

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES

September 18, 2001

PRESENT:

Mayor Peter J. Kelly
Councillors: Stephen Streach
Gary Hines
Keith Colwell
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Stephen D. Adams
Brad Johns
Bob Harvey
Len Goucher
Reg Rankin
Gary Meade

REGRETS:

Deputy Mayor Jerry Blumenthal

STAFF MEMBERS:

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

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1. INVOCATION

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Walker.

MOMENT OF SILENCE

On behalf of HRM, Mayor Kelly expressed sincere condolences to the families and loved ones of the thousands of victims of the terrorist attack which took place in the United States on September 11th. Mayor Kelly also expressed thanks and appreciation to the residents, businesses, volunteers, staff and service groups from HRM, and across the Province, for their tremendous response since the disaster.

Following the Mayor's comments, Council observed a Moment of Silence in memory of those who have died, as well as for their families and friends who remain.

Councillor Adams advised that the Spryfield Legion Branch 152 will be holding a vigil this evening at 7:00 p.m.

ACKNOWLEDGEMENT

At a later point in the meeting, Councillor Meade acknowledged the presence in the gallery of Mr. John Chataway, MLA, Chester - St. Margaret's.

2. PROCLAMATIONS

2.1 National Payroll Week - September 17 - 21, 2001

September 17 - 21, 2001 was proclaimed to be National Payroll Week.

2.2 HRM Workplace Diversity Week - September 16 - 22, 2001

September 16 - 22, 2001 was proclaimed to be HRM Workplace Diversity Week.

Councillor Sloane encouraged members of Council, who have not already done so, to sign the map regarding Diversity Week located in Halifax Hall.

3. APPROVAL OF MINUTES - SEPTEMBER 4, 2001

MOVED by Councillor Goucher, seconded by Councillor Sarto, that the minutes of September 4, 2001, 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:

- 12.1 Tender 01-277 - Lacewood Drive Entrance
- 12.2 CAO Contract
- 12.3 Property Matter - Sale - Lake City Employment Services - Windmill Road

The following items were deferred until September 25th:

- 10.3.1 Deputy Mayor Blumenthal - Crosswalk Fines and Enforcement
- 10.2.11 Neighbourhood Short-Cutting - Armview/Pryor/Jubilee

MOVED by Councillor Uteck, seconded by Councillor Hetherington, that the Order of Business, Additions and Deletions, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

6. **MOTIONS OF RECONSIDERATION - NONE**

7. **MOTIONS OF RESCISSION - NONE**

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

9. **CORRESPONDENCE, PETITIONS & DELEGATIONS**

9.1 **Correspondence**

9.1.1 **Pre-Clearance from U.S. Customs and Immigration for Flights to the United States - Office of the Minister of Transport**

C Correspondence from Blake Johnston, Special Assistant, Atlantic Region, Office of the Minister of Transport, regarding the above, was before Council for its consideration.

MOVED by Councillor Goucher, seconded by Councillor Hetherington, that the correspondence regarding pre-clearance from U.S. Customs and Immigration for flights to the United States from the Office of the Minister of Transport be forwarded to the President and Board of the Halifax International Airport Authority along with

HRM's commitment to help them achieve the pre-clearance at Halifax International Airport and to fully assist and cooperate with the references outlined in the correspondence. **MOTION PUT AND PASSED UNANIMOUSLY.**

9.2 Petitions

9.2.1 Councillor Streach - Paving of Murphy's Road and improvements to Marine Drive, Hwy. #7

Councillor Streach served a petition containing approximately 80 signatures of residents in support of the paving of Murphy's Road and improvements to Marine Drive, Hwy. #7, complete with pull overs to promote safe and carefree driving.

9.2.2 Councillor Goucher - Lack of Effective Security - Papermill Lake Area

Councillor Goucher submitted correspondence expressing concern regarding the lack of effective security at Papermill Lake beaches and surrounding areas this past summer. The Councillor asked that the matter be referred to Parks and Recreation staff for a report responding to the concerns.

9.2.3 Councillor Goucher - Concern with Power Boats on Sandy Lake

Councillor Goucher submitted correspondence from a resident expressing concern with power boats on Sandy Lake. The Councillor requested that the Mayor write a letter of concern to the Province as it has jurisdiction over the waters.

9.3 Presentations

9.3.1 Traffic Calming Study - Ken Linseman (see Item 10.2.11)

C A draft preliminary traffic calming study for the North Section Peninsula Centre, Halifax Regional Municipality, dated July 2001, was before Council for its consideration.

Mr. Kulvinder Dhillon, Director, Public Works and Transportation, introduced Mr. Ken Linseman, who presented the Preliminary Traffic Calming Study, North Section, Peninsula Centre. It was noted the staff report regarding this matter was deferred to September 25, 2001.

Mayor Kelly thanked Mr. Linesman for his presentation.

10. REPORTS

10.1 CHEBUCTO COMMUNITY COUNCIL

10.1.1 Case 00318 - Request for an Amendment to the Halifax Municipal Planning Strategy and Land Use By-Law and Development Agreement, Robie/Cunard/West Streets, Halifax (set date for public hearing - October 9, 2001)

C A report from the Chebucto Community Council, regarding the above, was before Council for its consideration.

MOVED by Councillor Sloane, seconded by Councillor Adams, that Regional Council give First Reading to the proposed amendments to Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law as contained in Appendix A of the staff report dated August 29, 2001, and schedule the Public Hearing for October 9, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 CHIEF ADMINISTRATIVE OFFICER

10.2.1 Award of Tender No. 01-240, Colindale Street Reconstruction

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

MOVED by Councillor Mosher, seconded by Councillor Adams, that Council:

1. **Approve this project as a Local Improvement Project with a frontage charge on Colindale Street (Purcell's Cove Road to Pearl Street) of \$9.38 per linear foot based on the 2000 approved rate, and on Colindale Street (Pearl Street to McLennan Avenue) with a frontage charge of \$6.11 based on the approved 2001 rate.**
2. **Authorize an increase to Capital Account No. CYR00991 in the amount of \$90,373 with funding provided by a withdrawal from Account No. CRESPOOL.**
3. **Award Tender No 01-240, Colindale Street Reconstruction, Western Region to Basin Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$417,907.00 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project**

Cost of \$489,252 with funding authorized as per the Budget Implications Section of the staff report dated September 6, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.2 Award of Tender No. 01-251 - New Sidewalk - Poplar Drive, Eastern Region

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

MOVED by Councillor Cooper, seconded by Councillor McInroy, that Council:

- 1. Approve the recovery of Local Improvement Charges for the new concrete sidewalk on Poplar Drive, in the amount of \$70,000 through the general area rate of District 4.**
- 2. Award Tender No. 01-251, New Sidewalk - Poplar Drive to Northstar Construction Ltd. for materials and services specified at the unit prices quoted for a Tender Price of \$126,725,50, plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$148,360.00 with funding authorized as per the Budget Implications Section of the staff report dated September 6, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

10.2.3 Award of Tender No. 01-279, Paving - Western Region

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

MOVED by Councillor Harvey, seconded by Councillor Goucher, that Council:

- 1. Approve an increase to Capital Account No. CZR00357 - Resurfacing, with funding provided by a transfer of \$213,141 from Account No. CRESPOOL as indicated in the Budget Implications Section of the staff report dated September 4, 2001.**
- 2. Award Tender No. 01-279, Paving - Western Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$541,610 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$634,073 with funding authorized as per the Budget Implications Section of the staff report dated September 4, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

(Councillor Fougere took her place at the meeting at 6:45 p.m.)

10.2.4 Award of Tender No. 01-269, Merkel Street Reconstruction and Hydrostone Lanes Paving Renewal

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

MOVED by Councillor Sloane, seconded by Councillor Adams, that Council:

1. **Approve an increase in the Capital Budget for Capital Account No. CYR00991 - Paving Renewals in the amount of \$156,231. These funds are to be recovered from the Halifax Regional Water Commission (HRWC) as indicated in the attached letter for the amount of \$82,077. The remaining funds in the amount of \$74,154 are available as a withdrawal from Account No. CRESPOOL.**
2. **Award Tender No. 01-269, Merkel Street Reconstruction and Hydrostone Lanes Paving Renewal - Western Region to Lafarge Canada Limited for materials and services listed at the unit prices quoted for a Tender Price of \$246,200 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$288,231 with funding authorized as per the Budget Implications Section of the staff report dated September 6, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

10.2.5 Tender No. 01-087 - New 1500 Gallon Tankers for the Herring Cove and Lawrencetown Fire Departments

C A staff report prepared for George McLellan, Deputy Chief Administrative Officer, dated September 4, 2001, regarding the above, was before Council for its consideration.

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

1. **Regional Council authorize the purchase of one (1) 1500 Gallon Tanker for Herring Cove Fire Dept. from the lowest bidder meeting specifications, Carl Thibault Truck Inc. at a cost of \$259,198.25 (tax included) with funding provided as outlined in the Budget Implications Section of the staff report dated September 4, 2001.**

2. **Regional Council authorize an increase to Capital Account #CVF00690 in the amount of \$59,341.08 with funding provided in the Budget Implications Section of the staff report dated September 4, 2001. All prices include the non-refundable portion of the HST.**

Responding to a question of Councillor Walker regarding the Budget Implications Section of the staff report, Mr. Peter Ross, Manager, Procurement, stated the funding is coming from the Fire Reserve Account. Mr. Bill Mosher, Deputy Chief Director, Fire and Emergency Services, confirmed the money is coming from the department's reserve account which was established through an area rate for the area, and the funds will be replenished through the area rate. Councillor Walker stated it would have been beneficial if this had been stated in the report.

MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Colwell, seconded by Councillor Streach, that

1. **Regional Council authorize the purchase of one (1) 1500 Gallon Tanker for Lawrencetown Fire Dept. from the lowest bidder meeting specifications, Carl Thibault Truck Inc. at a cost of \$252,382.54 (tax included) with funding provided as outlined in the Budget Implications Section of the staff report dated September 4, 2001.**
2. **Regional Council authorize an increase to Capital Account #CVF00688 in the amount of \$22,525.38 with funding provided in the Budget Implications Section of the staff report dated September 4, 2001. All prices include the non-refundable portion of the HST.**

Responding to a question of Councillor Colwell, Mr. Chris Charron, Manager, Maintenance and Logistics Division, Fire and Emergency Services, stated the two vehicles have different size pumps as well as several other different features based on the needs of the departments.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.6 Tender No. 01-088 - One (1) Tandem Tanker for Middle Musquodoboit Volunteer Fire Department

- C A staff report prepared for George McLellan, Deputy Chief Administrative Officer, dated September 4, 2001, regarding the above, was before Council for its consideration.

MOVED by Councillor Streach, seconded by Councillor Hetherington, that:

1. Council approve an increase to the Capital Budget in the amount of \$25,144 with funding provided for as outlined in the Budget Implications Section of the staff report dated September 4, 2001.
2. Council approve an increase to the capital project, account #CHJ00160 in the amount of \$75,143 (new gross \$305,144) with funding provided as for outlined in the Budget Implications Section of the staff report dated September 4, 2001.
3. Council authorize the award of Tender #01-088 to Carl Thibault Truck Inc. at a price of \$305,143.65 (tax included) with funding outlined in the Budget Implications Section of the staff report dated September 4, 2001. Price includes the non-refundable portion of the HST. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.7 Award of Tender No. 01-286, Upgrading of Chipseal Streets to Asphalt, Doug Smith Drive, Waterloo Street, Cartaret Street - Western Region

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

MOVED by Councillor Fougere, seconded by Councillor Mosher, that Council:

1. Approve an increase in the Capital Budget for Capital Account No. CZR00357 - Resurfacing in the amount of \$521,643. These funds are available as a withdrawal from Account No. CRESPOOL.
2. Award Tender No. 01-286, Upgrading of Chipseal Streets to Asphalt, Doug Smith Drive, Waterloo Street, Cartaret Street to Ocean Contractors Limited, for materials and services listed at the unit prices quoted for a Tender Price of \$445,575 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$521,643 with funding authorized as per the Budget Implications Section of the staff report dated September 13, 2001.

Responding to questions of Councillor Walker, Mr. Rick Paynter, Manager, Design and Construction Services, stated the funding in the paving/resurfacing account has been depleted and this tender, as well as a few more yet to come before Council, will require funds to be drawn from CRESPOOL to make the awards. In response to a further question of the Councillor, Mr. Paynter stated the streets listed in the Capital Budget are done so in priority in accordance with their SDI numbers. In terms of the tendering of the streets, they are not

necessarily tendered in that order, as they are batched together according to their geographic area. Councillor Walker expressed concern that during the first part of the summer, most of the contracts were for the eastern and central areas, and now there is no money left for these streets. The Councillor suggested that perhaps the streets should be looked at by priority for tendering purposes. In response, Mr. Paynter stated there are many other tenders that have been issued in this construction season where funding was withdrawn from the CRESPOOL account for one reason or another. He noted that staff are reviewing other capital accounts within Public Works and Transportation Services, in terms of projects that have been completed, and balances of those funds will be transferred back into CRESPOOL.

In response to a question of Councillor Goucher, Mr. Paynter stated tender prices are up this year due to the rising costs of liquid asphalt, concrete, labour, and fuel.

Responding to a question of Councillor Hetherington regarding Johnston Avenue which was deferred last year due to a shortage of funds, Mr. Kulvinder Dhillon, Director, Public Works and Transportation Services, stated he would report back to the Councillor with respect to how this paving project can be funded.

In response to a question of Councillor Meade, Mr. Paynter stated it was a decision of Council that staff implement a new program in the Capital Works Budget for upgrading chipsealed streets to asphalt and there would be no local improvement charges associated with that program.

Responding to a question of Councillor Cooper, Mr. Paynter stated there could be a number of reasons why a project is not included at the beginning of the tendering program. With respect to Johnston Avenue, there were issues that needed to be examined. The funding situation will be examined, and, hopefully, that project will be brought forward in the next few weeks. With respect to the CRESPOOL account, Mr. Dhillon clarified that excess money from projects is returned to this account, but it is still infrastructure money.

In response to a question of Councillor Mosher regarding maintenance of chipsealed streets, Mr. Paynter stated an Information Report was previously provided to Council regarding this issue. He noted that there have been some problems with some of the streets, but these will be rectified under the warranty provisions of the contract. Mr. Paynter noted another Information Report will be coming to Council in the near future that will address this issue further.

Responding to a question of Councillor Streach regarding micro-paving, Mr. Paynter stated HRM is doing approximately \$700,000 worth of micro-paving this year. He noted chipsealing is basically a liquid asphalt stone chip application, and micro-paving is more of a finer asphalt mulch and polymer mix.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.8 Award of Tender No. 01-276, Paving Resurfacing - Central Region

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

MOVED by Councillor Goucher, seconded by Councillor Hetherington, that Council:

1. **Approve the recovery of Local Improvement Charges for new concrete curb and gutter on Lincoln Drive by an amount of \$14,505.14 to be applied to the general area rate of District 21.**
2. **Authorize an increase to Capital Account No. CZR00357 - Resurfacing in the amount of \$189,855 with funding provided from Account No. CRESPOOL as indicated in the Budget Implications Section of the staff report dated September 10, 2001.**
3. **Award Tender No. 01-276, Paving Resurfacing - Central Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$535,700 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$627,155 with funding authorized as per the Budget Implications Section of the staff report dated September 10, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

10.2.9 Award of Tender No. 01-241, Crown Drive - Brook Street to Keating Road - Sanitary Sewer and Street Reconstruction - Western Region

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

MOVED by Councillor Mosher, seconded by Councillor Adams, that Council:

1. **Approve the recover of Local Improvement Charges for the upgrading of asphalt curb to concrete on Crown Drive - Brook to Keating in the amount of \$19,955 to be applied as a frontage charge.**
2. **Authorize the transfer of funds in the amount of \$189,278 from Account No. CRESPOOL to Account CYR00991 as indicated in the Budget Implications Section of the staff report dated September 10, 2001.**

3. **Award Tender No. 01-241, Crown Drive - Brook Street to Keating Road, Sanitary Sewer and Street Reconstruction, Western Region to J. R. Eisener Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$372,042 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$435,557 with funding authorized as per the Budget Implications Section of the staff report dated September 10, 2001.**

With respect to this and the previous tenders, Councillor Hetherington stated he would like it to be ensured that HRM supervisors overseeing these projects maintain the importance of the workers being present, noting the contractors may not be spending all the time they say they are on the jobs that have been awarded to them. In response, Mr. Paynter noted the Councillor's concern.

Councillor Mosher expressed thanks to Engineering staff for helping to reach a satisfactory solution for the residents.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.10 Award of Tender No. 01-285 - Coronet Avenue Culvert Renewal - Western Region

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

MOVED by Councillor Mosher, seconded by Councillor Adams, that Council award Tender No. 01-285, Coronet Avenue Culvert Renewal - Western Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$61,962 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$72,540 with funding authorized as per the Budget Implications Section of the staff report dated September 10, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.11 Neighbourhood Short-cutting - Armview/Pryor/Jubilee

- C Correspondence from Dr. Tania Li, 6496 Jubilee Road, Halifax, regarding the above, was circulated to Council.
- C Correspondence from residents of Connaught Ave., Quinpool Rd., Connolly St., Rosebank Ave., Jubilee Rd., and Norwood St., regarding the above, was circulated to Council.

During Approval of the Order of Business, this item was deferred to September 25, 2001.

10.2.12 District Boundaries Review

C A staff report prepared for Wayne Anstey, Municipal Solicitor, regarding the above, was before Council for its consideration.

MOVED by Councillor Sarto, seconded by Councillor Sloane, that the staff report dated September 10, 2001, regarding the District Boundaries Review, be tabled.

Councillor Fougere noted the staff report includes a recommendation, and, therefore, put forth the following motion:

MOVED by Councillor Fougere, seconded by Councillor Cunningham, that Council approve the process outlined in Schedule "A" of the staff report dated September 10, 2001, for the review of the number and boundaries of its electoral districts in preparation for an application to the Utility and Review Board prior to June 30, 2003.

Councillor Cooper expressed concern with the direction given in the Origin section of the staff report for a reduction in the size of Council. The Councillor stated the Utility and Review Board, in fact, did not order a reduction. With respect to public input, Councillor Cooper noted the Utility and Review Board stated there should be extensive public input, yet Schedule A of the staff report states "if desired." Mr. Wayne Anstey, Municipal Solicitor, clarified that the process does set out that the Committee will seek extensive public input. The reference to "if desired" is with respect to Council wanting additional public input. With respect to the size of Council, Mr. Anstey stated the population in individual districts is probably not as critical as it is until the boundaries are actually drawn. Mr. Anstey noted the fact there has been some increase in population will need to be taken into account. Councillor Walker suggested all the Districts should be made the same at the start, and the 25% over and 25% under should not be used, to ensure it is fair and even from the start.

Councillor Rankin echoed the concerns regarding adequate public input from the outset. The Councillor stressed the importance of the Committee leading this exercise, and suggested the Committee should be struck before staff commences the research. In response, Mr. Anstey stated it is intended that the Committee lead the exercise. With respect to the research, Mr. Anstey stated the reason for starting it before the Committee was struck was to collect raw data so time is not wasted while the Committee is getting in place.

Councillor Goucher expressed concern with the Terms of Reference, stating the Committee needs to have free reign to look at whatever size of Council it wishes.

MOVED by Councillor Goucher, seconded by Councillor Hetherington, that the process be amended by deleting the fourth paragraph on Page 2 of Schedule B of the staff report which reads “The Board did not indicate electors per councillor found in other Canadian urban municipalities.” MOTION PUT AND PASSED.

Councillor Hetherington stated a mindset is being put out that there should be a decrease. The Councillor suggested all references to “decreases” should be taken out.

MOVED by Councillor Hetherington, seconded by Councillor Goucher, that the process be amended so as all references to reduction in the size of Council are deleted and that the public will have full reign of discussion and input before Council comes up with a final determination.

Councillor Hetherington stated this motion will not put any prenotation in the minds of the Committee members and will allow the public to have its say. All information will flow through the Utility and Review Board and a decision will come back to Council.

Councillor Fougere stated the reason the reference to reduction is included is because of the public consultation that took place previously. The Councillor noted the Utility and Review Board did engage in public consultation as a result of a recommendation by Council to the Board to increase the size of Council to 24 Councillors. The URB conducted public consultation and rendered its decision directing HRM to come back and conduct a process to look at reducing the size of Council. Councillor Fougere stated the word “maybe” was not in that decision, and suggested it may be helpful for Council to have the written decision if it is in dispute. Mayor Kelly agreed the reference to reduction was in the report from the URB, but he noted Council is saying it wants a clean slate and to let the public decide the outcome, and not the URB at this time.

Councillor Harvey stated this exercise is being done based on the decision of the URB in the spring of 2000. The Councillor noted the Board stated there should be extensive public consultation and appropriate study of the benefits and disadvantages of various reduction scenarios, not status quo or increase scenarios. Councillor Harvey stated the URB, the group making the decision, is interested in reduction scenarios, and the members of the Committee should be aware of the 2000 URB report.

Councillor Hetherington stated the URB is acting beyond its mandate by directing the Committee to come back with a reduction before hearing from the public.

Councillor Cooper questioned what the URB will say if the disadvantages of a decrease are determined to greatly outweigh the advantages.

The vote was then taken on the amendment.

MOTION PUT AND PASSED.

Councillor Sarto stated the Committee needs to start with a clean slate and the decision needs to be made based on the benefits of any boundary changes or reduction in size of Council.

Councillor Mosher noted the review looks at on-going residential development activity, and stated she would like it to also include vacant land and long-term future implications on population. The Councillor noted there is no history in the report as to how 23 Districts were determined, noting before amalgamation there were 61 Councillors in total for all the previous municipal units. Councillor Mosher suggested the boundary issue may need to be examined every term.

Councillor Uteck stated other Canadian cities comparable to HRM have smaller Councils. The Councillor questioned why have a committee at all if Council does not accept its recommendation. The Councillor suggested the Committee's recommendation should bypass Council to avoid political protectiveness.

Councillor Warshick noted areas targeted for development should also be included in the review.

Responding to a question of Councillor Streach, Mr. Anstey stated the Municipal Boundary Review Act gives the URB some inherent powers with respect to initiating reviews on its own.

The vote was then taken on the Main Motion, as amended, which read as follows:

MOVED by Councillor Fougere, seconded by Councillor Cunningham, that Council approve the process outlined in Schedule "A" of the staff report dated September 10, 2001, for the review of the number and boundaries of its electoral districts in preparation for an application to the Utility and Review Board prior to June 30, 2003, with the following amendments:

- 1) **The deletion of the fourth paragraph on Page 2 of Schedule B of the staff report which reads "The Board did not indicate electors per councillor found in other Canadian urban municipalities."**

- 2) All references to reduction in the size of Council are to be deleted and that the public will have full reign of discussion and input before Council comes up with a final determination.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3 MEMBERS OF COUNCIL

10.3.1 Deputy Mayor Blumenthal - Crosswalk Fines and Enforcement

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

10.3.2 Councillor Rankin - "Rails to Trails" - Former CNR Right of Way

Councillor Rankin noted there are a number of Districts that have trails on converted CNR rail beds. The Councillor stated he has received a number of concerns from the Beechville/Lakeside/Timberlea community which has recently constructed a trail. Councillor Rankin stated pursuant to the Trails Act there needs to be a designation of a trail for the enabling provisions under the Act to be applied relative to speeds, categories of uses, adjacent uses, etc. The Councillor noted that in absence of the application of the Trail Act, there are concerns over liability issues for the community groups that are trying to manage these trails. Councillor Rankin stated there is no reason why it should not be requested that these trails be designated, and put forth the following motion:

MOVED by Councillor Rankin, seconded by Councillor Goucher that this matter be referred to staff for review, and if there is merit, to bring it back, as soon as possible (next week), with an enabling resolution to provide for direction to the Province to designate these trails to enable, in part, RCMP and HRM Police to enforce regulations that are more stringent than the highways.

Councillor Uteck clarified that the proposed Peninsula Trail is a proposed urban trail through a city street scape and is not a rural trail.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3.3 Councillor Adams - Herring Cove Sewer and Water

- C An Information Report prepared for Kulvinder Dhillon, Director, Public Works and Transportation Services, dated July 6, 2001, regarding the above, was re-circulated to Council.

Councillor Adams reviewed the history of the water problems experienced by residents of Herring Cove and stated it is time for Council to proceed with this project, or at least, have the

design work completed so the citizens can begin to see the benefits of water and sewer extension and find out what it will cost. The Councillor stated the residents have also gone through the commitment of putting a settlement strategy in place which costs \$50,000. Councillor Adams stated that it is likely a sewage treatment plant will be located in Herring Cove, so there is no need to delay the water extension.

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

WHEREAS the community of Herring Cove has agreed to accept a sewage treatment plan; and,

WHEREAS \$5 million has been set aside from the harbour treatment fund from community integration; and,

WHEREAS a site has been identified and expropriation has commenced and the community is in desperate need of a clean reliable source of drinking water;

THEREFORE, BE IT RESOLVED that Council direct staff to immediately proceed with the design and extension of municipal water and sewer service to the community of Herring Cove.

Councillor Fougere stated it was her understanding that the \$5 million was approved in principle as opposed to being set aside. In response, Councillor Adams stated he believed the "in principle" was with regard to community integration itself. Mr. Wayne Anstey, Municipal Solicitor, stated it was his recollection that the funding was approved in principle and the Information Report and the resolution before Council say two different things.

Referring to Page 3 of the Information Report, Councillor Fougere questioned the wisdom of supporting the motion in light of the financial information provided in this report. In response, Mr. Kulvinder Dhillon, Director, Public Works and Transportation Services, stated there is no identified project in the Capital Budget at this time with respect to this issue. As the report stated, application has to be made to the upcoming infrastructure program, which would require Council's approval. Mr. Dhillon also agreed there is no formal approval by Council to spend \$5 million at this time. There is approval in principle to use the integration fund for the Herring Cove treatment plant for the sewer and water. Given the information provided by Mr. Dhillon, Councillor Fougere suggested the motion was not supportable with factual documentation although she stated she understands the needs of the community.

Speaking against the motion, Councillor Cooper stated, if it passed, Council would be committing to the whole project without the residents knowing how much they will end up paying. The Councillor also stated he was not prepared to support something that might take away from other water projects already on the present infrastructure list.

Also speaking against the motion, Councillor Uteck stated Council adopted the double-entry finance principle and if the Harbour Solutions Project does not go forward, Council would be on the hook for \$5 million.

Speaking in support of the motion, Councillor Mosher noted Herring Cove has been accepting raw sewage from Halifax for over 50 years. She stated it is her understanding that it is necessary to have water to Herring Cove to have a sewage treatment plant. Councillor Mosher stated if Council is not comfortable today with approving this \$5 million than she does not feel comfortable putting a sewage treatment plant in that area.

With regard to the design aspect, Councillor Adams stated he would like to see this proceed so the residents of Herring Cove know exactly what the costs will be per foot, noting the figures quoted in the Information Report are estimates. The Councillor noted the extension could not commence until the next construction season anyway. With respect to the \$5 million approved in principle, Councillor Adams noted some of it has already been spent on the settlement strategy. The Councillor recalled two motions specific to the \$5 million. One was for approval and the other for reaffirmation by Council in 1999. Councillor Adams requested that Council consider at least looking at the design of municipal water and sewer for the community of Herring Cove so that the residents of that area can get an idea of what it will cost them on a per foot basis.

MOVED by Councillor Adams, seconded by Councillor Mosher, that the matter be referred to staff for a report for next week with respect to the costs to perform the design work for municipal water and sewer for the community of Herring Cove.

In the interim, Councillor Adams stated he would ask staff to get the information on the integration fund to find out the exact wording.

Councillor Warshick requested that the staff report also include information as to where the funding would come from for this project if it were to proceed on an early basis.

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

11.1 Councillor Whalen - Lot Grading By-Law

“That staff be requested to draft a municipal Lot Grading By-Law to address the issues related to lot grades and land elevation throughout HRM. The former Town of Bedford and the former Halifax County Municipality have a Grade Alteration By-law and a Lot Grading By-Law respectively, while the former cities of Halifax and Dartmouth are not covered by such regulations. HRM needs a harmonized by-law to ensure that all landowners are protected when there are significant grade differences between adjacent lots.”

Councillor Whalen noted she would like to put forth the following slightly amended motion:

MOVED by Councillor Whalen, seconded by Councillor Walker, that staff review the Lot Grading By-Law that currently applies in the former Halifax County area and to bring it forward for consideration for adoption in Halifax and Dartmouth as an interim step; and, in the longer term, that staff review the By-Law and see how it applies throughout HRM.

Councillor Whalen stated it is important to get an effective by-law in place to address lot grade and land elevation issues in the future.

Councillor Cooper stated this will be worthwhile as an interim step if it helps to alleviate problems. The Councillor noted one of the drawbacks of the County by-law was the fact that it applied to R-1 and R-2 homes only, and suggested as many properties should be covered as possible, such as commercial and multi-family.

Speaking in support of the motion, Councillor Goucher stated the former Town of Bedford By-law also has some good points.

Closing the debate, Councillor Whalen noted she has already spoken to staff about this issue, and they are comfortable with this solution.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Councillor Mosher - Winter Parking Ban

MOVED by Councillor Mosher, seconded by Councillor Adams, that staff be requested to prepare a report regarding the implications of reinstating the overnight winter parking ban, and the issues surrounding its elimination. The report, when it assesses the effectiveness, is to include an analysis from: Senior Supervisor, Streets & Roads (Snow and Ice Removal), Traffic Authority, Police and Fire Services.

Councillor Mosher stated she is only asking for a staff report to address a number of issues regarding the winter parking ban, as well as some possible alternatives. A copy of her comments and questions was provided for the record.

Speaking in support of the motion, Councillor Adams stated it does not favour reinstating the parking ban, it only asks what the ramifications would be. The Councillor noted there were problems last year that need to be addressed. Councillor Adams asked that the staff report also address the possibility of implementing the ban one day a week in certain sections of the Municipality, to coincide with the waste collection for that area.

Speaking against the motion, Councillor Walker stated if common sense is exercised, no changes to what is currently in place would be required.

Also speaking against the motion, Councillor Uteck stated Councillors should identify the streets that experienced problems and discuss them with staff.

Councillor Sloane suggested staff should check to see what is done in municipalities across the country with respect to this issue. In response, Mr. Kulvinder Dhillon, Director, Public Works and Transportation Services, noted a similar report was done a few years ago which he could provide to the Councillor. Councillor Sloane suggested a special status could be implemented for the downtown core regarding snow removal.

Closing the debate, Councillor Mosher reiterated that she is only requesting a staff report at this time.

MOTION PUT AND DEFEATED.

12. ADDED ITEMS

12.1 Tender 01-277 - Lacewood Drive Entrance

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

MOVED by Councillor Whalen, seconded by Councillor Walker, that Halifax Regional Council:

- 1. Increase Capital Budget CQQ00234 in the amount of \$18,850 with funding authorized as per the Budget Implications Section of the staff report dated September 14, 2001.**
 - 2. Award Tender No. 01-277 - Lacewood Drive Entrance to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for Tender Price of \$204,020 plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$238,850 with funding authorized as per the Budget Implications Section of the staff report dated September 14, 2001.**
 - 3. Increase previous Council approval to withdraw funds from Q121 - Business/Industrial Parks Expansion Reserve from \$35,000 to \$40,342.**
- MOTION PUT AND PASSED.**

12.2 CAO Contract

C The following item was discussed during an In Camera Session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Adams, seconded by Councillor Johns, that Regional Council accept the resignation of the Chief Administrative Officer pursuant to agreed upon terms and conditions and as per HRM's contractual obligations, effective immediately. **MOTION PUT AND PASSED.**

12.3 Property Matter - Sale - Lake City Employment Services - Windmill Road

C The following item was discussed during an In Camera Session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Sarto, seconded by Councillor Warshick, that

1. **Halifax Regional Council approve a public hearing date of October 23, 2001 to consider the matter of the donation/sale of HRM owned property, Lot A-2 and a portion of Lot A-1, Windmill Road, Dartmouth at less than market value.**
2. **Subsequent to the public hearing, the sale of land for less than market value be approved with the addition of a clause that in the event of re-sale, HRM be given the opportunity to purchase the land for the same amount as paid by Lake City Employment Services.**
3. **That Council approve the immediate release of the September 5, 2001 Private and Confidential staff report. MOTION PUT AND PASSED.**

13. NOTICES OF MOTION

13.1 Councillor Warshick

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, September 25, 2001, I intend to bring forward a Resolution Respecting the Deduction of Municipal Election Contributions, for consideration of Council. If approved by Council, I recommend that the Resolution be forwarded to the Union of Nova Scotia Municipalities for consideration by the UNSM's Resolutions Committee on October 16, 2001.

The proposed wording of the Resolution is as follows:

WHEREAS it is often stated that municipal government is the level of government that is closest to the people;

AND WHEREAS it is in the public interest that candidates for municipal elections not be limited by their ability to finance their campaigns from their own personal resources;

AND WHEREAS contributions to assist the campaigns of candidates seeking elected office at the provincial and federal levels are deductible for income tax purposes;

AND WHEREAS no such deductibility exists in respect of municipal candidates;

NOW THEREFORE BE IT RESOLVED that the Legislature of the Province of Nova Scotia and the Parliament of Canada be requested to enact amendments to their respective Income Tax Acts to allow receipts to be issued for tax deduction purposes to taxpayers contributing to a municipal election campaign in amounts of ten dollars or more.

13.2 Councillor Fougere

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 25th day of September 2001, I intend to place before Council a motion to adopt a resolution similar to that adopted by a number of municipalities in British Columbia that:

1. Urges the federal government to consult with all Canadians, including local governments, more widely before formulating the Canadian negotiating position;
2. Recommends that the federal government bring forward a proposal to specifically exclude "local governments and authorities" from the application of the GATS;
3. Requests the federal government to not include sub-national governments under the requirements of the Agreement on Government Procurement; and
4. Urges FCM to continue to dedicate staff to closely monitor WTO discussions and federal activities with respect to the GATS negotiations and to alert Canadian governments of any potential encroachments on local jurisdiction.

14. ADJOURNMENT

As there was no further business, the meeting adjourned at 8:30 p.m.

Vi Carmichael
Municipal Clerk