



**HALIFAX REGIONAL COUNCIL  
MINUTES  
September 23, 2014**

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

STAFF: Mr. Richard Butts, Chief Administrative Officer  
Mr. John Traves, Municipal Solicitor  
Ms. Sherryl Murphy, Deputy Clerk  
Mr. Liam MacSween, Legislative Assistant  
Ms. Krista Vining, Legislative Assistant

*The following does not represent a verbatim record of the proceedings of this meeting.*

*A video recording of this meeting is available: [http://archive.isiglobal.ca/vod/halifax/archive\\_2014-09-23\\_live.mp4.html](http://archive.isiglobal.ca/vod/halifax/archive_2014-09-23_live.mp4.html)*

*The agenda, supporting documents, and information items circulated to Council are available online: <http://www.halifax.ca/council/agendasc/140923rcAgenda.php>*

*The meeting was called to order at 1:00 p.m., and recessed at 2:38 p.m. Council reconvened in at 2:52 p.m. Council moved into an In Camera session at 5:06 p.m. and reconvened at 6:28 p.m. Council adjourned at 6:32 p.m.*

**1. INVOCATION**

The Mayor called the meeting to order with the Invocation being led by Councillor Whitman.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillors noted a number of special community announcements and acknowledgements.

**3. APPROVAL OF MINUTES – Committee of the Whole July 29, 2014**

**MOVED by Councillor McCluskey, seconded by Councillor Nicoll that the Committee of the Whole minutes of July 29, 2014 be approved as presented.**

**MOTION PUT AND PASSED.**

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

Additions:

Item No. 14.1 – Audit & Finance Standing Committee – Approval of Project Funding – Borrow Pit Development/Technical and Owners Engineering Services

Item No. 14.2 – Audit & Finance Standing Committee – Debt Guarantee Provided to Halifax Regional Water Commission by HRM

Item No. 14.3 – Sole Source Award Halifax Water, T31.2014 – 311, First Lake Drive Major Storm Routing

Councillor Johns requested that a discussion pertaining to the Highway 101 Leachate Treatment Facility be added to the agenda for discussion. He further noted that his intention would be to move a motion to rescind a motion of Regional Council passed on September 10, 2013 regarding compositing and wastewater facilities at the Highway 101 Leachate Treatment Facility in Sackville.

The Solicitor noted that a two thirds majority vote would be required to add Councillor Johns' item to the the agenda.

**MOVED by Councillor Johns, seconded by Councillor Adams that a discussion pertaining to the Highway 101 Leachate Treatment Facility be added to the agenda.**

Councillor Karsten noted that he would not support the motion given that there are other avenues available to Councillors to place motions of rescission on the agenda which provides for better public notification.

**MOTION PUT AND DEFEATED** (Two-third majority vote required).

Councillor McCluskey requested that the Information Item No. 5 – Memorandum from the Chair of the Transportation Standing Committee dated September 15, 2014 re: Halifax Transit Moving Together Plan – Update be added to the agenda for discussion at the next meeting of Regional Council to be held on October 7, 2014.

**MOVED by Councillor McCluskey, seconded by Councillor Craig that the agenda be approved as amended.**

**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**

The Clerk noted that correspondence was received for items: 11.1.3, 11.1.4, and 11.4.1.and Information Item No. 5. This correspondence was circulated to Council.

**10.2 Petitions**

**10.2.1 Councillor Johns**

Councillor Johns submitted a petition containing over 200 signatures from residents in opposition to the proposal to allow additional material, solid or liquid, to be transported to, stored at or treated at the former Sackville Landfill site, located in Upper Sackville, Nova Scotia.

**11. REPORTS**

**11.1 CHIEF ADMINISTRATIVE OFFICER**

**11.1.1 Encroachment Agreement – McAsphalt Industries Limited, Eastern Passage**

The following was before Council:

- A staff recommendation report dated August 28,2014

**MOVED by Councillor Karsten, seconded by Councillor Nicoll that Halifax Regional Council approve the Encroachment Agreement, as provided in attachment A of the staff report dated August 28, 2014, to permit the installation of two sub-surface pipes within the Autoport Avenue and Main Road rights-of-way, Eastern Passage.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.2 2014 Fall Debenture and Temporary Borrowing Resolutions**

The following was before Council:

- A staff recommendation report dated August 29, 2014

**MOVED by Deputy Mayor Fisher, seconded by Councillor McCluskey that Halifax Regional Council:**

1. **Authorize the Mayor and Municipal Clerk to sign the Resolution for Pre-Approval of Debenture Issuance, subject to interest rate confirmation not to exceed 5.00%, to enable the Halifax Regional Municipality to issue 10-year debenture of \$ 20,280,000;**

2. **Approve a Temporary Borrowing Resolution of \$125,447,524 for financing of the debt funded portion of the 2014/15 and previous year's capital projects, (\$115,447,524) and for re-financing of the Harbour Solutions Project (\$10,000,000): and,**
3. **Approve renewing a Temporary Borrowing Resolution of \$5, 455,000 for financing of the Solar City Pilot Program.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.3 First Reading, Proposed By-law S-1000 Respecting the Regulation of Sidewalk Cafes**

The following was before Council:

- A staff recommendation report dated September 8, 2014
- A motion memo for the consideration of Regional Council
- Correspondence from Luc Erjavec and Paul MacKinnon

**MOVED by Councillor Mason, seconded by Councillor Whitman that Halifax Regional Council give First Reading to consider the adoption of the proposed By-law S-1000, the Sidewalk Café By-Law, as set out in Attachment A of the staff report dated September 8, 2014, regulating the use of municipal street right-of-ways for the purpose of establishing sidewalk cafes adjacent to food and beverage establishments.**

Councillor Mason noted that the proposed fee structure of By-law S-1000 is potentially disadvantageous to small side walk café owners. He cited concerns by the industry regarding the insurance requirements and the resources required by the municipality to inspect patios rapidly after opening season. He suggested that Council move forward with First Reading of the By-law at the present time and request a supplementary staff report addressing the issues that he identified to come back to Council after holding a public hearing. He further suggested that the By-law may need to be amended subject to the findings of a supplementary staff report.

Mr. John Traves, Solicitor commented that any substantive changes to the By-law at second reading would require further advertising and a new public hearing date. He advised that Council should note that if its intention is to move forward with First Reading, the proposed By-law would remain as submitted.

Councillor Rankin expressed his view that the insurance requirements associated with the proposed By-law may be too burdensome for the restaurant industry. He inquired about the implications of keeping the insurance requirement for business owners at \$2 million and the effect it will have on insurance premiums for those individuals.

Mr. Traves commented that the \$2 million insurance requirement for patio owners was reasonable when the current By-law was first established but is not sufficient with regards to claims that are being made today. He noted that staff is recommending the increase to general liability insurance for business owners operating sidewalk patios based on advice provided by HRM's Insurance advisors. He further noted that the \$5 million insurance requirement is the benchmark in many other jurisdictions across Canada. With respect to business owners' premiums, Mr. Traves noted that it can be costly but this is due to the substantial risks for which the insurance is required. He concluded by stating that if this risk is not borne by the industry, it will be borne by HRM.

Councillor McCluskey commented that she does not want taxpayers to be burdened by a potential law suit if business owners do not have the proper insurance. She commented that the fee structure associated with the By-law is unfair to small businesses.

Councillor Karsten commented that he supports the reduction of fees for smaller businesses. He inquired if the risks associated with sidewalk cafes are the same for small businesses as that of larger businesses. He further inquired about the impact of premium costs on businesses increasing insurance coverage to \$5 million.

Mr. Traves advised that the additional cost of increasing insurance coverage depends on the size, amount of seating, and the amount of business conducted at a particular establishment. He noted that the amount of calculated risk is usually higher for larger businesses than that of smaller operations. With respect to the insurance premiums, Mr. Traves noted that the average increase in cost to businesses as calculated by HRM's insurance brokers is likely to fall between \$1,000-3,000.

In response to a follow up question from Councillor Walker, Mr. Traves advised that if there are substantial amendments made to the proposed By-law after the public hearing, a subsequent First Reading will be required. He commented that depending on Council's wishes at that time, a second public hearing may or may not be required.

Mayor Savage requested further information with respect to what services the proposed fee structure covers.

Mr. Jim Donovan, Manager of Municipal Compliance, noted that Municipal Compliance staff will inspect cafes and administer the By-law. Mr. Donovan provided further information with respect to the proposed fee structure as outlined in the staff report.

Councillor Hendsbee inquired about the calculations to determine the occupancy of the sidewalk cafes.

Ms. Kathleen Llewelyn-Thomas, Acting Director of Transportation and Public Works, commented that the number of people allowed is a function of the alcohol licence and HRM staff is not involved in that calculation.

Councillor Hendsbee further inquired if the Appeals Standing Committee will hear appeals under the proposed By-law.

Mr. John Traves replied in the affirmative. Mr. Donovan noted that the delegation of authority to the Appeals Standing Committee can be found in Attachment H of the staff report.

Councillor Watts commented that the Canadian Standards Association standard with respect to Accessibility has been addressed adequately in the proposed By-law. She inquired if there is a fee for businesses that operate a sidewalk patio but remove tables and chairs upon closing.

Mr. Donovan commented that there is no fee for those businesses that remove their tables and chairs when closing for the evening. He noted that the fee structure is for businesses that leave tables, chairs and supports overnight. He further noted that the fees for these establishments currently start at \$250.

In response to a follow up question from Councillor Watts, Mr. Traves noted that, in accordance with the Charter, the fee structure must be reflective of the service that is provided by the particular business. He stated if the fee is greater than that of the service provided, it is effectively a tax.

Councillor Rankin expressed his opinion that a public hearing should be held with respect to By-law S-1000. He reiterated an earlier point respecting the costs associated to businesses by increasing the insurance requirement to \$5 million.

Councillor Mason commented that making substantives amendments would require delaying the adoption of the By-law. He proposed the following amendment:

**MOVED by Councillor Mason, seconded by Councillor Hendsbee that Halifax Regional Council following approval of By-law S-1000, request a supplementary staff report regarding the possible creation of a tiered fee structure or fee subsidization for small capacity/low seating patios.**

Councillor Whitman expressed his support for the amendment.

**MOTION TO AMEND PUT AND PASSED UNANIMOUSLY.**

The motion before Council now reads:

**MOVED by Councillor Mason, seconded by Councillor Whitman that Halifax Regional Council:**

- 1. Give first reading to consider the adoption of the proposed By-Law S-1000, the Sidewalk Café By-Law, as set out in attachment A of the staff report dated September 8, 2014, regulating the use of municipal street right-of-ways for the purposes of establishing sidewalk cafes adjacent to food and beverage establishments**
- 2. Following approval of the By-Law S-1000, request a supplementary staff report regarding the possible creation of tiered fee structure or fee subsidization for small capacity/low seating patios.**

Councillor McCluskey inquired how much parking meter revenue is lost as a result of side walk cafes. Ms. Kathleen Llewelyn-Thomas noted that staff has estimate that approximately \$58,500 is forgone in parking meter revenue.

**MOVED by Councillor McCluskey, seconded by Councillor Rankin that a public hearing be held to consider this matter.**

In response to a question by Councillor Rankin, Mr. Traves commented that if there is a substantive change as a result of the public hearing changes to the proposed by-law would need to be re-advertised and, a second public hearing would have to be scheduled to consider the proposed amendments.

Mayor Savage noted that the earliest possible date for a public hearing on this matter is October 21, 2014.

**MOTION TO AMEND PUT AND PASSED** (9 in favour; 8 against).

In favour: Deputy Mayor Fisher, Councillors Hendsbee, Nicoll, McCluskey, Mosher, Walker, Adams, Rankin, Johns

Against: Mayor Savage, Councillors Dalrymple, Karsten, Mason, Watts, Whitman, Craig, Outhit.

The motion before Council now reads:

**MOVED by Councillor Mason, seconded by Councillor Whitman that Halifax Regional Council:**

- 1. Give first reading to consider the adoption of the proposed By-Law S-1000, the Sidewalk Café By-Law, as set out in attachment A of the staff report dated September 8, 2014, regulating the use of municipal street right-of-ways for the purposes of establishing sidewalk cafes adjacent to food and beverage establishments**
- 2. Following approval of the By-Law S-1000, request a supplementary staff report regarding the possible creation of tiered fee structure or fee subsidization for small capacity/low seating patios.**
- 3. Schedule a public hearing to consider this matter.**

Deputy Mayor Fisher inquired about a possible extension of the deadline respecting sidewalk patios.

Councillor Hendsbee echoed Deputy Mayor Fisher's comments and stated that he would like to see the deadline for sidewalk patios extended to November 30.

Mr. Traves commented that the proposed draft By-law allows the Administrator to grant extensions to businesses.

Councillor Rankin proposed the following amendment to the main motion:

**MOVED by Councillor Rankin, seconded by Deputy Mayor Fisher that the By-law require liability insurance of \$3 million.**

Mr. John Traves noted that the proposed amendment would require business owners to have \$3 million in general liability insurance.

**MOTION TO AMEND PUT AND PASSED.** (15 in favour, 2 against)

In favour: Mayor Savage, Deputy Mayor Fisher, Councillors Dalrymple, Hendsbee, Nicoll, McCluskey, Mason, Watts, Mosher, Walker, Adams, Rankin, Johns, Whitman, Outhit.

Against: Councillors Karsten, Craig.

The motion before Council now reads:

**MOVED by Councillor Mason, seconded by Councillor Whitman that Halifax Regional Council:**

- 1. Give first reading to consider the adoption of the proposed By-Law S-1000, the Sidewalk Café By-Law, as set out in attachment A of the staff report dated September 8, 2014, regulating the use of municipal street right-of-ways for the purposes of establishing sidewalk cafes adjacent to food and beverage establishments as contained in attachment A of the staff report dated September 8, 2014, with a reduction in the requirement for liability insurance of \$5million to \$3million.**
- 2. Following approval of the By-Law S-1000, request a supplementary staff report regarding the possible creation of tiered fee structure or fee subsidization for small capacity/low seating patios.**
- 3. Schedule a public hearing to consider this matter.**

**AMENDED MOTION PUT AND PASSED** (16 in favour; 1 against).

In favour: Mayor Savage, Deputy Mayor Fisher, Councillors Dalrymple, Hendsbee, Nicoll, McCluskey, Mason, Watts, Mosher, Walker, Adams, Rankin, Johns, Whitman, Craig, Outhit.

Against: Councillor Karsten.

Halifax Regional Council recessed at 2:38 p.m. Halifax Regional Council reconvened at 2:52 p.m.

#### **11.1.4 First Reading Proposed By-Law-S608, Respecting the Amendment of By-Law S-600, the Solid Waste Resource Collection and Disposal By-Law**

The following was before Council:

- A staff recommendation report dated August 21, 2014
- Extract of Minutes – Committee of the Whole – January 14, 2014
- Extract of Minutes – Regional Council – January 14, 2014
- A Motion Memo for the Consideration of Regional Council
- Correspondence from John van Gorp

**MOVED by Councillor Dalrymple, seconded by Councillor Watts that Halifax Regional Council:**

- 1. Give First Reading to By-law-S-608, amending By-law S-600, the Solid Waste Resource Collection and Disposal By-law, as set out in Attachment B of the staff report dated**

**August 21, 2014, as amended to mandate clear bags with one nested opaque bag for residential collection;**

**2. Set a date for a Public Hearing respecting changes to municipal collection services respecting clear bags for garbage with privacy option and reduced bag limits**

Councillor Dalrymple noted that the motion was changed slightly from the wording included in the staff report. He commented that the Solicitor will address this matter. He noted that a public hearing will be held regarding the decisions made by Regional Council on By-law S608.

Mr. John Traves, Solicitor advised that he misread the draft By-law and the recommendation in the staff report missed Council's direction with respect to the nested opaque bag for residential collection. He remarked that this matter will be corrected in the staff report and the wording in the draft By-law in time for the public hearing.

Councillor Craig proposed an amendment to the main motion as it pertains to the public hearing removing boxboard as a mandated green bin product, the use of Kraft paper bags for separate collection of leaf and yard waste, and banning of grass clippings from collections.

Mr. Traves noted that Council was specific with respect to the criteria that would be discussed at the public hearing regarding changes to municipal collection. He commented that Council would have to rescind its previous motion with respect to the public hearing for this matter to consider amendments. He cited section 62 of Administrative Order 1 and advised that Councillor Craig would have to move a motion requesting Council to waive the rules of order respecting notices of a motion of rescission to permit the motion of rescission and then to consider the proposed amendment.

**MOVED by Councillor Craig, seconded by Councillor Whitman to suspend the rules of order respecting notice of a motion of rescission.**

Councillor Karsten commented that he will not support the motion of rescission and believes that Council should proceed as they have previously directed.

**MOTION PUT AND PASSED.** (Two-thirds majority required; 14 in favour, 3 against).

In favour: Mayor Savage, Councillors Dalrymple, Hendsbee, Nicoll, Mason, Watts, Mosher, Walker, Adams, Rankin, Johns, Whitman, Craig, Outhit.

Against: Deputy Mayor Fisher, Councillors Karsten, McCluskey.

**MOVED by Councillor Craig, seconded by Councillor Outhit that Halifax Regional Council amend recommendation number 2 to include clear bags for garbage with a privacy option and reduced bag limits, removing boxboard as a mandated green bin product, use of Kraft paper bags for separate collection of leaf and yard waste, and banning grass clippings effectively, thereby, rescinding part 3 of the January 14, 2014 motion of Council regarding the Solid Waste Strategy Resources Review.**

Several Councillors expressed concern with changing provisions already decided by Council during the Solid Waste Strategy Review.

Councillor Outhit requested further clarification with respect to the motion of rescission. Ms. Sherryll Murphy, Deputy Municipal Clerk noted that Council is rescinding recommendation 3 of the January 14, 2014 motion of Council which stipulates what can be discussed at the public hearing.

Further discussion ensued with staff answering questions related to the collection of solid waste materials.



**MOTION TO AMEND PUT AND DEFEATED** (Two-thirds majority vote required; 8 in favour; 9 against).

In favour: Councillors Hendsbee, Mosher, Walker, Adams, Whitman, Johns, Craig, Outhit.

Against: Mayor Savage, Deputy Mayor Fisher, Councillors Dalrymple, Karsten, Nicoll, McCluskey, Mason, Watts, Rankin.

Deputy Mayor Fisher proposed a motion respecting the deletion of the requirement to have a nested dark bag for residential solid waste collection. On the advice of the Solicitor, Deputy Mayor Fisher moved the following motion:

**MOVED by Deputy Mayor Fisher, seconded by Councillor Dalrymple to suspend the rules of order respecting notice of a motion of rescission.**

**MOTION PUT AND PASSED** (Two-thirds majority vote required; 16 in favour; 1 against).

In favour: Mayor Savage, Deputy Mayor Fisher, Councillors Hendsbee, Karsten, Nicoll, McCluskey, Mason, Watts, Mosher, Walker, Adams, Rankin, Whitman, Johns, Craig, Outhit.

Against: Councillor Dalrymple

**MOVED by Deputy Mayor Fisher, seconded by Councillor Outhit that Halifax Regional Council to delete the requirement to have a nested dark bag, rescinding recommendation 5 a. of the January 14, 2014 motion of Halifax Regional Council regarding the Solid Waste Strategy Resources Review.**

Deputy Mayor Fisher cited concerns with nesting dark bags and stated that allowing for one dark bag would be more beneficial.

Several councillors expressed their support for the proposed amendment.

**MOTION PUT AND PASSED** (Two-thirds majority vote required; 16 in favour; 1 against).

In favour: Mayor Savage, Deputy Mayor Fisher, Councillors Hendsbee, Karsten, Nicoll, McCluskey, Mason, Watts, Mosher, Walker, Adams, Rankin, Whitman, Johns, Craig, Outhit.

Against: Councillor Dalrymple

The motion before Council now reads:

**MOVED by Councillor Dalrymple, seconded by Councillor Watts that Halifax Regional Council:**

- 1. Give First Reading to By-Law S-608, amending By-law S-600, the Solid Waste Resource Collection and Disposal By-law, as set out in Attachment B, of the staff report dated August 21, 2014; and**
- 2. Set a date for a Public Hearing respecting changes to municipal collection services respecting clear bags for garbage with privacy option and reduced bag limits.**

Councillor Adams suggested that the Council retain the current limit of six garbage bags with respect to solid waste collection.

Several councillors expressed concerns that an increase in illegal dumping would occur if the amount of allowable garbage bags for curbside pick-up is reduced.

Further discussion ensued.

**MOVED by Councillor Adams, seconded by Councillor Hendsbee to suspend the rules of order respecting notices of a motion of rescission.**

**MOTION PUT AND PASSED.** (Two-thirds majority required; 12 in favour; 5 against)

In favour: Mayor Savage, Deputy Mayor Fisher, Councillor Hendsbee, Councillors Nicoll, McCluskey, Mosher, Walker, Adams, Whitman, Johns, Craig, Outhit.

Against: Councillors Dalrymple, Karsten, Mason, Watts, Rankin.

Councillor Adams proposed the following amendment to the main motion:

**MOVED by Councillor Adams, seconded by Councillor Hendsbee that the allowable bag limit for curbside collection remain at six rescinding recommendation 5 b. of the January 14, 2014 motion of Halifax Regional Council regarding the Solid Waste Strategy Resources Review.**

**MOTION TO AMEND PUT AND DEFEATED** (Two-third majority vote required; 7 in favour; 10 against).

In favour: Deputy Mayor Fisher, Councillors Hendsbee, Mosher, Walker, Adams, Johns, Outhit.

Against: Mayor Savage; Councillors Dalrymple, Karsten, Nicoll, McCluskey, Mason, Watts, Rankin, Whitman, Outhit.

The motion before Council remains as previously amended:

**MOVED by Councillor Dalrymple, seconded by Councillor Watts that Halifax Regional Council:**

1. **Give First Reading to By-Law S-608, amending By-law S-600, the Solid Waste Resource Collection and Disposal By-law, as set out in Attachment B, of the staff report dated August 21, 2014; and**
2. **Set a date for a Public Hearing respecting changes to municipal collection services respecting clear bags for garbage with privacy option (one dark bag) and reduced bag limits.**

**AMENDED MOTION PUT AND PASSED UNANIMOUSLY.**

## **11.2 COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT STANDING COMMITTEE**

### **11.2.1 Camp Norway Monument**

The following was before Council:

- A staff recommendation report dated September 12, 2014

**MOVED by Councillor Mason, seconded by Councillor Nicoll that Halifax Regional Council:**

1. **Accept the responsibility and costs for the ongoing maintenance of the Norwegian Memorial Stone at Sackville Landing; and**
2. **Authorize the Mayor and Municipal Clerk to execute, on behalf of the Municipality, the amended Letter of Agreement between HRM and the Camp Norway Foundation to transfer the responsibility for ongoing maintenance for the Norwegian Memorial Stone at Sackville Landing, as set out in Attachment 4 of the July 21, 2014 staff report.**

Councillor Mason expressed his support for the recommendation and noted that it will ensure that the Camp Norway memorial is maintained by the Municipality to the same standard as all other municipal memorials.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3 ENVIRONMENT AND SUSTAINABILITY STANDING COMMITTEE**

**11.3.1 Halifax Input – Nova Scotia Regulatory Review**

The following was before Council:

- A staff recommendation report dated September 12, 2014

**MOVED by Councillor Dalrymple, seconded by Councillor Watts that Halifax Regional Council approve and forward the Regulation Review input as outlined in Attachment B of the August 28, 2014 staff report with the following amendments to Attachment B:**

- **Amend #4 of attachment B to include a statement indicating that HRM supports a 300kg provincial goal and understands it is a provincial goal.**
- **Include a statement that HRM supports the Extended Producer Responsibility (EPR) approach of the Province and looks forward to working in partnership on its implementation.**
- **Exclude statement (ii) “Request full cost benefit analysis and assessment of material ban legislation on municipalities” from item 2 ‘Material Bans’ from attachment B**

Councillor Dalrymple commented that the Regulatory Review has been conducted with the input of every municipality across the province and is very significant for HRM. He stated that that the provincial Department of Environment have been very good to work with and HRM staff has worked very diligently on this matter and thanked them for their commitment.

Councillor Rankin expressed his support for the motion and stated that as a member of the Environment and Sustainability Standing Committee he is very impressed with the leadership in both the province and HRM with respect to the regulatory review.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3.2 HRM’s Potential Participation in Earth Hour City Challenge 2015**

The following was before Council:

- A staff recommendation report dated September 15, 2014

**MOVED by Councillor Dalrymple, seconded by Councillor Nicoll that Halifax Regional Council not engage the Municipality to participate in the Earth Hour City Challenge in 2015/16.**

Councillor Dalrymple noted that HRM intends to participate in Earth Hour, but will not apply to be a part of the actual competition. He commented that HRM currently does not have the resources available to be a part of the official competition as there are many other projects underway.

Councillor Whitman inquired as to how much staff time and dedication would be required to participate in the official competition.

Mr. Richard MacLellan, Manager of Energy & Environment, commented that three months of staff effort would be required for the reporting process involved with Earth Hour City Challenge.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4 TRANSPORTATION STANDING COMMITTEE**

**11.4.1 Bike Lane Partnership Project with Dalhousie University**

The following was before Council:

- A staff recommendation report dated September 15, 2014
- Correspondence from Marcia McIntyre

**MOVED by Councillor Mason, seconded by Councillor Watts that Halifax Regional Council authorize the Chief Administrative Officer to enter into an agreement with Dalhousie University for the construction and pilot operation of a protected bike lane on University Avenue as described in the August 25, 2014 staff report.**

Councillor Mason expressed his support for the recommendation and noted that Dalhousie University had taken the lead on the project. He commented that the proposal fits within HRM's active transportation plans and cited some concerns made regarding the loss of parking in close proximity to the Rebecca Cohn Auditorium and on Dalhousie's Campus. He advised that the accessible parking spaces which were required to be removed to accommodate the bike lanes will be relocated and that the overall goal of the project is to encourage more people to bike, thereby alleviating traffic congestion. He further commented that the benefit of the project will offset the loss in revenue from the removal of the metered parking spaces.

Councillor McCluskey noted her concern with the loss of nine accessible parking spaces and three taxi stand spaces. She further commented that HRM is losing \$70,000 per year in parking revenue.

Mr. Dave McCusker, Regional Transportation Manager, commented that the accessible parking and taxi stand spaces will not be lost but rather relocated within the same area. He further indicated that it could be advantageous for people being dropped off by taxi to the Rebecca Cohn Theatre as there will space to do so with the removal of the parking spaces in front of the building

In response to a follow up question from Councillor McCluskey, Mr. McCusker commented that staff identified the \$70,000 loss of parking revenue as one of the outcomes of the pilot project.

Councillor Karsten comments that he shares many of the same concerns expressed by Councillor McCluskey but noted that he will support the proposed project as it is a pilot. He inquired about HRM's options with respect to cancelling the project should it prove unsuccessful.

Mr. McCusker commented that staff will be looking for Council's direction with respect to promoting the project to the public in the hope that it will be successful. He commented that at the end of the two year pilot, staff will review the project and consider how it can be made permanent.

In response to a follow up question from Councillor Karsten Mr. McCusker commented that he is not aware specifically if Dalhousie will be installing more bicycle racks, he commented that he does not anticipate a shortage of bicycle parking.

Councillor Hendsbee asked if Dalhousie University will be implementing a bicycle registration fee and how the success of the project will be measured.

Ms. Kathleen Llewelyn-Thomas, Acting Director of Transportation and Infrastructure commented that staff will work with Dalhousie to use some of their traffic engineering students to establish the criteria of the evaluation of the pilot and will set up those criteria. She commented that the results, once compiled, will be brought forward to the Transportation Standing Committee.

Mr. Richard Butts, Chief Administrative Officer, noted that Dalhousie approached HRM in June regarding this project. He noted that staff saw the opportunity to increase HRM's contribution with respect to Bicycle Infrastructure and did a very good job achieving this goal in a short amount of time. He commented that staff should be applauded as they moved very quickly with Dalhousie to make the pilot project a reality.

Following a further discussion the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

## **11.5 GRANTS COMMITTEE**

### **11.5.1 BID Contributions Fund: 2014-2015 Recommended Awards**

The following was before Council:

- A staff recommendation report dated September 9, 2014

**MOVED by Councillor Walker, seconded by Councillor Nicoll that Halifax Regional Council approve eight (8) awards detailed in Attachment 2 of the staff report dated August 1, 2014 for a combined total of \$107,000 from operating account C771-6919**

**MOTION PUT AND PASSED UNANIMOUSLY.**

### **11.5.2 Community Grants Program 2014: Appeals**

The following was before Council:

- A staff recommendation report dated September 9, 2014

**MOVED by Councillor Walker, seconded by Councillor Hendsbee that Halifax Regional Council approve:**

- 1. A capital grant in the amount of \$20,000 to the Lawrencetown Community Centre, \$12,000 to the Freedom Foundation, Dartmouth, and \$25,000 to the Fairview United Family Resources Centre for a combined total of \$57,000 from operating account M311-8004 Community Grants Program;**
- 2. A conditional grant in the amount of \$5,000 to the Lake Charlotte & Area Heritage Society from operating account M311-8004 Community Grants Program;**
- 3. A change in the terms and conditions of funding to the Deanery Project Cooperative Limited, Ship Harbour, and the Hammonds Plains Fire Hall & Community Centre; and**
- 4. The decline of three (3) appeals as amended by the Grants Committee and detailed in attachment 3 of the supplementary staff report dated July 30, 2014.**

Councillor Hendsbee noted that the \$5,000 grant commitment for the Lake Charlotte & Area Heritage society has the potential to be lowered due to the commitment of funds from District Councillors Funds.

**MOTION PUT AND PASSED UNANIMOUSLY.**

## **12. MOTIONS**

### **13. IN CAMERA**

#### **13.1 Personnel Matter**

##### **13.1.1 Citizen Nomination to the Board of Halifax Water – Private and Confidential Report**

This matter was dealt with later in the meeting. Please see page 16.

**13.2 Property Matter**

**13.2.1 Property Acquisition – Fall River NS – Private and Confidential Report**

This matter was dealt with later in the meeting please see page 16.

**14. ADDED ITEMS**

**14.1 Approval of Project Funding – Borrow Pit Development/Technical and Owners Engineering Services**

The following was before Council:

- A staff recommendation report dated September 18, 2014

**MOVED by Councillor Rankin, seconded by Councillor Karsten that Halifax Regional Council:**

- 1. Approve capital project spending from Project Account CWU01066 Cell 6 Construction – Otter Lake in the upset amount of \$220,268.00 as funding needed to further develop a borrow pit near the Otter Lake site, as outlined in the Financial Implications section of the staff report dated September 17, 2014.**
- 2. Approve the allocation of an upset amount of \$100,000.00 from Project Account CWU01066 Cell 6 Construction – Otter Lake for technical and owner’s engineering services to engage and retain professional advice related to the Solid Waste system**

Councillor Rankin thanked the Audit & Finance Standing Committee for dealing with this matter at its last meeting and expressed his support for the recommendation. He further commented on the need for the borrow pit soil for day to day operations and the prevention of fire.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**14.2 Debt Guarantee Provided to Halifax Regional Water Commission by HRM**

The following was before Council:

- A staff recommendation report dated September 18, 2014

**MOVED by Councillor Karsten, seconded by Councillor Nicoll that Halifax Regional Council that all debt issued by the Nova Scotia Municipal Finance Corporation on behalf of the Halifax Regional Water Commission be guaranteed by the Halifax Regional Municipality subject to the Water Commission maintaining a debt service ratio of 35% or less.**

Councillor Karsten commented that in the current agreement with Halifax Water, HRM is already responsible for covering debt incurred by the utility should it default on a loan. He further noted that the motion is to satisfy a requirement from the Municipal Finance Corporation to have an agreement in writing.

Councillor Johns requested clarification as to why a debt guarantee for Halifax Water is required. He further inquired if having this type of agreement would hinder HRM in being able to borrow for projects.

Mr. Greg Keefe, Chief Financial Officer commented that the Municipal Finance Corporation has had a policy for quite a few years, whereby a formal guarantee is needed for the issuance of debt over \$70 million. He further commented that this type of agreement would have no effect on how much HRM can borrow in the future.

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

In favour: Mayor Savage, Deputy Mayor Fisher, Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Mason, Watts, Mosher, Walker, Adams, Rankin, Whitman, Craig, Outhit.

Against: Councillor Johns.

**14.3 Sole Source Award Halifax Water, T31.2014 – 311, First Lake Drive Major Storm Routing**

The following documentation was before Council:

- A staff report dated September 17, 2014

**MOVED by Councillor Craig, seconded by Councillor Watts that Halifax in accordance with Administrative Order 35, Section 8(11A) sub-section (k) (Attachment A): Sole Source/Single Source Purchases; (k) “For the Procurement form a public body or a not-for-profit corporation”**

- 1) Award the Sole Source agreement to Halifax Water for payment of expenditures related to 311 First Lake Drive Major Storm Routing for the estimated amount of \$258,843.28 including net HST with funding from Project Account No. CR00001 – Storm Sewer Upgrades, and in accordance with Financial Implications Section of the report dated September 17, 2014.**
- 2) Authorize and direct the CAO to execute 311 – First Lake Drive Major Storm Routing Payment Agreement with Halifax Water subject to terms and conditions agreeable to HRM and in accordance with the Financial Implications Section of the September 17, 2014 staff report.**

Councillor Craig noted that Halifax Water staff worked significantly on this file with residents to ensure that the staff report could be before Community Council and expressed his support for the recommendation.

Councillor Johns cited significant flooding in the area, and noted that this project will alleviate the problem.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**15. NOTICES OF MOTION**

**15.1 Councillor Johns**

I hereby give notice that at the next regular meeting of Halifax Regional Council to be held on October 7, 2014, I intend to move a motion that Regional Council rescind its motion of September 10, 2013 accepting the Environment and Sustainability Standing Committees July 2, 2013 report recommending the treatment of Halifax Regional Municipalities compositing facilities wastewater at the Highway 101 Leachate Treatment Facility and direct staff to continue to investigate other treatment options that do not consider the Upper Sackville location which has been closed to any offsite material, solid or liquid, for 18 years.

**15.2 Councillor Mason**

I hereby give notice that at the next meeting of Halifax Regional Council I intend to move a motion to amend the existing Halifax Regional Municipality Sidewalk Café Policy effective 1998 to permit the approval of the extension of the sidewalk café season by the Engineer until no later than 11:59 p.m. on November 21, 2014

**MOVED by Councillor Nicoll, seconded by Councillor McCluskey that Halifax Regional Municipality move to In Camera to discuss a personnel and property matter. MOTION PUT AND PASSED.**

Halifax Regional Council moved to an In Camera session at 5:06 p.m. Halifax Regional Council reconvened to public session at 6:28 p.m. to ratify the following:

**13.1.1 Citizen Nominations to the Board of Halifax Water**

This matter was dealt with during an earlier in camera session and was before Council for ratification.

**MOVED by Councillor Nicoll, seconded by Councillor Whitman that Halifax Regional Council:**

- 1. Approve the appointment to the Board of Halifax Water as outlined in the Private and Confidential Report dated September 12, 2014 from the Environment and Sustainability Standing Committee.**
- 2. It is further recommended that the citizen appointment be released to the public following ratification and notification of the successful candidate.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**13.2.1 Property Acquisition**

This matter was dealt with during an earlier in camera session and was before Council for ratification.

**MOVED by Councillor Rankin, seconded by Councillor Whitman that this matter be referred to the Audit and Financial Standing Committee and for staff to provide a report identifying a funding source to finance the land acquisition. MOTION PUT AND PASSED. (12 in favour, 5 against)**

In favour: Deputy Mayor Fisher, Councillors Dalrymple, Hendsbee, Nicoll, Watts, Mosher, Walker, Adams, Rankin, Whitman, Johns and Outhit

Against: Mayor Savage, Councillors Karsten, McCluskey, Mason and Craig

**16. ADJOURNMENT**

The meeting was adjourned at 6:32 p.m.

Cathy J. Mellett  
Municipal Clerk