

HALIFAX REGIONAL MUNICIPALITY

**HALIFAX REGIONAL COUNCIL
MINUTES
June 22, 2004**

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Steve Streach
Councillors: David Hendsbee
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Jerry Blumenthal
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Len Goucher
Gary Meade

**ABSENT
WITH REGRETS:**

Councillor: Krista Snow
Ron Cooper
Dawn Sloane
Sue Uteck
Reg Rankin

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**

Acting Deputy Mayor McInroy called the meeting to order at 6:12 p.m. with the Invocation being led by Councillor Sarto.

2. **APPROVAL OF MINUTES - NONE**

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

The following items were added to the agenda:

- 11.1 Halifax Harbour Solutions Permanent Long-term Debt Financing
- 11.2 Sustainable Community Reserve Business Case
- 11.3 Contractual Matter - Harbour Solutions Project Budget
- 11.4 Property Matter - Land Exchange and Street Closure, 1748 Bedford Highway
- 11.5 Legal Matter - Assessment Issues
- 11.6 Property Matter - Acquisition of Parcel HH-1

Councillor Warshick requested that the following item be deferred:

- 7.2 First Reading - By-Law S-415, An Amendment to By-Law S-400, Respecting Charges for Street Improvements

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the Agenda be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Hetherington expressed thanks and appreciation to the staff of the North Woodside Community Centre for its assistance during the recent fire on Gaston Road. The Councillor also expressed thanks to the members of EMO, The Red Cross and HRM Police and Fire Services.

4. **BUSINESS ARISING OUT OF THE MINUTES**

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Provincial Mandatory Education Funding Increase - HRM Budget Shortfall**

- C A copy of a news release from the Nova Scotia Department of Education, dated June 15, 2004, was before Council for its consideration.
- C A memorandum from Dale MacLennan, Director, Financial Services, and Betty MacDonald, Director, Governance and Strategic Initiatives, regarding the above, was before Council for its consideration.
- C A supplementary staff report prepared for Dale MacLennan, Director, Financial Services, regarding the above, was before Council for its consideration.

MOVED by Councillor Mosher, seconded by Councillor Johns, that Halifax Regional Council adopt Option 2 “Other” as outlined in the staff report dated June 14, 2004 to reduce the 2004/05 operating budget to absorb the \$2.5 million in additional Mandatory Education costs HRM will have to pay over and above the amounts included in the 2004/05 budget.

Following a brief discussion, the vote on the motion was taken.

MOTION PUT AND PASSED.

7.2 First Reading - By-Law S-415, An Amendment to By-Law S-400, Respecting Charges for Street Improvements

- C A staff report prepared for Dan English, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration. The report recommended that LIC charges be applied to the new curb and sidewalk for the subject project and that the proposed By-Law amendment S-415 not be approved.

During Approval of the Order of Business, this item was deferred.

8. CORRESPONDENCE, PETITIONS AND DELEGATIONS

8.1 Correspondence

8.1.1 Minister of Environment & Labour re: Pesticide Use Information and Education

- C Correspondence from the Minister of Environment and Labour, dated June 10, 2004, regarding pesticide use information and education, was before Council for its consideration.

No action taken.

8.2 Petitions

There were no petitions served at this meeting.

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 Tender 04-243, Main Artery Patching - East, West and Central Regions

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 Smith, that Council award Tender No. 04-243, Main Artery Patching - East, West and Central Regions to Dexter Construction Company Limited for materials and services specified at the unit prices quoted for a Tender Price of \$562,078, plus net HST for a total of \$581,352, from Account No. CZU00564, Main Artery Patching with funding authorized as per the Budget Implications of the staff report dated June 15, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

(Mayor Kelly took his place at the meeting at 6:25 p.m.)

9.1.2 Tender 04-244, Surface Sealing - 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 Cunningham, seconded by Councillor Hetherington, that Council award Tender No. 04-244, Surface Sealing - Various Locations to Industrial Cold Milling for materials and services listed at the unit prices quoted for a Tender Price of \$643,480, plus net HST for a total of \$665,545 from Account No. CZU00565, Resurfacing, and Operating Account No. R730 6399, Chip Sealing - Various Locations, with funding authorized as per the Budget Implications section of the staff report dated June 15, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.3 Tender 04-200, Intersection Improvements, Young St./Windsor St./Bayers 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 Fougere, seconded by Councillor Blumenthal, that Regional Council:

- 1. Award Tender No. 04-200, Intersection Improvements, Young Street / Windsor Street / Bayers Road - West Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a revised Tender Price of \$764,120, plus net HST for a total of \$790,322 from Account No. CTR00417, Bayers Road Widening, with funding authorized as per the Budget Implications section of the staff report dated June 15, 2004.**
- 2. Approve the appointment of O'Halloran Campbell Consultants Limited for contract administration and inspection on this project, for an estimated fee of \$30,000, plus net HST for a total of \$31,029 from Account No. CTR00417, Bayers Road Widening, with funding authorized as per the Budget Implications section of the staff report dated June 15, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

9.1.4 Integrated Communications System - Phase 3, Regional Police Upgrade

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

MOVED by Councillor Johns, seconded by Councillor Mosher, that Regional Council accept the proposal from Aliant to provide Halifax Regional Police with New Digital Radios and system integration in the amount of \$1,775,414 plus net HST for a total of \$1,836,293 from Capital Account No. CHA00160, Trunked Mobile Radio System (TMR) from the approved 2004-2005 Capital Budget. Operating Funds to cover the cost of air time and other associated costs have been included in Account M315 of the 2004-2005 Operating Budget. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.5 Sole Source Purchase of Trunked Mobile Radio Vehicular Repeaters

- 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 Snow, that Regional Council approve the purchase of Mobecom II repeaters complete with software, cables, manuals and installation from Motorola Canada in an amount not to exceed \$400,000 with funding from Capital Account No. CHA00160, Trunked Mobile Radio

System, as outlined in the Budget Implications Section of the staff report dated June 15, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.6 Service Exchange Agreement between HRM and the Halifax Regional School Board

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

MOVED by Councillor McInroy, seconded by Councillor Sarto, that Council authorize the Mayor and the Municipal Clerk to enter into a service exchange agreement with Halifax Regional School Board as per the key terms outlined in the body of the staff report dated June 15, 2004.

Ms. Erin Flaim, Coordinator, Performance and Service Delivery, responded to questions of Council.

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.7 Hurricane Juan - Methods to Deal with Downed Timber on Private Land

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 Snow, that Regional Council:

- 1. support the Province of Nova Scotia's effort to bring about a Federal assistance program for private landowners to deal with wood downed as a result of Hurricane Juan within the BSLB (Brown Spruce Long Horn Beetle) Zone;**
- 2. make a formal request to the Public Safety and Emergency Preparedness Canada (PSEPC), through EMO Nova Scotia, to institute companion programs to the Disaster Financial Assistance Agreement (DFAA) deal with the quantities of woods downed within HRM which constitute a threat to public safety;**
- 3. request the Province to step up it's promotion of it's Fire Smart Program and provide public information as to timelines and alternative methods for dealing on site with woody debris.**

- 4. work with the Provincial and Federal Governments to develop a rural residential pick-up program within the Brown Spruce Long Horn Beetle Ministerial Zone as a component of the Disaster Financial Assistance Program.**

Mr. Peter Bigelow, Deputy Coordinator, Emergency Measures, made a presentation to Council.

In response to concerns expressed by Councillor Adams, Mr. Bigelow stated forestry issues are in the domain of the provincial and federal governments but staff are recommending that HRM become an advocate to draw their attention to these issues.

Chief Eddy added that staff have scheduled meetings with the Councillors of the areas affected. He further noted the intent is to use the extraordinary exemption to address areas where burning can take place. Councillor Adams suggested the other levels of government should be informed that HRM is allowing some exemptions and are contributing to resolving the problem with the exemption clauses.

Responding to question of Councillor Meade, Chief Eddy noted staff will be addressing the distance requirements and will waive them where possible.

Councillor Hendsbee noted this motion is only a step in the right direction and stated he hopes other options to address the concerns will be explored, such as: availability of extra fire fighting apparatus, availability of a water bomber from Quebec for extreme situations, chainsaw certification courses being offered by HRM, centralized chipping, centralized drop off locations, availability of the military reserve to help with brush removal, increased bundle limit for curbside pickup, rental of portable mills and any other creative solutions. The Councillor noted some cost recovery would be available through the other levels of government.

Mr. McLellan noted all staff is asking is that the other levels of government, where the true level of responsibility lies, takes that level of responsibility seriously. He stated the best thing HRM can do is to ensure those levels of government live up to their responsibilities.

MOTION PUT AND PASSED UNANIMOUSLY

9.2 PENINSULA COMMUNITY COUNCIL

9.2.1 Case 00628: Halifax Municipal Planning Strategy and Land Use By-Law Amendment, Development Agreement - 5837 Cunard Street and 2372 June Street

C A report from the Peninsula Community Council, regarding the above, was before

Council for its consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that Regional Council give First Reading to the proposed amendment to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law as contained in Attachment A of the May 18, 2004 staff report with an additional policy provision to allow subdivision of the site so the building can be constructed in phases and to schedule a joint public hearing with Peninsula Community Council. MOTION PUT AND PASSED UNANIMOUSLY.

The Public Hearing will be held on July 13, 2004.

9.2.2 Case 00614: Halifax Municipal Planning Strategy and Land Use By-Law Amendment, 5620 South Street

C A report from the Peninsula Community Council, dated June 22, 2004, regarding the above, was circulated to Council.

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as contained in Attachment A of the June 10, 2004 staff report and schedule a joint public hearing with Peninsula Community Council. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 HRM GRANTS COMMITTEE

9.3.1 HRM Community Grants Program: Awards 2004-2005

C A report from the HRM Grants Committee, regarding Community Grants Program: Awards 2004-2005, was before Council for its consideration.

MOVED by Councillor Walker, seconded by Councillor Warshick, that Regional Council:

- 1. Approve the *HRM Community Grants Program* awards as detailed in Attachments 1 and 1a of this report for a total of 100 awards with a combined total value of \$460,364 for 2004-2005.**
- 2. Approve a procedure whereby appeals referred back to the HRM Grants**

Committee from Regional Council shall be conducted on the basis of new information or a correction to an error in fact or procedure, and that such a request for reconsideration of an award, or of an application declined funding, shall require the Councillor(s) recommending a deferral of a decision to come before the HRM Grants Committee to provide details of the reason for the appeal.

With respect to #34 on Page 7 of the report, Mr. McLellan noted that staff actually recommended this award not be granted as it considered it to be precedent setting. However, the Grant Committee recommended that the award be granted.

MOTION PUT AND PASSED UNANIMOUSLY.

10. MOTIONS

11. ADDED ITEMS

Councillor Hetherington requested that 11.1 Halifax Harbour Solutions Permanent Long-term Debt Financing be addressed as the last item under Item 11 - Added Items.

11.1 Halifax Harbour Solutions Permanent Long-term Debt Financing

This item was addressed later in the meeting.

11.2 Sustainable Community Reserve Business Case

C This matter was discussed at a Committee of the Whole meeting held earlier in the day and was now before Council for ratification.

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

- 1. Council approve in principle, the borrowing of \$20 million from the Federation of Canadian Municipalities' Green Municipal Investment Fund for a ten year term at an interest rate of 1.5% below the applicable Government of Canada bond rate.**
- 2. Council approve the reserve business case for the Sustainable Community Reserve as outlined in the attachment to the staff report dated June 14, 2004.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.3 Contractual Matter - Harbour Solutions Project Budget

- 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 Hetherington, seconded by Councillor Blumenthal, that Council reaffirm its approval of the Harbour Solutions budget of \$332.7 million as presented in Appendix B of the Private and Confidential staff report dated June 16, 2004 and that Appendix B not be released to the public. MOTION PUT AND PASSED UNANIMOUSLY.

11.4 Property Matter - Land Exchange and Street Closure, 1748 Bedford Highway

- 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 Goucher, seconded by Councillor Hum, that:

- 1. Halifax Regional Council authorize staff to set a date for a public hearing for consideration of HRM Administrative Order SC-#34 concerning the closure of a small portion of the Bedford Highway directly fronting on the property know as 1748 Bedford Highway, Bedford, as shown on Attachment "A" of the Private and Confidential staff report dated June 14, 2004.**
- 2. Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into a land exchange with Bastion Properties Limited, owner of 1748 Bedford Highway, subject to the street closure and the key business terms and conditions outlined in the June 14, 2004 Private and Confidential staff report.**
- 3. This report not be released to the public until the transaction is closed. MOTION PUT AND PASSED UNANIMOUSLY.**

The date of the Public Hearing will be July 13, 2004.

11.5 Legal Matter - Assessment Issues

- 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 Hetherington, seconded by Councillor Warshick, that staff

meet with Service Nova Scotia and Municipal Relations to discuss HRM's views prior to the July 23, 2004 Union of Nova Scotia Municipalities (UNSM) Board of Directors Meeting and further that HRM staff present their views to the UNSM Board of Directors on July 23, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

11.6 Property Matter - Acquisition of Parcel HH-1

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 Blumenthal, seconded by Councillor Fougere, that:

1. Halifax Regional Council approve the acceptance of the conveyance from the federal government of parcel HH-1 as outlined in the plan attached to the June 17, 2004 Private and Confidential staff report.
2. Halifax Regional Council approve the retention of ADI Nolan Davis to undertake further environmental work for the balance of the parcel of land offered to the Africville Genealogy Society at a cost not to exceed \$10,000 plus HST.
3. This report not be released to the public. MOTION PUT AND PASSED UNANIMOUSLY.

11.1 Halifax Harbour Solutions Permanent Long-term Debt Financing

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

CONFLICT OF INTEREST

Councillor Hetherington declared a **Conflict of Interest** regarding this item and removed himself from the discussion and vote.

MOVED by Councillor Cunningham, seconded by Councillor Johns, that:

1. The Mayor and Municipal Clerk be authorized to sign the attached Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate confirmation, not to exceed 6.5%, to enable the Halifax Regional Municipality to immediately issue a debenture in the amount of \$110,000,000 to the Nova Scotia Municipal

Finance Corporation.

2. Issue costs for this debenture to be paid from the Environmental Protection Levy. MOTION PUT AND PASSED UNANIMOUSLY.

12. **NOTICES OF MOTION**

12.1 **Councillor Goucher - Administrative Order SC-24**

TAKE NOTICE that at the next regular Regional Council meeting to be held on July 13, 2004, I propose to introduce for introduction by Council as a Policy pursuant to Section 315 of the Municipal Government Act, Administrative Order SC-34. The purpose of which is to effect closure of a small portion of the Bedford Highway Right of Way, located at 1748 Bedford Highway, Bedford, Nova Scotia.

13. ADJOURNMENT

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

Jan Gibson
Acting Municipal Clerk