

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE MINUTES DECEMBER 12, 2000

PRESENT: Mayor Peter J. Kelly
Deputy Mayor Jerry Blumenthal
Councillors: Steve Streach
Gary Hines
Keith Colwell
Ron Cooper
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Dawn Sloane
Sue Uteck
Russell Walker
Diana Whalen
Linda Mosher
Brad Johns
Robert Harvey
Len Goucher
Reg Rankin
Gary Meade

REGRETS: Councillors: Harry McInroy
Sheila Fougere (regrets)
Steve Adams

STAFF: Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Julia Horncastle, Assistant Municipal Clerk

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The meeting was called to order at 1:00 p.m. by Mayor Kelly.

1. APPROVAL OF THE MINUTES - November 21 & 28, 2000

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane, that the minutes of November 21 & 28, 2000 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the Order of Business be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. ISSUES AFFECTING DOWNTOWN HALIFAX - PRESENTATION - KATE CARMICHAEL

Ms. Kate Carmichael, Executive Director, Downtown Halifax Business Commission, made a presentation to Council on issues affecting Downtown Halifax noting the following:

- they are financially supported 100% by business and property owners within their geographic district and do not receive any funding from HRM;
- their mandate is to create and maintain a positive environment for business to do business downtown, for people to work, to live, to be entertained and to visit;
- the Streetscape program had provided monies to enhance Barrington Street;
- parking is the major problem for the downtown;
- there are loading zones in the downtown area that are no longer in use and could be converted for metered parking;
- the parking facility is critical to the southern end of the central business district and represents a municipal commitment to the downtown and will provide much needed accessible hourly parking to the area;
- the parking facility will put back on the market much needed monthly parking spaces;
- the parking structure will need to be sensitive to the area;
- parking is being provided on Barrington Street;
- residential is developing in the downtown which will in turn bring businesses to the downtown.

Mayor Kelly thanked Ms. Carmichael for her presentation.

4. RFP 00-058 TO DESIGN, BUILD AND OPERATE A PUBLIC PARKING FACILITY AT GRANVILLE, HOLLIS AND SALTER STREETS IN DOWNTOWN HALIFAX (SUPPLEMENTARY REPORT)

- A supplementary report from George McLellan, Deputy Chief Administrative Officer, dated December 7, 2000, on the above noted, was before Council.

Mr. George McLellan, Deputy Chief Administrative Officer, stated HRM ownership of the parking facility would provide future flexibility to either sell it to the proponent or to develop the remaining portion of the property.

With regard to the recommended proponent, Mr. McLellan advised staff gave value for a parking width of 8.5 feet. Staff also examined the financing in terms of how it would be taken from annual cash reserves and a repayment schedule. There was no change as to how parking would be priced. None of the parameters for evaluation were changed.

In response to Councillor Walker, Mr. McLellan advised the intention is that there be sufficient cash reserves that could be used to pay for the construction. He advised the intention is to pay for it up front from cash values and then utilize the cash flows as they come in from the utilization of the parking garage to build a maintenance fund and to have a positive return to pay down the notional loan from cash reserves.

On further question, Mr. McLellan advised HRM will be paying the successful proponent for an imputed value for their borrowing the money. He advised as cash flows flow, HRM would repatriate those funds. He stated if this approach was not taken either the proponent or HRM would borrow the money resulting in a debt obligation which would be an option if there is ever a cash crunch.

Councillor Walker stated that when it is privately owned, HRM receives an amount of \$100,000 plus any amount over and above the \$1.3 million income they have. The Councillor noted this would not tie up HRM money and it would not be an HRM responsibility.

In response to Mayor Kelly, Mr. McLellan advised the business occupancy tax would be \$197,000.

MOVED by Councillor Walker, seconded by Councillor Streach, that it be recommended that Regional Council approve option 2 which states:

That Council:

- appoint the Hardman Group Limited to design, build and operate the public parking structure on Lot 1A in accordance with their submission in response to HRM's Request for Proposals #00-058;**
- authorize staff to negotiate the terms and conditions of an Agreement with the**

Hardman Group Limited based on their “Development Option Two”, for execution by the Mayor and Municipal Clerk, under which:

- (i) the Hardman Group would lease Lot 1A from HRM for a term of sixty (60) years for a public parking facility to be built, owned and operated by the Hardman Group for an annual ground rent of fifty percent (50%) of all annual gross parking revenues in excess of One Million, Three Hundred and Fifty Thousand Dollars (\$1,350,000);**
- (ii) HRM will pay the Hardman Group an annual fee to operate the facility with the terms and conditions to be negotiated.**

Mr. McLellan stressed that if HRM retained ownership of the property it would also retain the ability to be in charge of the integration issues relative to the remaining portion of this property as it is developed.

Deputy Mayor Blumenthal spoke in opposition to the motion and stated, in his opinion, it is better for HRM to own the facility noting, that there may be a different proponent in the future who may not allow HRM to develop the additional piece of property.

Mr. Meech, Chief Administrative Officer, advised this will not have a negative effect on the capital budget. He stated that as it is being developed in two phases, it is the view of staff that HRM should be in an ownership position until such time as it is known how the complete property will be developed and, at that time, have the option of whether to transfer the entire property.

Councillor Sloane stated HRM should own the facility.

Councillor Cunningham spoke in opposition to the motion stating this is an important venture for the downtown and by maintaining ownership, HRM is maintaining its options.

Councillor Hetherington spoke in opposition to the motion stating there is another part to this lot and if HRM does not retain ownership of this facility there may be a loss of continuity between the two pieces of property.

Councillor Harvey spoke in opposition to the motion stating it is important that HRM maintain the options for development of the remaining portion of the property.

Councillor Walker stated HRM has the option of not owning this property nor putting any money into the development of the facility. The Councillor stated that by 2003 the market may change and the requirement for this facility may have changed.

MOTION DEFEATED (4 in favour, 16 against)

(Councillor Mosher was absent from the chambers at the time the vote was taken.)

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Hetherington that it be recommended that Council:

- (a) appoint the Hardman Group Limited to design, build and operate the public parking structure on Lot 1A in accordance with their submission in response to HRM's Request for Proposals #00-085;**
- (b) authorize staff to negotiate the terms and conditions of an Agreement with the Hardman Group Limited based on their "HRM Financed Model", for execution by the Mayor and Municipal Clerk.**

MOTION PUT AND PASSED (15 in favour, 6 against)

5. PRESENT PRACTICES AND STANDARDS - TRAFFIC AUTHORITY (ORAL)

Mr. David McCusker, Traffic Authority, advised the presentation is to make Council aware of the position of the Traffic Authority, the responsibilities thereof and the how it is defined in provincial legislation. He advised the position of the Traffic Authority is defined in the Municipal Government Act and Council is given the power to appoint a Traffic Authority which is then affirmed by the Province. He stated some of the responsibilities defined under the Motor Vehicle Act for the Traffic Authority are street markings, which include lane lines, crosswalks and turning arrows. All of the regulatory signs including stop and yield and other flow control signs such as bus stops, loading zones, taxi stands and parking restrictions and prohibitions. The Traffic Authority is responsible for the signing of speed zones, the installation of traffic signals and a number of other special permits and regulations related to emergency events and the seasonal winter parking ban.

He stated it is important that best practices be used throughout the Municipality to limit liability; therefore, he must be fully trained and knowledgeable in all aspects of traffic control and familiar with the manuals of standard practices. He advised they have developed single page sheets which describe a number of different traffic control practices that are currently used and these will be provided to Councillors.

Councillor Hetherington stated that the Traffic Authority rejects requests if they do not meet the standards. The Councillor advised if a request does not meet the criteria, a "no" response is received stating, there has to be a human criteria somewhere when residential streets are involved. As an example, the Councillor stated that after a request is turned down it would be difficult to justify the considerable cost of installing an RA5 for the few users crossing near Pleasant Street.

Mayor Kelly noted that these are guidelines and not law and should be able to meet public expectations.

Mr. Anstey stated that the guidelines are not hard and fast rules nor are they black and white law but, if the Municipality completely ignores the guidelines and, if a particular device is constructed that does not comply with the guidelines and, if it can be demonstrated by a person who has been injured in an accident that the accident resulted from a device being installed that didn't meet the guidelines, there would be no doubt that in that type of a situation, the Municipality would be found liable for the accident.

In response to Councillor Hetherington, Council was advised the guidelines have been in place approximately forty years.

Councillor Uteck expressed concern with the intersection of Jubilee Road and Connaught Avenue noting, the Chicane is causing problems and advised that if the lights are reactivated pedestrians will have a very short period of time in which to cross the intersection.

Councillor Goucher suggested an advisory committee be formed to work in conjunction with Mr. McCusker to deal with some of the traffic issues.

Councillor Johns stated that even though there are not the required number of people using the crosswalks in his district, it does not change the validity and seriousness of a crosswalk being at a certain location. The Councillor stated there is a concern with speeding in neighbourhoods and noted the stop signs do control traffic speed to some degree. He noted there are many schools within his district and asked if a school zone is looked at for the three or four hours that the children are using that crosswalk or throughout the whole day.

In response, Mr. McCusker advised the pedestrian volumes are counted at the busiest hours of the day. The school is contacted to ascertain when the dismissal times are so that staff can be present for the peak of pedestrian usage.

Councillor Warshick suggested consideration be given to the reinstatement of the "X" on collector roads where there are crosswalks.

Councillor Smith stated there needs to be an avenue, perhaps through Community Council, to put the human factor on the decisions regarding traffic controls.

Councillor Mosher suggested a trial be undertaken to close Abbot Street from 7-9 a.m. in the morning and in the afternoon from left hand turning. The Councillor suggested there be further public education regarding traffic controls. The Councillor stated she would like to have Councillors informed when a sign is to be removed or added to an area.

Councillor Hines expressed concern with people parking on both sides of Lockview Road when there is a school function, requesting the situation be investigated.

Councillor Whalen suggested there be a public education campaign that would support the relaxing of some of the warrants and requirements. The Councillor stated there is a need for standards and warrants but there is also a need to apply judgement.

Councillor Sarto noted there are on average four or five accidents at the intersection of Main Street and Brigadoon Street and requested this be looked at to see what can be done to improve safety in this area.

Councillor Goucher advised there are problems with the light at the intersection of Rocky Lake Drive and the Bedford Highway.

Councillor Cooper suggested the vehicle counts be based on a fourteen rather than a twenty four hour day.

Councillor Colwell suggested the counts in a twenty four hour period be reduced to a lower number to accomplish what Council wants to ensure the safety of the residents while keeping within the engineering requirements.

Mayor Kelly suggested the Traffic Authority take a more in depth look at the concerns while keeping in mind the human aspect.

6. ADJOURNMENT

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that the meeting be adjourned at 4:15 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

**Vi Carmichael
Municipal Clerk**