

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES December 11, 2001

PRESENT:

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

REGRETS:

Councillor Stephen Streach

STAFF MEMBERS:

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

Table of Contents

1.	INVOCATION	4
2.	PROCLAMATIONS - NONE	4
	SPECIAL PRESENTATIONS:	4
	(i) King of Donair Soccer Team	4
	(ii) Special Olympians	4
	(iii) SMU Huskies Football Team	4
3.	APPROVAL OF MINUTES - November 20, 2001	5
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	5
5.	BUSINESS ARISING OUT OF THE MINUTES.....	5
6.	MOTIONS OF RECONSIDERATION - NONE	5
7.	MOTIONS OF RESCISSION - NONE	5
8.	CONSIDERATION OF DEFERRED BUSINESS	8
	8.1 Snow & Ice Ticketing and Towing - Councillor Blumenthal	8
	8.2 Lake Echo Recreation Association, 3168 Highway #7, Lake Echo: Tax Arrears Resolution	10
	8.3 By-Law T-200 Tax Exemption for Non-Profit Organizations - Request for an Extension of the Current By-Law Through 2002-2003	11
	8.4 Administrative Order #10 Amendment - Residential Taxation	12
9.	PUBLIC HEARING	5
	9.1 Case H00065 - Application to Consider the Deregistration of Two Existing Heritage Properties - 2445 Brunswick Street, Halifax, and 150 Ochterloney Street, Dartmouth	5
10.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	14
	10.1 Correspondence	14
	10.1.1 Minister of Education - Rockingstone Heights School Busing	14
	10.2 Petitions	14
	10.2.1 Councillor Blumenthal - West End Mall	14

11.	REPORTS	14
11.1	COMMITTEE OF THE WHOLE RECOMMENDATION (Dec. 5/01	14
11.1.1	Harbour Solutions Project	15
11.2	CHIEF ADMINISTRATIVE OFFICER	19
11.2.1	Lockview Area Ratepayers Association - Tennis Court Construction - Capital Account	19
11.2.2	Shubie Municipal Campground	20
11.2.3	Halifax Forum Expansion	21
11.2.4	Police Consolidation Funding	23
11.2.5	Budget Survey	23
11.2.6	Amendment to Administrative Order 17 - Councillor Stipends	23
11.3	MEMBERS OF COUNCIL	
11.3.1	Councillor Uteck - Point Pleasant Park Sanitary Sewer Project ...	23
11.3.2	Councillor Adams - Herring Cove Water & Sewer Design	23
12.	MOTIONS - NONE	
13.	ADDED ITEMS	
13.1	Presentation - Mr. Sandy Hogan	14
13.2	Late Payment Charges on Pollution Control Billings	23
13.3	Halifax Harbour Solutions	19
13.4	Personnel Matter - Citizen Appointments to Boards & Committees	22
13.5	Legal Matter - Settlement of Claim	22
14.	NOTICES OF MOTION	20
14.1	Councillor Cooper - By-Law S-100	20
14.2	Councillor Walker - Administrative Order 10	20
14.3	Councillor Walker	20
15.	ADJOURNMENT	23

1. **INVOCATION**

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

2. **PROCLAMATIONS - NONE**

SPECIAL PRESENTATIONS:

(i) **King of Donair Soccer Team**

Councillor Cunningham extended congratulations to the Halifax King of Donair soccer team for winning the gold medal at the Canadian Mens Senior Soccer Championships on October 8, 2001. On behalf of Council, Mayor Kelly presented a plaque to the team captain.

(ii) **Special Olympians**

On behalf of Council, Mayor Kelly made a presentation to Julie Stanhope and Alexander (Sandy) Morrison in recognition of their gold medal win in pairs figure skating at the Special Olympics held in Anchorage, Alaska. Ms. Mary Ann Crawley, coach, thanked Council and noted that Mr. Morrison was also recently named "Athlete of the Year" for the Canadian Special Olympics. Ms. Crawley also expressed special thanks to Mr. Randy Johnson and the staff of the Metro Centre.

(iii) **SMU Huskies Football Team**

Mayor Kelly acknowledged the presence in the Council Chamber of the players and coaches of the SMU Huskies football team. On behalf of Council, Mayor Kelly expressed congratulations to the team and noted a special tribute, formally recognizing the team's recent victory at the Vanier Cup, will be held in January 2002. On behalf of Saint Mary's University, Mr. Chuck Bridges, Vice President, External Affairs, introduced the players and coaches who were present, and acknowledged the contributions of Mr. Larry Uteck, Athletic Director, Saint Mary's University.

Acknowledgements

Later in the meeting, Councillor Brad Johns expressed congratulations to the Sackville Bingo Centre (Sackville Leisure Centre) in the retirement of their mortgage as of December 1, 2001.

RECESS

A ten minute recess was taken at 6:15 p.m. The meeting reconvened at 6:25 p.m.

3. APPROVAL OF MINUTES - November 20, 2001

MOVED by Councillor Hetherington, seconded by Councillor Goucher, that the minutes of November 20, 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:

- 13.1 Presentation - Harbour Solutions - Sandy Hogan (to be addressed under Item 10.3)
- 13.2 Amendment to By-Law S-101 Respecting Sewer Charges -staff report
- 13.3 Halifax Harbour Solutions
- 13.4 Personnel Matter - Citizen Appointments to Boards & Committees
- 13.5 Legal Matter - Settlement of Claim

It was agreed to deal with Item 9 - Public Hearing prior to Item 8 - Consideration of Deferred Business.

MOVED by Councillor Hetherington, seconded by Councillor Sloane, 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

As agreed to during the Approval of the Order of Business, Council dealt with Item 9 - Public Hearing at this time.

9. PUBLIC HEARING

9.1 Case H00065 - Application to Consider the Deregistration of Two Existing Heritage Properties - 2445 Brunswick Street, Halifax, and 150 Ochterloney Street, Dartmouth

- C A report from the Heritage Advisory Committee, dated October 30, 2001, regarding the above, was previously circulated to Council on November 6, 2001.

Mr. Kevin Barrett, Planner, presented the Committee's report to Council.

Responding to a question of Councillor Cunningham, Mr. Barrett stated when a property is registered, both the building and property are registered unless a specific area of the property is designated. If the building is demolished, the property is still registered.

In response to a question of Deputy Mayor Harvey, Mr. Barrett stated the Brunswick Street property is located within the Brunswick Street heritage area. Should a building be built on this site, there are regulations in the MPS and LUB for the area that need to be followed. Deputy Mayor Harvey inquired if these regulations would be equal to what could be obtained through the heritage registration of the property. Mr. Barrett responded in the affirmative.

Mayor Kelly called for members of the public wishing to speaking either in favour of or against the deregistration of 2445 Brunswick Street and 150 Ochterloney Street.

Mr. Peter Delefes, President, Heritage Trust of Nova Scotia

Speaking against the deregistrations, Mr. Peter Delefes, President, Heritage Trust of Nova Scotia, stated both sites are adjacent to other historical buildings. With respect to Brunswick Street, Mr. Delefes stated a full range of architectural styles can be seen on this historical street. Unfortunately, he noted that this street has not yet been designated as a provincial heritage district. In fact, Mr. Delefes noted there are no provincial heritage districts in HRM. However, he noted Brunswick Street is designated as a heritage area in the municipal development plan. By including this area in its planning strategy, Mr. Delefes stated the Municipality obviously wanted to save the remaining buildings, and to ensure that new buildings are in the context of the existing buildings. He questioned why HRM would now take an extra protection off a site that it wishes to control. Mr. Delefes stated as long as the property is registered, the Heritage Advisory Committee would still have some measure of control over what could be placed on the site. Mr. Delefes stated the Heritage Trust of Nova Scotia hopes that the Brunswick Street conservation area can have its protection expanded into a conservation district, and they will be lending their support to this undertaking in the new year. In closing, Mr. Delefes urged Council to retain the heritage registration of these two properties in order to maintain their historic neighbourhoods.

Mr. Barrett noted correspondence was received from Sobey's, the owner of 150 Ochterloney Street, which indicated they were not opposed to the deregistration of their property.

Mayor Kelly called three times for additional speakers either in favour of or against the deregistration of 150 Ochterloney Street or 2445 Brunswick Street. Hearing none, the following motion was put on the floor:

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

Responding to a question of Councillor Uteck, Mr. Barrett stated if the sites are not deregistered, any new buildings constructed on the properties would automatically be registered without being scored by the Heritage Advisory Committee.

In response to a question of Councillor Sloane, Mr. Barrett stated there would be no cost involved with these properties remaining registered. The Councillor stated she would not support the motion to ensure that Heritage Trust of Nova Scotia will have a say in what can be built on these properties. In response, Mr. Barrett clarified that any comment on developments of these properties would come from the Heritage Advisory Committee and not Heritage Trust of Nova Scotia. However, the Committee would need to base its comment on existing structures on the property. Since these properties are now vacant, the Committee would be unable to make a recommendation on them. Mr. Barrett stated the deregistration was a staff initiative. He further noted that these are the only two registered sites that do not contain buildings, and, therefore, staff is recommending that the registration not continue. In response to a further question of the Councillor, Mr. Barrett stated deregistration would not negatively affect the possibility of creating a provincial or a municipal conservation district.

MOVED by Councillor Hetherington, seconded by Councillor Fougere, that Council approve the deregistration of 2445 Brunswick Street and 150 Ochterloney Street, as per the Heritage Property Act.

Speaking in support of the motion, Councillor Fougere stated by maintaining the registration of 2445 Brunswick Street, Council would be preserving a vacant lot in the downtown. The Councillor further stated that deregistration provides the opportunity for compatible development in that historic area.

In response to question of Councillor Blumenthal, Mr. Barrett stated if the zoning of the area permits an apartment building, it could be built but it would have to address the architectural issues set forth in the by-law. Mr. Wayne Anstey, Municipal Solicitor, noted if the zoning permitted an apartment building, registration under the Heritage Property Act would not prohibit that from taking place.

MOTION PUT AND PASSED.

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Snow & Ice Ticketing and Towing - Councillor Blumenthal

- C An Information Report prepared for John Sheppard, Acting Director, Public Works and Transportation Services, regarding the above, was previously circulated to Council.

Councillor Blumenthal stated Council needs to look to the future of the snow and ice ticketing and towing policy. The Councillor relayed concern of hospital workers and the difficulty they experience with having to remove their cars from the streets when it begins to snow while they are working. In response, Mr. David McCusker, Manager, Traffic and Transportation Services, stated anyone who relies on on-street parking should be prepared to secure off-street spaces in case of snowfall events during the daytime or evening hours. Responding to a further question of the Councillor, Mr. McCusker stated staff is in the process of renewing the ticketing and towing contract and are looking at measures to increase the capacity to tow. The current contracts provide access to 23 towing vehicles within HRM: nine of these are accessible in Halifax. Mr. McCusker noted the concern last year was not with the number of trucks available but rather with the protocol in place to initiate seizure, and subsequent towing, of the vehicles.

Councillor Blumenthal stated he supports towing and ticketing, and inquired if a percentage of the fines could be put in the reserve budget. In response, Mr. McCusker stated the rationale of the higher towing fees was to provide a better incentive to the towing companies to perhaps increase their resources to give HRM better towing capacity. He noted consideration has not been given to adding additional fees to add to the reserve. Mr. George McLellan, Acting Chief Administrative Officer, stated this can be examined. However, he noted the increased latitude to additional staff and the towing companies to recognize and deal with some of the situations which will require ticketing/towing will help, and the incremental benefit of this is something staff will analyse. If it proves not to be sufficient, staff can look at increasing the penalty and using some of it to the benefit of the program. Later in the meeting, Mr. Wayne Anstey, Municipal Solicitor, advised that, at the present time, the Motor Vehicle Act only permits the cost of the towing and storage, and HRM would not be able to add to this fee without a change in the legislation.

Responding to a question of Councillor Sarto, Mr. McCusker stated the purpose of the information report was to notify Council that staff is in the process of renegotiating the contract and putting different measures in place to implement the contract. With respect to the fines, the Councillor stated the fines need to be fair and reasonable.

In response to a question of Councillor Walker, Mr. McCusker stated it is intended that the public will accept the responsibility of determining when snowfall conditions dictate that vehicles should be removed from the streets. With respect to "no stopping" areas, Mr. McCusker stated most already have "tow away" tabs, and if "no stopping" restrictions were to be more regularly enforced with the use of tow trucks in other areas, these tabs could be added, although they are not required by the Motor Vehicle Act.

Responding to questions of Councillor Cooper, Mr. McLellan stated the intention is that a supervisor will actually witness the conditions before instructions are issued regarding towing/ticketing. Councillor Cooper stated he would like staff to consider making arrangements with the towing operators so they do not unduly disturb residential areas.

Councillor Mosher stated there was a waste of police officers' time last year with respect to seeking out the owners of the vehicles in violation of the winter parking regulations. The Councillor stated the staff report is a very positive step and will help to make the streets more accessible for emergency vehicles.

In response to a question of Councillor Smith, Mr. McCusker reiterated that people should take measures to secure off-street parking during the winter months when it is needed. Mr. Kulvinder Dhillon, Director, Public Works and Transportation Services, stated people need to remove their cars when it snows until the streets are plowed. He stated the other option is to allow no on-street parking at all during the winter months.

Councillor Sloane expressed concern with only having 23 tow trucks available throughout all of HRM, and stated there needs to be more. Mr. McLellan stated anything is possible but there is a price, and it is a matter of judgement and assessment. Mr. McCusker noted the resources will be deployed to where they are needed and Districts outside the urban core will have less need for towing during winter storms.

Councillor Colwell inquired if there is any ability for the contractors to subcontract additional work to increase their fleet in times of need. In response, Mr. McCusker stated this matter was discussed and there is desire on the part of staff to facilitate this if it can take place. Mr. McCusker stated there may be some additional cost to the municipality with respect to staff resources for this program, but at this time it is anticipated it will just be a matter of deployment. With regard to those issuing the tickets, Mr. McLellan clarified the intent will be to have HRM staff make the condition assessment.

Councillor Whalen suggested the compound where the cars in the Clayton Park area are towed should be closer to the police station. Mr. McCusker agreed that this aspect is important as the distance affects the towing costs as well, and the new contract will specify geographical distribution of the compounds.

Responding to a question of Councillor Blumenthal, Mr. McCusker stated the intention is that the snow supervisors will report on snow conditions and when and in what general areas vehicles need to be removed to allow snow clearing operations to proceed. With respect to the issuance of tickets, he stated the original intent was to deputize the tow truck drivers, but the towing companies had concerns with this. Therefore, consideration was given to having HRM staff actually perform this function, and Mr. McCusker noted these discussions are still on-going. Mr. McLellan confirmed that HRM staff will make the snow condition assessment, but noted that there should be no reason why the tow truck drivers could not be permitted to issue the tickets. Councillor Blumenthal suggested an announcement could be made at Council every two weeks regarding winter parking regulations, as was done last year.

Councillor Adams stated there needs to be a definition of "complete winter maintenance". Mr. Dhillon noted the Motor Vehicle Act states the ban will be in effect when the storm starts and will continue until two hours after the storm stops and the winter operations are over. He stated HRM would generally plow back from curb to curb, but it will depend on the amount of snow already on the ground. The Councillor expressed concern as to the lack of consistency that will take place regarding what defines when snow removal operations are complete. Mr. McLellan suggested for this policy to work, it is best for people to err on the side of caution if there is any question as to the conditions.

Responding to a question of Councillor Cooper, Mr. Dhillon stated it is anticipated that a written policy will be before Council by the end of December. The Councillor stated he would like some requirement in the policy that there that there be a responsibility on the part of supervisors to record when they make declarations of areas, what the area covers, etc.

8.2 Lake Echo Recreation Association, 3168 Highway #7, Lake Echo: Tax Arrears Resolution

C A staff report prepared for George McLellan, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

Ms. Peta-Jane Temple, Coordinator, Grant Program, presented the staff report to Council.

MOVED by Councillor Colwell, seconded by Councillor Cooper, that Regional Council approve:

- 1. The payment of arrears for principal in the amount of \$48,744 for 2001-02 from the Tax Exemption for Non-Profit Organizations Program to be paid from the 2001-2002 budget;**
- 2. Interest for the period 1998-2002 in the amount of \$29,427 be waived;**

3. The balance of the principal outstanding of \$123,720 for the period 1998-2001 to be written off against the valuation allowance (non-collectable debts) to reflect the property management agreement entered into by HRM and the Lions Club of Lake Echo, April 1, 1999;
4. That the Lake Echo Recreation facility be entered onto By-Law T-201 for fiscal year 2002-2003 under application from the Lions Club of Lake Echo at 100% tax exempt. Annual renewal of tax exemption status shall be required as per the terms and conditions of the by-law.
5. Staff of the HRM Grants Program and service departments be directed to review all management agreements and leasing arrangements with a view to incorporating any property tax exemption awarded a registered non-profit community group or charity under the auspices of one tax exemption program; effective April 1, 2004. That program shall be the Tax Exemption for Non-Profit Organizations Program (By-Law T-201).
6. Those cases identified by staff, actioned under Item 5 above, will be brought before the Grant Committee for resolution and a determination of tax exemption eligibility and exemption level under By-Law T-201.

Councillor Colwell expressed concern that this matter was not brought forward previously. In response, Councillor Walker stated there are many others in the same situation and Recommendations 5 & 6 in the motion will help to identify them.

MOTION PUT AND PASSED UNANIMOUSLY.

8.3 By-Law T-200 Tax Exemption for Non-Profit Organizations - Request for an Extension of the Current By-Law Through 2002-2003

- C A staff report prepared for George McLellan, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

Ms. Peta-Jane Temple, Coordinator, Grant Program, presented the staff report to Council.

MOVED by Councillor Walker, seconded by Councillor Goucher, that Regional Council:

1. Approve an application to Service Nova Scotia and Municipal Relations requesting the development of an assessment classification for duly registered non-profit organizations and charities;

2. Approve that HRM lease and management agreements be reviewed to determine the property's assessment status and tax status.
3. Approve, in principle, that By-Law T-200 be extended by a period of one (1) year, to March 31, 2003, pending the outcome of an assessment classification application by HRM to Service Nova Scotia and Municipal Relations.
4. Approve a Public Hearing date at a future date to consider the extension of By-Law T-200.

Councillor Hetherington suggested the request for the development of an assessment classification for duly registered non-profit organizations and charities should also be referred to the Union of Nova Scotia Municipalities. Both the Mover and Seconder of the motion agreed to amend the motion to reflect same. The amended motion now read as follows:

MOVED by Councillor Walker, seconded by Councillor Goucher, that Regional Council:

1. Approve an application to Service Nova Scotia and Municipal Relations requesting the development of an assessment classification for duly registered non-profit organizations and charities;
2. Approve that HRM lease and management agreements be reviewed to determine the property's assessment status and tax status.
3. Approve, in principle, that By-Law T-200 be extended by a period of one (1) year, to March 31, 2003, pending the outcome of an assessment classification application by HRM to Service Nova Scotia and Municipal Relations.
4. Approve a Public Hearing date at a future date to consider the extension of By-Law T-200. **MOTION PUT AND PASSED UNANIMOUSLY.**

8.4 Administrative Order #10 Amendment - Residential Taxation

- C A staff report prepared for George McLellan, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

Ms. Peta-Jane Temple, Coordinator, Grant Program, presented the staff report to Council.

MOVED by Councillor Walker, seconded by Councillor Blumenthal, that Regional Council approve, in principle:

1. The revised income categories and rebate levels as detailed in Attachment 1 of the staff report dated December 5, 2001, specifically the increased eligibility level for applicants whose combined household income is less than \$26,000;
2. The minimum payment clause be lowered from \$200 to \$100 for eligible applicants whose combined household income is less than \$5,000/year and whose taxes are under \$1,000/year.
3. The increase in the *Residential Tax Exemption Program* costs, estimated to be \$100,000 in fiscal year 2002-2003, to be funded through the transfer of \$100,000 from the *Capital Pledges Program*. These funds are available through the completion of a multi-year grant commitment.

Councillor Sarto requested that the Grant Committee look at the possibility of extending the application deadline to the end of December.

Councillor Johns requested that the Grant Committee review the residential tax deferral program, noting it is his understanding that homeowners with mortgages cannot take advantage of the program.

For the benefit of the public, Councillor Colwell stated a residential tax exemption is a grant and does not have to be paid back nor will it place a lien on a property.

MOTION PUT AND PASSED UNANIMOUSLY.

9. PUBLIC HEARING

9.1 Case H00065 - Application to Consider the Deregistration of Two Existing Heritage Properties - 2445 Brunswick Street, Halifax, and 150 Ochterloney Street, Dartmouth

This item was addressed earlier in the meeting.

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Correspondence

10.1.1 Minister of Education - Rockingstone Heights School Busing

- C Correspondence from the Honourable Jane Purves, Minister of Education, dated November 28, 2001, was before Council for its consideration.

MOVED by Councillor McInroy, seconded by Councillor Walker, that the correspondence from the Honourable Jane Purves, Minister of Education, dated November 28, 2001, regarding Rockingstone Heights School Busing, be received and filed. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Petitions

10.2.1 Councillor Blumenthal - West End Mall

Councillor Blumenthal served correspondence from seniors of Sam Prince Manor expressing concerns regarding the layout of the West End Mall. The Councillor requested that the correspondence be referred to Metro Transit for a response and that a copy be sent to the Halifax Shopping Centre.

As agreed to during Approval of the Order of Business, Council dealt with Item 13.1 Presentation - Mr. Sandy Hogan at this time.

13.1 Presentation - Mr. Sandy Hogan

- C Copies of Mr. Sandy Hogan's presentation to Council on the Harbour Solutions Project and the Petition Against the Proposed Location of the Dartmouth Sewage Treatment Plant were circulated to Council.

Mr. Sandy Hogan made a presentation to Council regarding the Harbour Solutions project and the petition against the proposed location of the Dartmouth sewage treatment plant. A copy of his presentation was provided for the record.

Mayor Kelly thanked Mr. Hogan for his comments.

11. REPORTS

11.1 COMMITTEE OF THE WHOLE RECOMMENDATION (Dec. 5/01)

11.1.1 Harbour Solutions Project

- C A staff report prepared for George McLellan, Acting Chief Administrative Officer, regarding the above, was circulated to Council.
- C Correspondence from Jean M. Chard, dated December 9, 2001, regarding the above, was circulated to Council.
- C Correspondence from Russ MacDonald, Director, Halifax WaterWorks Group, dated December 11, 2001, regarding the above, was circulated to Council.

MOVED by Councillor Rankin, seconded by Councillor Cunningham, that:

- 1. Council accept, in principle, the recommendations of the Proposal Selection Committee of the Halifax Harbour Solutions Project, as presented to Council on October 29, 2001.**
- 2. Staff negotiate with the selected Proponent, Halifax Regional Environmental Partnership, for “off ramps” (HRM assuming operation of treatment plant) at six (6) and twelve (12) years in addition to the fifteen (15) and twenty (20) years already provided for in the Project Agreements.**
- 3. Negotiations include the terms of any amendments to the form of the Project Agreements that may be necessitated by a review of the current situation regarding available sites, financing, etc.**
- 4. Negotiations be completed in time for a staff recommendation to return to Council on or before February 28, 2002.**

Speaking against the motion, Councillor Whalen stated the decision on this issue will have huge environmental and financial implications and Council needs to have full knowledge of all the details. The Councillor stated she fully supports the P3 process and is very confident in the private sector's ability to operate the sewage treatment plants. Councillor Whalen stated she requested information, in writing, regarding the merits of each proposal, as well as public presentation of the facts of what is being offered by each proposal. The Councillor further stated that Council should have chosen to hear directly from the two compliant proposal teams during the evaluation process. In closing, Councillor Whalen stated she believes Council is moving too quickly on this matter and she is not convinced that the trade-off being accepted is justified.

Also speaking against the motion, Councillor Warshick stated the Municipality cannot absorb extra debt without knowing from where the money will come. The Councillor also expressed concern with the sites, noting expanded sites will be needed if secondary treatment is required. Councillor Warshick stated there are questions that Council should be spending more time contemplating. In closing, the Councillor stated he wants to see this project move forward but Council should wait a few more months.

Speaking against the motion, Councillor Sloane stated the off-ramps are only negotiating tools and not part of the whole process. The Councillor expressed concern with the financing and sites. Councillor Sloane spoke in support of the harbour clean-up, but stated the funding is not yet in place.

Speaking in support of the motion, Councillor Mosher stated she is very pleased with the initial recommendations and the hard work of all those involved in the process. The Councillor stated a cohesive recommendation has been made: that HREP's proposal is the best for the citizens of HRM. Councillor Mosher spoke in support of the environmental enhancements of HREP and the other benefits of the proposal. The Councillor stated residents of HRM have been paying for this project for a long time and it should be started today.

Councillor Smith, speaking against the motion, stated he is in favour of the harbour clean-up, but he has concerns with the cost and that it is being paid for through water pollution and environmental charges. The Councillor stated he also has concerns with the technology being used. Councillor Smith stated he has not heard from one person saying they want this to be run as a private operation. The Councillor noted his main concerns are with who will control this operation and the effects NAFTA and GATS will have on the operation. Councillor Smith expressed concerns regarding possible future costs of any mistakes that are made now. In closing, the Councillor stated the only way to avoid this is to maintain control of the operation in the public.

Speaking in support of the motion, Councillor Adams stated this issue has nothing to do with the privatization of water. With respect to NAFTA and GATS, the Councillor stated the Municipal Solicitor has provided an opinion, and others support it, that there is no concern or fear with respect to GATS and NAFTA. In terms of control of the operation, Councillor Adams inquired if Council could give direction to the negotiating team to continue to control the project through design, build and operation. In response, Mr. George McLellan, Acting Chief Administrative Officer, stated everything staff has done with respect to this issue has been at the direction of Council. He noted there will still be a number of issues on which staff will be relying upon Council's decision and discretion before moving forward. In closing, Councillor Adams stated there is no merit for the arguments made by those members of Council that are against this due to concerns of loss of control, GATS and NAFTA, or the privatization of water.

Councillor Fougere noted over the last few years, Council has been provided with thousands of pages of information, a variety of opinions, and responses to hundreds of questions. The Councillor stated she is unaware of any question that has been asked that has not been answered. Based on this, Councillor Fougere stated she believes Council is making an informed decision. The Councillor noted there are some misconceptions in the public realm regarding this issue. She stated the sewage treatment plants, when built, will be owned by HRM. With respect to the privatization of the water utility, Councillor Fougere stated Council

adopted a resolution two years ago that Council has no intention, now or in the future, of privatizing the water utility. In terms of source control, the Councillor stated HRM has a source control program that has been phased in and has future phases to be implemented. With regard to international trade agreements, Councillor Fougere noted there is an absence of precedent setting case law and, therefore, there is no substantive reason for Council to back off. In closing, the Councillor acknowledged there is risk involved in any project, but noted if Council can say it is taking an informed and calculated risk, it is worth taking.

Speaking in support of the motion, Councillor Goucher stated if Council does not proceed with this issue, the process will terminate. The Councillor noted a professional team has scrutinized the proposal, and the time for debate is over and it is time to move forward with this project.

Councillor Cooper stated critical review by Council has to continue throughout this whole process to ensure the aims are met. The Councillor noted there appears to be some differences between the original December 5, 2001 Committee of the Whole recommendation and what is now before Council. Councillor Cooper asked that Mr. McLellan review those differences. In response, Mr. McLellan noted the "in principle" was to allow some negotiation and that was discussed at the December 5th meeting. Mr. Kulvinder Dhillon, Director, Public Works and Transportation Services, added the spirit of the recommendation is the same. He noted there are some outstanding issues with respect to site availability and financing, and staff wanted to go back to the proponent for negotiation on these points and come back to Council with a recommended contract. Councillor Cooper stated Council was given the original impression that staff would come back to Council with recommendations before changes were made. In response, Mr. McLellan stated with respect to the issues of sites and financing, following discussion with the proponent, there may be further ideas brought forward that may be meritorious in terms of cost or effectiveness, which may necessitate staff coming back to see how these would affect the view of Council. However, Mr. McLellan noted the nature of the RFP limits how free-flowing this process would be. Mr. Wayne Anstey, Municipal Solicitor, noted there was no intent to change the basic direction of the original resolution, and the changes were only to tighten up the wording. Mr. Anstey noted it was always recognized that there would be points in time during the negotiations when clarification and direction would have to be sought to ensure the right course was being followed, and Council would definitely be involved during that period of time.

Speaking in support of the motion, Councillor Cunningham stated it will simply start the process of negotiations with the proponent. With respect to financing, the Councillor stated he is optimistic that the money will be leveraged from other government levels. Councillor Cunningham stated there will still be opportunity for Council to ask questions if necessary.

Also speaking in support of the motion, Councillor Rankin stated it is based on a process which was approved by Council which provided for ample deliberation. The Councillor stated

the recommendation before Council was a unanimous recommendation of all participants in the evaluation process. With the exception of the solid waste program, Councillor Rankin stated no other project in recent HRM history has had more involvement. In closing, the Councillor stated the democratic process has been fulfilled.

Responding to questions of Councillor Colwell regarding funding of this project, Mr. McLellan stated it is intended that HRM's portion will come from the aggregated residual pollution control fund and then from borrowing to enable the construction that will be repaid through collections under the waste water charge of the water bill. He stated this should meet HRM's anticipated obligation which is approximately 2/3 of the original estimate of the project. With respect to the original bid estimate for design/build, Mr. McLellan stated this was \$315 million. He noted this figure did not include the operation costs. With regard to tertiary treatment, Mr. McLellan confirmed the estimated cost would be approximately \$600 million.

Speaking in support of the motion, Councillor Blumenthal stated Council should be relying on professional staff, noting there is still opportunity for negotiation. The Councillor stated this project needs to move forward and now is the time to do so. By voting for this in principle, it will allow the process to proceed. Councillor Blumenthal noted this project will also create employment and this should be taken into consideration.

Councillor Hetherington stated by adopting this motion, Council is only moving the process along to proceed to negotiations.

Speaking in support of the motion, Councillor Uteck stated Council asked for advanced primary and that is what was received. The Councillor noted these plants have the ability for secondary treatment if necessary. With respect to NAFTA and GATS, Councillor Uteck stated Council has received professional advice from various legal advisors. In terms of the funding, the Councillor stated Council has approved millions of dollars to come from that fund for other projects. Councillor Uteck stated it is time this project moves forward.

Also speaking in support of the motion, Councillor Hines stated there were some problems with respect to interpretation of information, particularly with regard to the shadow bid. However, the Councillor noted the shadow bid was the highest of all proposals received and, therefore, is a moot point at this time. Councillor Hines stated there has been fear-mongering with respect to private/public operations. In closing, the Councillor stated the big risk for Council is to say "no" to something that has been needed for many years and cannot wait any longer.

Councillor McInroy, speaking in support of the motion, stated he has strong reservations about the P3 concept but accepts the reality of where Council is with respect to this issue. The Councillor stated that negotiating the contract will be critical as this is where HRM will be most vulnerable.

Councillor Sarto stated that approving this in principle will not deter further negotiations for the benefit of the taxpayers. The Councillor stated the project has been given every due diligence and Council has no alternative but to support it.

Closing the debate, Councillor Walker stated Council did not receive a real shadow bid. The Councillor expressed concern with granting points to a two-plant solution in the evaluation process, noting this was never in the mix. With regard to technical points, the Councillor noted it was discovered that they were only awarded for extras. Councillor Walker stated he believes that Council has been locked into this process and there is no alternative but to move forward and accept what has been received. The Councillor stated it is his belief that the decisions have been made for Council.

A **Recorded Vote** was requested.

Members of Council voting **in favour** of the motion: Mayor Kelly, Deputy Mayor Harvey, Councillors: Hines, Colwell, Cooper, McInroy, Sarto, Hetherington, Cunningham, Blumenthal, Uteck, Fougere, Mosher, Adams, Johns, Goucher and Rankin.

Members of Council voting **against** the motion: Councillors: Warshick, Smith, Sloane, Walker, Whalen and Meade.

MOTION PASSED. (17 in favour, 6 against) (Councillor Streach was absent.)

13.3 Harbour Solutions Negotiating Team

Council addressed the In Camera recommendation re composition of membership team and placed the following motion.

MOVED by Deputy Mayor Harvey, seconded by Councillor Sloane, that the HRM Halifax Harbour Solutions negotiating team be composed of:

Lead: Mr. Kulvinder Dhillon, Director Public Works and Transportation Services

Member: Mr. Daniel P. O'Halloran, President, O'Halloran Campbell Consultant's Ltd

Member: Ms. Susan Frazer, Patterson Palmer Murphy Hill

Ex-Officio: Mr. George McLellan, Acting Chief Administrative Officer

Further, that Halifax Regional Council recommend that if financially and technically possible, one outfall in the harbour clean up be dedicated to an alternative technology, solar aquatics. MOTION PUT AND PASSED.

11.2 CHIEF ADMINISTRATIVE OFFICER

11.2.1 Lockview Area Ratepayers Association - Tennis Court Construction - Capital Account

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

MOVED by Councillor Hines, seconded by Councillor Goucher, that Council approve an increase in the Capital Budget in the amount of \$43,265.09 net of HST for a new capital project, Lockview Area Ratepayers Association - Tennis Court Construction, with no net cost to HRM. The awarded tender price of \$36,956.00 plus a 10% contingency, plus net HST, for a total project amount of \$43,265.09. MOTION PUT AND PASSED UNANIMOUSLY.

At this time, Council agreed to deal with Item 14 - Notices of Motion.

14. NOTICES OF MOTION

14.1 Councillor Cooper - By-Law S-100

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, December 18, 2001, I intend to introduce a motion for First Reading of an amendment to By-Law S-100 Respecting Sewer Charges. The amendment is being requested in light of administrative conformance to a recent decision of the Nova Scotia Utility and Review Board with respect to late payment charges.

14.2 Councillor Walker - Administrative Order 10

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, December 18, 2001, I intend to introduce a motion to move the adoption of an amendment to Administrative Order 10.

14.3 Councillor Walker

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, December 18, 2001, I intend to introduce a motion to move First Reading of a By-law to extend By-Law T-200 by a period of one year to March 31, 2003.

11.2.2 Shubie Municipal Campground

- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration. The report recommended *that the Shubie Municipal Campground be closed as an operational campground and maintained as open parkland for the future.*
- C Correspondence from Stephen Dempsey, President and CEO, Greater Halifax Partnership, dated December 10, 2001, regarding the above, was circulated to Council.

MOVED by Councillor Warshick, seconded by Councillor Hetherington, that this matter be referred back to staff to work with the current operation of the facility and examine the possibility of cost sharing for Shubie Campground and to come back to Council with a recommendation early in the new year. MOTION PUT AND PASSED.

11.2.3 Halifax Forum Expansion

- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration. The report recommended *that Council approve the expansion proposal of the Halifax Forum Community Association and the request of a loan of \$2.35 million.*

MOVED by Councillor Blumenthal, seconded by Councillor Adams, that Council approve the expansion proposal of the Halifax Forum Community Association and the request of a loan of \$2.35 million.

Speaking in support of the motion, Councillor Blumenthal stated the Halifax Forum Association has been running a viable operation for HRM. The Councillor stated the Forum has had to cancel other functions in the past due to space limitations, and this added facility will increase the number of events that can be held at this location.

Speaking against the motion, Councillor Uteck stated this request is circumventing the capital review program currently in place. In response to a question of the Councillor, Mr. George McLellan, Acting CAO, stated this situation is different than that of Neptune Theatre in that HRM owns this facility and this proposal included a repayment schedule from cash flows. He further stated that this expansion will be an enhancement to this HRM facility. Responding to an additional question of Councillor Uteck, Mr. Dennis Huck, Real Property Services, stated precedent has been set with other facilities (Sackville Sports Stadium, Cole Harbour Place, Dartmouth Sportsplex) where Council has lent them money for expansions to their facilities.

Councillor Cunningham expressed concern with a new bingo hall taking away business from existing operations. The Councillor stated it is his understanding that bingo facilities are not

doing as well as they have in the past. Councillor Cunningham further stated, if the Province was to implement "no smoking" in public places, the bingo halls would suffer severely. The Councillor inquired if these points have been taken into consideration by staff. In response, Mr. Doug Rafuse, Real Property Services, stated staff briefly reviewed comments with regard to marketing. He noted there are only two additional nights of bingo being proposed, and an expression of interest in taking over these two nights has already been received from charity groups. With respect to smoking, Mr. Rafuse stated this is a By-Law issue that would affect every bingo facility and not just this particular one.

As it was now 9:57 p.m., the following motion was put on the floor:

MOVED by Councillor Adams, seconded by Councillor Uteck, that the meeting extend beyond 10:00 p.m. MOTION DEFEATED.

It was agreed to defer the discussion of this item to the next meeting.

Council agreed to deal with Items 13.4 and 13.5 before adjourning.

13.3 Halifax Harbour Solutions

This item was dealt with earlier in the meeting. (see page 19)

13.4 Personnel Matter - Citizen Appointments to Boards & Committees

- C This matter was discussed during an In Camera Session held prior to the regular session and was now before Council for ratification.
- C A report from the Membership Selection Committee, regarding the above, was before Council for its consideration.

MOVED by Councillor Rankin, seconded by Councillor Goucher, that:

- a. **The Terms of Reference of the Halifax-Dartmouth Canada Day Committee be amended to provide for a two year staggered term for Councillor appointments, and that Councillor Warshick be appointed to that committee for another year, to November 2002, and Councillor Sloane's appointment be confirmed to November 2003.**
- b. **Councillors Goucher, Fougere, McInroy and Warshick be appointed to the Halifax-Dartmouth Bridge Commission for a three year period, from April 2002 to April 2005.**

- c. Councillor Adams be appointed to the Police Steering Committee.
- d. Citizen Appointments to the various Boards and Committees as identified in Appendix "A" to the staff report dated December 11, 2001, be approved at this time. MOTION PUT AND PASSED UNANIMOUSLY.

13.5 Legal Matter - Settlement of Claim

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

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Halifax Regional Council settle the claim as set out in the December 5, 2001 Private and Confidential staff report as brought by the Plaintiff in the amount of \$21,075.00 as settlement in full, upon obtaining a full release from the Plaintiff from any further claims arising out of the accident which occurred on December 19, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

As it was now 10:00 p.m., the remaining agenda items were deferred to the next meeting:

- 11.2.4 Police Consolidation Funding
- 11.2.5 Budget Survey
- 11.2.6 Amendment to Administrative Order 17 - Councillor Stipends
- 11.3.1 Councillor Uteck - Point Pleasant Park Sanitary Sewer Project
- 11.3.2 Councillor Adams - Herring Cove Water & Sewer Design
- 13.2 Late Payment Charges on Pollution Control Billings

15. ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Vi Carmichael
Municipal Clerk