councillor Blumenthal, that the proposed boundary between Districts 4 and 6 be moved north so that the Montague Mines Road area north of Lake Loon would be included in District 4 to remain with its parent communities. MOTION PUT AND PASSED.

MOVED by Councillor Meade, seconded by Councillor Sloane, that the proposed boundary between Districts 18 and 23 be amended to allocate Ragged Lake Industrial Park and the area of Exhibition Park to District 23. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Harvey stated he did not support the staff recommendation and put forth the following motion:

MOVED by Councillor Harvey, seconded by Councillor Cunningham, that, in the interest of voter parity, the staff report be rejected and the final report of the District Boundaries Advisory Committee be accepted and forwarded to the Nova Scotia Utility and Review Board.

Following a brief discussion, the motion to reject the staff report was put.

MOTION PUT AND DEFEATED.

MOVED by Councillor Goucher, seconded by Councillor Sloane, that the proposed boundary between Districts 16 and 21 be moved from Kearney Lake Road to north of the Cresthaven residential area. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Rankin, seconded by Councillor Goucher, that the Hubley Lake Road area be incorporated into District 23. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Warshick, seconded by Councillor Sloane, that the proposed boundary for District 6 be amended to include the residential area generally bounded by Lake MicMac, Highway 111 and Highway 118. MOTION PUT AND PASSED.

MOVED by Councillor Harvey, seconded by Councillor Goucher, that the Second Lake Watershed Lands remain in District 20. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Harvey proposed that Stonemount continue to be a part of District 20 and put forth the following motion:

MOVED by Councillor Harvey, seconded by Councillor Sloane, that Stonemount continue as part of District 20.

However, the motion was **ruled out of order**, as this would put the district over the 25% variance threshold.

MOVED by Councillor Meade, seconded by Councillor Sloane, that the proposed boundary between Districts 22 and 23 be amended to include the Cranberry Lake area, Glengarry Gardens, in District 23. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Walker, seconded by Councillor Sloane, that Regional Council approve for submission to the UARB in response to the Board's request the alternate 23 district proposal outlined in the staff report dated October 15, 2003, with the amendments adopted by Council at this meeting. MOTION PUT AND PASSED.

10.1.8 First Reading - By-Law B-600, Respecting Blasting

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 Goucher, that Regional Council give First Reading to By-Law B-600, Respecting Blasting, and set a Public Hearing Date for Adoption of By-Law B-600, Respecting Blasting for Tuesday, November 18, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 MEMBERS OF COUNCIL

10.2.1 Councillor Smith - Donation of Christmas Tree to Augusta, Maine

Councillor Smith advised Council of a suggestion brought forward by a resident that a Christmas Tree be donated to Augusta, Maine, in appreciation of the assistance received from power crews from Maine following Hurricane Juan. The Councillor noted a Wallingham Street resident has offered one of her Norway Spruce trees, if it is deemed suitable. The Councillor noted Scotia Prince Cruise Line has offered to transport the tree from Yarmouth to Portland at no charge.

MOVED by Councillor Smith, seconded by Councillor Sloane, that Regional Council refer this to staff for a report.

Councillor Cunningham stated it is incumbent upon HRM to show its appreciation, but he suggested a tree may not be the best idea, and it should be given further consideration.

Councillor Goucher noted HRM also received assistance from New Brunswick and Quebec and stated the report should encompass more than just Maine.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.2 Councillor Cunningham - By-Law C-200, Respecting Cemeteries

MOVED by Councillor Cunningham, seconded by Councillor Sloane, that Regional Council request a staff report with respect to amendments to By-Law Number C-200 cited as the Cemeteries By-Law, paying particular attention to those sections regarding lot transfer and lot conveyance.

Councillor Cunningham noted he has spoken with staff about this issue and there appears to be some problems with the Cemetery By-Law. The Councillor stated he has spoken to a gentleman who purchased a cemetery lot approximately 25 years ago and now would like to dispose of it. According to the By-Law, he must sell it back to HRM at the purchase price 25 years ago. Councillor Cunningham stated HRM would be selling the lot for a much higher price and consideration should be given to paying the owner the same price. The Councillor noted there are other aspects of the By-Law he would also like addressed.

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

12. ADDED ITEMS

12.1 Legal Matter - Harbour Solutions

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

Mr. Anstey suggested an additional phrase be added to the recommendation to state that the in camera staff report not be released until the negotiations are completed and the contract is approved by Council and executed.

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

WHEREAS, beginning in September, 1998, HRM undertook a lengthy and detailed RFQ/RFP process for the implementation of the Halifax Harbour Solutions Project ("Project") and, in October, 2002, signed agreements ("HREP Agreements") with the Halifax Regional Environmental Partnership ("HREP") and others for the implementation of the Project;

AND WHEREAS, HREP refused to implement the Project on the terms and conditions set forth in the HREP Agreements which were signed in October, 2002;

AND WHEREAS, in August, 2003, HRM entered into agreements with Dexter Construction Company Limited to design, plan, engineer, procure, construct and commission the Sewage Collection Systems, Roads and the outfalls and diffusers forming part of the Project and to design and construct the Mengoni Avenue Site Expansion;

AND WHEREAS staff was requested to undertake a review of the best means of implementing the balance of the Project;

IT IS RECOMMENDED THAT:

- 1. Council authorize staff to enter into negotiations with the Harbour Solutions Consortium, for a period not exceeding eight weeks, for:**
 - a) the design, planning, engineering, procurement, construction and commissioning of the Sewage Treatment Plants forming part of the Halifax Harbour Solutions Project in each of Halifax, Dartmouth and Herring Cove.**
 - b) a fixed price to handle all contaminated soils on the Sewage Treatment Plant sites;**

- 2. HRM operate the Sewage Treatment Plants; and**
- 3. Staff conduct further analysis regarding biosolids handling and treatment and return to Council with a recommendation.**
- 4. The in camera staff report not be released until the negotiations are completed and the contract is approved by Council and executed.**

It was agreed to vote on each component of the motion separately.

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

- 1. Council authorize staff to enter into negotiations with the Harbour Solutions Consortium, for a period not exceeding eight weeks, for:**
 - a) the design, planning, engineering, procurement, construction and commissioning of the Sewage Treatment Plants forming part of the Halifax Harbour Solutions Project in each of Halifax, Dartmouth and Herring Cove.**
 - b) a fixed price to handle all contaminated soils on the Sewage Treatment Plant sites. MOTION PUT AND PASSED.**

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

- 2. HRM operate the Sewage Treatment Plants. MOTION PUT AND PASSED UNANIMOUSLY.**

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

- 3. Staff conduct further analysis regarding biosolids handling and treatment and return to Council with a recommendation. MOTION PUT AND PASSED UNANIMOUSLY.**

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

- 4. The in camera staff report not be released until the negotiations are completed and the contract is approved by Council and executed. MOTION PUT AND PASSED UNANIMOUSLY.**

12.2 Legal Matter - Settlement of Claim

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 Sarto, that Regional Council settle this claim, as set out in the October 15, 2003 Private and Confidential staff report, brought by the Plaintiff in the amount of \$45,00,000 to achieve a full settlement of the Plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of the motor vehicle accident which occurred on October 25, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

13.1 Councillor Hetherington - First Reading of By-Law P-501

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 28th day of October 2003, I propose to move First Reading of By-Law P-501, the purpose of which is to amend By-Law P-500, the Parking Meter By-Law to allow the HRM to utilize s. 153(2)(ca) of the Motor Vehicle Act.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 9:45p.m.

Vi Carmichael
Municipal Clerk