

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES August 24, 1999

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor Larry Uteck
Councillors: Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Stephen D. Adams
Barry Barnet
Bob Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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1. INVOCATION

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

ACKNOWLEDGEMENTS

- A) Councillor Mitchell informed Council of the improved health status of former Councillor Ron Hanson.
- B) Mayor Fitzgerald acknowledged the presence in the gallery of Mr. Jerry Pye, MLA (NDP), Dartmouth North, and Mr. Tim Olive, MLA (PC), Dartmouth South.
- C) At a later point in the meeting, Mayor Fitzgerald extended best wishes to Councillors Barnet, Hendsbee and Dooks as they leave Halifax Regional Council to join the Legislative Assembly of Nova Scotia as newly elected MLAs. Councillors Barnet, Hendsbee and Dooks expressed thanks to Mayor Fitzgerald, their fellow Councillors, their constituents, and HRM staff for their help and support during their terms as Municipal Councillors. Council, staff and those citizens present in the gallery responded with a standing ovation.

2. PROCLAMATIONS

2.1 Taoist Tai Chi Awareness Day

Mayor Fitzgerald proclaimed August 28, 1999 as Taoist Tai Chi Awareness Day.

3. APPROVAL OF MINUTES - None

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

- 13.1 Councillor Barnet - Request for a letter to be written to residents re: Sewer Backup - 186 Beaver Bank Road
- 13.2 Councillor Blumenthal - Pit Bull Terriers (Dogs)
- 13.3 Water Service to Pockwock Road Area
- 13.4 Property Matter - Eric Spicer Building Portfolio Rationalization

At a later point in the meeting, the following item was added to the agenda.

- 13.5 Crosswalk Guards

Councillor Rankin requested that Item 13.3 - Water Service to Pockwock Road Area be moved up on the agenda to be the first item under Item 11.4 - Chief Administrative Officer.

MOVED by Councillors Blumenthal and Hetherington that the Order of Business, as amended, 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 Presentation - Alderney Landing Business and Fund Raising Plans

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.
- The Alderney Landing Five Year Business Plan, August 1999, and the Draft Alderney Landing Capital Campaign Plan, were before Council for consideration.

Mr. Tom McInnis, President, Alderney Landing Board of Directors, presented the Alderney Landing Business and Fund Raising Plans, and requested a loan of \$870,000 from HRM to complete the Alderney Landing project, including landscaping, outdoor stage and the awnings. Mr. McInnis stated the Board intends to fundraise the \$574,000 that the HRM has already incurred with regards to the project, and donate it back to the Municipality.

In closing his presentation, Mr. McInnis stated if the loan is not approved, HRM could have serious liability problems in terms of the grounds. In addition, HRM will have to provide approximately \$513,000 over the next four years if the outdoor stage and awning are not completed. Mr. McInnis stated the advantages of approving the loan are elimination of any potential liability claims, the loan will be repaid in three years, the \$574,000 will be fundraised and given back to the HRM, and HRM will be providing a responsible public attraction.

MOVED by Councillors Hetherington and Cunningham that Council:

- 1. Based on the Alderney Landing Board of Directors Business and Capital Campaign Plans, increase the Alderney Landing project budget by \$1,444,000 and approve a temporary borrowing resolution for this amount.**

2. **Accept the proposal by the Alderney Landing Board of Directors to repay HRM \$1,444,000.00 through a dedicated fundraising campaign over a period of five years with a breakdown of \$870,000 plus interest charges to complete the landscaping, stage and awnings and leasehold improvements necessary for the facility, and \$574,000 to cover current cost overruns incurred by HRM.**

Councillor Hetherington spoke in support of the motion, stating the facility will benefit all of HRM.

Councillor Blumenthal expressed concern with the possibility of expenditure over-runs, and stated the \$574,000 should be paid back and not donated. Responding to a question of the Councillor, Mr. McInnis stated RBR Development Association will make approximately \$170,000. With respect to the \$574,000, Mr. McInnis noted the Board was not in charge at the time this was incurred.

Mr. Peter Bigelow, General Manager, Recreation Facilities, responded to questions of clarification from Councillor Kelly.

Speaking in support of the motion, Councillor Cunningham expressed gratitude to Mr. McInnis and the Board of Directors, stating the offer before Council is a win-win situation.

Councillors Schofield, Greenough, Sarto and McInroy also spoke in support of the project.

Councillor Walker stated he hopes the five year business plan projections are accurate and that there will be no further requests for funding.

MOTION PUT AND PASSED UNANIMOUSLY.

9. PUBLIC HEARING

9.1 R-2A Zone Housekeeping Amendments (Peninsula Halifax Land Use By-Law)

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was previously circulated to Council on July 13, 1999.
- Minutes of a Public Information Meeting held on June 29, 1999, regarding the above, were before Council for consideration.
- Correspondence from Dr. Christopher Beaumont, Professor and Inco Fellow of CIAR, Department of Oceanography, Dalhousie University, regarding the above, was before Council for consideration.

With the use of PowerPoint, Mr. Paul Dunphy, Co-Acting General Manager, Development Services, presented the staff report.

Responding to a question of Councillor Fougere, Mr. Dunphy stated these amendments address residents' concerns regarding landscaped open space.

In response to a question of Councillor Read, Mr. Dunphy stated the area zoned R-2A is actually designated as medium density residential in the South End plan, but within that area, there would be many single family dwellings.

Mayor Fitzgerald called for members of the public wishing to speak either in favour of or against the amendments.

Mr. Hugh Pullen, 6262 Oakland Road

Mr. Hugh Pullen, President, Peninsula South Community Association, spoke in support of the housekeeping amendments, stating retaining green space in future developments will benefit both long-term residents and tenants. With the use of overheads, Mr. Pullen showed three plans developed by Dr. Rebecca Jamieson, illustrating the impact of R2-A and commercial development in the area since 1983.

Ms. Joanne Farnick, 1122 Lucknow Street

Speaking in support of the proposed amendments, Ms. Joanne Farnick, with the use of photographs, illustrated the concerns of residents regarding the effects of residential intensification. Ms. Farnick stated R2-A development has consisted primarily of structure and pavement, and much of the development has not been to the benefit of the actual neighbourhood itself. In closing, Ms. Farnick stated she welcomes the proposed amendments which will eliminate many inconsistencies that allow developers to bypass the intent of the By-Law and Municipal Planning Strategy. In particular, she stated the neighbourhood is very pleased that open space provisions have been added to the R-2A zone, which makes R-2A regulations consistent with those that now apply in R-2 and R-3 zoning By-Laws.

Ms. Mary Murphy, Victoria Road

Ms. Mary Murphy spoke in support of the amendments, stating she has been extremely concerned with the exponential rate of development within one block of the residents' homes and the effect it has had on the character of the neighbourhood. Ms. Murphy expressed thanks to Deputy Mayor Uteck and other Councillors who have shown support for the amendments, as well as staff, who worked very closely with the residents over the last few months.

Ms. Beverley Miller, 6182 South Street

Ms. Miller stated she has spoken in support of amendments to the R-2A zoning previously, and is also in favour of these proposed changes. Ms. Miller noted many of the owner occupied units contain apartments, and it is a question of maintaining a balance in the neighbourhood. She suggested the R-2A zoning has become less and less attractive for owner occupants in terms of the living conditions and taxation. In closing, Ms. Miller encouraged Council to support the proposed amendments.

Mayor Fitzgerald called three times for additional speakers from the public either in favour of or against the proposal. Hearing none, the following motion was put on the floor.

MOVED by Councillors Hetherington and Cunningham that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

On behalf of Deputy Mayor Uteck, Councillor Fougere expressed thanks to the members of the public, especially Rebecca Jamieson, for their diligence in keeping this issue in the public eye over the last five years, as well as staff for coming up with a compromise that is acceptable to all parties. The proposed amendments will go a long way to insure the stability of the affected neighbourhoods.

Councillor Read suggested the R-2A zone should be done away with as it has had a minimal impact on increasing the population on the Peninsula and has destroyed neighbourhoods and placed others under stress. However, the Councillor stated these amendments are a major step in the right direction.

Councillor Harvey spoke in support of the amendments, stating it is the right direction for this unique area of the Municipality.

MOVED by Deputy Mayor Uteck and Councillor Fougere that Council approve the amendments to the Peninsula Halifax Land Use By-Law as set forth in Appendices A and B of the staff report dated July 6, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS, DELEGATIONS

10.1 Presentation

10.1.1 Halifax Regional Water Commission re Additional Dividend to HRM - 1998/99 Financial Results

- Correspondence from the Halifax Regional Water Commission regarding an additional dividend, was before Council for its consideration.

Councillor Bruce Hetherington, Vice Chair, Halifax Regional Water Commission, advised Council that in recognition of the Commission's positive financial results for the 1998/99 fiscal year, an additional \$500,000 dividend has been transmitted to HRM's bank account by electronic methods.

MOVED by Councillors Hetherington and Blumenthal that the correspondence from the Halifax Regional Water Commission dated August 18, 1999 re: Additional Dividend to HRM - 1998/99 Financial Results, be received and filed.

Councillor Cooper suggested a positive use of these funds would be to continue to correct water problems in the Municipality, particularly in Little Salmon River.

Responding to a question of Councillor Kelly, Mr. Ken Meech, Chief Administrative Officer, stated this dividend will be going towards the accrued operating deficit.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 CORRESPONDENCE

10.2.1 Gasoline Prices with the Province of Nova Scotia

- (i) **Municipality of the District of Lunenburg re Regulation of Sale of Gasoline**
- (ii) **Town of Yarmouth re Boycott of Gas Stations on October 7th**

- Correspondence from Jack S. Wentzell, Warden, Municipality of the District of Lunenburg, requesting that Council urge the government of Nova Scotia to take steps to once again regulate the retail sale of gasoline in Nova Scotia, was before Council for consideration.
- Correspondence from Charles A. Crosby, Mayor, Town of Yarmouth, requesting Council's support to advertise a boycott of gas purchases and consumption on Wednesday, October 7, 1999, was before Council for consideration.

CONFLICT OF INTEREST

As he is an Irving Oil franchise owner, Councillor Rankin declared a Conflict of Interest regarding this matter and removed himself from the discussion.

MOVED by Councillors Blumenthal and Hetherington that the correspondence from Jack S. Wentzell, Warden, Municipality of the District of Lunenburg, dated August 12, 1999, and Charles A. Crosby, Mayor, Town of Yarmouth, dated August 13, 1999, be received and filed.

Councillor Kelly suggested a response should be made to the correspondence. Mayor Fitzgerald stated it is general policy of Council to receive and file such correspondence, and if a response was made, it would lead to numerous other requests.

MOTION PUT AND PASSED.

Councillor Sarto suggested a letter be sent to the Federal Bureau of Competition requesting that a study of the wide swings in gas prices in Nova Scotia be conducted.

Councillor Schofield suggested a letter could be sent to the Nova Scotia Union of Municipalities supporting the position of the Municipality of the District of Lunenburg to urge the government of Nova Scotia to take steps to regulate the retail sale of gasoline in Nova Scotia.

MOVED by Councillor Schofield and Blumenthal that a letter be sent to the Nova Scotia Union of Municipalities supporting the position of the Municipality of the District of Lunenburg.

Mayor Fitzgerald ruled the motion out of order.

Councillor Hetherington stated Council should be calling for an investigation of gasoline and heating oil prices in Nova Scotia through the Federal Bureau of Competition.

MOVED by Councillors Hetherington and Blumenthal that Council send a letter to the Federal Bureau of Competition requesting an investigation of the gasoline and heating oil prices being imposed on the citizens of Nova Scotia. MOTION PUT AND PASSED.

10.2.2 County of Annapolis re pending closure of the Prothonotary/Probate Office in Annapolis County

- Correspondence from Warden Peter G. Terauds, Municipality of the County of Annapolis, regarding the above, was before Council for consideration.

MOVED by Councillors Kelly and Schofield that a letter of support of the Municipality of the County of Annapolis, in principle, be sent to the Premier of Nova Scotia regarding the pending closure of the Prothonotary/Probate Offices in Annapolis County. MOTION DEFEATED.

10.3 Petitions

10.3.1 Councillor Sarto - Cranberry Lake

Councillor Sarto submitted a petition, containing approximately 89 signatures, requesting that HRM review the contamination issue regarding Cranberry Lake, and to take whatever action that is needed to correct this situation as quickly as possible before further contamination, sedimentation and/or significant flooding occurs.

10.3.2 Councillor McInroy - The Church of Jesus Christ of Latter-day Saints - Proposed Licensed Restaurant and Lounge in Unit #10, 2 Cumberland Drive

Councillor McInroy submitted a petition signed by approximately 95 members of the Dartmouth congregation of The Church of Jesus Christ of Latter-day Saints, requesting that a development agreement not be approved to allow the establishment of a licensed lounge at 1, 3 and 5 Cumberland Drive, Cole Harbour.

11. REPORTS

11.1 MEMBERS OF COUNCIL

11.1.1 Councillor Fougere - Small Tour Business Operators - Taxi & Limousine By-Law

Councillor Fougere stated she has received several complaints regarding the difficulties small tour business operators are experiencing with the provisions of the Taxi and Limousine By-Law. The Councillor noted these small tour operations use seven-passenger vans, which fall under the Taxi and Limousine By-Law because of their size, even though they are not taxis. These vehicles are too small to fall under the Motor Carrier Act of the Province of Nova Scotia. Therefore, Councillor Fougere requested that this matter be referred to Legal Services to look at options that might be pursued to assist

these operators, and that it then be referred to the September meeting of the Taxi and Limousine Committee for comment.

MOVED by Councillors Fougere and Walker that this matter be referred to Legal Services for a report to address the difficulties that small tour business operators are having with the provisions of the Taxi and Limousine By-Law. The report is to be referred to the Taxi and Limousine Committee for its September meeting for comment. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 NORTH WEST COMMUNITY COUNCIL

11.2.1 Project No. 00092 - Plan Review for Beaver Bank, Hammonds Plains and Upper Sackville - Planning Districts 15, 18 & 19 (set date for Public Hearing)

- (i) Report from North West Community Council**
- (ii) Staff Report**

- A report from the North West Community Council regarding the above, was before Council for consideration.
- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

Councillor Rankin suggested that the proposed Public Hearing date of September 14, 1999 be changed to allow staff the time to submit a supplementary report to Council regarding a water serviceable district for Maplewoods Subdivision (as requested at the August 17, 1999 Council meeting), so both items can be dealt with at the same time. To meet the necessary advertising requirements, Mr. Austin French, Regional Coordinator, Planning Services, suggested the Public Hearing could be held on October 5, 1999.

MOVED by Councillors Rankin and Barnet that Council give First Reading to consider the revised Municipal Planning Strategy and Land Use By-Law for Beaver Bank, Hammonds Plains, and Upper Sackville, and to set a Public Hearing date of October 5, 1999.

Councillor Barnet spoke in support of the motion, stating that it is worth waiting an additional month to ensure the project is done properly.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3 HERITAGE ADVISORY COMMITTEE

11.3.1 Substantial Alteration - Keith Brewery Building, 1496 Lower Water Street

- A report from the Heritage Advisory Committee, regarding the above, was before Council for consideration.

MOVED by Councillors Downey and Schofield that Council approve the substantial alteration to the Keith Brewery, as presented to the Heritage Advisory Committee as Drawing A-1 on July 28, 1999, including the following: that the facade material be coloured mortar with ironstone as a 1st choice (2nd choice would be sandstone with a non-smooth finish or rough finish, and the 3rd choice would be brick), and the mullion colours match the existing windows and doors in the courtyard area (ie. bronze, dark green or black), and that the door detail include a double doorway with side lights and transom. MOTION PUT AND PASSED UNANIMOUSLY.

11.3.2 Mural - Keith Brewery Building, 1496 Lower Water Street

- A report from the Heritage Advisory Committee, regarding the above, was before Council for consideration.

MOVED by Councillors Downey and Schofield that Council approve, in principle, the design concept for the proposed mural for the Keith Brewery Building at 1496 Lower Water Street, as presented to the Heritage Advisory Committee on July 28, 1999, subject to performance specifications associated with how this work will be undertaken and maintained being submitted and approved by a Heritage Advisory sub-committee working in consultation with staff. MOTION PUT AND PASSED UNANIMOUSLY.

As agreed to during Approval of the Order of Business, Council dealt with Added Item 13.3 - Water Service to Pockwock Road Area at this time.

13.3 Water Service to Pockwock Road Area

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was circulated to Council for its consideration. The staff report recommended *that Council approve the inclusion of installation of waterline on Pockwock Road from White Hills Run to Hammonds Plains Road, and approve Local Improvement Charges of \$15 per foot to abutting property owners.*
- Correspondence from Douglas Sparks, Development Coordinator, Lucasville Upper Hammonds Plains Development Office, and Joann Whitehead, 131 Pockwock Road, regarding the above, was circulated to Council.

Councillor Rankin suggested the staff report be presented to Council first, followed by the two five minute public presentations.

Mr. Carl Yates, General Manager, Halifax Regional Water Commission, presented the staff report, stating the water main project came in dramatically under budget by approximately \$600,000, partly due to a joint tender with the Department of Transportation who will be re-paving the Pockwock Road. With the use of an overhead, Mr. Yates illustrated the proposed water service extension for the Pockwock Road area. As a result of the dramatic cost savings, the funding partners are requesting Council's endorsement to install a 400mm watermain from White Hills Run to English Corner, with an associated abutters charge of \$15 per foot.

Mr. Daniel Norton, President, Upper Hammonds Plains Community Development Association, addressed Council regarding the above issue. Mr. Norton requested that Council reject the latest request to increase the scope of the project, and to live up to the commitment of the condition of acceptance, as outlined in his letter of May 27, 1999. In particular, that the frontage charge be set at \$15 per foot, and if the cost is less, the savings would go to the property owners as reduced frontage charges. Copies of Mr. Norton's presentation were circulated to Council.

Ms. Mae Casey, 103 Pockwock Road, addressed Council describing the quantity and quality water problems she and her family and neighbours have experienced for over ten years. Some of these problems included the following: dry wells, brown spots on laundry, stained toilets, broken pumps, delayed flushing, E-coli, depression, cost of hauling water, etc. In closing, Ms. Casey stated the residents deserve good healthy drinking water.

In response to Mr. Norton's presentation, Councillor Rankin stated some of the criteria proposed by the Upper Hammonds Plains Community Development Association in its May 27, 1999 letter were doable, others were not. The Councillor noted if the entire savings were allocated back to the residents, the frontage charge would be \$0, plus they would receive a rebate. Councillor Rankin stated neither himself nor Mr. Yates had given any undertaking that anything of the sort would be entertained, and it was not part of the original motion approving the project. For the benefit of Council, Councillor Rankin reviewed the chronology of events that have taken place to date with respect to this project.

MOVED by Councillors Rankin and Cooper that Council approve:

- 1) the inclusion of installation of waterline on Pockwock Road from White Hills Run to Hammonds Plains Road and,**
- 2) Local Improvement Charges of \$15 per foot to abutting property owners.**

Councillor Fougere inquired if anyone responded to the May 27, 1999 letter from the Upper Hammonds Plains Development Office, to address their concerns regarding the terms made as condition of acceptance. Councillor Rankin replied whatever was answered was done through staff discussions with Council, and there was no formal response to that letter other than referral to staff discussions with the Upper Hammonds Plains community.

Councillor Adams suggested the frontage charge for the residents represented by the Upper Hammonds Plains Development Office could be reduced to \$10 per foot, leaving \$160,000 remaining which the four funding partners could assume at \$40,000 each.

Councillor Rankin stated he is satisfied that there were formal discussions between staff and the community regarding the conditions. The Councillor also stated that time is of the essence to approve this project. Mr. Yates stated he has spoken with the Department of Transportation and they provided a three week extension for the paving, of which one week has already elapsed.

Responding to a question of Councillor Barnet, Mr. Wayne Anstey, Municipal Solicitor, stated rates are set by an amendment to the Local Improvement Charge By-Law, and any amendment would require a Public Hearing. In response to an additional question of the Councillor regarding the May 27th letter, Mr. Yates stated that not all the requests in the letter could be met, but most were. With regards to the dramatic savings in the tender, Mr. Yates stated the funding partners decided the best option was to return to the original scope of the project.

Councillor Fougere referenced a fax to the Association dated June 25, 1999 from Reg Ridgley, Acting Director of Finance, outlining step by step each of the concerns in the May 27, 1999 letter. With respect to the cost issue, the fax stated the frontage charge would be based on \$503,570 using 32,815 lineal feet, which would result in a charge of \$15.35 per foot. Should the actual project cost be less, the recoverable amount will be reduced accordingly. In response, Mr. Meech stated no one anticipated the tremendous reduction in price, and, under normal circumstances, the savings would be applied back to the stakeholders based on their percentages. Therefore, the best the property owners could request would be one-third of the savings, as two-thirds of the project cost was being paid by the other funding partners. Based on this calculation, the \$15 per foot charge would be reduced to approximately \$10 per foot. If the proposed extended project is to be completed, the \$160,000 would have to be found from other sources.

In response to a question of Councillor Read inquiring about the wording of the original motion of Council on June 22, 1999, the Municipal Clerk read the following motion which was passed unanimously by Council on June 22, 1999:

1. *That, the Halifax Regional Water Commission be the contracting agency for the Upper Hammonds Plains Servicing Project;*
2. *\$503,570 be recovered through frontage charges to abutters;*
3. *for property owners who have in excess of 299 feet of frontage, either singular or multiple parcels, and not meeting the requirements of the existing deferral program for frontage charges, that Council grant a deferral program on the excess, provided that the amount deferred will accumulate interest at the rate of 8.25% compounded annually and shall be repaid immediately with interest upon death or transfer of property title.*

Councillor McInroy suggested the proper thing to do in this situation, is to take advantage of the available funding and savings, and provide water to as many property owners as possible, as no one is being requested to pay any more than originally agreed upon.

(Mayor Fitzgerald left the meeting at 8:10 p.m. and Deputy Mayor Uteck assumed the Chair.)

Councillor Mitchell spoke in support of staff's recommendation, stressing the importance of good water for the residents.

Councillor Harvey suggested some benefit of the greatly reduced tender price should be applied to the frontage charge to observe the spirit of the condition in the May 27th letter. The Councillor suggested a compromise could be met to allow the project to proceed for the benefit of all involved residents.

Speaking in support of the staff recommendation, Councillor Greenough suggested if there are sufficient savings to permit looking at the total project as originally proposed, this is what should be done. The Councillor stated it is not reasonable for one group to receive total subsidy, while another group receives nothing.

Also speaking in support of the staff recommendation, Councillor Cooper stated if the needs of the original communities proposed for the project cannot be met by reducing the frontage charge, he will not support it.

Responding to a question of Councillor Walker, Mr. Yates stated, based on the fact the original scope of the project included the proposed extension, the funding partners made a recommendation to return to the original scope of the project. Based on Mr. Ridgley's fax, Councillor Walker stated the Upper Hammonds Plains residents should be charged less than \$15 per foot.

(Mayor Fitzgerald returned to the meeting at 8:25 p.m. and assumed the Chair.)

Speaking in support of the staff recommendation, Councillor Read noted the June 22, 1999 motion of Council did not incorporate any cost reduction, and one group should not be charged any differently than another.

Councillor Stone stated the original intent was to provide water for as many people in this area as possible, and this should continue to be done. The Councillor noted that a frontage charge of \$15 is more than reasonable, and those that do not want to pay it can opt out of the project.

Councillor Hetherington stated the initial scope of the project needs to be taken into consideration as both areas require water. The Councillor suggested a compromise solution that would involve the Upper Hammonds Plains area paying a frontage charge of \$12.50, the extended area paying a frontage charge of \$15.00, and HRM and the Halifax Regional Water Commission each contributing an additional \$40,000.

MOVED by Councillors Hetherington and Adams that the motion be amended to include a frontage charge of \$12.50 per foot for the residents of Upper Hammonds Plains, and a frontage charge of \$15.00 for the residents of the Pockwock Road area from White Hills Run to Hammonds Plains Road, and an additional contribution to the project of \$40,000 each from HRM and the Halifax Regional Water Commission.

Councillors Blumenthal and Adams spoke in support of the amendment, stating the Upper Hammonds Plains residents were led to believe by staff that the frontage charges would be reduced.

Councillor Read stated unless the motion of June 22, 1999 is rescinded, Council should remain with this decision.

Councillor Cooper stated the original intent of the project was to provide water to the entire community, and he will not support any action that will deprive any residents of water.

Councillor Hendsbee spoke in support of the original motion, stating residents in other areas, such as Little Salmon River and East Preston, would be very pleased if they could receive water service at a cost of \$15 per foot.

In closing the debate, Councillor Rankin stated it has been determined from this discussion that there is a need to set up standard procedures so there is clarity in similar issues in the future. The Councillor stated he will support the amendment if the funding partners are in agreement.

The vote was then taken on the amendment.

MOTION PUT AND PASSED.

The vote was then taken on the main motion, as amended, which read as follows:

MOVED by Councillors Rankin and Cooper that Council approve:

- 1) the inclusion of installation of waterline on Pockwock Road from White Hills Run to Hammonds Plains Road and,**
- 2) Local Improvement Charges of \$15 per foot to abutting property owners of Pockwock Road from White Hills Run to Hammonds Plains Road, Local Improvement Charges of \$12.50 per foot to abutting property owners of Upper Hammonds Plains.**
- 3) An additional contribution of \$40,000 from both HRM and the Halifax Regional Water Commission. MOTION PUT AND PASSED.**

11.4 CHIEF ADMINISTRATIVE OFFICER

11.4.1 Tender 99-093 - Aerotech Lagoon Bio Solids Removal

- A staff reported prepared for K. R. Meech, Chief Administrative Officer, regarding the above, was before Council for consideration.

MOVED by Councillors Snow and Dooks that:

- 1. Council approve the low tender bid of \$561,775 (\$519,906 net of HST rebate) to Dexter Construction for the removal, dewatering, transportation, and beneficial reuse of 1500 tons of stabilized biosolids from the Aerotech Lagoon.**
- 2. Council approve \$360,979 funding from the Pollution Control Reserve Fund and \$158,927 from the Lagoon Clean Out Reserve Fund.**

Councillor Cunningham expressed concern with using funds from the Pollution Control Reserve Fund for this tender. Mr. Brian Smith, Director, Business Operations, stated all wastewater and pollution control charges go into the Pollution Control Reserve fund. Also, any surplus from the Lagoon will go into that reserve fund. Currently, effluents from all the HRM treatment plants go to the Aerotech Lagoon.

Councillor Read stated that public perception is that too much money in the Pollution Control Fund has gone to items other than for pollution control and remedial action with respect to Harbour pollution.

Councillors Snow, Hetherington and Greenough spoke in support of the motion, noting if the Lagoon did not exist, the sewage would be going directly into Halifax Harbour.

In response to a question of Councillor Harvey, Mr. Alan Brady, Manager, Waste Water Treatment, agreed to provide the Councillor with information regarding the waste disposal from the aircraft carrier George Washington and what regulations were followed in the disposal.

MOTION PUT AND PASSED.

11.4.2 Award of Tender No. 99-215, Eastern Passage Sewage Forcemain Replacement

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

MOVED by Councillors McInroy and Sarto that Regional Council approve the award of Tender No. 99-215, Eastern Passage Sewage Forcemain Replacement to W. Eric Whebby Ltd., for a Total Tender Price of \$468,395.00 and a Total Project Cost of \$538,700.00 with funding authorized as per the Budget Implications Section of the staff report dated August 16, 1999.

Mr. Ted Tam, Manager, Design Services, responded to questions of Councillor McInroy regarding the extent of the project.

MOTION PUT AND PASSED UNANIMOUSLY.

11.4.3 Award of Tender No. 99-241, Sewer Lining - Various Locations

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

MOVED by Councillors Downey and Schofield that Council approve the award of Tender No. 99-241, Sewer Lining - Various Locations, to Uniflow Corporation for materials and services listed at the unit prices quoted for a Total Tender Price of \$170,688.75 and a Total Project Cost of \$196,300.00, with funding authorized as per the Budget Implications Section of the staff report dated August 13, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

11.4.4 Award of Tender No. 99-244, Williams Lake Road Storm Sewer Extension

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

MOVED by Councillors Read and Stone that Council approve the award of Tender No. 99-244, Williams Lake Road Storm Sewer Extension to Ocean Contractors Ltd. for materials and services listed at the unit prices quoted for a Total Tender Price of \$176,939.00 and a Total Project Cost of \$203,500.00, with funding authorized as per the Budget Implications Section of the staff report dated August 17, 1999. MOTION PUT AND PASSED UNANIMOUSLY.

11.4.5 Award of Tender No. 99-207, Camden Street Storm Drainage System, Phase 2, Bedford

- A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration, recommending that Council:
 1. *Approve the installation of sidewalk on Camden Street from the intersection of Wardour Street to the entrance of the school as a new Local Improvement project to the 1999-2000 Capital Budget, and that the abutter's right to petition against the project be waived and that the Local Improvement Charges be recovered by an area rate to be applied to the entire District 21.*
 2. *Award Tender No. 99-207, Camden Street Storm Drainage System, Phase 2, Bedford, including sidewalk as per Item 1 above, on Camden Street to Harbour Construction Company Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$148,332.75 (\$121,652.75 + \$26,680.00) and a Total Project Cost of \$170,900.00 (\$139,000.00 + \$31,000.00) with funding authorized as per the Budget Implications Section of the staff report dated August 18, 1999.*
 3. *Approve the appointment of Wallace Macdonald and Lively Ltd. for part-time supervision and project management services during construction, for an estimated fee of \$15,000.00, with funding as outlined in the Budget Implications Section of the staff report dated August 18, 1999.*

Mr. Tam responded to questions of clarification of Councillor Kelly regarding the calculation of the area rate. Councillor Kelly requested that the project be expanded to include the entire length of the street, rather than just half. Mr. Tam stated there are still existing funds in the account, so if Council approves the further extension, an additional \$34,000 will be required from this account. Based on this information, Councillor Kelly requested that the tender be amended to include an additional \$34,000 for a further extension of the project from the school to Stonemount Terrace. Mr. Meech suggested staff should be requested to come back with a report examining this extension in light of

other priorities already on the books. Councillor Kelly noted he requested this extension when the project was first put to tender, noting it would still leave \$65,000 available for other projects.

MOVED by Councillors Kelly and Hendsbee that Council:

- 1. Approve the installation of sidewalk on Camden Street from the intersection of Wardour Street to the entrance of the school as a new Local Improvement project to the 1999-2000 Capital Budget, and that the abutter's right to petition against the project be waived and that the Local Improvement Charges be recovered by an area rate to be applied to the entire District 21.**
- 2. Award Tender No. 99-207, Camden Street Storm Drainage System, Phase 2, Bedford, including sidewalk as per Item 1 above, on Camden Street to Harbour Construction Company Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$148,332.75 (\$121,652.75 + \$26,680.00) and a Total Project Cost of \$170,900.00 (\$139,000.00 + \$31,000.00) with funding authorized as per the Budget Implications Section of the staff report dated August 18, 1999.**
- 3. Approve the appointment of Wallace Macdonald and Lively Ltd. for part-time supervision and project management services during construction, for an estimated fee of \$15,000.00, with funding as outlined in the Budget Implications Section of the staff report dated August 18, 1999.**
- 4. Approve an amendment to the project to include an additional \$34,000 to extend the project from the school to Stonemount Terrace. MOTION PUT AND PASSED UNANIMOUSLY.**

11.4.6 Award of Tender No. 99-214, Proposed Sanitary Facilities - Circle Drive (Lake Echo) & Tremont Plateau (Halifax)

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

MOVED by Councillors Hendsbee and Stone that Council award Tender No. 99-214, Proposed Sanitary Facilities - Circle Drive (Lake Echo) & Tremont Plateau (Halifax) to Largo Contracting Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$65,492.50 and a Total Project Cost of \$75,316.00,

with funding authorized as per the Budget Implications Section of the staff report dated August 17, 1999. **MOTION PUT AND PASSED UNANIMOUSLY.**

11.4.7 Award of Tender No. 99-245, North Preston Pumping Station Number 3 - Power Backup

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

MOVED by Councillors Hendsbee and Cooper that Council:

- 1. Approve the allocation of funds in the amount of \$162,236.00 from Capital Account No. CGR00500, Melville Cove Pumping Station Backup Power, to the North Preston Pumping Station Number 3 - Power Backup.**
- 2. Approve the award of Tender No. 99-245, North Preston Pumping Station Number 3 - Power Backup to Largo Contracting Ltd. for materials and services listed at the unit prices quoted for a Total Tender Price of \$130,640.00 and a Total Project Cost of \$50,236.00, with funding authorized as per the Budget Implications Section of the staff report dated August 17, 1999.**
- 3. Approve the appointment of SNC Lavalin for part-time supervision and project management services during construction for an estimated fee of \$12,000.00, with funding as outlined in the Budget Implications Section of the staff report dated August 17, 1999.**

Councillor Read reported that the pumping station at Melville Cove failed last week and sewage escaped into the ground water resulting in some flooding of basements. The Councillor stated he hopes this does not happen this winter.

MOTION PUT AND PASSED UNANIMOUSLY.

11.4.8 Award Tender 99-184 Halifax Regional Police Station Emergency Power

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

MOVED by Councillors Blumenthal and Hetherington that Council approve the award of Tender 99-184, Halifax Regional Police Station Emergency Power, to the lowest bidder, Ainsworth Electric, for the tendered price of \$76,138.00 (not including H.S.T.) plus a 10% contingency.

Responding to a question of Councillor Cooper inquiring why this project was not dealt with as a capital project and the previous item dealt with as a Y2K project, Mr. Dan Gautreau, Project Manager, Year 2000 Program Office, stated Y2K related work identified both issues. When the staff report was prepared, the budget figures used to fund this initiative indicated there were no capital funds available. Since that time, it has been determined there are some Y2K dedicated funds available from last year, so, in fact, this will be a capital project.

MOTION PUT AND PASSED UNANIMOUSLY.

11.4.9 Award of Tender No. 99-234, Street Widening Curb, Sidewalk and Storm Sewer - St. Margaret's Bay Road, Phase 2

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

MOVED by Councillors Rankin and Blumenthal that Council:

- 1. Approve the installation of sidewalk and concrete curb and gutter on St. Margaret's Bay Road from the existing sidewalk on Oliver Street to the entrance of the P3 school in Beechville as a Local Improvement project.**
- 2. Waive the abutters' right to petition against the project and that the Local Improvement Charges be recovered by an area rate applied to a portion of District 22, as shown on the sketch attached to the staff report dated August 23, 1999.**
- 3. Authorize the transfer of funds from Capital Account Number CTR00422, Timberlea Traffic Study Recommendations in the amount of \$155,954.00 to Capital Account Number CJR00396, St. Margaret's Bay Road.**
- 4. Award the new sidewalk and concrete curb and gutter on St. Margaret's Bay Road from the existing sidewalk on Oliver Street to the entrance of the P3 school in Beechville to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$307,602.00 and a project cost of \$353,742.00, with funding authorized as per the Budget Implications Section of the staff report dated August 23, 1999.**

Mr. Tam responded to questions of Councillors Walker and Stone regarding the project. The Councillors expressed concern with the placement of deferred projects on the priority list, and suggested they should be put last on the list for the following year.

Councillor Rankin stated the need for the sidewalk has become more evident with the arrival of the P3 school. The Councillor noted there is no intention for the storage lane to remain at the same priority level.

MOTION PUT AND PASSED UNANIMOUSLY.

11.4.10 Award of Tender 99-329 - Micro Paving, Various Locations

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

MOVED by Councillors Blumenthal and Schofield that Regional Council approve the award of Tender #99-329, Micro Paving, Various Locations, to Industrial Cold Milling Ltd., for materials and services specified at the unit prices quoted at a Tender Price of \$307,100.00 and a Total Project Cost of \$353,165.00, with funding provided as outlined in the Budget Implications Section of the staff report dated August 18, 1999.

Councillors Schofield and Cooper inquired if the tender for sidewalks for Albro Lake Road, Flying Cloud and another street, was awarded, and, if so, when will the work commence. Mr. Tam agreed to look into this and report back to the Councillors.

12. MOTIONS - None

13. ADDED ITEMS

13.1 Sewer Backup - 186 Beaver Bank Road

Councillor Barnet reported on an sewer back up incident that occurred in mid-July of this year at 186 Beaver Bank Road, resulting from too much pressure been applied to the sewer main during routine maintenance by HRM. The Councillor stated that staff indicated since the beginning of the matter that it was the fault of HRM, and that a comfort letter would be sent to the affected residents. However, this letter has not yet been received. Councillor Barnet requested that Council direct staff to provide the homeowner with the appropriate letter as soon as possible. It was agreed that Mr. Meech would look into the facts of the situation with an aim to have it resolved by Thursday, August 26.

13.2 Councillor Blumenthal - Pit Bull Terriers (Dogs)

Councillor Blumenthal reported on a recent incident in his District relating to pit bull terriers running loose in the neighbourhood. The Councillor requested a report from Police Services regarding this incident, to determine why weapons were drawn by police, and shots fired in a residential area. Councillor Blumenthal also requested a report from the

SPCA inquiring why the dog involved in this incident was returned to the owner, and inquiring if the SPCA fully understands the Dog By-Law and are able to handle the contract and enforce the By-Law.

Councillor Stone suggested staff should look at more substantial restrictions with respect to dealing with pit bulls.

13.3 Water Service to Pockwock Road Area

This item was addressed earlier in the meeting.

13.4 Property Matter - Eric Spicer Building Portfolio Rationalization

- This matter was discussed during an In Camera Session held prior to the public session and was now before Council for ratification.

MOVED by Councillors Hetherington and Schofield that Council authorize staff to prepare a report for Council that identifies other Municipal Departments that could be relocated from existing Municipally owned or leased facilities, to provide service from the Eric Spicer Building, including an analysis of the service implications of the proposed relocations; the benefits from the sale or sublease of currently occupied facilities; and any other costs that might be incurred.

Councillor Stone suggested the market value of the Eric Spicer Building should also be examined with the idea of selling the building.

MOTION PUT AND PASSED.

As it was 10:00 p.m., the following motion was put on the floor.

MOVED by Councillors Hetherington and Blumenthal that the meeting extend beyond 10:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

14. NOTICES OF MOTION

There were no Notices of Motion served at this meeting.

MOVED by Councillors Hendsbee and Dooks that the meeting move In Camera. MOTION PUT AND PASSED UNANIMOUSLY.

13.5 School Crossing Guards

- This matter was discussed during the in Camera Session and was now before Council for ratification.

**MOVED by Councillors Adams and Kelly that the school crossing guard program for the period of September 1/99 to the end of the school year be delivered by the Halifax Regional Police, and the contract with Eagle Security be terminated.
MOTION PUT AND PASSED.**

15. ADJOURNMENT

**MOVED by Councillors Hendsbee and Dooks that the meeting adjourn at 10:25 p.m.
MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk