

HALIFAX REGIONAL COUNCIL  
MINUTES  
October 7, 2008

PRESENT: Mayor Peter Kelly  
Deputy Mayor Stephen Adams  
Councillors: Krista Snow  
David Hendsbee  
Harry McInroy  
Gloria McCluskey  
Andrew Younger  
Bill Karsten  
Jackie Barkhouse  
Jim Smith  
Mary Wile  
Patrick Murphy  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Debbie Hum  
Linda Mosher  
Brad Johns  
Robert Harvey  
Tim Outhit  
Gary Meade  
Reg Rankin

REGRETS: Councillor: Steve Streach

STAFF: Mr. Dan English, Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Julia Horncastle, Acting Municipal Clerk  
Ms. Melody Campbell, Legislative Assistant

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**1. INVOCATION**

The meeting was called to order at 3:10 p.m. with the Invocation being led by Councillor Outhit.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Deputy Mayor Adams noted the opening of a new dance studio in Spryfield, Ready to Rumba, owned by Ms. Suzanne Bechard. He advised of the passing of Mr. Reg Horner, after a long battle with cancer. Mr. Horner worked tirelessly in the Community. His funeral is scheduled for 10:00 a.m. on Thursday at St. Michael's Church, the visitation will be held on Wednesday at Walker's Funeral Home.

Councillor Sloane advised that the Army/Navy Meet and Greet Luncheon and Dance was held last weekend. She expressed her gratitude to the Veterans adding that the Community is proud of their accomplishments.

Councillor McCluskey thanked residents for their calls of support.

Councillor Snow advised that the Beaverbank Kinsac Oktoberfest will be held on Saturday, October 11, 2008.

Councillor Younger invited all residents to attend the Shubie Pumpkin Patch on Saturday, October 11, 2008 from 11:00 a.m. to 2:00 p.m. There are many activities planned including the official opening of the Shubenacadie Canal Heritage Walking Trail and dedication of the Fairbanks Mural.

Councillor Outhit advised residents of the Public Information meeting regarding Bedford South Development at the Basinview Community School at 7:00 p.m. on Thursday, October 9, 2008.

Councillor Barkhouse advised of the Wall of Recognition Ceremony to be held on Thursday, October 16, 2008 at 7:30 p.m. The recipient this year is Mr. Eugene Deveau, a Councillor who represented the Community of Eastern Passage in the former Halifax County.

Councillor Hendsbee advised that he wishes his wife congratulations on their two year anniversary.

Councillor Hum advised residents of the Public Information meeting regarding Bedford South Development at the Basinview Community School at 7:00 p.m. on Thursday, October 9, 2008 and encouraged residents of District 16 to attend. On Monday, October 6<sup>th</sup> Councillor Hum attended a presentation at Grosvenor Wentworth School. She congratulated Mr. Andrew Stickings and the Grosvenor Wentworth Grade Five class for winning national and

international awards for their video project. The video is being considered for an Academy Award for short films. The Honourable Len Goucher attended the event and provided a cheque for \$2500.00 to support the endeavour.

Councillor Smith advised that the 8<sup>th</sup> Walk Against Violence in Dartmouth North will be held on October 15, 2008 at 6:30 p.m. at the Dartmouth Boys and Girls Club and he encouraged all residents to attend. He added that the Dartmouth North Talent Contest is now down to three contestants and added that next date for the contest is October 9, 2008 at 7:00 p.m.

Councillor Mosher expressed her appreciation to Mr. Crooks, Principal of Cunard Junior High, Ms. Mary Lou Buckle, Phys. Ed. Teacher, Ms. Denise Pare, PTA, and Mayor Kelly for the barbecue for the students of Cunard Junior High. The Grand Opening of the Cunard Beach Volleyball Court was held and she expressed her gratitude to Volleyball Nova Scotia and Deputy Mayor Adams to make this court possible. Councillor Mosher expressed appreciation to Dr. Brian Cuthbertson and Mr. Sid Dumaresk for their speech at the laying the first corner stone at the Dingle. She expressed her appreciation to Mayor Kelly and Councillor Fougere and to all those who were in attendance at the event.

**3. APPROVAL OF MINUTES - September 16 & 23, 2008**

**MOVED by Councillor McCluskey, seconded by Councillor Wile, that the Regional Council minutes of September 16, 2008 and September 23, 2008 be approved. MOTION PUT AND PASSED.**

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

Additions:

- 12.1 Councillor Rankin - Request for Report re: Greendale Court & Charles Street, Glengary Subdivision - Inadequate Water Pressure
- 12.2 PROPERTY MATTER - Bayers Lake Business Park
- 12.3 PROPERTY MATTER - Windsor Junction - Property Acquisition

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

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

**6. MOTIONS OF RECONSIDERATION - NONE**

7. **MOTIONS OF RESCISSION - NONE**

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

8.1 **Energy & Underground Services Advisory Committee - Undergrounding of Overhead Utilities in Capital District**

- A report dated September 22, 2008 was before Council.

**MOVED BY Councillor Younger, seconded by Councillor Fougere, that Regional Council:**

1. **Approve the utilities underground application ranking, undertaken by HRM staff and Spring Garden Road and Quinpool Road be considered for funding approval.**
2. **Funding for these projects be allocated as part of the associated Capital District Streetscape Improvements.**
3. **Approve an annual funding review to be established to identify upcoming opportunities and associated costs, including Wyse Road.**

Councillor Sloane requested that Gottingen Street be considered for Undergrounding of Overhead Utilities.

**MOTION PUT AND PASSED.**

9. **CORRESPONDENCE, PETITIONS & DELEGATIONS**

9.1 **Correspondence - None**

9.2 **Petitions - None**

10. **REPORTS**

10.1 **CHIEF ADMINISTRATIVE OFFICER**

10.1.1 **Tender 08-124R - Parking Lot Paving, 150 Thornhill Drive**

- A report dated September 25, 2008 was before Council.

**MOVED BY Councillor Smith, seconded by Councillor McCluskey, that Regional Council award Tender No. 08-124R - Rapid Transit Parking Lot Paving, 150 Thornhill Drive to Dexter Construction Limited for a Total Tender Price of \$324,560.20 (net HST included) with funding from Capital Accounts CB100077, CBU00951 and CBX01057, all titled Transit Facilities Upgrades, as outlined in the Budget Implications section of the report dated September 25, 2008. MOTION PUT AND PASSED.**

**10.1.2 Tender 08-177 - Halifax Commons Fountain Electrical Upgrade**

- A report dated September 26, 2008 was before Council.

**MOVED BY Councillor Sloane, seconded by Councillor Johns that Regional Council award Tender No.08-177 - Halifax Commons Fountain Electrical Upgrade to Ainsworth Inc. for a Total Tender Price of \$201,195.26 (net HST included) with funding from CPU00928 and CPX01023 Parks Upgrades as outlined in the Budget Implications section of the report dated September 26, 2008.**

In response to queries by Councillor Hendsbee, Council was advised that it is anticipated that a flat rate be charged to the producers, event organizers or vendors using the site.

In response to a question by Councillor McCluskey, Council was advised that Ainsworth has worked with HRM in the past, usually as a subcontractor to the main contractor.

**MOTION PUT AND PASSED.**

**10.1.3 Tender 08-256 - Paving Renewal - Central Street, Central Region**

- A report dated September 29, 2008 was before Council.

**MOVED BY Councillor Outhit, seconded by Councillor Sloane, that Regional Council award Tender No. 08-256, Paving Renewal: Central Street - Central Region to Dexter Construction Company Limited for a Total Tender Price of \$591,820.74 (net HST included) with funding from Capital Account No. CYU01081 - Paving Renewal Program, CRU01079 - Other Road Related Works Design & Construction, CJU01083 - New Sidewalks and CJU00785 - New Sidewalks, as outlined in the Budget Implications section of the report dated September 29, 2008. MOTION PUT AND PASSED.**

**10.1.4 Request for Proposal 08-084 - Operation of Material Recovery Facility**

- A report dated September 16, 2008 was before Council.

**MOVED BY Councillor Karsten, seconded by Councillor McCluskey, that Regional Council award RFP No. 08-084, Operation of Materials Recovery Facility (MRF), to the highest scoring proponent, Miller Waste Systems, for the operations of the MRF from April 1, 2009 to March 31, 2014, at the per tonne and other pricing as outlined in their response to the RFP, subject to the drafting and signing of an Agreement containing the terms and conditions of the RFP, and as outlined in the September 16, 2008 report. Funding is from Operating Account number R330 and is as outlined in the Budget Implications section of the report dated September 16, 2008.**

Councillor Karsten requested clarifications on revisions made on the Revised Report. Mr. Bauld, Manager of Solid Waste Resources advised of a change to Page 5 - a new section "RFP Responses" provided more detail. A table has been added to Page 8 showing financial implications over future years of the recommended proponent.

Councillor Walker noted that the proposals come down to a difference of 1.5 million dollars. He noted that there is a clarification of Miller's proposed capital cost that is not in the other proposals, these costs come to \$ 687,819. If HRM were to do the capital it would cost \$ 762,000. Mr. Bauld, Manager of Solid Waste Resources, advised that this RFP contains a substantial amount of work and commitment by the operator. He advised that recommended proposal costs includes the level of service and also includes costs for expansion of the program. All costs of the RFPs were identified and scored, even for expansion of services. He added that all proponents were asked for a base price for five years, and any additional, so all costs were part of the scoring. He advised that scoring financial is 30% and management and marketing is 70% of the scoring. Mr. Bauld added that HRM has had a successful campaign regarding its recycling programs encouraging recycling and he does not want to have residents in jeopardy by having a facility that would reduce all of the work done so far.

In response to a query by Councillor McCluskey boxboard is better suited for blue bag recycling as it is not valuable as a recyclable. He advised in response to a query by the Councillor that Miller's Dartmouth location has made a capital investment in their plant to reduce the odor problem.

Councillor Walker inquired whether Waste Management met the requirements for recyclables. Mr. Bauld advised that Waste Management did meet the recyclable requirements. Mr. Bauld advised that the marketing aspect on Miller's proposal was better, adding that this was a unanimous decision by the evaluation team. Councillor Walker expressed concern whether the small marketing variance justifies 1.5 million in costing. The Councillor advised that he cannot support the motion on the floor. Mr. Bauld advised council that the evaluation criteria was known to all proponents and they were aware that costing was 30% of the evaluation.

Councillor Rankin advised he does not see a business case for the financial capability. He advised that Waste Management is as large as Miller Waste, adding that these companies



either have the financial capability or not. He advised he does not want to see this difference of financial capability in the future. He noted that this is a minor variance in scoring.

**MOTION DEFEATED.**

**MOVED BY Councillor Walker, seconded by Councillor Snow, that Regional Council award RFP No. 08-084, Operation of Materials Recovery Facility (MRF), to Waste Management in reference to the proposal submitted in response to the RFP, for the operations of the MRF from April 1, 2009 to March 31, 2014, at the per tonne and other pricing as outlined in their response to the RFP, subject to the drafting and signing of an Agreement containing the terms and conditions of the RFP, and as outlined in this report. Funding is from Operating Account number R330 and is as outlined in the Budget Implications section of the report dated September 16, 2008.**

Councillor Karsten advised that he does not support the motion on the floor. He advised Council that staff has not failed and he stands behind their recommendation. He noted that HRM staff have saved money on Cell 5.

Councillor Hum raised concern that Council may automatically award the RFP to the second place proponent. She advised that there is a process in place to send this back to staff to receive further information as this is a significant decision.

Mr, Dan English, Chief Administrative Officer, advised that Council may prefer to revisit the proposal once it receives more detail in the form of a Supplementary Report. He noted that the decision is up to Council. As it relates to technical, the issue comes down to additional capacity requirements. He added that the costs are not clear as it will relate to terms of expanding markets and capacities.

Without a vote on the motion on the floor, the following motion was placed.

**MOVED BY Councillor Hum, seconded by Councillor Sloane, that this item be referred back to staff to prepare a supplementary report and the item deferred until receipt of the supplementary report.**

Councillor Younger stated that if Council wants to change the recommended decision, substantial additional information must be received.

Councillor Walker added that it is not known in the future the exact costs of additional expansion. He advised that this information become part of the report and should apply to both RFP submissions.

Councillor Hendsbee requested that the report contain information on the transitional issues that will arise by having a new company taking over the operation.

Councillor Smith requested more information on the RFP scoring.

Councillor Walker advised that he wanted noted for the official record, that no lobbying took place regarding this issue.

**MOTION TO DEFER PUT AND PASSED.**

**10.1.5 Amendment to Bill No. 181, HRM By Design - Underground Wiring**

- A report dated September 29, 2008 was before Council.

Ms. Mary Ellen Donovan, Director, Legal Services, advised of the correction to Recommendation #2, noting it should read Halifax by Design.

In response to a query by Councillor Sloane, Ms. Kelly Denty, Acting Manager of Planning Services, advised that public art is covered by HRM by Design.

**MOVED BY Councillor Sloane, seconded by Councillor Snow, that Regional Council:**

- 1. Adopt the proposed amendment to Bill No. 181, an Act to Implement HRM by Design, and that the amendment be forwarded to the Province of Nova Scotia for consideration and adoption; and**
- 2. Amend the boundaries of the pole free area to align with those of HRM by Design.**

**MOTION PUT AND PASSED.**

**10.1.6 Laurie Lively Park - Parkland Reserve Withdrawal**

- A report dated September 23, 2008 was before Council.

**MOVED BY Councillor Johns, seconded by Councillor Harvey that Regional Council:**

- 1. Approve the withdrawal of \$54,625 from the Parkland Reserve Q107, to fund Capital Account CPX01023 Park Upgrades.**
- 2. Increase Capital Account CPX01023 Park Upgrades by \$54,625 to be dedicated to improvements to Laurie Lively Park.**

**MOTION PUT AND PASSED.**

**10.1.7        Point Pleasant Park Comprehensive Plan**

- A report dated August 13, 2008 was before Council.

Mr. Alan Roberston, Chair of the Point Pleasant Advisory Committee, addressed Council. Mr. Peter Bigelow, Manager of Real Property Planning, provided the presentation on the Point Pleasant Park Comprehensive Plan to Council.

**MOVED BY Councillor Uteck, seconded by Councillor Fougere, that Regional Council endorse the Point Pleasant Park Comprehensive Plan in principle, as the guideline for the future restoration and improvements to Point Pleasant Park.**

Councillor Hendsbee requested that the report be made available online. In response to a query by the Councillor, Mr. Bigelow advised that views will be better from Citadel Hill towards the park rather than vice versa. There will be views from George's Island.

Councillor Snow requested that Councillors receive a copy of the report.

Councillor Uteck raised concern regarding the Batteries and added that their upkeep should be federally funded. Mr. Bigelow advised Council that there are three Batteries that are partly buried and require much work. Mr. Bigelow stated that this will be a part of the negotiations with the Federal representatives. He advised that the anchor is part HRM and the Naval Associations and would be restored and the issue of erosion control would be addressed. Mr. Bigelow, in response to a query by Councillor Uteck, advised Council that the gates at Young Avenue will remain in place. Councillor Uteck noted that there is no recognition to the Halifax Foundation and this information should be sent to them.

**MOTION PUT AND PASSED.**

**10.2        HARBOUR EAST COMMUNITY COUNCIL**

**10.2.1        Case 01006: Dartmouth Municipal Planning Strategy and Land Use By-law Amendments - Heritage Properties**

- A report dated July 15, 2008 was before Council.

**MOVED BY Councillor Younger, seconded by Councillor Karsten, that Regional Council give First Reading to the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law as shown in Attachments "A" and "B" of the staff report dated July 15, 2008 and schedule a public hearing. MOTION PUT AND PASSED.**

**10.3            BOARD OF POLICE COMMISSIONERS**

**10.3.1           Bill No. 129 - Trade Union Act**

- A report dated September 29, 2008 was before Council.

Councillor Fougere declared a conflict of interest and was excused from this item.

**MOVED BY Councillor Walker, seconded by Councillor Snow, that Regional Council write the leaders of all three political parties to urge reconsideration of Bill No. 129 to provide an opportunity to reflect on the public safety issues it raises. MOTION PUT AND PASSED.**

**11.            MOTIONS - NONE**

**12.            ADDED ITEMS**

**12.1           Councillor Rankin - Request for Report re: Greendale Court & Charles Street, Glengary Subdivision - Inadequate Water Pressure**

**MOVED BY Councillor Rankin, seconded by Councillor Meade, that Regional Council request a staff report from the Halifax Water Commission regarding inadequate water pressure at Greendale Court and Charles Street, Glengary Subdivision. MOTION PUT AND PASSED.**

**IN CAMERA RECOMMENDATIONS**

**12.2   PROPERTY MATTER - Bayers Lake Business Park**

- This item was addressed at an earlier In Camera session, and was now before Council for ratification.

**MOVED BY Councillor Wile, seconded by Councillor Walker that Halifax Regional Council:**

- 2. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Plazacorp Retail Properties Ltd., for the land outlined herein and subject to the terms and conditions outlined in the report dated September 25, 2008;**

- 3. Approve Capital Project CQ300748 Washmill Lake Court/102 Underpass/Regency Park Drive Development as per the Budget Implications of the report dated September 25, 2008; and**
- 4. Not release the Private and Confidential report dated September 25, 2008 until the transaction has closed.**

**MOTION PUT AND PASSED.**

**12.3 PROPERTY MATTER - Windsor Junction - Property Acquisition**

- This item was addressed at an earlier In Camera session, and was now before Council for ratification.

**MOVED BY Councillor Snow, seconded by Councillor Sloane that Halifax Regional Council:**

- 1. Approve staff negotiate for the identified property with the owner under the terms outlined in the report dated September 26, 2008.**
- 2. Not release the report dated September 26, 2008 until the transaction is complete.**

**MOTION PUT AND PASSED.**

**13. NOTICES OF MOTION - NONE**

**14. ADJOURNMENT**

The meeting was adjourned at 4:57 p.m.

Julia Horncastle  
Acting Municipal Clerk

The following information items were submitted:

3. Memorandum from Director, Community Development dated September 1, 2008  
re: Financial Performance of HRM's Major Facilities 2007 - 2008
4. Memorandum from the Acting Municipal Clerk dated September 19, 2008  
re: Requests for Presentation to Council - Francesca Rogier