

HALIFAX REGIONAL COUNCIL  
MINUTES  
March 23, 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  
John Cunningham  
Jerry Blumenthal  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Debbie Hum  
Linda Mosher  
Stephen Adams  
Len Goucher  
Reg Rankin

ABSENT  
WITH REGRETS:

Councillors: Brad Johns  
Robert Harvey  
Gary Meade

STAFF:

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

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1. **INVOCATION**

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

2. **APPROVAL OF MINUTES - March 2 & 9, 2004**

**MOVED by Councillor Blumenthal seconded by Councillor Sloane, that the minutes of March 7 and 9, 2004 be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

Additions

- 12.1 Property Matter - Recreation Facilities, Hwy #349, Portuguese Cove
- 12.2 Property Matter - Case 00564: Release of Restrictive Covenants for Cathedral Church of All Saints
- 12.3 Legal Matter - Settlement of Claim
- 12.4 Legal Matter - Settlement of Claim
- 12.5 Councillor Smith - Information Item #2 - Burnside Business Association Business Improvement District

Deletions

Councillor Mosher requested item 10.4.2 - PVC Pipes for Sewage Hook Ups/Possible Cross Connection Issues, be deleted.

**MOVED by Councillor Hetherington, seconded by Councillor Sarto, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

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

**8. PUBLIC HEARINGS**

**8.1 Administrative Order SC31 - Street Closure - Mountbatten Avenue**

- An extract from the February 17, 2004 Regional Council minutes was before Council.
- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated February 4, 2004, on the above noted, was before Council.

Mr. Mike Woods, Real Estate, Real Property and Asset Management, with the aid of an overhead, presented the staff report.

Deputy Mayor Streach called three times for those wishing to speak either in favour of or in opposition to the proposed street closure. Hearing none, the following motion was placed.

**MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Warshick, seconded by Councillor Sarto, that Halifax Regional Council close a portion of Mountbatten Avenue, adjacent to 14 Andover Street, Dartmouth, as shown on Attachment "A" of the staff report dated February 4, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions**

**9.2.1 Councillor Rankin**

- (i) Councillor Rankin served a petition on behalf of the residents of Lakeside Drive and Maple Drive, District 22, regarding a request not to have the names of their streets changed under the civic addressing process.
- (ii) Councillor Rankin served a petition requesting the Halifax Regional Water Commission open the Pockwock waterline and surrounding trail systems to the users of recreational vehicles.

**9.2.2 Councillor Uteck**

Councillor Uteck served a petition from a senior group requesting consideration of keeping the space open if and when a review is completed on the Bloomfield Centre.

**10.           REPORTS**

**10.1           CHIEF ADMINISTRATIVE OFFICER**

**10.1.1        Tender 04-206, Sidewalk Renewals - Western Region**

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated March 4, 2004, on the above noted, was before Council.

**MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that Regional Council award Tender No. 04-206, Sidewalk Renewals - West Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$159,629.50 plus net HST for a total of \$169,893.00 from Account No. CKU00558, Sidewalk Renewals, with funding authorized as per the Budget Implications section of the report dated March 4, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.2        Tender 04-207, Sidewalk Renewals - Western Region**

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated March 4, 2004, on the above noted, was before Council.

**MOVED by Councillor Uteck, seconded by Councillor Goucher, that Regional Council award Tender No. 04-207, Sidewalk Renewals - West Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$193,926.00 plus net HST for a total of \$206,394.00 from Account No. CKU00558, Sidewalk Renewals, with funding authorized as per the Budget Implications section of the report dated March 4, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.3        Tender 04-208, New Paving of Subdivision Streets Inside the Core Area - Bolton Dr., Victory Lane, Cumberland Way, Carriage Road & Chartwell Road - Central Region**

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated March 1, 2004, on the above noted, was before Council.

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

1. **approve the recovery of Local Improvement Charges for the new paving of Bolton Drive, Victory Lane, Cumberland Way, Carriage Road and Chartwell Road at the rate to be established in By-Law Number S-414 which will be presented to Council for approval of fiscal year 2004/05.**
2. **award Tender No. 04-208: New Paving of Subdivision Streets Inside the Core Area (Central Region) - Bolton Drive, Victory Lane, Cumberland Way, Carriage Road and Chartwell Road to Basin Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$402,370.00 plus net HST for a total of \$428,239.00 from Account No. CXU00562, New Paving of Subdivision Streets Inside the Core Area with funding authorized as per the Budget Implications section of the report dated March 1, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.4 Tender 04-209, New Paving of Subdivision Streets inside the Core Area - Stonemount Drive and Stone Crest Court - Central Region**

- A report prepared from Mr. Dan English, Acting Chief Administrative Officer, dated March 1, 2004, on the above noted, was before Council.

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

1. **approve the recovery of Local Improvements Charges for the new paving of Stonemount Drive and Stone Crest Court at the rate to be established in By-Law Number S-414 which will be presented to Council for approval for fiscal year 2004/05.**
2. **award Tender No. 04-209: New Paving of Subdivision Streets Inside the Core Area (Central Region) - Stonemount Drive and Stone Crest Court to Basin Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$231,012.00 plus net HST for a total of \$245,865.00 from Account No. CXU00562, New Paving of Subdivision Streets Inside the Core Area with funding authorized as per the Budget Implications section of the report dated March 1, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.5 Tender 04-212, Street Reconstruction, Storm Sewer Renewal and Water Main Renewal - Hillside Avenue - Central Region**

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated March 3, 2004, on the above noted, was before Council.

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

1. approve an increase in the Gross Budget for Capital Account No. CYU00563, Paving Renewal Program, by \$112, 392.00 with no change in the Net Budget to cover the cost of the water main renewal on Hillside Avenue.
2. award Tender No. 04-212: Hillside Avenue (Central Region) to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$339,100.00 plus net HST for a total of \$360,901.00 from Account No. CYU00563, Paving Renewal Program and Account No. CGU00459, Hillside Avenue, Sackville - Storm Sewer Renewal with funding authorized as per the Budget Implications section of the report dated March 3, 2004. **MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.6 Tender Awards - Grass Mowing and Landscaping Maintenance - Various Locations**

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated March 16, 2004, on the above noted, was before Council.

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

1. Council authorize the award of each tender to the lowest responsible bidder meeting specifications for each of the ten (10) tenders listed in the background section of the March 16, 2004 report, with a total award of \$1,023,121.90 plus net HST for a period May 1 to November 15, 2004 with funding authorized as per the Budget Implications section of the March 16, 2004 report.
2. Council authorize staff to award the second and third year of each tender at a total cost of \$1,023,121.90 per year plus net HST for the period May 1 to November 15, of each year. The second and third year award would be contingent upon an annual performance review and budget allocation.

Ms. Erin Flame, Real Property and Asset Management, addressed questions posed and

concerns raised by members of Council relative to the tenders as recommended in the report.

Staff was requested to provide members of Council with a copy of contact information for supervisors assigned to monitor the contracts.

Council requested a copy of all the sites in each District be provided to the District Councillor.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.7        Request for Proposal 04-151, Halifax Public Gardens Main Gate Restoration**

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated March 16, 2004, on the above noted, was before Council.

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

- 1. Regional Council authorize the creation of a capital account for Halifax Public Gardens Main Gate Restoration with funding from Operating Account No. 2160-HRM Infrastructure Renewal Fund.**
- 2. It is recommended that RFP #04-151, Halifax Public Gardens Main Gate Restoration be awarded to the highest ranking evaluated proposal, RKO Steel Limited for a project cost of \$158,384.00 plus applicable HST for a total project cost of \$168,567.00 from the Capital Account to be assigned.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.8        Capital Budget Increase - Cost Sharing George Bissett School, Playground Upgrades**

- A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated March 16, 2004, on the above noted, was before Council.

**MOVED by Councillor Cooper, seconded by Councillor McInroy, that:**

- 1. Council approve an increase in the Gross Capital Budget to Capital Account No. CPC00303, Playground Upgrades and Replacements in the amount of \$7,800.00, with no change to the Net Budget. This is to reflect the cost sharing from the George Bissett Parent Teacher Organization, as per the Background**

**Section of the March 16, 2004.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

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

- An extract from the draft March 9, 2004 Regional Council minutes, on the above noted, was before Council.
- A report from the Acting Chair of the Appeal Committee, dated March 2, 2004, was before Council.

**MOVED by Councillor Walker, seconded by Councillor Mosher, that Council give First Reading and set a public hearing date for By-Law T-129, An Amendment to By-Law T-108, Respecting the Regulation of Taxis and Limousines re: Cancellation of Insurance.**

Councillor Smith requested staff provide information from the Insurance Bureau as to their position on this matter prior to second reading.

**MOTION PUT AND PASSED.**

**10.2            HRM PENSION COMMITTEE**

**10.2.1        Amendment to Halifax Regional Municipality Pension Plan**

- A report from the HRM Pension Committee, dated March 5, 2004, on the above noted, was before Council.

**MOVED by Councillor Blumenthal, seconded by Councillor Goucher, that Halifax Regional Council approve the Resolution of the Halifax Regional Council Indemnification of the Pension Committee as attached to the March 5, 2004 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3            HERITAGE ADVISORY COMMITTEE**

**10.3.1        Case H00125 - Application for Registration of 5355 Russell Street Halifax**

- An extract from the February 10, 2004 Regional Council minutes, on the above noted,

was before Council.

- A report from the Chair of the Heritage Advisory Committee, dated February 5, 2004, on the above noted, was before Council.

**MOVED by Councillor Blumenthal, seconded by Councillor Cunningham, that Regional Council approve the registration of 5355 Russell Street, Halifax, as a Heritage Property under the HRM Heritage Property Program (Map 1 of the staff report dated January 19, 2004). MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3.2 Case H00108 - Application to Demolish 1790 Granville Street, Halifax**

- A report from the Heritage Advisory Committee, dated March 16, 2004, on the above noted, was before Council.
- Staff was recommending *that Regional Council refuse the demolition permit for the registered heritage property at 1790 Granville Street (Map 1 of the staff report dated February 17, 2004), known as the Kelly Building, and that the Heritage Advisory Committee be kept apprised of the progress of any meetings held between staff and the property owner regarding options to preserve the building.*

Mr. Jim Donovan, Planning, with the aid of overheads, presented the staff report advising:

- the property was registered as a Municipal Heritage Property in 1982 by the former City of Halifax,
- this is the second application to demolish this building,
- the building has recently changed ownership and the new owner has recently made application to demolish the building,
- a structural engineering study was conducted in 1995 which showed the building to be in very poor condition, in fact condemned and unsafe for fire or inspection personnel to go into the building,
- the owner has agreed to not act on the permit for a period of three months, which they are legally entitled to act on as of April 17, 2004, to allow time to explore alternatives to the demolition,
- the property owners are currently looking into the cost of maintaining the facade.

**MOVED by Councillor Uteck, seconded by Councillor Blumenthal, that the demolition be granted provided that the facade of the building be retained.**

Councillor Uteck advised the developer does not have to choose this route as a demolition permit has been granted. She advised the developer is interested in saving the facade and HRM could work with the developer for facade improvements.

Councillor Fougere noted the application should have been before Heritage Advisory Committee and Council shortly after the demolition application was filed in April, 2003. The Councillor advised as a result, the one year waiting period used to explore options to save the building, is now less than a month.

### **MOTION DEFEATED**

Those voting **in favour** of the motion were: Mayor Kelly and Councillors Snow, Hendsbee, Sloane, Uteck, Fougere, Walker, Hum, Adams and Goucher.

Those voting **against** the motion were: Deputy Mayor Streach and Councillors Cooper, McInroy, Warshick, Sarto, Hetherington, Smith, Cunningham, Blumenthal and Mosher.

Councillors Johns, Harvey, Rankin and Meade were absent for the vote.

**MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the demolition permit be issued.**

### **MOTION DEFEATED.**

Those voting **in favour** of the motion were: Deputy Mayor Streach and Councillors Cooper, McInroy, Hetherington, Smith, Cunningham, Blumenthal, Fougere, Walker and Mosher.

Those voting **against** the motion were: Mayor Kelly and Councillors Snow, Hendsbee, Warshick, Sarto, Sloane, Uteck, Hum, Adams and Goucher.

Councillors Johns, Harvey, Rankin and Meade were absent for the vote.

**MOVED by Councillor Goucher, seconded by Councillor Sloane, that the issue be deferred for one week. MOTION PUT AND PASSED.**

## **10.4 MEMBERS OF COUNCIL**

### **10.4.1 Deputy Mayor Streach - Sewer and Water Extension - Middle Musquodoboit**

Deputy Mayor Streach advised a new high school will be constructed in the Middle Musquodoboit area in 2006 and requested staff provide a report on the cost ramifications etc. of extending the current sewer and water line approximately 0.5km up the #224 Highway.

### **10.4.2 Councillor Mosher - PVC Pipes for Sewage Hook Ups/Possible Cross**

**Connection Issues**

This item was deleted under the approval of the Order of Business.

**11. MOTIONS - NONE**

**12. ADDED ITEMS**

**12.1 Property Matter - Recreational Facilities , Hwy #349. Portuguese Cove**

**MOVED by Councillor Adams, seconded by Councillor Goucher, that:**

- Council approve a withdrawal from the Parkland Reserve Account (Q107) of up to \$38,500, inclusive of taxes and closing costs to facilitate the purchase of Parcel PID 00389460, Highway #349, Portuguese Cove subject to the terms and conditions as set out in the March 4, 2004 Private and Confidential staff report.
- The report not be released to the public until, and if, the recommended transaction is concluded.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2 Property Matter - Case 00564: Release of Restrictive Covenants for Cathedral Church of All Saints**

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

1. Regional Council release the six restrictive covenants contained in the Deed dated October 22, 1907 by the City of Halifax in favour of Dean and Chapter recorded in book 374 at page 448.
2. The March 5, 2004 Private and Confidential staff report be released.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.3 Legal Matter - Settlement of Claim**

**MOVED by Councillor Sarto, seconded by Councillor Goucher, that Halifax Regional Council make a contribution toward settlement of this claim, as set out in the March**

**4, 2004 Private and Confidential staff report, brought by the Plaintiff in the amount \$15,000.00 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 collision which occurred on January 6, 1999. MOTION PUT AND PASSED.**

**12.4            Legal Matter - Settlement of Claim**

**MOVED by Councillor Uteck, seconded by Councillor Goucher, that Halifax Regional Council settle this claim, as set out in the March 4, 2004 Private and Confidential staff report, brought by the Plaintiff in the amount of \$15,000 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 a motor vehicle collision which occurred on January 18, 2000. MOTION PUT AND PASSED.**

**12.5            Councillor Smith - Information Item #2, Burnside Business Association Improvement District**

Councillor Smith noted that approximately 70% of the votes that were returned were against the application. The Councillor noted area rate criteria was used to determine how a commercial BID would take place as part of the process, thus a process completely opposite to what was used in the setting up of other BID's was used. He expressed concern that a new policy has been put in place without consultation with Council.

Ms. Betty MacDonald, Director of Governance and Strategic Initiatives, advised that in the previous process if fifty one percent of the assessed members were against the BID then it was not approved. She explained that the process required that only those who were opposed to the BID to submit a vote. What was suggested by Finance was that all potentially affected assessments participate and if fifty one percent of the votes received support the initiative then staff would continue. She advised the process was agreed to by the Burnside Business Community.

In response to the Chief Administrative Officer, Ms. MacDonald advised the process was changed to what was used in the previous BID's but the process was explained to the organization prior to the vote taking place. She advised her understanding of the policy is that fifty one percent of those assessed have to vote in support of the BID, noting this did not change. She noted the difference in process was the way the votes were counted. The policy around requiring fifty one percent to approve the BID did not change.

**MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that the report was referred to staff for report and recommendation. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.            NOTICES OF MOTION**

**13.1          Councillor Hendsbee**

Take Notice that at the next regular session of Halifax Regional Council, to be held on April 6, 2004, I intend to introduce a motion to amend the Open Air Burning By-Law to allow for a temporary extension from April 15 to May 30 to give more time and opportunity for Hurricane Juan clean up in the rural HRM.

**14.            ADJOURNMENT**

The meeting was adjourned at 7:50 p.m.

Jan Gibson  
Acting Municipal Clerk