

HALIFAX REGIONAL MUNICIPALITY

**HALIFAX REGIONAL COUNCIL
MINUTES
March 9, 2004**

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Steve Streach
Councillors: Krista Snow
David Hendsbee
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Stephen Adams
Brad Johns
Len Goucher
Robert Harvey
Reg Rankin

REGRETS:

Councillors: John Cunningham
Linda Mosher
Gary Meade

STAFF:

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

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1. INVOCATION

Mayor Kelly called the meeting to order with the Invocation being led by Councillor Blumenthal.

2. APPROVAL OF MINUTES - February 24, 2004

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the minutes of February 24, 2004 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:

- 11.1 Councillor Hendsbee - Request to add Info Item # 3 re: Interim Report of the Voluntary Planning Off-Highway Vehicle Task Force, to the agenda for discussion and referral to the Provincial Task Force.
- 11.2 Halifax Harbour Solutions Sewage Treatment Plant Development Agreement (to be addressed under Item 9.1)
- 11.3 Legal Matter - Canada/Nova Scotia Infrastructure Program
- 11.4 Legal Matter - Settlement of Claim

The following Information Item was added to the Information Items agenda:

- 1. Proclamation - Week of the Francophonie - March 7 - 13, 2004 - 2004 Year of the Acadians

Councillor Adams requested the following item be added to the agenda:

- 11.5 Riverview Daycare

Councillor Goucher requested that Item 9.4.2 Councillor Goucher - Request for an Amendment to the Municipal Government Act re: Hydrogeological Studies be moved up to follow Item 11.2 Halifax Harbour Solutions Sewage Treatment Plant Development Agreement (addressed under Item 9.1).

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the

Order of Business, Additions and Deletions, be approved. 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**

There were no petitions served at this meeting.

9. **REPORTS**
 - 9.1 **CHIEF ADMINISTRATIVE OFFICER**
 - 11.2 **Halifax Harbour Solutions Sewage Treatment Plan Development Agreement**

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 Rankin, seconded by Councillor Hetherington, 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 the conditions precedent to the effective date of the HREP Agreements were not met by the deadline date and the HREP Agreements are not now in effect;

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 and was authorized to negotiate with D&D Water Solutions Inc.

Subject to receiving substantial funding from the Federal Government and subject to receiving confirmation from HRM's insurance advisor, John Thomson, that the terms and conditions of the insurance coverage proposed by D&D Water Solutions Inc. is appropriate given the nature of the Project and current market conditions, Halifax Regional Council:

- 1. Enter into agreements with D & D Water Solutions Inc. for the design, construction and commissioning of three sewage treatment plants for a guaranteed maximum price of \$133,170,387 (2004 dollars) plus the flow through costs of bonding and insurance plus applicable taxes and inflation as per the draft agreements with funding as per the Budget implications section of this report.**
- 2. Enter into the Project Agreements (namely the STP Development Agreement, Halifax License, Dartmouth License and Herring Cove License) with D & D Water Solutions Inc., Municipal Enterprises Limited, Degremont and Suez substantially in the form of the draft Project Agreement dated February 17, 2004, presented to and reviewed by Council.**

MOTION PUT AND PASSED.

Members of Council voting in favour of the motion: Mayor Kelly, Deputy Mayor Streach, Councillors: Snow, Hendsbee, Cooper, McInroy, Warshick, Sarto, Hetherington, Smith, Blumenthal, Uteck, Fougere, Walker, Hum, Adams, Johns, Harvey, Goucher and Rankin.

Members of Council voting against the motion: Councillor Sloane

(Councillors Cunningham, Mosher and Meade were absent.)

9.1.1 Spring Weight Restrictions

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding

the above, was before Council for its consideration.

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

- 1. Approve temporary maximum vehicle weight restrictions (as per Schedule A of the staff report dated March 1, 2004) applicable to all HRM streets excluding those listed in Schedule B of the staff report dated March 1, 2004.**
- 2. Authorize the Engineer to apply these restrictions at the same time as the Nova Scotia Department of Transportation & Public Works implement their Spring Weight Restrictions.**
- 3. Authorize the Engineer to modify the implementation dates, weight restrictions and list of exempted roads as conditions warrant. MOTION PUT AND PASSED UNANIMOUSLY.**

As agreed to during Approval of the Order of Business, Council addressed Item 9.4.2 at this time.

9.4.2 Councillor Goucher - Request for an Amendment to the Municipal Government Act re: Hydrogeological Studies

MOVED by Councillor Goucher, seconded by Councillor Hendsbee, that Mayor Kelly contact Minister Barry Barnet, Service Nova Scotia and Municipal Relations, requesting his opinion on the issue of hydrogeological testing and HRM's ability to use it as part of contract zoning, and, if he is in support of this, to request an amendment to the Municipal Government Act to allow for the requirement of a Hydrogeological Study as a possible condition of the Contract Development Agreement process in un-serviced areas.

Councillor Hendsbee suggested the developer should be required to show an alternative water supply that would provide fresh drinking water.

Councillor Goucher clarified that he would like to have this as a tool, not only for the contract development agreement process, but as part of the planning process. He stated he hopes it could be also used as a general planning tool outside of the contract process.

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 Capital Budget Increase - Cost Sharing LeMarchant /St. Thomas Elementary

School

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

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Council approve an increase in the Gross Capital Budget to Capital Account No. CPC00303, Playground Upgrades & Replacements in the amount of \$33,112.63 with no change to the Net Budget. This is to reflect cost sharing from the NS Sport and Recreation Commission - \$20,000.00 and LeMarchant/St. Thomas Home & School Association - \$13,112.63, as per the Background Section of the staff report dated February 24, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.3 Herring Cove Sewer & Water Status Update

- C A supplementary 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 Halifax Regional Council:

- 1. Approve the allocation of \$5,000,000 from the Harbour Solutions Project, Community Integration Fund to assist in the design and construction of sewer and water services in the Community of Herring Cove, subject to alternative funding proposals being brought forward by the Herring Cove Community Liaison Committee (CLC) that are subsequently approved by Regional Council;**
- 2. Approve the allocation of \$2,070,800 in funding from the Canada/Nova Scotia Infrastructure Program to assist in the design and construction of sewer and water services in the Community of Herring Cove.**
- 3. Authorize staff to proceed with the design of Phase 1 of sewer and water services for the Community of Herring Cove. MOTION PUT AND PASSED UNANIMOUSLY.**

9.1.4 Municipal and School Board Elections - October 16, 2004

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

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

1. **Approve the appointment of Jan Gibson, Acting Municipal Clerk, as Returning Officer to conduct the municipal and school board elections on October 16, 2004 and approve, the appointment of Linda Grant to act as Assistant Returning Officer.**
2. **Set the date of Saturday, October 9, 2004, as the first Advance Poll Day. The second Advance Poll Day of Tuesday, October 12, 2004 is mandatory under the Municipal Elections Act. MOTION PUT AND PASSED UNANIMOUSLY.**

9.1.5 Extension of Greater Halifax Partnership and Halifax Regional Development Agency Service Agreements

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

MOVED by Councillor Fougere, seconded by Councillor Uteck, that Council approve a one year extension to the service agreements with the Greater Halifax Partnership and the Halifax Regional Development Agency. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.6 Cultural Capital of Canada 2005 Application

- 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 Sloane, that Council approve the application for the designation of HRM as the 2005 Cultural Capital of Canada, thereby leveraging 50 percent cost sharing from the Federal Government.

Responding to a question of Councillor Warshick, Mr. Dan Norris, Manager, Culture and Heritage, stated this application has significant private sector support, which is one of the criteria for the Special Events Reserve.

Councillor Warshick inquired if pre-committing funds for this is contrary to usual practice. Mr. George McLellan, Chief Administrative Officer, responded that normally Council does not pre-commit from one budget to another, but he noted this is a reserve fund allowance and there are opportunities for leveraging further funding which makes the request more favourable. Mr. Keith MacPhail, Cultural Officer, noted this is a proposed budget to be put forth to Heritage Canada and the application and/or budget may not be accepted by Heritage

Canada.

Councillor Fougere inquired if there is a definition of what kind of recreational activities are and are not eligible. Mr. McPhail responded that staff will look at the existing programming and insure that it fits the criteria for Heritage Canada. In response to a further question of the Councillor, Mr. McPhail stated in-kind contributions will also be matched.

Councillor Uteck expressed concerned about taking funding from recreational programming and hesitation in approving this when it is not known what reserves are in the individual funds being utilized and the effect this will have on each. The Councillor requested a follow up information report on each of the reserve accounts being used for funding and the programming and philosophy behind them.

MOTION PUT AND PASSED UNANIMOUSLY.

9.2 PROGRAM AND SERVICE REVIEW COMMITTEE

9.2.1 Corporate Score Card: Performance Measures

C A report from the Program and Service Review Committee, dated March 4, 2004, regarding the above, was before Council for its consideration.

Ms. Betty MacDonald, Director, Governance and Strategic Initiatives, presented the Corporate Score Care: Performance Measures to Council. Copies of her presentation were circulated to Council.

MOVED by Councillor Cooper, seconded by Councillor Hetherington, that Council approve the Performance Measures for the outcomes of the HRM Corporate Scorecard as contained in Appendix A of the Program and Service Review Committee report dated March 4, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 APPEALS COMMITTEE

9.3.1 By-Law T-129, An Amendment to By-Law T-108, Respecting the Regulation of Taxis and Limousines re: Cancellation of Insurance

C A report from the Appeals Committee, dated March 2, 2004, regarding the above, was before Council for its consideration.

MOVED by Councillor Walker, seconded by Councillor Hum, that Regional Council approve, in principle, the amendments to By-Law T-108 found in Appendix A of the Appeals Committee report dated March 2, 2004, and direct staff to arrange for their

formal adoption by Council.

In response to a question of Councillor Smith, Mr. Wayne Anstey, Municipal Solicitor, explained the intent of the amendment.

Councillor Smith requested some information from the Insurance Bureau stating they agree to notifying the Taxi Licensing Office of any change to or cancellation of a taxi license owners' insurance. He also suggested the matter should go the Taxi and Limousine Committee for input.

MOTION PUT AND PASSED.

Later in the meeting, a Notice of Motion was served for First Reading on March 23, 2004.

9.4 MEMBERS OF COUNCIL

9.4.1 Councillor Smith - Rajeeve Purbas Memorial Park - Chinook and Tudor Court Lancaster Ridge (info item #4 - Mar. 2/04)

C An Information Report prepared for Mike Labrecque, Director, Real Property and Asset Management, dated February 24, 2004, regarding the above, was previously circulated to Council on March 2, 2004, and was now before Council for discussion.

Councillor Smith noted that staff have indicated they would be willing to expand on the response to the petition with respect to additional options and, therefore, put forth the following motion:

MOVED by Councillor Smith, seconded by Councillor Hetherington, that this matter be referred back to staff for a follow-up report to the Harbour East Community Council exploring further options and alternatives. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.2 Councillor Goucher - Request for an Amendment to the Municipal Government Act re: Hydrological Studies

This item was addressed earlier in the meeting.

10. MOTIONS

11. ADDED ITEMS

11.1 Councillor Hendsbee - Request to add Info Item # 3 re: Interim Report of the Voluntary Planning Off-Highway Vehicle Task Force, to the agenda for discussion and referral to the Provincial Task Force

- C An Information Report prepared for Supt. Vern Fraser, RCMP, and Chief Frank Beazley, HRPS, regarding the above, was before Council for its information.

Councillor Hendsbee requested that the Information Report be forwarded to the Voluntary Planning Off-Highway Vehicle Task Force as HRM's submission as to some of its concerns and suggestions of areas that need to be strengthened for enforcement purposes for municipalities.

MOVED by Councillor Hendsbee, seconded by Councillor Blumenthal, that the Information Report be referred to the Voluntary Planning Off-Highway Vehicle Task Force. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Halifax Harbour Solutions Sewage Treatment Plant Development Agreement

This item was addressed earlier in the meeting under Item 9.1 Chief Administrative Officer.

11.3 Legal Matter - Canada/Nova Scotia Infrastructure Program

- 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 Adams, seconded by Councillor Hetherington, that the Proposed Infrastructure List for 2004-05, as follows, be approved.

	Requested Projects	Total Cost	Revised Federal/Provincial Share
1	Herring Cove Water & Sewer	\$3,106,200	\$2,070,800
2	Highway 111/Woodside Connector	7,000,000	2,500,000
3	Artificial Outdoor Soccer Facility	3,500,000	1,600,000
4	Mainland Common Recreation Facility	8,000,000	2,000,000

5	Moser River Fire Station	625,000	417,000
6	Prince's Lodge - Sewer & Water	1,620,000	1,080,000
7	Maplewood - Water - Phase 2	615,000	410,000
	Total 2004-05	\$24,466,200	\$10,077,800

MOTION PUT AND PASSED UNANIMOUSLY.

11.4 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 Sarto, seconded by Councillor Hetherington, that Halifax Regional Council settle this claim, as set out in the Private and Confidential staff report dated March 2, 2004, brought by the Plaintiff in the amount of \$18,000.00 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 a motor vehicle accident on April 20, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

11.5 Councillor Adams - Riverview Daycare

Councillor Adams advised Council that Riverview Daycare has been displaced due to a recent fire and are now experiencing financial difficulty as they are two months behind in their rent and are seeking some relief for the back rent and two months forward. The Councillor requested that the matter be referred to staff report to see what can be done. Councillor Adams noted the next Council meeting is two weeks away, and he suggested that staff be permitted to proceed without Council's approval

MOVED by Councillor Adams, seconded by Councillor Hum, that this matter be referred to staff to see what can be done to accommodate Riverview Daycare's request.

Councillor Blumenthal noted other daycare centres are also experiencing problems and he suggested the Mayor should write a letter to the Province to determine the status of funding for daycare centres.

MOTION PUT AND PASSED UNANIMOUSLY.

12. NOTICES OF MOTION

12.1 Councillor Warshick - Administrative Order SC-31

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 23rd day of March, 2004, I propose to introduce for consideration by Council as a Policy pursuant to Section 315 of the Municipal Government Act, Administrative Order SC-31, the purpose of which is to effect closure of a portion of Mountbatten Avenue adjacent to 14 Andover Street.

12.2 Councillor Walker- First Reading of By-Law T-129

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 23rd day of March, 2004, I propose to move First Reading of By-Law T-129, the purpose of which is to amend By-Law T-108, Respecting the Regulation of Taxis and Limousines, regarding the cancellation of insurance.

13. ADJOURNMENT

There being no further business, the meeting adjourned at 7:05 P.M.

Jan Gibson
Acting Municipal Clerk