

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES OCTOBER 19, 1999

PRESENT:

His Worship Mayor Walter Fitzgerald
Deputy Mayor Larry Uteck
Councillors: Gordon R. Snow
Ron Cooper
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry S. Blumenthal
Graham L. Downey
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Robert P. Harvey
Peter J. Kelly
Reg Rankin
Jack Mitchell

**ABSENT WITH
REGRETS:**

Councillors: Stephen D. Adams
Harry McInroy

STAFF MEMBERS:

Mr. Dan English, Acting Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Barbara Moar, Assistant Municipal Clerk

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1. **INVOCATION**

Mayor Fitzgerald called the meeting to order at 6:00 p.m. with the Invocation.

2. **PRESENTATION OF COAT OF ARMS**

Deputy Mayor Uteck took the Chair during the presentation of the Coat of Arm by His Worship Mayor Fitzgerald.

Councillor Harvey, Chair, of the Coat of Arms Committee, thanked the members for acting on behalf of HRM in creating the Coat of Arms. He introduced members present for the presentation - Dr. Marie Elwood, Joan Payzant, Tony Edwards, Dr. Lou Collins, Ian Campbell, Deputy Mayor Uteck and Councillor Greenough. He also thanked Lynn LeBoutilier, Assistant Municipal Clerk, who did so much work for the Committee over the two years that the Committee was in operation.

Councillor Harvey said the Heraldic Authority for Canada has been vested in Ottawa and the Committee worked throughout the two years with the Authority as the Coat of Arms was designed and saw it through to its acceptance by the Chief Herald of Canada.

MOVED By Councillors Harvey and Greenough THAT Council approve Administrative Order No. 19 Respecting the Corporate Coat of Arms and Flag for Halifax Regional Municipality. MOTION PUT AND PASSED UNANIMOUSLY.

In closing the presentation, Mayor Fitzgerald thanked the Provincial Government for giving the municipality the particular distinction of incorporating the provincial flag into the Coat of Arms. His Worship thanked everyone, on behalf of Council and the citizens of HRM, who worked so hard to bring forward a Coat of Arms that would be displayed with pride.

MOMENT OF SILENCE

A Moment of Silence was observed in memory of the former Mayor Ryuichi Kidoura of the City of Hakodate, who passed away on October 17, 1999.

2.1 **Leave a Legacy Week**

Mayor Fitzgerald proclaimed the week of October 24-30, 1999 as Leave a Legacy Week.

2.2 **National Immunization Awareness Week**

Mayor Fitzgerald proclaimed the week of October 24-30, 1999 at National Immunization Awareness Week.

2.3 Women's History Month

Mayor Fitzgerald proclaimed the week of October 24-30, 1999 as Women's History Month.

3. APPROVAL OF MINUTES - OCTOBER 5 AND 12, 1999

MOVED BY Councillors Blumenthal and Greenough THAT the Minutes of October 5 and 12, 1999 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the Agenda:

- 13.1 Councillor Snow - Traffic Signals, Fall River Sobey's
- 13.2 Councillors Blumenthal and Kelly - Access-A-Bus
- 13.3 Councillor Kelly - Bedford Highway Restoration, Kearney Lake Road to Hemlock Estates
- 13.4 Councillor Mitchell - Search and Rescue

MOVED By Councillors Blumenthal and Hetherington THAT the Order of Business and Additions and Deletions be approved. MOTION PUT AND PASSED UNANIMOUSLY.

5. BUSINESS ARISING FROM THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTION OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Council Decision on Second Reading of By-Law C-200 Respecting Municipal Cemeteries

MOVED BY Councillors Kelly and Cunningham THAT Regional Council defer final decision on Second Reading of By-law C-200 Respecting Municipal Cemeteries to October 26, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

9. PUBLIC HEARINGS

9.1 Heritage Property Designation - 6 Armada Drive

- A staff report, dated September 9, 1999, prepared for George McLellan, Acting Chief Administrative Officer, recommending that Council consider the recommendation of the Heritage Advisory Committee, was before Council for consideration.

Mayor Fitzgerald called for members of the public wishing to speak for or against the proposal.

Bruce Ellis, owner of 6 Amada Drive

Mr. Ellis said it has been his privilege to be the owner of this property for 8 years and to bring it back to some of its former charm. He asked Council to give his application serious consideration.

Mayor Fitzgerald called three times for any other member of the public wishing to speak for or against the proposal. Hearing none, the following motion was placed before Council.

MOVED By Councillors Greenough and Schofield THAT the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Stone said the owners of the site are very interested in promoting the heritage designation.

DECISION BY COUNCIL

MOVED By Councillors Stone and Walker THAT Council approve the recommendation of the Heritage Advisory Committee re the application by Bruce and Anna Ellis to designate their property located at 6 Armada Drive as a municipal heritage property. MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Correspondence

10.1.1 Request - Two Minute Wave of Silence on November 11th - The Royal Canadian Legion and Veterans Affairs Canada

- A letter received from The Royal Canadian Legion asking Council to consider passing a motion expressing HRM's support for a 2 minute Wave of Silence at some time prior to Remembrance Day, November 11, 1999, was before Council for consideration. A copy of a Proclamation was included with the letter.

MOVED By Councillors Snow and Blumenthal THAT the Proclamation supporting a 2 Minute Wave of Silence be proclaimed at the October 26th Council meeting. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Petitions

Councillor Harvey submitted a 182 signature petition and a letter from the residents and executive of the PTO, re the current Sackville Heights Elementary School. They are requesting that the study underway in regards to closing the Old Sackville Road look at the issue of safety for the children who will be travelling back and forth to the new school that is presently under construction, to open in September 2000. There are no sidewalks, no crosswalks and no traffic lights on any of these roads leading to and from the school. The petitioners are making an application for sidewalks and crosswalks in these areas.

Councillor Harvey said there will be 400 students attending this school. He pointed out that this is a P3 school and the selection of the site is crucial to understanding the predicament that the parents and the community are now in. The site, owned by the company that is building the P3 school, has been selected outside of the service boundary and beyond the infrastructure, including sidewalks. This causes serious concern and problems for Council and for the parents of that area. Councillor Harvey stressed the need to have the access to the school improved, but he does not believe HRM taxpayers should be paying for this. He suggested that people who build a school beyond the municipal infrastructure should pay for any infrastructure that is now required. The petition was received by Council and will be sent to staff for an investigation.

11. REPORTS

11.1 MEMBER OF COUNCIL

11.1.1 Councillor Kelly - Camden Street Storm Sewer Project

Councillor Kelly referred to previous budget deliberations on this issue, noting that this included discussions on what should be included in the scope of the tender, in terms of the storm water, sidewalks and other opportunities. At the end of the process, Council and staff concurred that the storm sewer project would be tendered and if the project came under the budgeted amount, that other aspects of the project would be looked at. The Councillor pointed out that about three weeks ago, Council supported his request to put in

sidewalks.

Councillor Kelly stated that over the last couple of weeks other issues have been identified in terms of problems with storm water off of Wardour Street. He asked that Council approve the use of funds allocated for this project to take care of these problem, at an estimated cost of \$20,000. Councillor Kelly said it was his understanding that there are sufficient funds available in the budget allocation to take care of this problem.

It was agreed by Council that a staff report would be brought back to the October 26th Council meeting in response to Councillor Kelly's request. Councillor Kelly asked that timing for the other aspects be included in the staff report.

Councillor Hetherington said it was his understanding that if there was money left over on capital projects that these monies would be put in a pool, with the intent that Council would look at capital projects that had to be done and determine where best the money could be spent. He had a concern about expanding this project without first looking at other capital projects. Mr. English responded that this would be addressed in the staff report.

11.2 CHIEF ADMINISTRATIVE OFFICER

11.2.1 Tender 99-039 - Inter-Office Mail and Inter-Courier Services

- A staff report, dated October 12, 1999, prepared for George McLellan, Deputy Chief Administrative Officer, re the above, was before Council for consideration. Staff was recommending that *Regional Council authorize the award of Tender #99-039 to overall lowest bidder, Unique Delivery to provide Inter-Office and Inter-Courier service for a two (2) year period.*

Councillor Kelly asked if staff had done a comparison on HRM staff/vehicle providing this service, rather than awarding this tender to the lowest bidder. Mr. English responded that it was his understanding that this had been examined at amalgamation, but Councillor Kelly suggested that it should be looked at again.

Councillor Greenough pointed out that this tender, based on the current cost, would be a savings to HRM of \$15.00/day, but he agreed with Councillor Kelly's comments that there should be a comparison done on HRM staff providing this service.

MOVED By Councillors Sarto and Blumenthal THAT approval of this tender be deferred, pending a staff report for the October 26th meeting showing a comparison of the costs to carry out these services by HRM staff. MOTION PUT AND PASSED UNANIMOUSLY.

**11.2.2 Tender 99-354 - Resurfacing-Sackville Drive, Cobequid Road,
Fenerty Road**

- A staff report dated October 14, 1999, prepared for Dan English Acting Chief Administrative Office, regarding the above, was before Council for consideration

MOVED By Councillors Harvey and Snow THAT HRM award Tender No. 99-354, Resurfacing-Variou Locations-Central Region, to Dexter Construction Co. Ltd. for materials and services specified at the unit prices quoted for a Total Tender Price of \$404,800.00 and a Total Project Cost of \$462,520.00 Gross, with funding availability as noted in the Budget Implications section of the October 14th staff report.

Councillor Walker noted the figures shown in Budget Implications of the staff report differ from the amount that staff are recommending. Mr. Dhillon responded that there is an error in the staff report, but there is sufficient funds in the budget for the project.

MOTION WAS PUT, subject to confirmation that there are sufficient funds in the budget for this project, and PASSED UNANIMOUSLY.

11.2.3 Properties Recommended for Sale

- A staff report, dated September 30, 1999, prepared for Ken Meech, Chief Administrative Officer, regarding the above, was before Council for consideration.

Mr. Rath responded to questions from Council.

Councillor Walker

- Referring to **Property #6**, Councillor Walker noted that the property is zoned R1 and it is assessed at \$1.5M and asked if this would be the asking price. Mr. Rath stated that the assessment shown is for the entire property. Staff were unable to break out the value of this particular parcel as part of the overall property. If the list is approved, staff would get appraisals for each of the individual properties on the list to determine what the current market value would be.
- A question was raised as to why **Property #8** was included in the list when the resident is on a long term lease. Mr. Rath responded that staff are carrying out an overall review of the entire inventory of HRM properties on a geographic basis. All HRM properties in each particular area are reviewed by the staff committee. Staff then determine whether it should come forward to Council for a recommendation that it be surplus. **Property #8** was identified in this particular area. Staff will earmark it that currently there is a lease agreement in place and when the lease

agreement expires, the property would be appraised and put on the market for sale.

Councillor Rankin

- Councillor Rankin pointed out that this is a good thing for HRM taxpayers. This not only disposes of property that is not productive today, but HRM would also receive tax revenue for the first time, in addition to the proceeds from the sale of the properties with a value of approximately \$544,000.
- The question was raised as to what would happen if a Councillor for a respective District in which the individual property is located does not support the sale of the property.
- Mr. Rath responded that in addition to the information that staff might have, staff feel it is also important that they consult with the Councillor for the individual District in which the properties are located to make sure that there are not other factors that staff may not be aware of. For example, the property is being used for a public service. This information is taken into the process and if there is a long term reason to hold the property then the likelihood is that it would not be declared surplus at the staff level to come before Council. If there was a difference in opinion between the staff committee and the Councillor, staff would set this out in a report and bring it to Council.

Councillor Read

- Councillor Read questioned why **Property #1** was being declared surplus, and suggested at least 10' should be kept for possible street widening.
- Mr. Rath responded that one of the staff groups that sit on the committee is Traffic & Transportation Services. It is their recommendation that this particular property would not be required for street widening purposes. If this is no longer valid, Mr. Rath can take this back to Traffic & Transportation. It was agreed that this should be taken back to staff to confirm that it is not required
- Referring to **Property #2**, it was pointed out that you cannot drive through where Idlewylde Road meets Herring Cove Road. At the bottom of the stairway, there is a turning circle and he asked if this property was sold would there still be enough room to do this.
- Mr. Dhillon explained how the turning area would be developed. Following some further discussion, it was agreed that staff would bring back some further information on this location.

- Referring to **Property #4**, the question was raised if the property lines could be divided so that there are at least two lots that can be sold, one with 30' frontage on Withrod Drive.
- Mr. Rath responded that if there is sufficient street frontage on Withrod, staff would want to subdivide the property, with one lot on Withrod and the other on Sunset. The zoning is R2 and they would be sold with the existing zones in place.
- Councillor Read said he agreed that **Property #8** should be removed from the list until the current term lease agreement has expired. Mr. Rath agreed there is no problem removing this from the list and bring back a report when the lease has expired.

Councillor Stone

- In response to the question on how are the properties put up for sale once the current market value has been determined, Mr. Rath responded that where the property is free and clear of encumbrances and it is large enough to be sold as a building lot, staff add out-of-pocket expenses to the market value and use this as a basis for the price that is advertised to the public. The property and price is advertised in the paper, and the length of time before accepting an offer is dependent on the offers that are received.
- Councillor Stone said he is aware of a couple of instances where the offers were accepted on properties immediately they were put up for sale. If staff had waited, say, 2 days later, the offers may have been of a higher value. He asked if staff had considered waiting for 10 days before accepting any offer.
- Discussion ensued on this with Mr. Rath stating that at the staff level they take extra care and caution to make sure they do not disclose information on the property prior to it being advertised so that everyone has the same opportunity to get the information on the property as it comes on the market for sale.
- Councillor Stone suggested that it would be appropriate to wait one week before actually selling the property to give everyone the same opportunity.
- Later in the meeting, Councillor Read pointed out that the staff report before Council tonight is available for anyone to see and be aware what properties will be coming up for sale.

Councillor Hetherington

- Councillor Hetherington had a problem with people buying property on speculation and suggested that there should be a stipulation to build on the property, unless it is an adjoining property owner.
- Mr. Rath responded that this would put a major encumbrance on the property if building requirements are specified within a certain time.
- Councillor Hetherington suggested that by not putting in some kind of timeframe, stipulation, HRM could be putting a tremendous burden on people that live beside these empty lots. He also pointed out that HRM could end up spending a great deal of money cleaning up a mess on a lot now owned by someone else. Councillor Hetherington suggested that at least the prime pieces of properties should be looked at and consideration given to putting a timeframe stipulation.
- Councillor Read suggested putting in a time limit for buildings to be put up for single residential lots could restrict who could bid or make an offer.

MOVED BY Councillors Greenough and Hetherington THAT Council declare the properties identified in the September 30, 1999 staff report to be surplus, with the exception of No. 8 which is under a long term lease agreement. Other properties that were identified by Councillors requiring additional information will be provided to Council before they are put up for sale. MOTION PUT AND PASSED UNANIMOUSLY.

11.2.4 Les Collins Avenue - New Paving

- A staff report, dated October 14, 1999, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration. Staff was recommending that
 1. *Council approve Les Collins Avenue - New Paving as a Local Improvement Project as an increase to the Capital Budget in 1999/2000 but fully recoverable from Local Improvement Charges over a 10 year period.*
 2. *Council award Les Collins Avenue - New Paving to Dillman Enterprises (1995) Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$187,680. and a Total Project Cost of \$215,832., with funding recovered 100% from the residents by frontage charge as per the Budget Implications section of this report.*
- A petition from area residents, stating their objections to the project was before Council for consideration.

Mayor Fitzgerald stated that there are two groups of residents responding to staff's recommendation to provide new paving for Les Collins Avenue. One group is supporting the recommendation and one group is objecting to the recommendation. He suggested that the original petition asking for this local improvement should be checked to determine if it included support from more than 50% of the residents.

Councillor Greenough referred to the staff report stating that on June 23, 1998, 74.65% of the property owners on Les Collins Avenue, initially constructed as a private road in Chezzetcook area, submitted a petition requesting HRM to take ownership and assume responsibility for the maintenance of Les Collins Avenue. The petition did not say they wanted it paved. But, it was pointed out that a petition was submitted on September 14, 1999 supporting the paving of this road.

Following some further comments and discussion, the following motion was made:

MOVED By Councillors Greenough and Blumenthal THAT this item be deferred and that staff be instructed to confirm the number of residents that are in favour of this paving, and report back to the October 26th meeting. MOTION PUT AND PASSED UNANIMOUSLY.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Councillor Snow - Traffic Signals, Fall River Sobey's

Referring to an October 13th staff report he had received on the length of time it would take to have traffic signals in place for the Fall River Sobey's, Councillor Snow expressed his concern with staff's response that the signals should be in operation sometime in February, weather permitting. He asked if, in the interim, the Transportation Department could have the speed limit lowered and stop signs put in at both driveways of Sobey's. It was agreed that a staff report would be provided for the October 26th meeting.

13.2 Councillors Blumenthal and Kelly - Access-A-Bus

Councillor Blumenthal reported that at an October 18th meeting of the Advisory Committee for Persons with Disabilities, a presentation was made by a person who lives outside the Access-A-Bus service area who questioned why people from other parts of Canada can make arrangements to use the HRM Access-A-Bus, but he is not given this opportunity because he lives in Musquodoboit Harbour. The Councillor asked staff for a report on changing the policy to provide Access-A-Bus service to users that are not currently in the Access-A-Bus service area.

Councillor Kelly reported that he had met with a group from the Halifax Stroke Club who have been having on-going problems with the Access-A-Bus service, including, among others, difficulties with bookings, which require 3 weeks advance notice. He said there are also some serious problems with regards to categories of priorities, with no support in resolving outstanding issues.

Councillor Kelly stated that previously there was no charge for attendants that accompany the Access-A-Bus riders, but now there is a charge. Obviously, there has been a change in that policy within the last year. Another problem faced by riders is how they should lodge their complaints. They were told last May that any complaints had to be in writing, but now this has changed and the users have been told that all concerns have to be called in. Councillor Kelly asked that all these concerns be included in the staff report, including expansion opportunities for both Access-A-Bus and taxi operators for the disabled.

It was agreed that a staff report would be prepared for the October 26th meeting.

**13.3 Councillor Kelly - Bedford Highway Restoration
Kearney Lake Road to Hemlock Estates**

Councillor Kelly asked for a staff report to advise what state staff expect the Road to be restored to and if there is a debate and discussion as to the final outcome that this also be included in the report. He also asked staff to advise when they would be bringing forward the lot levies to pay for this kind of a project.

13.4 Search and Rescue

Councillor Mitchell referred to a certificate from the National Search & Rescue awarded to HRM employees. This was one of four awards awarded across Canada. This team was heavily involved in response to the Swiss Air Flight 119 and had 11 other searches in addition to their weekly training.

On behalf of Council, and the citizens of HRM, Mayor Fitzgerald congratulated the employees on their award.

14. NOTICES OF MOTION - NONE

15. ADJOURNMENT

**MOVED BY Councillors Blumenthal and Snow THAT the meeting adjourn at 7:20 p.m.
MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk