

HALIFAX REGIONAL COUNCIL
MINUTES

October 8, 2013

PRESENT:

Mayor Mike Savage
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
Tim Outhit

REGRETS:

Deputy Mayor Reg Rankin
Councillors: Brad Johns

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Mr. John Traves, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Mr. Quentin Hill, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 10:00 a.m. with the Invocation being led by Councillor Dalrymple.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of special community announcements and acknowledgements.

Councillor Mosher arrived at 10:07 a.m.

3. APPROVAL OF MINUTES – September 10 & 17, 2013

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the Regional Council minutes of September 10 & 17, 2013 be approved as amended.

Councillor Nicoll noted that on page 18 of the September 17, 2013 minutes Item No. 11.1.12 should indicate she supported the motion.

MOTION PUT AND PASSED.

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

Additions: None

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that the agenda be approved as presented. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. PUBLIC HEARINGS – NONE

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence – NONE

10.2 Petitions

10.2.1 Councillor Nicoll

Councillor Nicoll submitted a petition signed by 476 residents of Inishowen subdivision seeking a safe reliable way of leaving their subdivision during peak traffic times. They are requesting to have traffic lights installed at one of the three intersections to allow exit and entrance to Inishowen subdivision.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Award – Tender No. 13-189, Lacewood Terminal and Parking – Civil Works

A report dated September 17, 2013 and correspondence from Ms. Wendy MacDonald dated October 7, 2013 was before Council.

MOVED by Councillor Walker, seconded by Councillor Mosher, that Halifax Regional Council award Tender No. 13-189 – Lacewood Terminal & Parking Civil Works, to the lowest bidder meeting specification, Brycon Construction Ltd., for a Total Price of \$2,251,018.52 (net HST included) with funding from Project No. CB000013 – Lacewood Terminal Replacement, and Project No. CBX01271 – Site Work, as outlined in the Financial Implications section of the September 17, 2013 report.

Councillor McCluskey wanted to know if public consultations were held when choosing the site location for the construction of the new Lacewood Terminal.

Mr. Dave Reage, Acting Director Metro Transit, advised that there were public consultations held and meetings to narrow the list of potential sites.

Councillor Mosher advised that the Lacewood site was a result of public consultation. She stated that the first choice was the Willet Street location and many residents were opposed to that location. She added that the new site is closer to many amenities in the area.

In response to questions, Mr. Reage stated that a Public Information Meeting was held on September 18, 2013 after Council had approved the Lacewood site. He indicated that at the meeting, the discussion was around design features of the terminal. He advised that residents did provide feedback on the design and there were some residents upset about the location. He further added that there was a traffic impact study done on the site location. He advised that the parking study showed that Lacewood Drive would still operate at an acceptable level of service with the addition of the bus terminal.

Mr. Terry Gallagher, Manager Planning and Infrastructure, advised that the site has capacity for 500 cars and only 150 spaces would be built that would be paved and lit. He added there would be capacity to build the parking out if needed for future use.

In response to Councillor McCluskey, Mr. Gallagher advised that the entry points to the Canada Games Centre would have to be adjusted to allow for construction. He stated that they are working with the contractor to minimize the impact on the Canada Games Centre.

Councillor Whitman requested that the trail to the terminal needs to have adequate lighting. He added concern about new signals at the intersection and the distance between each set of traffic lights.

Mr. Reage stated that the traffic impact study indicated that the traffic lights would operate within the expected parameters.

MOTION PUT AND PASSED (14 in favour, 1 against).

Those voting in favour were: Mayor Savage; and Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Mason, Watts, Mosher, Walker, Adams, Whitman, Craig, and Outhit.

Those voting against: Councillor Fisher.

Deputy Mayor Rankin and Councillor Johns were not present for the vote.

11.1.2 Signing of the Contribution Agreement with Citizenship and Immigration Canada for the Local Immigration Partnership Grant

A report dated September 20, 2013 was before Council.

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that Halifax Regional Council authorize the Mayor and Municipal Clerk to execute the Contribution Agreement with Citizenship and Immigration Canada on behalf of the Municipality, so staff can administer the Local Immigration Partnership Grant.

MOTION PUT AND PASSED UNANIMOUSLY.

Deputy Mayor Rankin and Councillor Johns were not present for the vote.

11.1.3 Administrative Order Number 53: HRM Municipal Alcohol Policy

The following items were before Regional Council:

- An extract of the March 5, 2013 Regional Council minutes
- A report dated September 26, 2013

- Copy of staff presentation “Proposed Municipal Alcohol Policy” dated October 8, 2013.
- Correspondence dated October 7, 2013 from Dr. Gaynor Watson-Creed
- Correspondence dated October 7, 2013 from Ms. Jennifer Heatley, Executive Director, Atlantic Collaboration on Injury Prevention(ACIP)
- Correspondence dated October 6, 2013 from Ms. Shirley Ann Rogers
- Correspondence dated October 8, 2013 from Mr. Brad Gillis
- Correspondence dated October 7, 2013 from Ms. Josette McCauley

Council agreed to, after the staff presentation, allow Dr. Gaynor Watson-Creed to present on her recommendations.

Ms. Marion Currie, Project Coordinator, Government Relations and Municipal Affairs provided the staff presentation to Council. She provided the following highlights and changes from the draft Municipal Alcohol Policy (MAP):

- Outlines where liquor licensing is allowed or not in HRM facilities & events
- Restricts advertising
- Restricts sponsorship
- Requires that all advertising, sponsorship and promotion must include responsible drinking messages which align with Nova Scotia low risk drinking guidelines.

Dr. Gaynor Watson-Creed, Chief Medical Officer of Health, Capital District addressed Council pertaining to the recommendations that were provided by Capital Health. She applauded HRM for moving on an incredibly difficult issue. She noted that the draft policy presented by HRM staff is a good first step in the development of a comprehensive municipal alcohol strategy. She noted that research indicates that promotion of alcohol to children impacts directly the decision of children before 19 years old to begin drinking and also how much they consume. She added that promotion is not necessarily directly targeted to children, but the availability of promotion of alcohol in communities. She added that the amendments put forward by Capital Health are proposed to strengthen some of the direction around advertising in the proposed policy. She also requested that HRM consider changing the use of the term “responsible use of alcohol” in the policy to “alcohol consumption in accordance with Nova Scotia’s low risk drinking guidelines”.

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

- 1. Approve the proposed Administrative Order Number 53: HRM Municipal Alcohol Policy as set out in Attachment A of the September 26, 2013 staff report; and**
- 2. Give Notice of Motion of Regional Council’s intention to amend Administrative Order 55, HRM’s Sponsorship Policy, as set out in Attachment C of this report.**

MOVED by Councillor McCluskey, seconded by Councillor Karsten that the motion be amended to include the recommendations proposed by Capital Health as follows:

- 1. Replace the phrase “responsible alcohol consumption” with “alcohol consumption in accordance with Nova Scotia’s low risk drinking guidelines.”**
- 2. Prohibit alcohol advertising or promotion in HRM owned or operated facilities or for placement in Metro Transit Assets, buses and park benches owned by HRM or billboards owned by HRM except in an area which a special occasion license or permanent license has been issued or pursuant to an agreement under Administrative Order 55 and 56. Reorder current section 10 to become new section 9 which prohibits advertisement or promotion with two exceptions a) and b) as written. Revise the existing section 9 as new section 10 to read: In addition to any other criteria that may be required, all alcohol advertisements submitted for a facility exempted above, must also:
(a) be in accordance with the Liquor Control Act and Regulations; and
(b) include messages about consumption of alcohol in accordance with Nova Scotia’s Low Risk Drinking Guidelines.**
- 3. Amend Section 14c so alcohol sponsorship of free transit programs associated with festival and events is NOT permitted.**
- 4. Change all the recommendations regarding risk mitigation strategies in Section IV – Facility Rental paragraph 18 to ‘required’ with the exception of b).**

The Municipal Clerk advised that Council should vote on each recommendation separately as some of the proposals may not be friendly amendments.

Mr. John Traves, Municipal Solicitor, advised that the policy that is before Council deals with the MAP which includes advertising. He added that amendment 2 is not a friendly amendment to that policy. He further advised that amendment number 4 may impose risk mitigation which would add risk and liability to HRM and is provincial enforcement responsibility. The Solicitor added that this would be contrary to one of the three primary objectives which is the protection of the municipality from liability issues, listed on page four of the September 26, 2013 staff report. It is on that basis that amendments 2 and 4 cannot be considered friendly to the intent of the original motion.

Council agreed to vote on the amendments separately.

Councillor Hendsbee requested that the recommendations be sent back to staff to provide input as Council had just received them.

Mayor Savage stated that Council should have a discussion on the matter and then go back and decide on how to deal with the amendments.

Mr. Richard Butts, CAO counselled that this is a significant report before Council which allows staff to make progress on issues of concern to all residents. He advised that, if Council wanted staff to comment on the amendments they would be prepared to do so.

Councillor Mason stated that in the motion on March 5, 2013 Council gave direction to staff that the public and broad partners should be included in the consultation. He recommended that the proposal should be sent back for revision. He noted a number of interested community groups contacted him to state they were not given the opportunity to provide input on the proposed policy. He expressed disappointment that staff did not come back with what Council directed in the initial motion.

Councillor Adams requested clarification on amendment 3 regarding sponsorship of free transit. He also requested that copies of the studies listed in the letter from Capital Health be provided to Council.

The CAO clarified that amendment 3 would prohibit sponsorship by alcohol companies of free transit for festivals and special events.

Councillor Watts welcomed staff's attempt at moving the report forward but had hoped that there would have been a more robust conversation and consultation in the community about the effect of alcohol. She added that another part that is absent in the report is the role of alcohol in sexual violence. She further added that the effect of alcohol relative to violent incidents in HRM is an issue which police have been trying to address. The Councillor also added that going forward she would like to see staff outline to Council a public consultation process that will focus on further opportunities for municipal policy, for discussion at Committee of the Whole.

Councillor Karsten advised that he felt the recommendations from Capital Health were reasonable. He wanted to know why public consultation did not occur. He also requested clarification from Legal why Council could not consider amendment 2 as he knew there were other municipalities which banned advertising of alcohol.

Mr. Traves responded to Councillor Karsten by stating that on page 9 of the staff report there was a good discussion on alcohol advertising. He clarified that Council has before it a proposed policy that would provide direction current policy in effect that tell staff how to deal with advertising. He explained that seeking to amend the motion to prohibit advertising is at odds with the policy before Council.

Ms. Currie advised that staff had conducted a thorough jurisdictional review at the beginning of their process. She advised that other cities that did public consultation did so because the administration pushed the MAP forward rather than the political body. She noted that HRM had been doing a lot of things that aligned with existing polices and in an effort to make a balanced and initial approach they brought the MAP to Council in draft form. She added that any additional opportunities pursued would require the additional public consultation that Council was seeking.

Councillor Hendsbee stated that he hoped that this was not going too far in regards to restricting sponsorship. He raised concern regarding the 5 million insurance policy as it might make it difficult for some community events to obtain. He suggested the need to have clarification in Administrative Orders 53 and 55. He noted that there is confusion with HRM owned facilities that are managed under MOU's with community groups and organizations. He noted that many rural fire halls and community halls are used for social venues.

Councillor Craig stated that he thought it was very positive that the MAP has been brought forward and the existing policies and practices consolidated. He added that Council could go forward and approve the draft policy and get more input and adjust if required moving forward.

Councillor Dalrymple agreed the draft policy was a good start and Council has been working on this issue for a long time. He further added that it takes into account many of the day to day concerns posed by residents. The Councillor stated that he felt the report was balanced and could not support the amendments coming forward. He indicated that he would support the amendments going back to staff and be brought back to Council.

Councillor Nicoll requested that staff take back the report and consider the recommendations of Capital Health. She added that she hoped that Council will develop a policy that everyone will be comfortable with and will have a positive impact on the community.

Councillor Outhit echoed the comment that the recommendations from Capital Health should go back for a staff review and report to Council. He added that the report was a consolidation and clarification of policies that are already in place and was a step in the right direction.

Councillor Walker stated he wanted more information from staff on the amendments put forward by Capital Health and requested debate at a later date.

Councillor Whitman raised concern about the 'low –risk drinking alcohol' brochure. He noted that it does not indicate the age of teens and encourages teenagers to not drink any more than 1-2 alcoholic drinks per week and that this would not be acceptable message in his view.

Mayor Savage stated that the passionate debate indicates the importance of the issue for Council. He added that he believes that alcohol is a key issue related to violence. He agreed that the policy represents a good first step. He stated that he believed that a complete ban on alcohol advertising was not the right solution but having responsible limits on how advertising is used is the right approach. The Mayor added that clarity on the policy is required by Council, by alcohol companies and by the public and that the proposed policy achieves that. He agreed that more consultation was needed.

MOVED by Councillor Adams, seconded by Councillor Outhit that Halifax Regional Council refer the four (4) amendments proposed by Capital Health to staff for consideration as to how they would fit within the policy and report to Regional Council within 30 days.

Discussion ensued on the motion to refer.

MOTION PUT AND PASSED (14 in favour, 1 against).

Those voting in favour were: Mayor Savage; and Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Fisher, Watts, Mosher, Walker, Adams, Whitman, Craig, and Outhit.

Those voting against: Councillor Mason.

Deputy Mayor Rankin and Councillor Johns were not present for the vote.

The main motion was now before Council.

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

- 1. Approve the proposed Administrative Order Number 53: HRM Municipal Alcohol Policy as set out in Attachment A of the September 26, 2013 staff report; and**
- 2. Give Notice of Motion of Regional Council's intention to amend Administrative Order 55, HRM's Sponsorship Policy, as set out in Attachment C of this report.**

The Municipal Clerk advised that Council should bring forward any further amendments before voting on the main motion.

MOVED by Councillor Watts, seconded by Councillor Karsten that the motion be amended to request staff to outline to Council a public consultation process that will focus on the further opportunities for municipal policy outlined under additional considerations in the report and that would lead to a comprehensive MAP and to report back to Regional Council in a COW session.

MOTION PUT AND PASSED UNANIMOUSLY.

Deputy Mayor Rankin and Councillor Johns were not present for the vote.

MOVED by Councillor Craig, seconded by Councillor Hendsbee to amend Schedule A of the September 26, 2013 staff report to add "Special Occasion or Permanent licenses" for municipally owned and operated facilities.

MOTION PUT AND PASSED UNANIMOUSLY.

Deputy Mayor Rankin and Councillor Johns were not present for the vote.

In response to Councillor Hendsbee, the CAO advised that if Councillors had concerns about specific facilities to provide a list of those facilities so that they would be properly investigated to ensure they are dealt with appropriately.

The amended motion now before Council is as follows:

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

- 1. Approve the proposed Administrative Order Number 53: HRM Municipal Alcohol Policy, as outlined in Attachment to the September 26, 2013 staff report with the following amendment: to add "Special Occasion or Permanent licenses" for municipally owned and operated facilities to Schedule A.**
- 2. Give Notice of Motion of Regional Council's intention to amend Administrative Order 55, the HRM Sponsorship Administrative Order, as set out in Attachment C of the September 26, 2013 staff report; and**
- 3. Request staff to outline to Council a public consultation process that will focus on the further opportunities for municipal policy outlined under additional considerations in the report and that would lead to a comprehensive MAP and to report back to Regional Council in a COW session.**

MOTION PUT AND PASSED UNANIMOUSLY.

Deputy Mayor Rankin and Councillor Johns were not present for the vote.

12. MOTIONS

13. IN CAMERA

13.1 In Camera Minutes – September 17, 2013

MOVED by Councillor Fisher, seconded by Councillor McCluskey, that the Regional Council In Camera minutes of September 17, 2013 be approved as circulated. MOTION PUT AND PASSED.

14. ADDED ITEMS

15. NOTICES OF MOTION - NONE

16. ADJOURNMENT

The meeting was adjourned at 12:20 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS

1. Proclamation – National Science and Technology Week – October 18 – 27, 2013
2. Memorandum from the Municipal Clerk dated September 30, 2013 re: Requests for Presentation to Council – None