

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES

February 18, 2003

PRESENT:

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

REGRETS:

Deputy Mayor Harry McInroy
Councillor Stephen D. Adams

STAFF MEMBERS:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Deputy Municipal Clerk
Ms. Patti Halliday, Legislative Assistant

Table of Contents

1.	INVOCATION	4
2.	APPROVAL OF MINUTES - February 4, 2003	4
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	4
4.	BUSINESS ARISING OUT OF THE MINUTES	4
5.	MOTIONS OF RECONSIDERATION - NONE	4
6.	MOTIONS OF RESCISSION - NONE	5
7.	CONSIDERATION OF DEFERRED BUSINESS - FEB. 11/03	5
	7.1 Councillor Mosher	5
8.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	6
	8.1 Correspondence - None	6
	8.2 Petitions	6
9.	REPORTS	6
	9.1 HARBOUR EAST COMMUNITY COUNCIL	6
	9.1.1 Project 00554: Clayton Developments Ltd. proposals for Portland Hills - Russell Lake	6
	9.2 BOARD OF POLICE COMMISSIONERS	7
	9.2.1 D.A.R.E. Education Program	7
	9.3 HERITAGE ADVISORY COMMITTEE	7
	9.3.1 Case #00507: Application to Amend the Development Agreement, Brenhold Limited, Halifax	7
	9.4 CHIEF ADMINISTRATIVE OFFICER	8
	9.4.1 Tender 02-263, Beaver Bank Cross Road Culvert Replacement, Central Region	8
	9.4.2 All Weather Turf Facilities - Bleachers	8
	9.4.3 Request for Proposal 02-081 - Uniformed Parking Enforcement Services	9

9.4.4	Award of RFP 02-145, Pre-Design Study - Herring Cove Water and Sewer Services, Herring Cove, NS	9
9.5	MEMBERS OF COUNCIL	10
9.5.1	Councillor Mosher - NS Department of Transportation - Snow Removal in District 18	10
10.	MOTIONS	10
10.1	Councillor Cooper	11
11.	ADDED ITEMS	12
11.1	Councillor Fougere - Charitable Solicitation in Halifax Regional Municipality	12
11.2	Membership Selection Committee - Boards and Committees	13
12.	NOTICES OF MOTION	14
13.	ADJOURNMENT	14

1. **INVOCATION**

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

2. **APPROVAL OF MINUTES - February 4, 2003**

MOVED by Councillor Blumenthal, seconded by Councillor Smith, that the minutes of February 4, 2003 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

3. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

The following items were added to the agenda:

- 11.1 Councillor Fougere - Charitable Solicitation in Halifax Regional Municipality
- 11.2 Membership Selection Committee - Boards and Committees

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

Later in the meeting, the following item was added to the agenda:

- 11.3 Committee of the Whole Budget Schedule

In other business, Councillor Sloane requested that the Mayor send a letter of thanks to the organizers of the East Coast Music Awards recently held in Halifax.

Councillor Blumenthal requested that the Mayor send a letter of thanks to CBC Hockey Night in Canada and Home Depot with respect to their support for the North End Community Outdoor Rink.

Councillor Uteck noted that the week of Feb. 16 - 23 is Scout-Guide Week, and she requested that the Mayor send a letter of thanks to Scouts Canada with respect to the volunteers who make this program possible.

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

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - FEB. 11/03

7.1 Councillor Mosher

"To reconsider the awarding of Request for Proposal 02-097, Provision of Services for Collection and Transportation of Source Separated Solid Waste for Area 1 (Halifax) to HRDA."

C Correspondence from HRDA Enterprises Limited to Mr. Brian Smith, Acting Director of Environmental Management Services, dated February 17, 2003, was circulated to Council.

C Correspondence from Councillor Stephen Adams, dated February 18, 2003, regarding the above, was circulated to Council.

Councillor Mosher referenced the correspondence from HRDA which was circulated to Council. The Councillor questioned the sentence in the letter stating staff suggested to the company that the letter be written. Councillor Mosher stated the letter is contrary to Section 2.16 of the RFP - Grounds for Disqualification to any Member of HRM Staff. In response to a question of clarification from Mayor Kelly, Mr. Wayne Anstey, Municipal Solicitor, stated in the context of giving the reasons for the reconsideration, there is no reason the Councillor cannot refer to the letter, however his understanding was that the Councillor was getting into questioning staff and why the letter was before Council.

For the record, Councillor Mosher stated of the 8,000 Chebucto Community Council 2001 surveys she sent out, only 290 were returned. In December of 2000, the residents were happy with the service, but the current service in District 17 is terrible. Councillor Mosher questioned the subjectivity of the point system for the tender. The Councillor stated there are contract and personnel issues she would like to discuss but suggested it should be done in camera. Councillor Mosher noted it was suggested to her that she make an official police statement regarding this matter and this is another reason why the matter should be moved in camera.

MOVED by Councillor Mosher, seconded by Councillor Walker, that Council reconsider its motion of February 4, 2003 regarding the awarding of Request for Proposal 02-097, Provision of Services for Collection and Transportation of Source Separated Solid Waste for Area 1 (Halifax) to HRDA and that the matter be moved in camera for further discussion next week.

Councillor Hetherington clarified if the motion of reconsideration did not pass, Council could still discuss it next week in camera. Councillor Walker suggested it would be too late at that time because the contract would have been awarded.

The vote was taken on the Motion of Reconsideration.

MOTION DEFEATED.

Members of Council voting **in favour** of the motion: Councillors: Warshick, Blumenthal, Sloane, Uteck, Walker, Whalen, Mosher, Johns, Harvey, Goucher and Rankin.

Members of Council voting **against** the motion: Mayor Kelly, Councillors: Streach, Hines, Colwell, Cooper, Sarto, Hetherington, Smith, Cunningham, Fougere and Meade.

The original motion of February 4, 2003 stands.

Several Councillors expressed concern that if there was information contained in the correspondence that should be addressed, the matter should be discussed at this time. Mayor Kelly advised Council that the correspondence could be added to the agenda with a two-thirds majority vote. There was not a sufficient number of Councillors in support of this.

MOVED by Councillor Hetherington, seconded by Councillors Johns, that the correspondence from HRDA be added to the agenda for the February 25, 2003 In Camera session. MOTION PUT AND PASSED UNANIMOUSLY.

8. CORRESPONDENCE, PETITIONS AND DELEGATIONS

8.1 Correspondence - None

8.2 Petitions

No petitions were served at this meeting.

9. REPORTS

9.1 HARBOUR EAST COMMUNITY COUNCIL

9.1.1 Project 00554: Clayton Developments Ltd. proposals for Portland Hills - Russell Lake

- C A report from the Harbour East Community Council regarding the above was before Council for its consideration.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that a plan amendment be initiated regarding Clayton Developments' request to amend the Portland Hills development agreement and that a public participation program be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.

Councillor Cooper reiterated a request that he previously raised at a meeting of the Harbour East Community Council for staff to prepare a report on correspondence from the Department of Transportation and Public Works to Clayton Developments regarding the right turn out onto the Circumferential Highway. In response, Councillor Hetherington stated this is the Morris Lake Subdivision and the correspondence is related to the other subdivision development. Councillor Cooper indicated he would review what was discussed at the Community Council level.

(Mayor Kelly left the meeting at this time, and Councillor Blumenthal assumed the Chair.)

MOTION PUT AND PASSED UNANIMOUSLY.

9.2 BOARD OF POLICE COMMISSIONERS

9.2.1 D.A.R.E. Education Program

- C A report from the Board of Police Commissioners, regarding the above, was before Council for its consideration.

MOVED by Councillor Harvey, seconded by Councillor Hetherington, that the D.A.R.E. Education Program not be implemented in all HRM schools and that HRP continue with its current programs. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 HERITAGE ADVISORY COMMITTEE

9.3.1 Case #00507: Application to Amend the Development Agreement, Brenhold Limited, Halifax

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

MOVED by Councillor Sloane, seconded by Councillor Fougere, that Regional Council approve the building alterations and additions for the Brenhold Development at the corner of Spring Garden Road and Summer Street, Halifax, pursuant to the substantial alteration provisions of the Heritage Property Act, with the provision that the atrium commercial space not exceed 20 percent of the ground floor area of the atrium. MOTION PUT AND PASSED UNANIMOUSLY.

9.4 CHIEF ADMINISTRATIVE OFFICER

9.4.1 Tender 02-263, Beaver Bank Cross Road Culvert Replacement, 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 Johns, seconded by Councillor Harvey, that Regional Council:

- 1. Approve an increase in the Gross Budget for Account No. CSU00319, Little Sackville River, Sackville - Stormwater Control, in the amount of \$56,028, with funds from Account No. Q104, Sewer Redevelopment Reserve.**
- 2. Approve an increase in the Gross Budget for Account No. CPC00467, Regional Trails Development, in the amount of \$53,074, with funds from Account No. CRESPOOL.**
- 3. Award Tender No. 02-263, Beaver Bank Cross Road Culvert Replacement - Central Region, to Brycon Construction Limited for materials and services listed at the unit prices quoted for a Tender Price of \$315,652.17, plus net HST for a total of \$335,945 from Account No. CSU00319, Little Sackville River, Sackville - Stormwater Control and Account No. CPC00467 Regional Trails Development, with funding authorized as per the Budget Implications section of the staff report dated February 6, 2003. MOTION PUT AND PASSED UNANIMOUSLY.**

9.4.2 All Weather Turf Facilities - Bleachers

C A supplementary 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 staff bring forward a funding plan to provide bleachers for the Artificial Field at the Mainland Common as part of the 2003/04 budget deliberations. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.3 Request for Proposal 02-081 - Uniformed Parking Enforcement Services

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

MOVED by Councillor Warshick, seconded by Councillor Sarto, that Council award Canadian Corps of Commissionaires, the highest ranking proponent, to provide Uniformed Parking Enforcement Services, on a one year term to be renewed on an annual basis up to a five year maximum on terms satisfactory to the Halifax Regional Municipality.

Mr. Dave Cormier, Team Leader, General Revenue & Payment Processing, responded to questions of Councillor Sarto.

MOTION PUT AND PASSED UNANIMOUSLY.

9.4.4 Award of RFP 02-145, Pre-Design Study - Herring Cove Water and Sewer Services, Herring Cove, NS

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 Walker, that RFP 02-145, Pre-Design Study - Herring Cove Water and Sewer be awarded to the highest ranking proponent, CBCL Limited, for an upset maximum price of \$42,391, including net HST, to be funded from Account CSE00386 Pollution Control - Halifax Harbour, as per the Budget Implications section of the staff report dated February 11, 2003.

Responding to questions of Councillor Mosher, Mr. Ted Tam, Harbour Solutions, Manager, Design, made the following points:

C Once the tender is awarded for pre-design, the Herring Cove Ratepayers Association will have better information upon which to base their decision on how the \$5 million integration fund should be spent.

C The next step would be for staff to put it in the Capital Budget for approval of Council.

- C Once the cost of the project and the amount of the integration fund residents are willing to allocate to the project are known, the amount of the local improvement charge can be determined.
- C The earliest time frame for this project to be included in the Capital Budget will be 2004-2005.

Councillor Mosher requested that a letter be sent to the Hon. Robert Thibault and Mr. Geoff Regan to ensure they are aware of the progress of this project and to obtain an update on availability of infrastructure money and to inquire about the status of this project with respect to funding opportunities. Mr. Tam stated staff could draft a letter for the Mayor's signature.

MOTION PUT AND PASSED UNANIMOUSLY.

9.5 MEMBERS OF COUNCIL

9.5.1 Councillor Mosher - NS Department of Transportation - Snow Removal in District 18

Councillor Mosher expressed concern with snow removal in District 18, in particular, the Sambro Loop area. The Councillor noted a letter was sent to the Hon. Michael Baker, Minister, Department of Transportation and Public Works, from the Western Community Council, as a result of its meeting on January 27, 2003, regarding this issue. Councillor Mosher stated she received numerous calls and emails from residents and the same excuses are put forth by the Province each year for the poor service. The Councillor suggested HRM should take over this area for road maintenance, or that a letter be sent to the Department of Transportation and Public Works asking them to contract out this service. Councillor Mosher stated the residents are only asking for reasonable level of service: one pass through. The Councillor requested that a letter be written to the Minister of Transportation and Public Works to ensure that this issue is examined, noting there are many good contractors that could be utilized for this service.

(Mayor Kelly returned to the meeting at 7:40 p.m. and assumed the Chair.)

Councillor Colwell requested that District 3 be included in the letter as well, noting some residents in his area have had to take vacation days because they could not get to work due to the poor road conditions.

Councillor Rankin noted this issue does not just relate to District 18, rather to the rural area in general, and he suggested other areas such as Haliburton Heights and Highland Park should also be added. Councillor Meade also requested that District 23 be included.

Council agreed to the letter request.

10. **MOTIONS**

10.1 **Councillor Cooper**

MOVED by Councillor Cooper, seconded by Councillor Walker, that Administrative Order Number 1 be amended by adding to Section 52(1) thereof an additional clause as follows:

- (f) shall require for approval an affirmative vote of two-thirds of the members present.

This amendment will require that a minimum of two-thirds of the members of Council present at a meeting vote in favour of a motion that “the question be now put” in order that it be approved, thereby ensuring that an overwhelming majority of Council desires to end the debate and deal with the substantive motion on the floor before such a motion is successful.

Speaking against the motion, Councillor Uteck stated the current clause can be very useful and effective when used sparingly in certain situations. Councillor Cunningham agreed stating two-thirds majority is too excessive and the majority of Council wishing to call the question should be sufficient.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal, that the question be put. MOTION PUT AND DEFEATED.

Members of Council voting **in favour** of the motion: Councillors: Colwell, Warshick, Sarto, Hetherington, Cunningham, Blumenthal, Sloane, Uteck, Harvey, Rankin and Meade.

Members of Council voting **against** the motion: Mayor Kelly, Councillors: Streach, Hines, Cooper, Smith, Fougere, Walker, Whalen, Mosher, Johns and Goucher.

The main motion was back on the floor for further debate.

Councillors speaking in support of the motion made the following points:

- C The current clause is being abused.
- C 50 percent of Council could be denied the chance to be heard on an issue. This is not what grassroots government is about.

- C In other situations, where rules are to be abandoned, a two-thirds majority is required.
- C To continuously stifle half of the members of Council for reasons that may only be to empower others is wrong.
- C Council needs to hear all opinions in order to make reasonable decisions.
- C There are already limits placed on the number of times a Councillor can speak and the number of times they are permitted to speak.
- C Respect includes listening to each other even when there is disagreement.
- C Councillors were elected to bring forward issues for the public and limiting debate removes the purpose of Council. Councillors are entitled to debate the issues and residents expect it.
- C Everyone has the right to voice their opinion.

Councillors speaking against the motion made the following points:

- C A majority vote generally counts and it is a democratic rule that Council uses.
- C There needs to be some mechanism in place to stop lengthy repetitive debate in some situations.
- C To change this clause is an abuse of democracy in that the proposed change will allow seven members to control Council.
- C The current clause is an effective democratic tool.
- C The current mechanism serves a purpose and mutual respect in the future will serve Council well.
- C The rules can be abandoned at any time with a two-thirds majority vote.

MOTION PUT AND DEFEATED.

Members of Council voting **in favour** of the motion: Mayor Kelly, Councillors Streach, Cooper, Warshick, Smith, Sloane, Walker, Whalen, Mosher and Harvey.

Members of Council voting **against** the motion: Councillors: Hines, Colwell, Sarto, Hetherington, Cunningham, Blumenthal, Uteck, Fougere, Johns, Goucher, Rankin and Meade.

11. ADDED ITEMS

11.1 Councillor Fougere - Charitable Solicitation in Halifax Regional Municipality

Councillor Fougere requested an information report respecting the administrative and budgetary implications of a potential by-law (similar to one in Fredericton, New Brunswick) dealing with door-to-door charitable solicitation in HRM. The Councillor requested that the report look at the feasibility of implementing some type of registration system in light of recent

concerns brought about by look alike charities. Councillor Fougere submitted further information to be passed on to staff.

MOVED by Councillor Fougere, seconded by Councillor Hetherington, that this be referred to staff for an information report. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Membership Selection Committee - Boards and Committees

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

- 1. Lorna Crawley-Mulolani be appointed to the Halifax Regional Library Board to fill an unexpired term to November 2005.**
- 2. Tanya Phillips be appointed to the Fences Arbitration Committee (staff appointee) to fill an unexpired term to April 2004.**
- 3. Deputy Mayor McInroy, Councillors Fougere and Rankin be appointed to the Regional Planning Community Stakeholder Committee to February 2004.**

MOTION PUT AND PASSED.

11.3 Committee of the Whole Budget Schedule

- C** A staff report prepared for George McLellan, Chief Administrative Officer, regarding the above, was circulated to Council.

Ms. Dale MacLennan, Director, Financial Services, reviewed the staff report which recommended that Committee of the Whole meet from 10 a.m. - 4 p.m. the week of March 17th to debate the Proposed Budget. Final approval would be expected for March 25th.

MOVED by Hetherington, seconded by Councillor Blumenthal, that Committee of the Whole meet from 10 a.m. - 4 p.m. the week of March 17th to debate the Proposed Budget. Final approval would be expected for March 25th.

Councillor Mosher stated it was her understanding budget deliberations were to take place the first week in March. The Councillor advised that she will be out of town the week of March 17th and inquired if the meetings could be rescheduled. In response, Ms. MacLennan clarified that the budget will be tabled on March 4th and the intent was to give Council time to review the document over the March break, and it would come back to Council the following

week. Ms. MacLennan stated she would have concern with leaving it to later in the month as that would be pushing into the fiscal year end.

Councillor Mosher requested that a definite meeting be scheduled for Friday, March 21st as that is the only date she could attend. In response, Mayor Kelly noted the budget debate may not take the full five days and there is no guarantee a meeting will be held on Friday.

MOVED by Councillor Mosher, seconded by Councillor Sloane, that the 2003-2004 budget debate not close prior to March 21st, 2003. MOTION PUT AND DEFEATED.

Members of Council voting **in favour** of the motion: Mayor Kelly, Councillors: Smith, Sloane, Walker, Whalen, Mosher and Goucher.

Members of Council voting **against** the motion: Councillors: Streach, Hines, Colwell, Cooper, Warshick, Sarto, Hetherington, Cunningham, Blumenthal, Uteck, Fougere, Johns, Harvey, Rankin and Meade.

Mr. McLellan stated that staff would be pleased to discuss budget issues with Councillor Mosher prior to her leaving.

The vote was then taken on the main motion.

MOTION PUT AND PASSED. (Councillors Sloane, Whalen, Mosher and Harvey voted against the motion.)

12. NOTICES OF MOTION

There were no Notices of Motion served at this meeting.

13. ADJOURNMENT

There being no further business, the meeting adjourned at 7:40 p.m.

Jan Gibson
Deputy Municipal Clerk