

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES FEBRUARY 16, 1999

PRESENT:

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

ABSENT WITH
REGRETS:

His Worship Mayor Walter Fitzgerald

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer
Mr. Dan English, Deputy Chief Administrative Officer
Mr. George McLellan, Deputy Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Karen Swim, Assistant Municipal Clerk

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1. INVOCATION

The meeting was called to order at approximately 6:00 p.m. Councillor Rankin, at the Chair's request, led his colleagues in the recitation of the invocation.

1A. His Worship Mayor Walter Fitzgerald

Deputy Mayor Uteck advised that, owing to a partial blockage of the arteries, Mayor Fitzgerald will undergo cardiac bypass surgery within the next two weeks. The Mayor asked that his appreciation and that of his family be sent to the many individuals who have expressed concern and sent best wishes for his speedy recovery .

1B. 6th Sackville Boy Scout Troop

The presence in the public gallery of the members of the 6th Sackville Boy Scout Troop, their leaders, and several of their parents was acknowledged.

2. PROCLAMATIONS

2.1 Lions International Awareness Week

The week of February 15-21, 1999 was proclaimed as *Lions Awareness Week* in the Halifax Regional Municipality.

2.2 Recognition - Cardiac Surgeons, Maritime Heart Centre

A plaque, recognizing the Maritime Heart Centre's outstanding medical team and the Centre's success rate in the field of coronary surgery, was presented to Dr. Ed Kinley.

2.3 Family Violence Prevention Week

The week of February 14-20, 1999 was proclaimed as *Family Violence Prevention Week* in the Halifax Regional Municipality. Candles were lit by members of Council as a symbol of hope and as an indication of their commitment to ending family violence.

3. APPROVAL OF MINUTES

MOVED by Councillor Greenough, seconded by Councillor Blumenthal that the Minutes of February 2, 1999 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 meeting agenda:

- 12.1 Legal Matter - Transit Shelter Advertising
- 12.2 Land Matter - Marketing and Sale of Surplus Property
- 12.3 Land Matter - Metro Turning Point Site
- 12.4 Mayor's Absence
- 12.5 Sanding and Plowing (Councillor Snow)
- 12.6 Pollution Control Charges (Councillor Adams)
- 12.7 Metro Transit Service Changes

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTION OF RESCISSION

7.1 Councillor Schofield - Metro Transit Service Reductions

This matter had been referred to staff for further information during the February 9, 1999 meeting of Halifax Regional Council.

- An Information Report dated February 16, 1999 and entitled *Metro Transit* was submitted under the signature of Mr. Brian T. Smith, Director of Business Operations.

Having received assurances from Metro Transit staff regarding the monitoring of Route #53 (Notting), the reinstatement of two trips (namely, 1:55 p.m. and 2:55 p.m.) to Route #52 (Ilsley), and a review of all transit service to Burnside Industrial Park (to be undertaken within the next six months), Councillor Schofield **withdrew** his Motion of Rescission.

8. CONSIDERATION OF DEFERRED BUSINESS

**8.1 Application to Demolish Registered Municipal Heritage Property:
5536 Sackville Street (Irving Oil Gas Station)**

This matter had been referred to staff for further information during the February 9, 1999 meeting of Halifax Regional Council.

- An Information Report dated February 15, 1999 and entitled *5536 Sackville Street -- A Registered Heritage Property (Request for Demolition)* was submitted under the signatures of Donna Davis-Lohnes, General Manager, Planning Services, and Gary Porter, Planner.

MOVED BY Councillor Downey, seconded by Councillor Greenough that, at the request of the property owner, the matter (including the presentations originally scheduled to be heard on February 16) be deferred to the March 2 meeting of Halifax Regional Council. THE MOTION WAS PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Presentations

9.1.1 Deannie Sullivan-Fraser: Uses for Our Wild Plants and Trees in Nova Scotia

- Correspondence dated January 18, 1999 was submitted from Ms. Deannie Sullivan-Fraser, 61B Hazelhurst Street, Dartmouth.

Ms. Deannie Sullivan-Fraser provided a brief overview of her research into the various uses (e.g., medicinal, culinary, industrial, household and decorative) of local plants and trees, a project that is being undertaken in Nova Scotia with the assistance of the Helen Creighton Foundation and the Friends of the Environment.

9.1.2 Jack Keith, Chair - Halifax Millennium Committee

- An information package containing materials specific to the mandate and activities of the Halifax Millennium Committee was submitted.

Mr. Jack Keith, Chair of the Halifax Millennium Committee, and Mr. Bob Geraghty, Program Chair, provided Council with an overview of the Committee's mandate, fund-raising activities, and the events planned in celebration of the 250th birthdays of Dartmouth, Halifax and Sackville.

9.2 Petitions

9.2.1 Councillor Mitchell Re: Shiloh Subdivision (Hatchet Lake)

Councillor Mitchell submitted a petition containing 23 signatures (to be forwarded to the appropriate staff members) requesting assistance with regard to the upgrading/paving of Shiloh Drive and Karla Lane, and their designation as public roads.

9.2.2 Councillor Cunningham Re: Revisions to the Nova Scotia Activities Designation (Sandblasting)

Councillor Cunningham submitted a copy of a petition currently being circulated in the Dartmouth Cove area in support of including "sandblasting" as a designated activity under

the Nova Scotia Activities Designation Regulations. The Councillor asked that this information be forwarded to the appropriate members of staff for a report as to what can be done by Halifax Regional Council to support the residents in this endeavor.

10. REPORTS

10.1 MEMBERS OF COUNCIL

**10.1.1 Councillor McInroy - Former Robb Engineering Buildings
(HRM Property, Eastern Passage)**

Using photographs of the property in question, Councillor McInroy brought to Council's attention the dilapidated and dangerous condition of the former Robb Engineering buildings in Eastern Passage.

MOVED by Councillor McInroy, seconded by Councillor Cooper that staff be requested to prepare a strategy for the demolition of the former Robb Engineering Buildings in Eastern Passage, to be brought back for Council's consideration, if at all possible, in time for the meeting scheduled for March 2, 1999. THE MOTION WAS PUT AND PASSED.

8:00 p.m. -- The meeting was adjourned for a brief recess.

8:05 p.m. -- The meeting was reconvened with the same members being present.

10.2 CHIEF ADMINISTRATIVE OFFICER

10.2.1 Presentation and Tabling of 1999/2000 Budgets

- Document entitled *Taking Care of Business, Phase 3: The 1999/2000 Proposed Budget*
- Document entitled *Proposed 1999/2000 Operating, Capital and Reserve Budgets (Volume 1)*
- Document entitled *Proposed 1999/2000 Operating and Capital Budgets (Volume 2)*

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal that the proposed 1999/2000 Capital and Operating Budgets for the Halifax Regional Municipality be tabled.

In presenting the budget documents, Mr. Ken Meech, Chief Administrative Officer, emphasized that staff believe the recommendations contained therein go a long way in advancing the Municipality toward its "Number One Goal" of financial stability. He went

on to note that the proposals constitute a balanced budget with no tax increases and a significant reduction in the municipal debt.

Mr. George McLellan, Deputy Chief Administrative Officer, provided Council with an overview of the budget documentation.

IT WAS GENERALLY AGREED THAT budget review discussions be scheduled for Monday, Wednesday and Thursday, February 22, 24 and 25, commencing at 9:00 a.m.

Councillor Kelly asked that staff be prepared to provide details regarding the impact of the proposed budgets on services to the public.

THE MOTION TO TABLE WAS PUT AND PASSED.

10.2.2 Tender #98-106R - Printing of Recreation & Leisure Program Catalogues

- A staff report dated January 19, 1999 and entitled *Award of Tender #98-106R - Printing of Recreation and Leisure Program Catalogues* was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington that Council authorize the award of Tender #98-106R to print Recreation and Leisure Program Catalogues for Spring 1999, Summer 1999, and Fall 1999 to the lowest bidder, Web Atlantic, in the amount of \$54,000 plus 15% HST. MOTION PUT AND PASSED.

10.2.3 Tender #98-336, Resurfacing, Cole Harbour Road - East Region

- A staff report dated January 29, 1999 and entitled *Award of Tender No. 98-336, Resurfacing - Cole Harbour Road (East Region)*, was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.

MOVED by Councillor Cooper, seconded by Councillor Hetherington that Halifax Regional Council award Tender #98-336, Resurfacing, Cole Harbour Road (Civic No. 1389 to Coleridge Court), to Ocean Contractors Limited, for materials and services specified at the unit prices quoted for a Total Tender Price of \$104,382.05 and a Total Project Cost of \$120,039.00, with funding availability as noted in the "Budget Implications" section of the staff report dated January 29, 1999. MOTION PUT AND PASSED.

10.2.4 Request for Expressions of Interest - Starr/Greenvale Site

- A staff report, dated January 29, 1999 and entitled *Request for Expressions of Interest - Development of HRM Property Generally Bounded by Prince Albert Road, Ochterloney Street and Pine Street Extension in Downtown Dartmouth (Starr/Greenvale Site)*, was submitted under the signatures of Mr. K. R. Meech, Chief Administrative Officer, and Mr. Dan English, Deputy CAO.
- A report, dated February 3, 1999 and entitled *Request for Expressions of Interest - Development of HRM Property Generally Bounded by Prince Albert Road, Ochterloney Street and Pine Street Extension in Downtown Dartmouth (Starr/Greenvale Site) Submitted by Municipal Staff and Dated January 29, 1999*, was submitted under the signature of Mr. Paul A. Erickson, Chair, Regional Heritage Advisory Committee.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal that Regional Council:

- (1) authorize that Sobeys Limited advance to Stage 2 (Request for Proposals) of the selection process;**
- (2) authorize that Art in Action-Atlantic advance to Stage 2 (Request for Proposals) of the selection process, on condition that they**
 - (a) establish an advisory committee of business and cultural representatives which is satisfactory to HRM;**
 - (b) demonstrate within four (4) months of this approval that they have the financial and organizational ability to carry out the proposed project;**
- (3) defer consideration of the request by the Dartmouth Historical Association to provide approval to proceed with a final application to have the Starr building declared as a site of National Historic significance by the Historic Sites and Monuments Board of Canada until after the Request for Proposals stage is completed and a specific proposal is accepted;**
- (4) continue to defer the Public Hearing to consider the recommendation of the Regional Heritage Advisory Committee to designate the Starr Manufacturing building as a municipal heritage property until after the Request for Proposals stage is completed and a specific proposal is accepted.**

Councillor Cunningham made reference to the recommendations put forward by the Heritage Advisory Committee and, more specifically, to the request that the designation of the Starr Manufacturing building as a municipal heritage property not be deferred. The Councillor emphasized that although this recommendation is in conflict with that advanced

by staff (and as is incorporated in the motion now under consideration), it is intended that heritage concerns be a significant component of the development agreement process pertaining to this site.

Speaking on behalf of the Chair of the Heritage Advisory Committee, Councillor Schofield advised Council that while the Committee had no wish to stop the project from going forward, it did have concerns as to how Sobeys could proceed without knowing which part of the site will be designated as heritage property.

Mr. Austin French, Regional Coordinator, Planning Services, referred Council to the shaded area of Figure 1 attached to the staff report dated January 29, 1999. In his comments Mr. French advised that this portion of the Starr/Greenvale property has been reserved throughout the planning process (including the Call for Expressions of Interest) as a "no-build zone" because of its heritage and architectural features. Because this restriction is intended to be continued throughout the RFP process, it was suggested that the official designation of this property could be pursued as suggested by the motion presently on the floor. .

THE MOTION WAS PUT AND PASSED.

11. MOTIONS

11.1 Councillor Barnet Re: Redistribution of Political Boundaries

Notice of Motion had been given by Councillor Barnet during the February 9 meeting of Halifax Regional Council.

Councillor Barnet made reference to Section 369 of the *Municipal Government Act* which stipulates that a study of the number and boundaries of polling districts in the Municipality must be undertaken "in the year 1999 . . ." and further that, once the study is completed, application must be made to the Nova Scotia Utility and Review Board to either confirm or alter the status quo.

**MOVED by Councillor Barnet, seconded by Councillor Adams that staff be directed to prepare recommendations for Council's consideration as to how best the requirements of Section 369 of the *Municipal Government Act* can be met (e.g., through assignment of the necessary research to staff, the establishment of a Council committee, or the appointment of a committee comprised of constituents).
MOTION PUT AND PASSED.**

**11.2 Councillor Fougere Re: Waiver of Local Improvement Charges
(George Dauphinee Avenue)**

Notice of Motion had been given by Councillor Fougere during the February 9 meeting of Halifax Regional Council.

At the request of Councillor Fougere, Council agreed to hear presentations from the following:

Ms. Margot Butler-Miller, a resident of 2888 George Dauphinee Avenue, addressed Council, speaking on behalf of 18 families residing on that portion of George Dauphinee Avenue between Almon Street and Peter Lowe Avenue. In her remarks, Ms. Butler-Miller advised that, on January 25, 1999, the property owners in question had received undated bills from the Municipality for amounts ranging from \$700-\$1100 with respect to paving work completed over 1.5 years ago. She emphasized that, despite comments made by former Councillor Howard Epstein (i.e., that he had received numerous requests that the surface of this roadway be improved), the records appear to indicate that only one inquiry had actually been forwarded.

Ms. Butler-Miller made reference to the Council meeting of October 21, 1997 at which time the residents' right to petition against this project was waived and the George Dauphinee Avenue project approved. She pointed out that, at that point in time, the bylaw which currently enables Council to waive the right of petition had not yet been implemented. Consequently, in her view, the decision to proceed with this project was made under questionable circumstances.

Ms. Butler-Miller also made reference to the bills that have been forwarded to the two owners of corner properties on George Dauphinee Avenue. Using herself and her husband (owners of property located at George Dauphinee and Peter Lowe Avenue) as an example, she pointed out that they are being requested to pay a bill of \$1100, \$266 of which pertains to work that has not yet been undertaken on the abutting street (i.e., Peter Lowe Avenue). Ms. Butler-Miller emphasized that she finds this "prepayment" requirement for future street improvements particularly unfair, given that by the time the work is scheduled, she and her husband may have sold their property. Under the circumstances, and in the interests of fairness and good faith, she called on Council to waive the payment of the 18 bills in question.

Mr. Leonard MacNeil, a resident of 2870 George Dauphinee Avenue, addressed Council to concur with the comments put forward by Ms. Butler-Miller. In his remarks, Mr. MacNeil questioned whether the work undertaken to George Dauphinee Avenue -- and for which residents are now being asked to pay Local Improvement Charges -- has actually served to "improve" the roadway to any appreciable extent. He went on to point out that his particular property was purchased on January 30, 1998 but when his lawyer had inquired of HRM as to whether there were any outstanding improvement charges levied

against the owner of the property, he was advised that the George Dauphinee project had not yet been completed. Mr. MacNeil noted that, in January of 1999, a bill was received for \$728 against paving that had been completed on November 3, 1997, three months before Mr. MacNeil and his family took possession of the property. He concluded his remarks by calling on Council to withdraw these paving charges.

Mr. Richard Scott of 2880 George Dauphinee Avenue read from a prepared presentation dated February 16, 1999 previously submitted to the Municipal Clerk and distributed to Members of Council.

Mr. Daniel G. Stone, 2877 George Dauphinee Avenue, expressed concern that HRM's handling of the George Dauphinee Avenue situation sends the wrong message to its residents; namely, that Council does not need to seek concurrence from area residents before neighbourhood improvements are undertaken and can instead make arbitrary decisions of this nature with little or no regard for the democratic process.

Speaking in support of the concerns put forward by the previous presenters, Councillor Fougere submitted two photographs showing the surface of George Dauphinee Avenue, and challenged her colleagues to identify the one which depicted the roadway after the alleged "improvement" project was undertaken. She went on to emphasize that, given the circumstances under which this project was initiated and the fact that the neighborhood had never been advised of HRM's intentions, it was her view that the Municipality should make arrangements to waive these charges which total \$13,341.86.

MOVED by Councillor Fougere, seconded by Councillor Blumenthal that Council support the waiver of Local Improvement Charges imposed for this unsolicited paving project carried out on a single block of George Dauphinee Avenue; and further, for future reference, a core sampling of the street be undertaken to alleviate any future question as to its surfacing history.

Concerns and suggestions pertaining to the motion put forward by Councillor Fougere were raised by various members of Council.

MOVED by Councillor Barnet, seconded by Councillor Schofield that the matter be referred to staff for a report (to be presented in time for the March 2 Regional Council meeting), such report to include comment on the following:

- (a) the feasibility of implementing a "Rule of 20" for street improvement projects (more specifically, that for streets older than 20 years – or some other agreed-upon number), no local improvement charges would be levied;**
- (b) presentations received by Council during its February 16 meeting from residents of George Dauphinee Avenue;**

- (c) information relating to the 18 affected properties on George Dauphinee Avenue; specifically, the actual frontages and the betterment charges each property owner has been requested to pay;
- (d) the feasibility of implementing a “minimum lot charge” rather than a full waiver of the local improvement charges for the affected property owners on George Dauphinee Avenue;
- (e) the process followed with regard to the street improvements for George Dauphinee Avenue; e.g., the rationale for this project, whether any notification was given, and/or whether any of the property owners were given an opportunity to accept or reject this paving.

MOTION PUT AND PASSED.

12. ADDED ITEMS

12.1 Legal Matter - Transit Shelter Advertising

This matter had been addressed during an *In Camera* meeting of Halifax Regional Council held earlier in the day.

MOVED BY Councillor Sarto, seconded by Councillor Schofield that the recommendation adopted during the In Camera meeting held earlier in the day be ratified. THE MOTION WAS PUT AND PASSED.

12.2 Land Matter - Marketing and Sale of Surplus Property

This matter had been addressed during an *In Camera* meeting of Halifax Regional Council held earlier in the day.

MOVED by Councillor Greenough, seconded by Councillor Hetherington that the recommendation adopted during the In Camera meeting held earlier in the day be ratified. THE MOTION WAS PUT AND PASSED.

12.3 Land Matter - Metro Turning Point Site

This matter had been addressed during an *In Camera* meeting of Halifax Regional Council held earlier in the day.

MOVED by Councillor Downey, seconded by Councillor Hetherington that the recommendation adopted during the In Camera meeting held earlier in the day be ratified. THE MOTION WAS PUT AND PASSED.

12.4 Mayor's Absence

MOVED by Councillor Rankin, seconded by Councillor Hetherington that His Worship Mayor Walter Fitzgerald be granted a leave of absence from all Council-related duties until he has sufficiently recovered from his current medical problems. **THE MOTION WAS PUT AND PASSED.**

12.5 Sanding and Plowing (Councillor Snow)

At Councillor Snow's request, **IT WAS GENERALLY AGREED THAT** this matter be deferred to the next regular meeting of Halifax Regional Council scheduled for Tuesday, February 23, 1999.

12.6 Pollution Control Charges (Councillor Adams)

Councillor Adams noted that, during a recent meeting of the Herring Cove Ratepayers Executive, questions were raised concerning HRM's Pollution Control Charges. In order to respond to those concerns, the Councillor requested information from staff on the following: (a) the balance of the pollution control account as of January 1, 1999; (b) expenditures covering the years 1996-97, 1997-98, and 1998-99; (c) the definition of "debt charges" as outlined in the 1995-96 and 1996-97 reports; and (d) an indication of where the withdrawals from this fund have been spent.

EXTENSION OF MEETING TIME

MOVED by Councillor Greenough, seconded by Councillor Blumenthal that the meeting be extended beyond 10:00 p.m. **THE MOTION WAS PUT AND PASSED UNANIMOUSLY.**

12.7 Metro Transit Service Changes

This matter had been considered during an *In Camera* meeting of Halifax Regional Council held earlier in the day.

MOVED by Councillor Hetherington, seconded by Councillor Greenough that Council approve the changes proposed for Route Nos. 8 (Windsor) and 17 (St. Mary's), but defer consideration of recommendations regarding other transit service reductions and the proposed fare increase (all as contained in the Information Report dated February 16, 1999 entitled "Metro Transit") until the budget review discussions.

Speaking in opposition to the motion, Councillor Blumenthal indicated that he would prefer the changes to Routes 8 and 17 to be implemented on a 3-4 month trial basis only in order that efficiencies (particularly during peak hours) can be evaluated.

Mr. Brian Smith, Director of Business Operations, pointed out, however, that staff would automatically undertake to monitor the impacts of these service changes and to make further revisions, should they be deemed necessary. He went on to advise that introducing these changes for a brief "trial period" would also have negative implications for any cost-savings initially attached to these route revisions.

THE MOTION WAS PUT AND PASSED with Councillor Blumenthal voting in opposition.

13. NOTICES OF MOTION

13.1 Councillor Barnet Re: Amendments to Paving Policy

Councillor Barnet gave Notice of Motion that at the next regular meeting of Halifax Regional Council, scheduled for Tuesday, February 23, 1999, he proposes to introduce a motion requesting staff to amend the paving policy exempting streets exceeding 20 years of age from the requirement to pay Local Improvement Charges.

14. ADJOURNMENT

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal that the meeting adjourn at approximately 10:15 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
MUNICIPAL CLERK

