

HALIFAX REGIONAL COUNCIL
MINUTES

January 15, 2013

PRESENT:

Mayor Mike Savage
Deputy Mayor Reg Rankin
Councillors: Barry Dalrymple
David Hendsbee
Bill Karsten
Lorelei Nicoll
Gloria McCluskey
Darren Fisher
Waye Mason
Jennifer Watts
Linda Mosher
Russell Walker
Stephen Adams
Matt Whitman
Steve Craig
Brad Johns
Tim Outhit

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Mr. Martin Ward, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sherrill Murphy, Deputy Clerk
Mr. Ted Aubut, Legislative Assistant

TABLE OF CONTENTS

1.	INVOCATION	4
2.	SPECIAL COMMUNITY ANNOUNCEMENTS AND ACKNOWLEDGEMENTS ...	4
3.	APPROVAL OF THE MINUTES – Committee of the Whole December 4, 2012 and Regional Council December 4 and 11, 2012	4
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS.....	5
5.	BUSINESS ARISING OUT OF THE MINUTES - NONE	5
6.	MOTIONS OF RECONSIDERATION- NONE.....	5
7.	MOTIONS OF RESCISSION – NONE	5
8.	CONSIDERATION OF DEFERRRED BUSINESS – NONE	5
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	5
	9.1 Correspondence – None.....	5
	9.2 Petitions.....	5
	9.2.1 Councillor Watts – Symphony Nova Scotia.....	5
10.	REPORTS.....	5
	10.1 CHIEF ADMINISTRATIVE OFFICER	5
	10.1.1 Tender 12-274, Phase 12-4 Development, Burnside Industrial Business Park – East Region.....	5
	10.1.2 Encroachment Agreement – 5131 Morris Street, Halifax	7
	10.1.3 Eastern Passage School Enhancement.....	9
	10.1.4 Cole Harbour School Enhancement.....	11
	10.1.5 Temporary Borrowing Resolution \$5,455,000.....	12
	10.1.6 Proposed Amendments to Administrative Order 48, Respecting the Creation of Community Councils – Renaming Community Councils.	12
	10.2 AUDIT AND FINANCE STANDING COMMITTEE	13
	10.2.1 Unspent District Activity and District Capital Funds for 23 Pre- Election Districts.....	13
	10.3 HERITAGE ADVISORY COMMITTEE.....	16
	10.3.1 Case H00370: Application to consider 7962 Highway #7, Musquodoboit Harbour as a Municipally Registered Property	16
	10.4 MEMBERS OF COUNCIL.....	16
	10.4.1 Councillor Craig – 2011/2012 Halifax Water Annual Report	16
	10.4.2 Councillor Nicoll – Request for Letter of Support – Safety Benefits of Lower Residential Speeds	21
11.	MOTIONS.....	23
	11.1 Councillor Mason	23
12.	IN CAMERA.....	24
	12.1 In Camera Minutes – December 11, 2012	24
13.	ADDED ITEMS – NONE	24
14.	NOTICES OF MOTION	24
	14.1 Councillor Whitman.....	24
	14.2 Deputy Mayor Rankin	24
	14.3 Councillor Hendsbee	24

14.4	Councillor Craig	24
14.5	Councillor Adams.....	25
15.	ADJOURNMENT	26

1. INVOCATION

Mayor Savage called the meeting to order at 1:01 p.m. with the Invocation being led by Councillor Fisher.

Mayor Savage called on Councillor Karsten to make a special recognition.

Councillor Karsten regrettably informed Regional Council of the passing of Joseph Eugene 'Jeep' Deveaux, a former Halifax County Councillor from Eastern Passage. Councillor Karsten indicated that he had been a good friend to HRM and that his work and dedication will be truly missed.

A moment of silence was then observed in honour of Mr. Deveaux.

2. SPECIAL COMMUNITY ANNOUNCEMENTS AND ACKNOWLEDGEMENTS

Councillors noted a number of community announcements and acknowledgements.

Councillor Hendsbee arrived at 1:07 pm.

Mayor Savage informed the public that while Council Chamber renovations were nearly complete, a number of adjustments would be made in the coming weeks.

3. APPROVAL OF THE MINUTES – Committee of the Whole December 4, 2012 and Regional Council December 4 and 11, 2012

Councillor Watts asked that page 9 of the minutes of December 11, 2012 clarify that the Request for Proposal (RFP) for the Bloomfield site was considered by Peninsula Community Council, rather than Regional Council.

Mr. Richard Butts, Chief Administrative Officer, agreed, noting that the Bloomfield Master Plan had been before Regional Council and the RFP before the Peninsula Community Council.

Councillor Hendsbee noted an error on page 4 of the minutes of December 4, 2012. Under item 8.1, the minutes show that he participated in the vote appointing Councillors to HRM Boards and Committees even though he was late and missed that first vote.

MOVED by Councillor Nicoll, seconded by Councillor Johns that Committee of the Whole minutes of December 4, 2012 and Regional Council minutes of December 4 and 12, 2012 be approved as amended. MOTION PUT AND PASSED.

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

The agenda was approved, as presented.

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION- NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRRED BUSINESS – NONE

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence – None

9.2 Petitions

9.2.1 Councillor Watts – Symphony Nova Scotia

Councillor Watts presented a petition to Regional Council calling on HRM to increase funding to Symphony Nova Scotia on an annual basis. She thanked musicians Bryan James, Simon-Philippe Allard, Ivor Rothwell and Patricia Creighton for performing in the lobby of City Hall, noting that it was a wonderful way to inaugurate Council's new meeting space. She also acknowledged the presence in the gallery of Bernhard Gueller, Music Director, Denise Leahey, Vice-Chair, and Erika Beatty, CEO of Symphony Nova Scotia.

Mayor Savage joined Councillor Watts in thanking the members of Symphony Nova Scotia for their performance.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 12-274, Phase 12-4 Development, Burnside Industrial Business Park – East Region

A report dated December 6, 2012 was before Halifax Regional Council.

MOVED by Councillor Fisher, seconded by Councillor Johns that Halifax Regional Council:

- 1. Award Tender No. 12-274, Phase 12-4 Development, Burnside Business Park, to the lowest bidder meeting specifications, Brycon Construction**

Limited, for a Total Tender Price of \$7,198,000 (no HST included, 100% recoverable), from Project No. CQ300741, Burnside and City of Lakes Development, with funding authorized as per the Budget Implications section of this report;

- 2. Approve an increase in the Gross Budget of Project No. CQ300741- Burnside and City of Lakes Development - in the amount of \$113,360, funded from HROP GL2314 - Natural Gas Future Settlement Charges, as per the Budget Implications section of this report, to reflect the cost sharing of the installation of a natural gas pipeline from Heritage Gas;**
- 3. Authorize, as per the Budget Implications section of this report, the appointment of CBCL Ltd. for construction inspection services, in the amount of \$246,725 (no HST included, 100% recoverable); payment to Nova Scotia Power Inc. for the extension of electrical transmission lines, in the amount of \$67,674.10 (no HST included, 100% recoverable); and payment to the Halifax Water (HW) for water system inspection, in the amount of \$46,791.50 (no HST included, 100% recoverable); and**
- 4. Approve the minimum unit value lot pricing and deposit terms set out in Attachment 2 of the Confidential Information Report dated November 29, 2012.**

Councillor McCluskey arrived at 1:15 pm.

Deputy Mayor Rankin expressed his support for the proposal as it is in line with a number of studies which identified a scarcity of industrial lands. He noted that the proposal allots industrial space, not office space, and is consistent with the Gateway Strategy, aimed at strengthening transportation logistics and storage. He concluded by indicating that Burnside is a good site to expand these areas and reiterated his support for the project.

Councillor Watts noted that there have been ongoing concerns about office development in Burnside Business Park and asked staff to confirm that office and commercial/retail expansion is not part of the plan before Council.

Mr. Peter Stickings, Manager of Real Estate and Land Management, replied in the affirmative, explaining that this phase of the park targets the logistics sector, warehousing and transportation servicing sector; it is not intended for retail or office users.

Councillor Hendsbee expressed support for the addition of sidewalks and bike lanes to this phase of development. He then identified a mistake in Attachment 2 of the staff report, requesting that Jim *Conners Avenue* be changed to Jim *Connors Avenue*.

Staff then responded to various questions regarding current lots for sale in the park, budget items outlined in the report, and the value of buildings and site improvements.

Councillor Fisher closed the debate by stressing the importance of having the right kind of businesses in this area to preserve HRM's inventory of industrial lands.

MOTION PUT AND PASSED (16 in favour, 0 against).

Those voting in favour were: Mayor Savage, Deputy Mayor Reg Rankin and Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Walker, Adams, Whitman, Craig, Johns and Outhit.

Councillor Mosher was not present for the vote.

10.1.2 Encroachment Agreement – 5131 Morris Street, Halifax

A report dated December 19, 2012 and correspondence from the applicant dated May 29, 2012 were before Halifax Regional Council.

MOVED by Councillor Mason, seconded by Councillor Watts that Halifax Regional Council *not* approve the Encroachment Agreement, as provided in draft form Attachment A of the staff report dated December 19, 2012, to enable the installation of a private stairwell, storage area and retaining wall within the Morris Street right-of-way.

Councillor Mason indicated that, while under Administrative Order No. 1 he is required to put forward the staff recommendation, he would be voting against that recommendation. He explained that the renovations on 5131 Morris Street are already underway and that there a number of homes in the neighbourhood that have signed similar encroachment agreements allowing for basement access from the street. Given this, Councillor Mason encouraged Councillors to vote against the motion before them.

Councillor Hendsbee noted that he will be voting against the motion and requested that a standard policy be developed whereby HRM would sell a portion of the right-of-way to property owners instead of leasing it via an encroachment agreement.

Councillor McCluskey explained that she, too, would be voting against the motion. Sidewalk width sufficient for two, side by side wheelchairs is an important benchmark but not always realistic on many of HRM's streets. She provided, as an example, Argyle Street, Halifax, which is lined with outdoor patios in the summer.

Councillor Watts expressed support for the motion on the floor. She explained that she sits on the Accessibility Advisory Committee and that narrow sidewalks are a concern to people with limited mobility, including parents pushing children in strollers. While Morris Street currently is not a high pedestrian traffic area, it could very well see pedestrian traffic increase in the future. Moreover, while some homes already encroach into the

right-of-way, this trend, if it were to continue, could significantly affect the neighbourhood. She asked for staff to clarify if parameters around sidewalk width and pedestrian mobility are guidelines or regulations.

Mr. Mark McGonnell, Development Engineer replied that staff follows capital district guidelines, not regulations, when reviewing these types of applications in the downtown core, including the case before Council.

Councillor Watts noted that she is going to request that the Accessibility Advisory Committee and the Transportation Standing Committee consider whether these guidelines should become regulations given the impact on residents of encroachments into the right-of-way. Like Councillor Mason, she appreciated the challenges of providing modern infrastructure in old neighbourhoods but reiterated the need to have clear policy instead of reverting to case by case decision-making.

Deputy Mayor Rankin agreed that this case cannot be treated in isolation because the challenges encountered are not unique to 5131 Morris Street but rather are experienced by many properties. Moreover, the narrowing of the sidewalk could impact safety. He asked staff to comment on this last point.

Mr. McGonnell noted the potential cumulative effect of encroachment agreements on the neighbourhood. He indicated that staff is currently reviewing a similar request and is of the opinion that other such requests will come forward in the future. Taken together, these encroachments could impede the right-of-way.

Councillor Hendsbee highlighted the need to keep historic homes, like 5131 Morris Street, as part of residential inventory. To do this, he continued, HRM must consider exceptions, like allowing basement entrances, to ensure that older homes are viable and functional as the downtown core becomes denser.

Councillor Mosher arrived at 1:30 pm.

MOTION PUT AND DEFEATED (5 in favour, 12 against).

Immediately following the vote, Councillor McCluskey declared that she had mistakenly voted in favour of the motion instead of against it.

Those voting in favour were: Mayor Savage, Deputy Mayor Rankin and Councillors Watts, Mosher and Craig.

Those voting against were Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Fisher, Mason, Walker, Adams, Whitman, Johns and Outhit.

MOVED by Councillor Mason, seconded by Councillor Karsten that Halifax Regional Council *approve* the Encroachment Agreement, as provided in draft form in Attachment A of the staff report dated December 19, 2012, to enable the

installation of a private stairwell, storage area and retaining wall within the Morris Street right-of-way.

Councillor Hendsbee asked if HRM would lease or sell the property to the owner of 5131 Morris Street.

Mr. Butts, Chief Administrative Officer, replied that staff is recommending to lease, not sell, the right-of-way.

MOTION PUT AND PASSED (12 in favour, 5 against).

Voting in favour were Councillors Dalrymple, Karsten, Nicoll, McCluskey, Fisher, Mason, Walker, Adams, Whitman, Johns, Craig and Outhit.

Voting against were: Mayor Savage, Deputy Mayor Reg Rankin and Councillors Hendsbee, Watts and Mosher.

10.1.3 Eastern Passage School Enhancement

A staff report dated January 7, 2013 was before Halifax Regional Council.

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

- 1. Approve entering into a joint partnership with the Province to add 2,100 square feet of gymnasium space, at an estimated net cost of \$630,000, as a community enhancement to the Eastern Passage Additional and Alterations Project provided the site can accommodate the expansion;**
- 2. Request the addition of required funding to the 2014-15 project budget as outlined in the Financial implications section of this report; and**
- 3. Approve entering into a Joint Use Agreement with the Halifax Regional School Board to ensure appropriate community access to the gymnasium as a condition of municipal funding to the Project.**

Councillor Karsten indicated that the proposed expansion would come as excellent news to residents of Eastern Passage and Cow Bay area. He thanked Jackie Barkhouse, former Councillor for the area, as well as HRM staff for their work on this file. Councillor Karsten reminded colleagues that staff's evaluation of the school enhancement project was part of a larger Eastern Passage Recreation Needs Assessment, which offers valuable information on current and future needs as identified by the community.

Councillor Watts explained that she will be supporting both the Eastern Passage and Cole Harbour

school enhancement projects, which, taken together, will represent an investment of over \$1 million. However, she felt it necessary to point out that this timely investment, while important and necessary, is outside the parameters of the Community Facility Master Plan and based on a needs assessment that was conducted rather quickly. She then alerted Council to the growing infrastructure deficit on the peninsula, with the closure of St. Patrick's Alexandra School, the sale of the Bloomfield Centre, and the potential closure in summer 2013 of the Quinpool Education Centre, formerly St. Patrick's High School. She ended by reiterating her support for the Eastern Passage and Cole Harbour school enhancements while calling on HRM to set a clear facilities plan for the peninsula.

Councillor Hendsbee expressed strong support for joint-use opportunities with the Province and School Board. However, he had issue with the proposed funding model, which would have school enhancements paid from the general HRM general tax rate. Instead, he asked that area rates offset a portion of the costs, an option that would work well in Eastern Passage and Cow Bay as both communities have experience cost sharing. He indicated that if Council votes for the current funding arrangement, then he will move a motion of reconsideration of past expenditures, like the Lake & Shore Recreation Centre in Porters Lake, to ensure fairness.

Councillor Nicoll expressed support for the motion, indicating that she has been involved in school enhancement discussions since the beginning. She thanked staff for their due diligence in ensuring that the community played an important role in the decision-making process. She called on her colleagues to support the motion.

Councillor McCluskey also expressed support for the motion on the floor. Pointing to the lack of gymnasium and community space in Dartmouth, she asked that HRM take steps to ensure even distribution across the Municipality.

Councillor Dalrymple explained that he had struggled to reach a decision on this matter. On the one hand, he noted, he strongly supports steps taken by HRM to ensure that good-sized gyms are available in the community. On the other hand, he continued, he represents a district that is underserved yet pays disproportionately high area rates for the few facilities it has, like the Snow Centre in Fall River. He went on to explain that many residents pay in excess of \$500 per year for normal-sized gyms for which there are ongoing complaints about accessibility. In light of these factors, Councillor Dalrymple urged Council to address fairness issues across the region.

Councillor Karsten acknowledged the presence of Becky Kent, MLA for Cole Harbour-Eastern Passage, and thanked her for attending. Referring to page 4 of the staff report, he then clarified that the school enhancement will only go ahead if the building's footprint can accommodate the expansion. On issues of fairness, he informed colleagues that Eastern Passage, like many areas, suffers from an infrastructure deficit. Finally, he explained that he was against using the area rate to fund the project but committed to the Councillor Hendsbee that larger matter of area rates would be discussed at the Audit and Finance Standing Committee.

MOTION PUT AND PASSED (16 in favour, 1 against).

Voting in favour of the motion were: Mayor Savage, Deputy Mayor Rankin and Councillors Dalrymple, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Whitman, Johns, Craig and Outhit.

Voting against was Councillor Hendsbee.

10.1.4 Cole Harbour School Enhancement

A report dated January 7, 2013 was before Halifax Regional Council.

MOVED by Councillor Nicoll, seconded by Councillor Karsten that Halifax Regional Council:

- 1. Approve entering into a joint partnership with the Province to add 2,100 square feet of gymnasium space, at an estimated net cost of \$630,000, as a community enhancement to the Cole Harbour Additional and Alterations Project;**
- 2. Request the addition of required funding in the 2014-15 project budget as outlined in the financial implications section of this report; and**
- 3. Approve entering into a Joint Use Agreement with the Halifax Regional School Board to ensure appropriate community access to the gymnasium as a condition of municipal funding to the Project.**

Councillor Nicoll explained that one of the key findings of the needs assessment was that an artificial turf was rated the highest need. It is her understanding that Staff will be recommending that HRM retain the Bell Annex field until an artificial turf or alternate field is constructed in the community.

Councillor Hendsbee reiterated his support for using the area rate to offset part of the cost of the school enhancement. He indicated that if the motion is approved, then he will move a motion of reconsideration of the area rates set for the purpose of capital construction of projects outside the urban areas.

Staff then responded to a number of questions touching on the Gordon Bell Annex property, policies aimed at co-locating recreation facilities and schools, and the likelihood of receiving funding from the Province for the artificial turf.

MOTION PUT AND PASSED (16 in favour, 1 against).

Voting in favour of the motion were: Mayor Savage, Deputy Mayor Rankin and Councillors Dalrymple, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Whitman, Johns, Craig and Outhit.

Voting against was Councillor Hendsbee.

10.1.5 Temporary Borrowing Resolution \$5,455,000

A report dated January 2, 2013 was before Halifax Regional Council.

MOVED by Councillor Karsten, seconded by Councillor McCluskey that Halifax Regional Council approve a Temporary Borrowing Resolution (TBR) in the amount of \$5,455,000.

MOTION PUT AND PASSED (17 in favour, 0 against).

Voting in favour of the motion were: Mayor Mike Savage, Deputy Mayor Reg Rankin and Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Whitman, Johns, Craig and Outhit.

10.1.6 Proposed Amendments to Administrative Order 48, Respecting the Creation of Community Councils – Renaming Community Councils

A report dated December 14, 2012 was before Halifax Regional Council.

MOVED by Councillor Fisher, seconded by Councillor Johns that Halifax Regional Council adopt the proposed amendments to Administrative Order # 48, as set out in Appendices A and B of the staff report dated December 14, 2012, to change the names of the three HRM Community Councils as follows:

- 1. Change “East Community Council” to “Harbour East-Marine Drive Community Council”;**
- 2. Change “West Community Council” to “Halifax and West Community Council”; and**
- 3. Change “Central Community Council” to “North West Community Council”.**

It is further recommended that Halifax Regional Council adopt the proposed amendments to Appendix “A” of Administrative Order One as set out in Appendices C and D of the report dated December 14, 2012.

Councillor Fisher asked for confirmation that proposed amendments to Appendix A will allow Community Councils to hold public hearings at 6:00 pm or 7:00 pm.

The Clerk replied in the affirmative.

Referring to Schedule 2 on page 6 of the report, Councillor McCluskey wished to know why there is no reference to Vice Chairs.

The Clerk replied that Administrative Order 1, which precedes all other administrative orders, clearly specifies that there are Vice Chairs.

Councillors Walker and Hendsbee requested that the names of polling districts, outlined in Appendix A of the report, be updated.

MOTION PUT AND PASSED (17 in favour, 0 against).

Voting in favour of the motion were: Mayor Savage, Deputy Mayor Rankin and Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Whitman, Johns, Craig and Outhit.

10.2 AUDIT AND FINANCE STANDING COMMITTEE

10.2.1 Unspent District Activity and District Capital Funds for 23 Pre-Election Districts

A report dated November 29, 2012 was before Halifax Regional Council.

MOVED by Councillor Walker, seconded by Councillor Mosher that Halifax Regional Council approve the following:

- 1. That all commitments supported by a purchase order or contract proceed and the project completed. The Councillor in whose district the project falls will approve all expenditures.**
- 2. That all other commitments be reviewed by the Councillors in whose district the commitment falls to determine the continued merit of the commitment and their willingness to support the commitment.**
- 3. That all commitments supported by the appropriate Councillor are to be moved to the new Post-election District Capital Funds and will proceed as per the current process process and any commitments not supported will be considered as uncommitted funds.**
- 4. For uncommitted funds in the 23 Pre-elections District Activity Funds and in the 23 Pre-elections District Capital Funds, if the Councillor for the old district was re-elected, that funding follows the Councillor to the new district, for others, the funds will be pro-rated from the old districts to the new districts based on the number of dwellings.**

Councillor Hendsbee noted his objection to the last line of recommendation four (4), namely that “funds will be pro-rated from the old districts to the new districts based on the number of dwellings.” It was his understanding that all remaining funds would be divided by 16 and shared equally among the 16 Councillors. He wished to know why the Audit and Finance Standing Committee had opted for a more complicated calculation.

Mr. Louis de Montbrun, Manager of Financial Reporting explained that accessing dwelling information for each new district is in fact not very difficult.

Councillor Hendsbee requested that each recommendation be voted separately.

Mr. Martin Ward, Municipal Solicitor, confirmed that Council could ask for the items to be dealt with separately. In the event that recommendation four is defeated, then Councillor Hendsbee could present a separate motion.

Councillor Dalrymple asked for clarification on the District Activity Fund charts attached to the staff report. He wished to confirm that the third column represents committed funds and the fourth left-over funds to be divided among Councillors on the basis of dwelling units.

Mr. de Montbrun confirmed that this was indeed the case, noting that staff will be working through the Councillor Support Office to verify which funds have or have not been committed.

Councillor Watts explained that she had been elected in a district previously represented by three different Councillors. She asked staff for clarity.

Mr. de Montbrun replied that commitments made before the election would be honoured. In other words, if the commitment falls in the post-election district that a Councillor represents, then the Councillor of that new district will have access to the funding. If, as a result of boundary changes, the commitment now falls outside of the district of the Councillor who made the commitment, then affiliated funds will be transferred to the Councillor who now represents that district.

Councillor Mason indicated that prorating district funds on the basis of dwelling units does not seem fair as some districts have fewer dwellings than others, like downtown Halifax.

Councillor Mosher felt that the calculation was equitable as it allows re-elected Councillors to ensure that their past commitments are realized, even if they fall outside of their new districts.

Councillor Johns asked staff to confirm that the current discussion around the redistribution of district funds will not be reoccurring yearly.

Mr. de Montbrun confirmed that this is a one-time discussion due to the re-distribution of Districts in 2012.

Councillor Craig noted that under the proposed redistribution, some Councillors may get more funding than others. He himself was fortunate, for instance, to be getting residual funding from Councillor Johns. However, he reminded Councillors that the total amount of funding in question is minor.

Councillor Karsten explained that the issue is how to split approximately \$82,000 of not yet committed funds from the former districts.

Councillor Johns wished to know why staff was asking to reinvent the formula when Council had previously reached consensus on the matter of district funds.

Mr. de Montbrun replied that the budget set aside for the new 16 Councillors had not changed. At issue was how to divide unspent and uncommitted funds from the former 23 Districts.

Councillor Johns recalled having discussed this prior to the election. It had been agreed that the 23 Councillors should commit or spend their funds, with uncommitted money going back in the pot for redistribution.

Mr. Greg Keefe, Director of Finance and ICT indicated that he had no recollection of direction given to staff, prior to the election, on unspent district funds. He noted that the motion is before Council today because not all pre-election dollars had been spent. Given this, staff had made a recommendation to the Audit and Standing Committee on how to redistribute remaining funds; the Standing Committee proposed an alternative, and that is the recommendation before Council.

Councillor Walker explained that staff's recommendation to the Standing Committee had been to transfer unspent district funds to the general revenue. The Standing Committee opted instead to recommend that uncommitted funds be redistributed on the basis of dwelling units. He asked that Council proceed with the vote.

Mayor Savage suggested that Council vote on recommendations 1-3 as a block and then vote on recommendation 4.

MOTION ON RECOMMENDATION 1-3 PUT AND PASSED (17 in favour, 0 against).

Voting in favour of the motion were: Mayor Mike Savage, Deputy Mayor Reg Rankin and Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Whitman, Johns, Craig and Outhit.

MOTION ON RECOMMENDATION 4 PUT and PASSED (16 in favour, 1 against).

Voting in favour of the motion were: Mayor Savage, Deputy Mayor Rankin and Councillors Dalrymple, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Whitman, Johns, Craig and Outhit.

Voting against was Councillor Hendsbee.

10.3 HERITAGE ADVISORY COMMITTEE

10.3.1 Case H00370: Application to consider 7962 Highway #7, Musquodoboit Harbour as a Municipally Registered Property

A report dated December 14, 2012 was before Halifax Regional Council.

MOVED by Councillor Hendsbee, seconded by Councillor Mason that Halifax Regional Council set a date for a heritage hearing to consider the application for Heritage Registration of 7962 Highway #7, Musquodoboit Harbour

MOTION PUT AND PASSED (17 in favour, 0 against).

Voting in favour of the motion were: Mayor Savage, Deputy Mayor Rankin and Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Whitman, Johns, Craig and Outhit.

The Clerk indicated that the date of the public hearing would be confirmed. Subsequently the date of the hearing has been confirmed as February 19, 2013.

At 2:45 pm, Mayor Savage called a 10 minute recess.

The meeting resumed at 2:55 pm.

10.4 MEMBERS OF COUNCIL

10.4.1 Councillor Craig – 2011/2012 Halifax Water Annual Report

Councillor Craig welcomed Ms. Cathie O'Toole, Director of Finance and Mr. Jamie Hannam, Manager of Engineering and Information Services, to Council Chambers.

Councillor Craig noted that stormwater and wastewater management, assets of which had been transferred from HRM to Halifax Water five years ago, was a major concern to residents in the Lower Sackville area. As a first question, he wished to know if 8 months is the norm for producing and presenting an annual report to Council.

Ms. O'Toole replied that the annual report had been delayed in 2012 because of delays to the 2011 and 2010 reports resulting from unusually high number of regulatory proceedings preoccupying staff. The annual audited financial statements, however,

were submitted on a regular basis to the Halifax Water Board, the last one in June 2012.

Council Craig, citing the annual report, noted that Halifax Water is keen to pursue improvements to the stormwater management system and is working with HRM to develop policy on the installation of deep storm sewers, especially in communities with piped water and sanitary sewers but no piped storm sewer. He wished to know what other areas are negatively impacted by stormwater and how will they be addressed.

Mr. Hannam explained that the quality of water, wastewater and stormwater infrastructure depends on the age of the subdivision. Most new subdivisions circa 1980 have new, formal water, wastewater and stormwater infrastructure while infrastructure for subdivisions from the 1970s (and before) can experience more difficulties.

Councillor Craig asked Mr. Hannam if he would clarify the definition of deep storm sewers.

Mr. Hannam explained that deep storm sewers are located deep in the right-of-way and would allow, for instance, for the drainage of basements to the storm sewer. They tend to be concentrated in areas that have experienced recent development. Older neighbourhoods may have a roadside ditch or shallow pipe storm sewer system with a few catch basins, sufficient to drain the street but not to facilitate private property drainage.

Referring to p.10 of the annual report, Councillor Craig observed that Halifax Water sees the benefits of integrated water, wastewater and stormwater services. While the report highlights the work undertaken in the first two areas however, little is said about the third.

Mr. Hannam explained that the report emphasizes areas of demonstrated improvement. While stormwater services continue to improve, they have yet to reach the milestones reached by water and wastewater.

Ms. O'Toole added that Halifax Water is required, under the current structure approved by the Utility and Review Board, to the report on water and combined wastewater/stormwater. Stormwater specific data will be available on a go forward basis as the utility is separating out stormwater.

Deputy Mayor Rankin thanked Halifax Water for the comprehensive report tabled. He observed that the utility had successfully kept internal expenses below 2%. However, he worried that new regulatory demands from upper levels of government would result in significant cost increases. This, he believed, put the fiscal health of municipalities at risk and hoped that the Federation of Canadian Municipalities would lobby to make this known. Deputy Mayor Rankin then called on staff to comment on the grave concerns he outlined, and how regulations will impact HRM's budget.

Mr. Butts, Chief Administrative Officer agreed that the expenses would be significant. He explained that staff and Halifax Water are currently working on a long-term capital plan in response to the new standards put forward by the federal government and that a good portion of this plan will be to renovate existing infrastructure.

Mr. Keefe, Director of Finance and ICT explained that the capital plan takes a three-pronged approach, with approximately one-half of funds earmarked for deferred maintenance, one-quarter for new regulations and one-quarter for anticipated growth, in line with HRM's current Regional Plan. Under this plan, he continued, new development charges will pay for new infrastructure, maintenance will be pay as you go and large new infrastructure will be paid through debt. As for implications for HRM, he explained that increasing water bills will leave the Municipality with little room to raise taxes so as not to overburden residents. The combined debt of both Halifax Water and HRM will go up but not above manageable levels. He confirmed that a number of organizations, including the Federation of Canadian Municipalities and the Association of Municipal Administrators are active on this file.

Mayor Savage added that the Federation of Canadian Municipalities has been campaigning vigorously for increases in infrastructure funding.

Deputy Mayor Rankin expressed support for the tenants of the capital plan but noted that it will be hard to justify rate increases when residents are not seeing their salaries increase at the same rate. He found it outrageous that the Province committed to Ottawa that its municipalities would implement these new regulations without providing them with the tools to do so.

Councillor Craig asked Halifax Water why stormwater was discussed so little in the annual report.

Mr. Hannam responded that wastewater projects have been the utility's most compelling and most expensive investments, representing almost 60% of investments. Stormwater maintenance, while ongoing, is not as high profile as other areas of business.

Ms. O'Toole explained that another reason for the absence of stormwater projects profiled in annual report is because there have been no new initiatives. Halifax Water intends to correct this through rate increases.

Councillor Outhit asked if Mr. Hannam could briefly explain, in order to better inform the public, why there is currently a musty smell and taste in the water system.

Mr. Hannam explained that HRM has a unique organism (geosmin) in the Pockwock Lake water supply, giving off an odour when it dies and decays. The taste and odour then passes through the current water treatment processes. HRM is facing this problem much like other communities in North America. Halifax Water is investigating whether it should invest in new process to overcome the problem. Alternatively, the utility may find that the problem is so rare that system enhancements are not warranted. As this

discussion ensues, he reassured Council that water quality is being continuously monitored.

Councillor Watts joined Councillors in expressing concern over increasing costs and corresponding spill-over effects on tax rates. She also spoke to Halifax Water's accomplishments, noting that many of its initiatives, like the leakage program, have attracted international attention. As for the current musty odour, she wished to know if it is experienced uniformly across the Municipality or if it is concentrated in certain areas.

Mr. Hannam replied that the problem is system wide, but that residents vary in their sensitivity to the odour and taste.

Councillor Fisher noted that Halifax Water, when it was established in 2007, was the first regulated wastewater system in Canada. He wished to know if the utility remains an anomaly.

Ms. O'Toole replied that Halifax Water remains an anomaly because all three services – water, wastewater and stormwater - are regulated and managed by a single entity. The rate structure Halifax Water is trying to establish for stormwater will also make it unique. On this last point, Ms. O'Toole explained that this is common in Europe and in the United States but not prevalent in Canada.

Councillor McCluskey wished to know the number of unmetered customers and how their rate was determined.

Ms. O'Toole indicated that 2,000 out of the utility's 80,000 customers are unmetered and that their rates are assessed based on the size of their connection and the type of their property. For example, a house without a water meter would be considered a residential customer and billed based on the average for all customers in that class. She noted that this is considered best practice methodology accepted across North America. Ms. O'Toole went on to explain that there are pockets of unmetered customers in the Preston area, unmetered wastewater customers in Fall River (Lockview Road) and in parts of Sackville (Springfield Lake).

As there were no further speakers, Mayor Savage asked if Councillor Craig wished to move a motion or proceed, as planned, with his notice of motion.

The Solicitor confirmed that a motion would be in order because the item has already been on the agenda.

MOVED by Councillor Craig, seconded by Councillor Outhit that Halifax Regional Council direct staff to provide a report which will:

- 1. Clarify the current governance framework respecting Halifax Water and the authorities of Regional Council; and**

2. Provide options, including consideration for realignment of the organizational reporting structure, and / or responsibility transfer, to improve governance, accountability, communication, policy, public service and public infrastructure, and the authority of Regional Council to direct such.

Councillor Walker found the motion, procedurally-speaking, to be highly unusual as it had not been circulated in advance. He had expected a notice of motion, not a motion, and therefore did not have the information he needed to make a decision.

Councillor Karsten echoed the concerns raised by Councillor Walker. He explained that, in the past, Councillors were even encouraged to circulate proposed amendments to motions so that everyone could make informed decisions. As for the content of the motion, he thought it unwise to rehash the same debate that had taken place less than five years ago prior to the transfer of responsibilities to Halifax Water. He went on to explain that he had developed a great respect for Halifax Water during his tenure on its Board of Directors and while frustration is mounting over proposed rates increases, HRM and Halifax Water's first responsibility must be to ensure quality water delivery.

Responding to Councillors Walker and Karsten, the Solicitor explained that the motion raises two separate questions: the ability of the Councillor to bring the motion forward at this time, which he had already addressed; and whether it is the wish of Council to proceed with that motion. He indicated that Councillors could move to defer the motion if they required more time for consideration.

Councillor Johns indicated that he would not like to see the matter deferred. He felt that Councillor Craig's motion was appropriate and is in line with the questions he had asked Halifax Water. He reminded colleagues that what is being asked is a staff report, with no real financial implications, to assess the merits of the current distribution of responsibilities between HRM and Halifax Water. On a final note, he asked that the report explore the possibility for stormwater ditching responsibilities in rural and some suburban areas to be transferred back to HRM.

Councillor Hendsbee pointed out that Halifax Water and the Province share ditching responsibilities, the latter responsible for many rural areas. He asked that the report take this into account, as well as any legislative amendments that may be required if responsibilities are reshuffled. Moreover, he suggested that Council review reports from a few years ago so that everyone can be brought up to speed on why services were transferred to Halifax Water.

Councillor Mason expressed support for the motion, noting that HRM owns Halifax Water without directly controlling its operations. Requesting a staff report that looks at the reporting structure, responsibility transfer and governance issues seemed perfectly reasonable to him. Once the report is tabled, Council, at that time, could opt to hold a debate if it is deemed required. That some homes in the Sackville area are ineligible for

insurance because of repeated flooding is reason enough to direct staff to prepare a report.

Councillor Fisher joined others in supporting the motion, noting that prior to the transfer, HRM had ignored infrastructure and did not direct collected reserves to intended use.

Councillor Dalrymple similarly expressed support for the motion, which would provide clarity on the division of responsibilities, and their implications on water service. He felt that this would be particularly helpful to newly-elected Councillors. However, he asked that his support of the motion be no way construed as supporting a responsibility transfer. He indicated that Halifax Water has done a wonderful job these past five years and they he is not prepared to go back to the way things were before the transfer.

Councillor Adams noted that he would be voting against the motion, adding that the present discussion is being driven by Halifax Water's proposed rate hikes. He explained that Halifax Water does a great job and that he is not interested in breaking up the utility.

Councillor Outhit saw no harm in conducting a five-year review of the responsibility transfer. He indicated that Halifax Water does a good job with water and sewer services but recognized that stormwater is more difficult, especially because of increased storms. On the issue of division of responsibilities, he noted that there is still confusion over the role of HRM and that of Halifax Water relative to new developments.

Councillor Karsten asked who would be preparing the report and if it would focus solely on stormwater. Water experts work for Halifax Water not HRM. Given this, he requested that the report be prepared collaboratively with Halifax Water to which the CAO agreed.

Councillor Craig closed the debate noting that what was being requested was a report.

MOTION PUT AND PASSED (13 in favour, 4 against).

Voting in favour were Deputy Mayor Rankin and Councillors Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Whitman, Johns, Craig and Outhit.

Voting against were Mayor Savage and Councillors Karsten, Walker and Adams.

10.4.2 Councillor Nicoll – Request for Letter of Support – Safety Benefits of Lower Residential Speeds

A Councillor Request Form prepared by Councillor Nicoll was before Halifax Regional Council.

MOVED by Councillor Nicoll, seconded by Councillor McCluskey that Halifax Regional Council support a letter being sent from Mayor Mike Savage on behalf of Halifax Regional Council to the Province of Nova Scotia, in particular the

Department of Transportation and Infrastructure Renewal, in support of their study on the safety benefits of possibly lower residential speeds.

Councillor Nicoll explained that her request comes as a result of a car accident involving the granddaughter of a resident of the Cole Harbour-Westphal area. Since the accident, the Province has indicated that it will be launching a study in conjunction with the Nova Scotia Road Safety Advisory Committee, to determine if lower speeds would provide road safety benefits. She asked that Council support this initiative by way of a letter encouraging the Province to engage with HRM staff to determine under what conditions reduced speed zones would be warranted. Councillor Nicoll asked the Chief Administrative Officer to confirm whether or not HRM has a representative on the Road Safety Advisory Committee.

Councillor Mosher noted that a similar request had come from Chebucto Community Council and that the resulting study had found that lower speeds encouraged people to drive faster. Moreover, she was under the impression, having spoken with Minister Bill Eastabrooks, that the Province was not interested in decreasing speeds on residential streets. Councillor Mosher indicated that she would support Councillor Nicoll's motion but given previous attempts, she was unsure that there would be a successful outcome. She asked if the Councillor would be willing to amend her motion to request permission, from the Province, for HRM to post red light cameras and speed cameras.

Councillor Nicoll agreed that this be added to motion.

Councillor Outhit raised the issue of school zones, in which maximum speeds have been dropped to 30 km/h. He explained that while the policy is well intentioned, it applies all day even when children are not in session. Moreover, he found it strange that Nova Scotia had opted for 30 km/h when other jurisdictions had set 40 km/h. For these and other reasons, including the difficulty enforcing the policy, he thought that the Province should rethink the speed chosen and applicability of "when a child is present" criteria. He wondered if these points could be included in Councillor Nicoll's motion.

The Chief Administrative Officer suggested that staff contact the Province for a status update on school zones.

At this time, Regional Council proceeded to vote on the following motion:

MOVED by Councillor Nicoll, seconded by Councillor McCluskey that Halifax Regional Council support a letter being sent from Mayor Mike Savage on behalf of Halifax Regional Council to the Province of Nova Scotia, in particular the Department of Transportation and Infrastructure Renewal, in support of their study on the safety benefits of possibly lower residential speeds and requesting that the Province consider allowing HRM to post red light and speed cameras.

MOTION PUT AND PASSED (16 in favour, 0 against).

Voting in favour of the motion were Mayor Savage, Deputy Mayor Rankin and Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Craig, Whitman and Outhit.

Councillor Johns was not present for the vote.

11. MOTIONS

11.1 Councillor Mason

MOVED by Councillor Mason, seconded by Councillor Fisher that Halifax Regional Council amend Administrative Order 1 to include the following section:

“28 (4) Where a report to be considered by Council is circulated to Council as prescribed in subsection (3) after the deadline identified in subsection (2) Council shall not consider the report unless one or more of its members requests it to do so, and with agreement of a simple majority vote of its members present.”

Councillor Mason indicated that Administrative Order 1, as currently written, allows staff reports to be circulated to Councillors at the last minute. What is being proposed, he continued, is that staff reports failing to meet the Wednesday deadline not be included on the agenda unless Councillors agree and vote to bring them forward.

Councillor Walker asked whether this would allow apply to all reports, including reports from Members of Council.

The Clerk replied that the motion applies to staff reports only. The deadline for Councillor Request Forms remains the same. If the motion is passed, “to be circulated” will no longer appear on the agenda as staff reports unavailable by Wednesday will not be on the agenda.

Councillor Mason confirmed that his goal, in moving this motion, was simply to ensure that reports are circulated before the weekend to allow sufficient time for review before Tuesday Council meetings.

Councillor Karsten noted that this may restrict staff from bringing time sensitive issues to Council. His understanding of the motion was that staff would need the support of Councillors to bring a last-minute report forward. He asked for confirmation that this was correct.

Councillor Mason explained that the motion on the floor will encourage staff to meet the Wednesday deadline. If for whatever reason that deadline cannot be met, then staff must seek support of Councillors to bring a last minute item to Council.

MOTION PUT AND PASSED (17 in favour, 0 against).

Voting in favour of the motion were Mayor Savage, Deputy Mayor Rankin and Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Whitman, Johns, Craig and Outhit.

12. IN CAMERA

12.1 In Camera Minutes – December 11, 2012

MOVED by Councillor Walker, seconded by the Karsten that the In Camera minutes of December 11, 2012 be approved, as circulated. MOTION PUT AND PASSED.

13. ADDED ITEMS – NONE

14. NOTICES OF MOTION

14.1 Councillor Whitman

“Take notice that, at the next regular Halifax Regional Council meeting, to be held on January 29, 2013, I propose to move a motion to request a staff report to review and make recommendations to amend the taxation zone designations to reflect any changes in municipal services levels and taking into consideration the water and sewer boundaries, in particular, District 13 and other jurisdictions throughout HRM.”

14.2 Deputy Mayor Rankin

“Take notice that at the next regular meeting of Halifax Regional Council, scheduled for January 29, 2013, I intend to introduce a motion requesting that the Information Report dated December 20, 2012 reviewing the 2012 Municipal and School Board Elections be brought forward to Committee of the Whole, at first opportunity, so as to allow Councillors to make comments and to ask questions.”

14.3 Councillor Hendsbee

“Take notice that, at the next regular meeting of Regional Council on January 29, 2013, I intend to introduce a motion that Halifax Regional Council explore the option of absorbing into the General Base Tax Rate existing and future area rates that are assessed for the purposes of charging local contributions towards capital construction of local community facilities and public infrastructure projects.”

14.4 Councillor Craig

“Take notice that, at the next Halifax Regional Council meeting to be held on January 29, 2013, I intend to introduce a motion that Halifax Regional Council direct staff to provide a report which:

1. *Prior to the end of fiscal 2012-2013, to provide an interim report that:*
 - *Provides the current understanding of how HRM focuses and performs on all factors related to pedestrian safety – HRM engineering, public education, law enforcement, public engagement and evaluation;*
 - *Identifies HRM pedestrian safety statistics and how HRM statistics compare relative to other municipalities; and*
 - *Identifies a short-term HRM action plan to address pedestrian safety and any impacts on the 2013-2014 budget.*

2. *During fiscal 2013-2014, to develop and present for consideration by Halifax Regional Council, a long-term comprehensive pedestrian safety action plan to help ensure, and to be seen as ensuring, overall pedestrian safety for HRM residents based on:*
 - *The analysis of factors which may be contributing to pedestrian accidents;*
 - *Provides options considering both process and organization structure that focuses on engineering, education, enforcement, public engagement, such as a Crosswalk Safety Advisory Committee, overall evaluation, policy and legislation, inter-agency/departmental coordination and cooperation elements;*
 - *Provides a mechanism for continuous reporting and evaluation of the foregoing; and*
 - *Identifies ongoing budget impacts to the proposed action plan.*

In addition, that the Mayor, on behalf of Halifax Regional Council, correspond immediately with the provincial Minister of Transportation and Infrastructure Renewal to request an update regarding a recommendation from the 2007 Crosswalk Safety Task Force which stated that “the departments responsible for collecting and analysing collision data do so in a timely, comprehensive, consistent and accurate manner.”

14.5 Councillor Adams

“Take notice that, at the next Halifax Regional Council meeting, I intend to introduce a motion directing staff to prepare a report on the request from the Discovery Centre for HRM to increase its current support of its operations to \$220,000 annually as well as to provide a capital investment of \$2 million and property tax relief for the Discovery Centre’s proposed new facility in the Nova Scotia Power building on Lower Water Street. The staff report should address alignment between Discovery Centre objectives and outcomes with HRM priorities, including economic development, and should address HRM’s ability to respond to the request.”

15. ADJOURNMENT

The meeting was adjourned at 4:32 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS

1. Proclamation - Alzheimer Awareness Month - January 2013
2. Memorandum from Chair, Transportation Standing Committee, dated December 14, 2012 re: Caldwell Road Traffic Assessment
3. Memorandum from Chief Administrative Officer, dated December 20, 2012 re: Review of the 2012 Municipal and School Board Elections
4. Memorandum from Director, Community and Recreation Services, dated December 19, 2012 re: Alteration of Sign Bands, Morse's Tea Building, 1877 Hollis Street
5. Memorandum from the Municipal Clerk dated January 8, 2013 re: Requests for Presentation to Council – None
6. Memorandum from Director, Community and Recreation Services, dated January 7, 2013 re: Eastern Passage Recreation Needs Assessment
7. Memorandum from Director, Community and Recreation Services, dated January 7, 2013 re: Cole Harbour Recreation Needs Assessment