

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
MINUTES
FEBRUARY 22, 2005

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Len Goucher
Councillors: Steve Streach
Krista Snow
David Hendsbee
Harry McInroy
Gloria McCluskey
Andrew Younger
Bill Karsten
Becky Kent
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Robert Harvey
Gary Meade

REGRETS:

Councillors: Brad Johns
Reg Rankin

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Municipal Clerk
Ms. Julia Horncastle, Legislative Assistant

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1. INVOCATION

The meeting was called to order at 6:00 p.m. with the Invocation being led by Councillor Wile.

2. APPROVAL OF MINUTES - February 1 & 8, 2005

Councillor Younger noted page 7 of the February 1st minutes it should read "citizens at large to be increased from one (1) to three (3)"

MOVED by Deputy Mayor Goucher, seconded by Councillor Sloane, that the minutes of February 1, 2005, as amended, and February, 2005, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

11.1 Property Matter - 1557 Granville Street - Sale of Land

11.2 Settlement of Claim against Halifax Regional Municipality

MOVED by Deputy Mayor Goucher, seconded by Councillor Sloane, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. CORRESPONDENCE, PETITIONS AND DELEGATIONS

8.1 Correspondence - None

8.2 Petitions

Councillor Wile served a petition containing 578 names on behalf of the residents who live in

the area of Lacewood and Stratford Way in District 10. The Councillor requested a report on the feasibility of placing traffic lights at the Lacewood and Stratford Way intersection.

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 Tender Request for Proposal 04-167, Mainland Common Recreation Centre - Architectural Services

C A staff report dated January 28, 2005 was before Council for consideration.

MOVED by Councillor Hum, seconded by Councillor Wile, that Regional Council approve the award of RFP 04-167, Mainland Common Recreation Centre-Architectural Services to Davison Seamone Rickard Adams Architects Inc., for a total award fo \$476,032 including net HST. Funding is available from Capital Accounts CBC00712 - Mainland Commons Aquatic & Community Centre and CB100091 - Mainland Commons Recreation Facility, as per the Budget Implications section of the January 28, 2005 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 Increase in Request For Proposal 03-346, Claims Management Services

14. A staff report dated February 17, 2005 was before Council for consideration.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Regional Council authorize an increase in RFP #03-346, Claims Management Services, to Crawford Adjusters Canada, for an amount not to exceed \$296,841.23, including net HST, for additional project and financial management services required in connection with Hurricane Juan and the Disaster Financial Assistance Program with funding as per the Budget Implications section of the February 17, 2005 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.3 Appointment of Development Officer

C A staff report dated February 15, 2005 was before Council for consideration.

MOVED by Councillor McInroy, seconded by Councillor Hendsbee, that Regional Council appoint Andrew Faulkner as a Development Officer for the Halifax Regional Municipality as required by Chapter VIII, Section 243 (1) of the Municipal Government Act. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.4 Internetworking Atlantic Municipal Access Agreement

C A staff report dated February 10, 2005 was before Council for consideration.

MOVED by Councillor Streach, seconded by Deputy Mayor Goucher, that Council approve the execution of the Municipal Access Agreement with Internetworking Atlantic attached to the report dated February 10, 2005 as Appendix "A".

Councillor Smith noted the performance security will be held for six months and questioned whether HRM will hold the contractor liable for longer than that time period. In response, Mr. Brad Anguish, Director of Environmental Management Services, advised typically it is eighteen months which covers a freeze/thaw cycle to ensure that the contractor has performed in accordance with the contract.

Mr. Anstey, Municipal Solicitor, suggested Council approve the contract subject to staff reviewing whether or not it is in accordance with HRM's normal procedures and, if it is not, then make any necessary changes to comply with normal requirements.

The motion as amended to incorporate the approval "subject to" now reads:

MOVED by Councillor Streach, seconded by Deputy Mayor Goucher, that Council approve the execution of the Municipal Access Agreement with Internetworking Atlantic attached to the report dated February 10, 2005 as Appendix "A" subject to staff reviewing whether or not it is in accordance with HRM's normal procedures and, if it is not, then make any necessary changes to comply with normal requirements.

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.5 2005/2006 Operating and Capital Budget

Mr. George McLellan, Chief Administrative Officer, with the aid of a PowerPoint presentation outlined the 2005/2006 Operating and Capital Budget to Council.

MOVED by Councillor Walker, seconded by Deputy Mayor Goucher, that Regional Council receive the budget and forward it to the Committee of the Whole starting February 28, 2005 for debate. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 HARBOUR EAST COMMUNITY COUNCIL

9.2.1 Morris Russell Lake Master Plan

- C A report dated February 7, 2005 from the Harbour East Community Council was before Council for consideration.
- C A staff report dated February 8, 2005 was before Council for consideration

MOVED by Councillor Karsten, seconded by Councillor Kent, that Regional Council give First Reading to the proposed amendments to the Municipal Planning Strategies for Dartmouth, Cole Harbour/Westphal, and Eastern Passage/Cow Bay, and the Land Use By-laws for Dartmouth and Cole Harbour/Westphal, as attachments I to V of the staff report dated February 8, 2005 and schedule a public hearing for march 22, 2005.

Without a vote being taken on the motion on the floor, the following amendment was placed.

MOVED by Councillor McCluskey, seconded by Councillor Snow, that the revised Morris/Russell Lake Secondary Planning Strategy be amended to state that the buffer zone around the lakes be all publicly owned.

Mr. Paul Dunphy, Director of Planning and Development Services, stated that this would be a substantive change to what has been negotiated to date with the public participation committee as well as the developer for the area. He advised there are two means of achieving this, one would be through negotiation and obliging the developer to do it and the other would be that the municipality would contribute financial assistance to achieve that end. He advised that, in his opinion, this is part of what the public hearing is about and does not necessarily have to be advertised.

Mr. Anstey noted that it is not part of the main amendments but it could be put forward as something Council is prepared to consider at the public hearing.

Councillor McCluskey clarified that she is seeking that the policy be amended so that it is mandatory that 100% is publicly owned as part of the advertising for the public hearing.

AMENDMENT DEFEATED

The main motion was now before Council for consideration.

**MOVED by Councillor Karsten, seconded by Councillor Kent, that Regional Council give First Reading to the proposed amendments to the Municipal Planning Strategies for Dartmouth, Cole Harbour/Westphal, and Eastern Passage/Cow Bay, and the Land Use By-laws for Dartmouth and Cole Harbour/Westphal, as attachments I to V of the staff report dated February 8, 2005 and schedule a public hearing for march 22, 2005.
MOTION PUT AND PASSED UNANIMOUSLY.**

9.2.2 Case 00635: Amendments to Development Agreement - 3 Bruce Street, Dartmouth

- C A report dated February 7, 2005 from the Harbour East Community Council was before Council for consideration.
- C A staff report dated February 8, 2005 was before Council for consideration.

MOVED by Councillor Younger, seconded by Councillor Karsten, that Regional Council direct staff to initiate the process for a site specific amendment to allow the current operations of 3 Bruce Street, Dartmouth, with strict conditions on the distribution and warehousing as well as lot maintenance and improvements. Further, a full consultation process be included as part of this procedure. MOTION PUT AND PASSED.

9.3 POINT PLEASANT PARK ADVISORY COMMITTEE

9.3.1 Establishment of a Point Pleasant Park Foundation

- C A report from the Point Pleasant Park Advisory Committee, dated February 15, 2005, was before Council for consideration.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Halifax Regional Council:

- 1. Approve in Principle the formation of a Point Pleasant Park Foundation.**
- 2. Refer the attached Memorandum of Association and By-laws for the Point Pleasant Park Foundation to staff for review and subsequent report to Regional Council.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.4 GRANT COMMITTEE

9.4.1 Tax Exemption: Commercial Day Care Operations

- C A staff report dated December 6, 2004 was before Council for consideration.

MOVED by Councillor Walker, seconded by Deputy Mayor Goucher, that Regional Council decline the request to provide partial tax exemption to commercial day care

operators in HRM.

Councillor McCluskey noted that it is her understanding that both the former City of Halifax and the City of Dartmouth agreed to look at the situation with the possibility of giving them a residential tax rate.

Mr. McLellan, Chief Administrative Officer, advised that for anything to be binding it would have had to have been by motion of a previous Council.

Councillor Walker advised the Grant Committee would examine the letters and if there is any validity, the Committee would report back to Council.

MOTION PUT AND PASSED

9.5 MEMBERS OF COUNCIL

9.5.1 Councillor McCluskey - Rate for Accessible Taxis

MOVED by Councillor McCluskey, seconded by Councillor Smith, that a staff report be provided from Metro Transit to see what an effect it would have on the budget to run a similar service as is being run in Moncton with the “Wheels for Wheels” service.

Councillor Younger suggested that this item could be referred to budget deliberations for an approval of \$10,000.00 a month as an amendment to the budget.

MOTION DEFEATED.

MOVED by Councillor Hendsbee, seconded by Councillor Meade, that the issue be referred to the budget process. MOTION PUT AND PASSED UNANIMOUSLY.

9.5.2 Councillor Mosher - Eligibility of Councillors for Voting at Public Hearings

MOVED by Councillor Mosher, seconded by Councillor Adams, that legal staff provide a report detailing the specific requirements for Councillors to be eligible to vote at public hearings. MOTION PUT AND PASSED.

10. MOTIONS - NONE

11. ADDED ITEMS

11.1 Property Matter - 1557 Granville Street - Sale of Land

C This item was addressed at an In Camera session held earlier and was before Council for ratification.

MOVED by Councillor Sloane, seconded by Deputy Mayor Goucher, that:

- 1. Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an agreement of Purchase and Sale with United Gulf Development limited for a portion of 1557 Granville Street as identified herein, subject to the key terms and condition outlined in the February 15, 2005 private and confidential staff report.**
- 2. The February 15, 2005 report not be released to the public until the property transaction is concluded.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Settlement of Claim Against Halifax Regional Municipality

C This item was addressed at an In Camera session held earlier and was before Council for ratification.

MOVED by Councillor Smith, seconded by Councillor Wile, that Council settle the claim, as set out in the February 11, 2005 private and confidential staff report, which arose from an incident on a Metro Transit Bus on May 03, 1999 by the payment of the agreed sum of \$18,750.00 all inclusive subject to receipt from the Plaintiff of a release of any and all claims related to the incident. MOTION PUT AND PASSED UNANIMOUSLY.

12. NOTICES OF MOTION - NONE

13. ADJOURNMENT

The meeting was adjourned at 7:55 p.m.

Jan Gibson
Municipal Clerk