

**HALIFAX REGIONAL MUNICIPALITY**

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**HALIFAX REGIONAL COUNCIL  
MINUTES  
June 8, 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  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Debbie Hum  
Linda Mosher  
Stephen Adams  
Brad Johns  
Robert Harvey  
Len Goucher  
Reg Rankin  
Gary Meade

**ABSENT**

**WITH REGRETS:**

Councillor: Jerry Blumenthal

**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 at 6:00 p.m. with the Invocation being led by Councillor Snow.

**MOMENT OF SILENCE**

A Moment of Silence was observed in honour of the 60<sup>th</sup> Anniversary of D-Day.

2. **APPROVAL OF MINUTES - May 11,18, & 25, 2004**

Councillor Goucher noted that he voted against the motion regarding Item 10.1.6, Page 13 of the May 18, 2004 minutes and requested that the minutes be amended to reflect this.

**MOVED by Councillor Hetherington, seconded by Councillor Goucher, that the minutes of May 11 and 25, 2004 be approved, as circulated, and that the minutes of May 18, 2004 be approved, as amended. 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 Proclamation - Child Care Awareness Days - June 2004
- 12.2 Councillor Goucher - Millview Servicing
- 12.3 Supplementary and Mandatory Education Funding
- 12.4 Contractual Matter - Pre-Amalgamation Parking Agreements
- 12.5 Property Matter - Land Acquisition - Lands of Sunoco Investments Ltd.
- 12.6 Legal Matter - Settlement of Claim

**MOVED by Councillor Hetherington, seconded by Councillor Goucher, 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**

6.1 **Councillor Warshick - Supplementary Education Funding**

**MOVED by Councillor Warshick, seconded by Councillor Walker, that Council rescind**

that part of clause (f) of the resolution approving the Supplementary Education Funding for the 2004-2005 Tax Fiscal Year adopted by Regional Council on the 20th day of April, 2004 which states “that any increase in the assumed mandatory education funding set by the Province in excess of the increase budgeted by HRM (\$3.5 million) will be offset by a decrease in supplementary funding for the areas of the former Halifax, Dartmouth, Bedford and the County, as applicable.”

Speaking in support of the motion, Councillor Warshick reiterated his previous concerns that this is not the way for HRM to conduct business, and Council should not be downloading on the School Board in this form. The Councillor stated the students nor the School Board should be paying for the price for this and suggested Council honour its agreement and move on. Councillor Warshick also suggested Item 12.3 Supplementary and Mandatory Education Funding be deferred to next week. Councillor Walker stated Item 12.3 is hostile to the motion and should not be considered in tandem with the Motion of Rescission.

Councillor Uteck stated Council needs to have information regarding what will be cut from HRM's budget to make up the shortfall.

Councillor Warshick clarified that Item 12.3 was not part of his motion, and further stated that he does not want any programs cut, if possible.

Speaking in support of the rescission, Councillor Goucher stated he does not support supplementary funding as it exists but further stated he could not support impacting the School Board because of a third party.

Councillor Uteck stated she could not support the rescission and that the School Board needs to step and help Council resolve this issue as the shortfall needs to be made up somewhere.

Mr. McLellan noted options are set out on Page 4 of the staff report as to how the money can be recovered. Councillor Rankin noted the report explains the implications if Council supports the motion. He stated the taxpayer has paid enough towards education and he could not support putting the \$2.5 million shortfall back on the taxpayers as it is not fair.

Councillor Harvey stated he would support the motion as he is not prepared to solve the \$2.5 million shortfall on the back of public schools. He suggested that perhaps HRM revenues have been underestimated and encouraged Council to vote in favour of the rescission and to have a further discussion and a report on options for the future at another meeting.

A **Recorded Vote** was taken on the Motion of Rescission.

Members of Council voting **in favour** of the motion: Mayor Kelly, Deputy Mayor Streach,

Councillors: Snow, McInroy, Warshick, Sarto, Cunningham, Sloane, Uteck, Fougere, Walker, Hum, Mosher, Adams, Johns, Harvey and Goucher.

Members of Council voting **against** the motion: Councillors: Hendsbee, Cooper, Hetherington, Smith, Rankin and Meade.

(Councillor Blumenthal was absent from the meeting.)

**MOTION PUT AND PASSED.**

**MOVED by Councillor Uteck, seconded by Councillor Cooper, that Item 12.3 Supplementary and Mandatory Education Funding be deferred to next week and that, in addition to the option contained in the report regarding an HRM wide area rate, staff come back with a list of projects that will be cut in order to make up the shortfall. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**8. PUBLIC HEARINGS**

**8.1 By-Law P-1001, An Amendment to By-Law P-1000, Respecting On Street Parking**

C By-Law P-1001, An Amendment to By-Law P-1000, Respecting On Street Parking, passed First Reading on May 11, 2004 and was now before Council for a Public Hearing.

C A staff report prepared for Geri Kaiser, Acting Chief Administrative Officer, regarding the above, was previously before Council.

Mr. Ken Reashor, Acting Manager, Traffic and Transportation Services, presented the report to Council and responded to questions of clarification of Council.

Mayor Kelly called three times for members of the public wishing to speak either in favour of or against the amendment to the by-law.

Hearing none, the following motion was put:

**MOVED by Councillor Johns, seconded by Councillor Sloane, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

**MOVED by Councillor Fougere, seconded by Councillor Sloane, that Council give Second Reading to By-Law P-1001, an Amendment to By-Law P-1000, Respecting On-Street Parking Exemptions and Permits. MOTION PUT AND PASSED UNANIMOUSLY.**

**8.2 Administrative Order # SC-33, Respecting the Closure of Polar Place, Halifax**

C A staff report prepared for Dan English, Acting Chief Administrative Officer, regarding the above, was previously circulated to Council.

Mr. Tom Crouse, Team Leader, Real Property & Asset Management, presented the report to Council and responded to questions of clarification.

Mayor Kelly called three times for members of the public wishing to speak either in favour of or against the Administrative Order.

Hearing none, the following motion was put:

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

**COUNCIL DECISION**

**MOVED by Councillor Sloane, seconded by Councillor Fougere, that Council adopt Administrative Order SC-33, Respecting the Closure of Polar Place, Halifax, as shown on Attachment A of the April 29, 2004 Private and Confidential staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence**

**9.1.1 Lawrencetown 250th Anniversary Celebration - Request for Ceremonial Flypast**

C Correspondence from H. Christopher Conrad, President, Ocean Breezes Interpretation Centre, regarding the above, was before Council for its consideration.

**MOVED by Councillor Hendsbee, seconded by Councillor Hetherington, that**

Regional Council grant the request from the Ocean Breezes Interpretation Centre for approval of a Fly Pass by 12 Wing Shearwater during the historical parade on Highway 207 at 10:35 a.m. on Saturday, June 12, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

**9.2 Petitions**

**9.2.1 Councillor Uteck - The DawgFather**

Councillor Uteck served a petition containing approximately 289 signatures of residents in support of Jerry Anthony Reddick to continue his business in front of the DSU on University Avenue.

**9.2.2 Councillor Adams - Condition of Roads, Williamswood**

Councillor Adams served a petition containing approximately 366 signatures of residents expressing concerns regarding the lack of improvements to roads and sidewalks in the Williamswood area. The Councillor asked that the petition be forwarded to staff for a report as soon as possible to explore the possibility of HRM staff taking over responsibility of these roads.

**9.2.3 Councillor Cooper (on behalf of Blumenthal) - Reduction to Supplementary Funding**

On behalf of Councillor Blumenthal, Councillor Cooper served a petition containing approximately 36 signatures of residents opposed to any reduction in supplementary funding.

**9.2.4 Councillor Sarto - Paving of Louisburg Lane, Dartmouth**

Councillor Sarto served a petition containing approximately 25 signatures of residents of Louisburg Lane requesting that their section of the street be paved or at least patched. The Councillor asked that the petition be referred to staff to look at that section of the street to see if some maintenance can be done from the operating budget and that it be put on next year's capital budget for repaving.

**9.2.5 Deputy Mayor Streach - Musquodoboit Harbour Branch Library**

Deputy Mayor Streach served 15 letters from the 1st Musquodoboit/Jeddore Girl Guides expressing concerns about access to reading material and rumours that the Musquodoboit Harbour Branch library may be closing.

**10. REPORTS**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Tender 04- 061, Dartmouth Lawn Bowling Artificial Surface Replacement**

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

**MOVED by Councillor Hetherington, seconded by Councillor Cunningham, that Council:**

- 1. Approve an increase in the Gross Capital Budget to Capital Account No. CPS00041 - Lawn Bowling Upgrades, by \$40,000.00, with no change to the Net Budget, to reflect the cost sharing from Nova Scotia Sport and Recreation Commission, as per the Background section of this report.**
- 2. Award Tender # 04-061 - Dartmouth Lawn Bowling Artificial Surface Replacement to Marathon Athletic Surfaces for materials and services specified at the unit prices quoted for a Tender Price of \$119,860.00, plus net HST for a total amount of \$127,565.80 from Capital Account No. CPS00041, Lawn Bowling Facilities, with funding authorized as per the Budget Implications Section of the staff report dated May 27, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.2 Tender 04-213, New Sidewalk - St. Margaret's Bay Road-West Region**

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

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

- 1. Approve the recovery of Local Improvement Charges for the new concrete curb and gutter and new concrete sidewalk for St. Margaret's Bay Road (from Civic 42 to Fairmount Road) 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. Local Improvement Charges will be recovered by levying a frontage charge to the property owners.**

2. Award Tender No. 04-213, New Sidewalk - St. Margaret's Bay Road, (West Region) to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$172,060, plus net HST for a total of \$177,960 from Capital Account No. CJU00557, New Sidewalk, with funding authorized as per the Budget Implications section of the staff report dated May 28, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Tender 04-236, Paving Renewal and New Sidewalk, Dumbarton Ave - East Region

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

**MOVED by Councillor Warshick, seconded by Councillor Snow, that Council:**

1. Approve the recovery of Local Improvement Charges for the installation of new concrete sidewalk on Dumbarton Avenue, from Inverary Drive to Kincardine Drive at the rate to be established in By-Law S-414 which will be presented to Council for approval for fiscal year 2004/05 to be applied to the general area rate of District 6.
2. Award Tender No. 04-236, Dumbarton Avenue, Paving Renewal and New Sidewalk, Inverary Drive to Kincardine Drive, to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a tender price of \$284,945.00, plus net HST for a total Project Cost of \$294,716 from Capital Account No 's. CYU00563, Paving Renewal, CGU00461, Sewer Lateral Replacements and CJU00557, New Sidewalks, with funding authorized as per the budget implications section of this report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Tender 04-237, Sidewalk Renewals - East Region

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

**MOVED by Councillor Cunningham, seconded by Councillor Warshick, that Regional Council award Tender No. 04-237, Sidewalk Renewals - East Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$222,950, plus net HST for a total of \$230,595 from Account No. CKU00558, Sidewalk Renewals, with funding authorized as per the Budget**

Implications section of the staff report dated May 31, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

**10.1.5 Tender 04-238, Sidewalk Renewals - East Region**

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

**MOVED by Councillor Smith, seconded by Councillor Snow, that Regional Council award that Regional Council award Tender No. 04-238 Sidewalk Renewals - East Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$131,040, plus net HST for a total of \$135,534 from Account No.CKU00558, Sidewalk Renewals, with funding authorized as per the Budget Implications section of the staff report dated June 1, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.6 Tender 04-245, Paving Resurfacing, Akerley Blvd. - East Region**

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

**MOVED by Councillor Smith, seconded by Councillor Snow, that Regional Council award Tender No. 04-245, Paving Resurfacing, Akerley Boulevard, - East Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$299,905, plus net HST for a total of \$310,189 from Account No. CZU00565, Resurfacing, with funding authorized as per the Budget Implications section of the staff report dated May 31, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.7 Tender 04-074, Aerotech Lagoon Sludge Dredging and Dewatering & Tender 04-073R, Aerotech Lagoon Sludge Transportation & Disposal**

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

**MOVED by Councillor Snow, seconded by Deputy Mayor Streach, that Regional Council:**

- 1. Award Tender# 04-074, Aerotech Lagoon Sludge Dredging and Dewatering, Phases 1, 2, 3 and 4 to Clamex Environment Inc. at the unit prices quoted for**

a submitted price of \$386,460 plus net HST for a total of \$399,711, and provisional phases 5 and 6 if required, at quoted unit prices (Attachment A) with funding available from the Sludge Tipping Fee Reserve Q117, as outlined in the Budget Implications of the staff report dated June 1, 2004.

2. Award of Tender# 04-073R, Aerotech Lagoon Sludge Transportation and Disposal, Phase 1, 2, 3 and 4 to Amber Contracting at the unit prices quoted for a submitted price of \$1,354,000 plus net HST for a total of \$1,400,429, and provisional phases 5 and 6 if required, at quoted unit prices (Attachment B) with funding available from Reserve Q117, as outlined in the Budget Implications of the staff report dated June 1, 2004.
3. Approve an expenditure of \$90,000 from Q117 for additional costs for site preparation, power and quality control costs related to the project.
4. Approve an Aerotech Lagoon \$.0225/gallon sludge tipping fee increase effective April 1, 2005.
5. Approve a withdrawal of up to \$109,231 from Q105 Environmental Protection Reserve to be transferred to the Wastewater Treatment Operating budget in 2005/2006. MOTION PUT AND PASSED UNANIMOUSLY.

**10.1.8 Tender 04-060, Flow Monitoring of Sewers Pricing Agreement, Various Locations**

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

**MOVED by Councillor Sarto, seconded by Councillor Snow, that SNC Lavalin Inc. be awarded the pricing agreement tender for flow monitoring of sewers, for an estimated cost of \$67,737 plus net HST for a total project cost of \$70,560, from Capital Account No's. CSR00503, Infiltration/Inflow Reduction and CGR00788, Studies and Investigations - Various Locations. Funding is to be authorized as per the Budget Implications section of the staff report dated June 1, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.9 Area Rated Operating Budgets for Fiscal 2004-2005**

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

**MOVED by Deputy Mayor Streach, seconded by Councillor Fougere, that:**

- 1. The Resolution for Approval of the Capital Budget and Area Rates for Fiscal 2004-2005 (Appendix A of the staff report dated June 2, 2004) including the attached Schedule of Area Rates (Appendix B of the staff report dated June 2, 2004) be approved; and,**
- 2. Staff return with finalized Business Plans for Area-Rated Recreation Services (Appendix D of the staff report dated June 2, 2004) and reserve business cases where appropriate.**

**MOVED by Councillor Mosher, seconded by Councillor Adams, that the motion be amended to exclude the Spryfield and District Business Commission as staff are addressing some issues respecting it. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Hendsbee stated he would like the opportunity to clarify the community boundary of the Mineville Community Association with staff.

The vote was taken on the main motion, as amended.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.10 Request for Proposal 04-041, Consulting Services - Harbour Water Quality Monitoring Program, Halifax Harbour Solutions Project**

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

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

- 1. Authorize the award of RFP 04-041 to the highest scoring proposal, Jacques Whitford Environment Limited with a project cost of \$257,258.61 plus net HST for a total project cost of \$266,080 from Capital account No.' s CSE00386-CSE00900, Harbour Solutions Project with funding authorized as per Budget Implications section of the staff report dated June 1, 2004.**
- 2. Authorize staff to award the subsequent years of the award at a total project cost of \$266,080 plus an inflation factor per year for each of the remaining four years. These awards would be contingent upon an annual**

performance review; the Harbour Solutions budget for future years includes sufficient funding to cover this expenditure to the end of the contract. MOTION PUT AND PASSED UNANIMOUSLY.

**10.1.11 Request for Proposal 04-036, Dartmouth Cove Wastewater Study**

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

**MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that CBCL Limited be awarded the Dartmouth Cove Wastewater Study, for an estimated cost of \$95,430 plus net HST for a total estimated cost of \$98,703 from Capital Account No. CGR00374, Port Wallace Sanitary Sewer, with funding as outlined in the Budget Implications section of the staff report dated June 2, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.12 Capital Budget Increase - Cost Sharing Various Projects**

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

**MOVED by Councillor Cooper, seconded by Councillor Snow, that Council approve an increase in the Gross Capital Budget in the amount of \$165,000.00 with no change to the Net Budget, as outlined in the table in the Discussion section of the staff report dated May 21, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.13 Enhancements - New High School, Halifax Common**

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

- C Correspondence from Jay Lugar, Chair, new High School Fundraising Team, dated June 8, 2004, was circulated to Council.

Mr. Lew Rogers, Director, Recreation, Tourism and Culture, gave an overview of the report which recommended that Halifax Regional Council request the NS Department of Education to direct approximately \$30,000 (plus HST, if applicable) of \$200,000, as a field improvement allocation to the Trollope Street Field (South Common) as part of the Province's new school construction program.

Responding to questions of Council, staff made the following points:

- C It was never the intention to specifically address the issue of the loss of the high schools with the cultural policy. The cultural policy and the arts facilities policy that is upcoming are meant to address a variety of issues.
- C The auditorium usage in both high schools is minimal, averaging approximately 14 events per year with a revenue source in the area of \$7,000.
- C The primary usage of the auditoriums at the high schools is for school purposes only during school hours. The arts and cultural facilities that exist within the communities are addressing the needs in those communities.
- C Staff believe the deficiency in the performance arts facilities is in the area of the 2,000+ seat auditoriums.

With regard to the gymnasium, Councillor Uteck stated the community is looking for a third gym for community purposes. The Councillor expressed concern with the deterioration of the school gymnasiums on the Peninsula. Councillor Uteck stated she could not support the staff recommendation.

Councillor Hendsbee agreed stating Council is missing a golden opportunity here to provide a state of the art facility for the greater central downtown area. The Councillor suggested that new schools should be community based facilities. In response to concerns expressed by the Councillor, Mr. Peter Bigelow, Manager, Real Property Planning, stated the indoor recreation facilities master plan, which will be forthcoming, contributed to staff's recommendation. He noted high schools are more utilized by their students than junior high schools, and, therefore, do not permit a great deal of time to be allocated for community use. Therefore, he suggested junior high schools are where money is probably best spent and these opportunities will be arising in the future.

Councillor Fougere expressed concern that two schools are being replaced by one, and two gyms that are utilized to the maximum are being replaced by a double gym. The Councillor stated the existing school facilities on the Peninsula are crumbling and any announcement of new school construction has been put on hold by the School Board due to budgetary constraints. Councillor Fougere stated HRM has the opportunity with a new school to do something positive for the Peninsula. The opportunity that residents on the Peninsula see is there is a brand new facility being built and they are looking at enhancing it, similar to Halifax West.

Following a brief further discussion, the following motion was put:

**MOVED by Councillor Fougere, seconded by Councillor Sloane, that Council request a staff report regarding putting the gymnasium and auditorium on a future infrastructure list for funding and, further, that net proceeds from the sale of St. Patrick's High School, when it comes before Council, be allocated to enhanced facilities at the new Peninsular High School.**

During debate of the motion, concern was expressed regarding putting taxpayers' money in facilities of which HRM may never obtain the use. Concern was also expressed that the focus should be put on opportunities to build better communities.

**MOVED by Councillor Cooper, seconded by Councillor Cunningham, that this matter be deferred to the next meeting for a further staff report on the implications and analysis, particularly with respect to the population serviced.**

Councillor Johns suggested the possibility of an area rate be explored for the Peninsula to see what revenue could be raised.

Councillor McInroy noted no infrastructure funding will be approved in this fiscal year. The Councillor stated HRM does not have the money to support this at this time.

Speaking against the motion, Councillor Mosher stated more study and information regarding funding sources is required.

Councillor Rankin stated he would support exploration of the proposal and he did not believe a case has been made to say why it cannot be pursued.

Councillor Hendsbee stated HRM should be taking over the management and maintenance of schools and discussion with the Province and School Board needs to take place.

Councillor Fougere stated the community is looking for some kind of commitment that HRM will take this opportunity to look at the only new school being built in the foreseeable future and to utilize that public facility for the community.

Following a brief further debate, a **Recorded Vote** was taken on the deferral:

Members of Council voting **in favour** of the motion: Mayor Kelly, Councillors: Snow, Cooper, McInroy, Warshick, Sarto, Hetherington, Smith, Cunningham, Mosher and Meade.

Members of Council voting **against** the motion: Councillors: Hendsbee, Sloane, Uteck, Fougere, Walker, Hum, Adams, Johns, Goucher and Rankin.

**MOTION PUT AND PASSED.**

(Deputy Mayor Streach, Councillors: Blumenthal and Harvey were absent.)

**RECESS**

A ten minutes recess was taken at this time.

**10.1.14 One Government Place Heating/Telecommunications Tunnel Encroachment Agreement**

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

**MOVED by Councillor Sloane, seconded by Councillor Snow, that Halifax Regional Council approve the revised Encroachment Agreement with the Province of Nova Scotia, attached as Appendix A to the staff report dated May 27, 2004 for a heating/telecommunications tunnel under Prince Street between the Johnston Building (1672 Granville Street) and One Government Place (1700 Granville Street). MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.15 Amendment to Administrative Order #33 and Amendment to By-Law O-103, Respecting Open Air Burning  
Motion - Councillor Hendsbee - To Amend Administrative Order #33  
Motion - Councillor Hendsbee - To Amend By-Law O-103**

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

**MOVED by Councillor Hendsbee, seconded by Councillor Cooper, that Council adopt a policy pursuant to the Municipal Government Act an amendment to Administrative Order Number 33, the Open Air Burning Administrative Burning Order, the purpose of which is to repeal the current Section 2 of the Administrative Order and to substitute for it the following Section:**

- 2. A burning permit is not required in the following Fire Protection Districts providing all requirements that are outlined in Section 13 of the By-law O-103 are met:**

<b>Cooks Brook</b>	<b>Three Harbours/Port Dufferin</b>	<b>Upper Musquodoboit</b>
<b>Dutch Settlement</b>	<b>Mushaboom</b>	<b>Sheet Harbour</b>
<b>Meagher's Grant</b>	<b>Musquodoboit Harbour</b>	<b>Tangier</b>
<b>Middle Musquodoboit</b>	<b>Ostrea Lake</b>	
<b>Moose River</b>	<b>Oyster Pond</b>	
<b>Mooseland</b>		

In response to questions of Council, Mr. Mike Eddy, Chief Director, Fires Services, stated this amendment just puts the Administrative Order back to where it was a couple of months ago before the temporary change related to Hurricane Juan was made.

Responding to concerns expressed by Councillor Adams, Chief Eddy noted there will be another report coming to Council on options to address the brush issue. Councillor Adams inquired what has to be done to have the suburban area, particularly Herring Cove, included so they can burn on a controlled basis. Chief Eddy responded that by having these departments included in Administrative Order 33 there should have been few restrictions on the ability to burn unless it is a densely populated area. Also, since Section 13(a), regarding extraordinary exemption, has been added to the Open Air Burning By-Law it will allow limited burning to take place in consultation with the local community chiefs.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Hendsbee, seconded by Councillor Adams, that Council give First Reading to amendments to By-Law O-103, the Outdoor Burning By-Law, as follows:**

- 1. amend Section 4(e) to reduce the distance from the nearest adjacent dwelling that a person may conduct burning outside the No Burn Zone from 125 feet to 75 feet;**
- 2. amend Section 4 (e)(i) to further reduce the distance from the nearest adjacent dwelling to no less than 50 feet if the owner of the adjacent dwelling consents to such reduction, and permitting a joint application for a burning permit outside the No Burn Zone being made by the owners of adjacent dwellings**
- 3. amend Section 12(c) and 13(b) to reduce the distance that materials to be burned shall be piled and placed from other combustible materials or adjacent property lines from 50 feet to 25 feet.**

Councillor Hendsbee requested that the amendments be voted on separately.

A **Recorded Vote** was taken on the first amendment:

**MOTION PUT AND PASSED.**

Members of Council voting **in favour** of the motion: Mayor Kelly, Councillors: Snow,

Hendsbee, Cooper, Warshick, Mosher, Adams, Johns, Goucher, Rankin and Meade.

Members of Council voting **against** the motion: Councillors: Sarto, Hetherington, Smith, Cunningham, Sloane, Uteck, Fougere, Walker and Hum.

(Deputy Mayor Streach, Councillors: McInroy, Blumenthal and Harvey were absent.)

A **Recorded Vote** was taken on the second amendment:

**MOTION DEFEATED.**

Members of Council voting **in favour** of the motion: Mayor Kelly, Councillors: Snow, Hendsbee, Warshick, Mosher, Adams, Johns, Rankin and Meade.

Members of Council voting **against** the motion: Councillors Cooper, McInroy, Sarto, Hetherington, Smith, Cunningham, Sloane, Uteck, Fougere, Walker, Hum and Goucher.

(Deputy Mayor Streach, Councillors: Blumenthal and Harvey were absent.)

A **Recorded Vote** was taken on the third amendment:

**MOTION DEFEATED.**

Members of Council voting **in favour** of the motion: Mayor Kelly, Councillors: Snow, Hendsbee, Warshick, Mosher, Adams, Johns, Rankin and Meade.

Members of Council voting **against** the motion: Councillors Cooper, McInroy, Sarto, Hetherington, Smith, Cunningham, Sloane, Uteck, Fougere, Walker, Hum and Goucher.

(Deputy Mayor Streach, Councillors: Blumenthal and Harvey were absent.)

**10.1.16 First Reading By-Law B-501, An Amendment to By-law B-500, Respecting Building Service Connections  
Motion - Councillor Mosher - Move First Reading**

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

**MOVED by Councillor Mosher, seconded by Councillor Walker, that Regional Council give First Reading to an amendment to By-Law B-500 Respecting Building Service Connections (as shown in the attachment to the staff report dated May 17, 2004).**

**MOTION PUT AND PASSED.**

**10.2 HERITAGE ADVISORY COMMITTEE**

**10.2.1 Case H00132 - Application for Registration of 2548 Gottingen Street, Halifax (to set date for Heritage Hearing - July 13/04)**

C A report from the Heritage Advisory Committee to Regional Council regarding the above, was before Council for its consideration.

**MOVED by Councillor Sloane, seconded by Councillor Hetherington, that Council set the date of July 13, 2004 for a Heritage Hearing to provide consideration for the registration of 2548 Gottingen Street, under the HRM Heritage Property Program. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3 MEMBERS OF COUNCIL**

**10.3.1 Councillor Walker - Federation of Canadian Municipalities (FCM) Annual Conference 2011**

**MOVED by Councillor Walker, seconded by Councillor Hetherington, that Council submit a request to the Federation of Canadian Municipalities (FCM) for Halifax Regional Municipality to host the annual conference in the year 2011. MOTION PUT AND PASSED.**

**11. MOTIONS**

**11.1 Councillor Hetherington**

*“To adopt as a policy pursuant to the Municipal Government Act, Administrative Order 35, the purpose of which is to formally adopt the HRM Procurement Policy in accordance with the provisions of the Municipal Government Act.”*

**MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Council adopt as a policy pursuant to the Municipal Government Act, Administrative Order 35, the purpose of which is to formally adopt the HRM Procurement Policy in accordance with the provisions of the Municipal Government Act.**

Responding to concerns expressed by Councillor Fougere regarding qualifying statements, Mr. Anstey suggested Council adopt the Administrative Order as is for now and then

appropriate wording to address the Councillor's concerns could be brought back at a later date as an amendment.

A **Recorded Vote** was taken on the motion:

**MOTION PUT AND PASSED.**

Members of Council voting **in favour** of the motion: Councillors Snow, Cooper, McInroy, Sarto, Hetherington, Cunningham, Uteck, Fougere, Goucher, Rankin and Meade.

Members of Council voting **against** the motion: Mayor Kelly, Councillors: Hendsbee, Warshick, Smith, Sloane, Walker, Hum, Mosher, Adams and Johns.

(Deputy Mayor Streach, Councillors: Blumenthal and Harvey were absent.)

**12. ADDED ITEMS**

**12.1 Proclamation - Child Care Awareness Days - June 2004**

This was an Information Item only.

**12.2 Councillor Goucher - Millview Servicing**

Councillor Goucher raised an issue respecting the area of Millview which he stated is lying in the shadow of significant development with Bedford South and Wentworth Estates. The Councillor noted Millview is an unserviced area in the urban core. Councillor Goucher stated that currently there is an opportunity available with the developers of the property for Bedford South where some assistance is available to move this project forward.

**MOVED by Councillor Goucher, seconded by Councillor Rankin, referred to staff for a report on the opportunity of moving the Millview servicing project forward with developer contribution.**

Councillor Hum requested that Fernleigh Park be added to the staff report, noting there have been discussions held with the developer, the residents and the respective Councillors. Councillor Goucher agreed to have this added.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.3 Supplementary and Mandatory Education Funding**

This item was addressed under Item 6.1 Councillor Warshick - Supplementary Education Funding.

**12.4 Contractual Matter - Pre-Amalgamation Parking Agreements**

C This matter was discussed during an In Camera Session held on February 10, 2004. Ratification was pending notification of the named property owners which has been completed. The matter was now before Council for ratification.

**MOVED by Councillor Cunningham, seconded by Councillor Warshick, that Halifax Regional Council revoke the Policy on Tax Concessions for Parking Garages (1967) effective March 31, 2004 and that Purdy's Wharf, Scotia Pen Properties/Ryco Development Ltd., Halifax Developments Ltd. and Park Lane Development Ltd. be so notified forthwith; provided, however, that the provisions and taxation agreements in effect with the said parking garage owners respecting the adjustment of taxation payments relating to the gross parking revenue in respect of the fiscal year 2003-04, which require the owners to file audited financial statements with HRM prior to September 30, 2004 and the subsequent payment of any adjusted taxes in respect thereof, shall remain in full force and effect until the adjusted taxes in respect of 2003-04 have been paid in full. In respect of fiscal year 2004-05 and subsequent years, full taxes will be due and payable on the same terms and conditions as any other property taxpayer. MOTION PUT AND PASSED.**

**12.5 Property Matter - Land Acquisition - Lands of Sunoco Investments Ltd.**

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 Hendsbee, seconded by Councillor Snow, that Halifax Regional Council approve the withdrawal from the Parkland Reserve Account (Q107) in an amount up to \$18,250.00 to facilitate the purchase of lands in Lake Echo known as PID # 40165763, subject to the terms contained in the June 1, 2004 staff report, and further that this report not be released to the public until the transaction has been completed. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.6 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 Warshick, seconded by Councillor Sarto, that Halifax Regional Council settle the claim, as outlined in the May 31, 2004 Private and Confidential staff report, brought by the Plaintiff in the amount of \$20,000.00 to achieve a full settlement of the Plaintiff's action upon obtaining a full release from any further claims arising out of a slip and fall accident March 22, 2001. in camera recommendation. MOTION PUT AND PASSED UNANIMOUSLY.**

**13. NOTICES OF MOTION**

**13.1 Councillor Hendsbee - Alternative Fire Risk Reduction Measures in the Rural and Suburban Areas of HRM**

**TAKE NOTICE** that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 15<sup>th</sup> day of June 2004, I propose to introduce the following motion: Be it resolved that HRM staff be directed to provide a report for alternative fire risk reduction measures in the rural and suburban areas of HRM, such as community brush pick-up program, coordinated community centralized burning and/or chipping, and/or relaxed prescribed fire burning for on site management of brush debris on private and public properties.

**13.2 Councillor Warshick - First Reading of By-Law S-415, to amend By-Law S-400, Respecting Charges for Street Improvements**

**TAKE NOTICE** that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 15<sup>th</sup> day of June 2004, I propose to move First Reading of By-Law S-415, the purpose of which is to amend By-Law S-400, Respecting Charges for Street Improvements to provide for:

- (1) an exemption scheme from payment of charges in a situation where the street improvement is performed on only one side of a street which provides no benefit to the residents or businesses on the opposite side of the street.

**14. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:00 pm.

Jan Gibson  
Acting Municipal Clerk