

HALIFAX REGIONAL COUNCIL
MINUTES

May 12, 2009

PRESENT:

Mayor Peter Kelly
Deputy Mayor David Hendsbee
Councillors: Steve Streach
Barry Dalrymple
Lorelei Nicoll
Gloria McCluskey
Andrew Younger
Bill Karsten
Jackie Barkhouse
Jim Smith
Mary Wile
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Jennifer Watts
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Robert Harvey
Tim Outhit
Peter Lund
Reg Rankin

REGRETS:

Councillor Brad Johns

STAFF:

Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Shawnee Gregory, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 6:01 p.m. with the Invocation being led by Councillor Outhit.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Blumenthal congratulated Mr. Doug MacDonald at the Ward 5 Community Centre who would be receiving the Community Spirit Award from the United Way on May 21, 2009. He indicated that St. Stephen's Elementary School would be hosting a Spring Fling on May 23, 2009. He wished all participants walking for MS on May 24, 2009, good luck; noting that he would also be participating. Councillor Blumenthal also noted that the CNIB would be hosting a luncheon at the Marriott on May 13, 2009, and a fundraising dinner for the Canadian Paraplegic Association would be taking place at the Westin on May 19, 2009.

Councillor Harvey indicated that an Imagine Our Schools meeting would be taking place at 7:00 p.m. on May 13, 2009 in the cafeteria at Sackville Heights Junior High School.

Councillor Younger indicated that a workshop on the Main Street Function Plan would be taking place at 6:30 p.m. on May 14, 2009.

Councillor McCluskey congratulated Halifax Regional Police and RCMP on their police display at the Dartmouth Sportsplex the weekend prior. She thanked all who attended; including HRM staff and volunteers. Councillor McCluskey announced that a green gym on Wyse Road would be opening on May 15, 2009, at 1:00 p.m. and invited all to attend. In closing, she indicated that as part of the Dartmouth Commons Study there would be a walk in Dillman Park on May 13, 2009.

Councillor Dalrymple indicated that the Kings Road Private Road Association would be holding a meeting that evening at 7:00 p.m. at the Wellington Fire Station. He also advised that Lost Creek Subdivision would be holding a community meeting regarding playground and park development at the Lost Creek Golf Club at 7:00 p.m. on May 14, 2009.

Councillor Smith indicated that a special meeting of the District 9 Citizen's Association would be taking place at 6:30 p.m. that evening. He advised that he would be leaving Council briefly to attend.

Councillor Watts indicated that a screening of Mad City Chickens would be taking place at 7:00 p.m. on May 13, 2009, in the St. Mary's University Burke Building. She noted that there would be a panel discussion afterwards and that this was a Peninsula Community Council rather than Council initiative. Councillor Watts also wished to draw attention to the International Day Against Homophobia and Transphobia on May 17, 2009.

Councillor Sloane indicated that the 6th annual Scotia Bank Blue Nose Marathon would be taking place from May 15 to 17, 2009. She also announced that the Virgin Festival would be coming to Halifax on July 4, 2009, with performances from the Offspring, Tragically Hip, Dinosaur Jr., Hey Rosetta! and Plants and Animals.

Deputy Mayor Hendsbee indicated that an Imagine Our Schools meeting would be taking place at 7:00 p.m. that evening at O'Connell Drive School. He advised that a documentary on the Life and Times of Clara Goff would be shown at 6:00 p.m. May 14, 2009, at the Black Cultural Centre. Deputy Mayor Hendsbee stated that the Dartmouth Greenhouse Open House would be taking place at 9:00 a.m. on May 23, 2009, at 62 Caledonia Road.

Councillor Mosher thanked all who had attended the Imagine Our Schools meeting on May 11, 2009. She stated that she and Councillor Adams wished to thank Council for their endorsement. In closing, Councillor Mosher advised residents that development maps would be posted on the HRM website the following week.

Councillor Barkhouse thanked the Benevolent Society of Eastern Passage/Cow Bay for hosting the Mother's Day lobster supper on May 10, 2009. She thanked everyone involved in the event.

3. APPROVAL OF MINUTES - April 28, 2009

MOVED BY Councillor McCluskey, seconded by Councillor Blumenthal, that the minutes of April 28, 2009 be approved. MOTION PUT AND PASSED.

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

It was agreed that item 10.3.1 would be dealt with prior to item 8.

It was agreed that item 11.1.1 would be dealt with immediately following item 9.3.

Deletions:

- 9.2 Case 01224 - Amendments to Eastern Passage / Cow Bay Municipal Planning Strategy and Land Use By-Law, Eastern Passage

Additions:

- 13.1 Correspondence - Request for Ceremonial Fly-past - Canada Day Celebrations
- 13.2 Councillor Johns - Rebecca Cohn Parking for Parents of Millwood High Grads
- 13.3 Bedford West Capital Cost Contributions
- 13.4 Contractual Matter - Four Pad Ice Facility
- 13.5 Legal Matter - Settlement of Claim

MOVED BY Councillor Blumenthal , seconded by Councillor Wile, 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

10.3.1 Jeux de l'Acadie

Deputy Mayor Hendsbee assumed the Chair at 6:14 p.m.

On behalf of the organizers of the games in July of 2008; a representative from the Jeux de l'Acadie thanked Council and HRM employees for their support. As a token of appreciation a plaque was presented to Mayor Kelly.

Mayor Kelly assumed the Chair at 6:16 p.m.

9.1 Case H00220 - De-Registration of 170 Exhibition Grounds Road, Middle Musquodoboit (A Municipally Registered Heritage Property)

- An extract of the Regional Council minutes dated March 31, 2009 was before Council.
- A report dated March 10, 2009 from the Heritage Advisory Committee was before Council.
- Correspondence dated April 4, 2009 was before Council.

Ms. Maggie Holm, Heritage Planner, provided the presentation on Case H00220 - De-Registration of 170 Exhibition Grounds Road, Middle Musquodoboit (A Municipally Registered Heritage Property). She provided photos of the building noting that it had been altered over the years and that the structure had become unstable for public use. She advised that structural engineers had indicated that renovations would cost approximately \$150,000 to \$200,000.

Mayor Kelly reviewed the Rules of Procedure for Public Hearings. He called three times for those wishing to speak for or against Case H00220 - De-Registration of 170 Exhibition Grounds Road, Middle Musquodoboit (A Municipally Registered Heritage Property). Hearing none, the following motion was placed:

MOVED by Councillor McCluskey , seconded by Councillor Nicoll, that the public hearing be closed. MOTION PUT AND PASSED.

MOVED BY Councillor Streach , seconded by Councillor McCluskey, that Halifax Regional Council approve the de-registration of Harrison House, 170 Exhibition Grounds Road, Middle Musquodoboit, as shown on Map 1 of the December 15, 2008 staff report.

Councillor Streach advised that federal and provincial funding was in place to construct a new building on that site that would serve as community and exhibition grounds. He indicated that parts of the heritage site would be integrated into the new building so that it would always be remembered.

MOTION PUT AND PASSED.

9.3 By-Law N-200, Respecting Noise - By-Law Exemption Application - Canadian Cancer Society Relay For Life Events

- A report dated April 30, 2009 was before Council.

Superintendent Robin McNeil, provided the presentation on By-Law N-200, Respecting Noise - By-Law Exemption Application - Canadian Cancer Society Relay For Life Events. He advised that letters had been sent to residents living in each zone that the relay would be taking place and no concerns had been raised.

Mayor Kelly reviewed the Rules of Procedure for Public Hearings. He called three times for those wishing to speak for or against By-Law N-200, Respecting Noise - By-Law Exemption Application - Canadian Cancer Society Relay For Life Events. Hearing none, the following motion was placed:

MOVED by Councillor Sloane, seconded by Councillor Karsten, that the public hearing be closed. MOTION PUT AND PASSED.

MOVED BY Councillor McCluskey, seconded by Councillor Sloane, that Halifax Regional Council approve the Canadian Cancer Societies, Relay for Life application for an exemption from the provisions of the noise By-Law pursuant to the contents of this report and any matters raised at the hearing. MOTION PUT AND PASSED.

11.1.1 2009 / 2010 Capital and Operating Budgets

- A report dated March 16, 2009 from the Board of Police Commissioners was before Council.

Mr. Dan English, Chief Administrative Officer, stated that the proposed budgets were balanced and consistent with Council's decision to hold the rate; noting that a report would come back regarding an area rate budget for fire protection. He indicated that staff compliment would grow only in the Council Focus Areas and that an HR Framework

presentation would be coming to Council in September of 2009. Mr. English noted that provisions had been made in the budget for non profit tax exemptions. In closing, he advised that budget books had been printed in limited numbers with the majority being available on CD.

Ms. Cathie O'Toole, Director of Finance, provided the presentation on the 2009 / 2010 Capital and Operating Budgets. Highlights were as follows:

- There will be a 3.9% increase in the municipal budget;
- One off projects cause a spike in the capital budget which makes comparison to the gross budget less meaningful than it used to be;
- Enhancements to service would be included in the budget with \$150,000 being allocated for Barrington Street tax incentives;
- Discussion regarding debt policy provisions would be coming back to Council on May 26, 2009;
- Streets and roads funding was still approximately \$1,500,000 to \$2,000,000 less than what was actually needed;
- It would be more efficient for HRM to fund via reserves rather than from outside debt sources;
- There would be a \$60 increase on the average tax bill.

It was noted that staff were currently reviewing the budget book and would circulate a list of any required amendments on May 26, 2009. Council was advised to please contact staff directly with any questions.

MOVED BY Councillor Streach, seconded by Deputy Mayor Hendsbee, that Halifax Regional Council table the 2009 / 2010 Capital and Operating Budgets as presented without debate and return on May 26, 2009 to commence the process. MOTION PUT AND PASSED.

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 HRM by Design

- A supplementary staff report dated April 2, 2009 was before Council.
- A report dated March 12, 2009 from the Urban Design Task Force Report was before Council.
- A report dated February 19, 2009 from the Regional Plan Advisory Committee was before Council.
- A report dated March 12, 2009 from the Heritage Advisory Committee was before Council.
- A revised staff report dated February 4, 2009 was before Council.
- A copy of the revised Proposed Downtown Halifax Secondary Municipal Planning Strategy was before Council.

- A copy of the revised Proposed Downtown Halifax Land Use By-Law was before Council.
- A copy of the revised Proposed Barrington Street Heritage Conservation District Revitalization Plan and By-Law was before Council.
- A report dated April 28, 2009 from the District 12 Planning Advisory Committee was before Council.
- A Power Point presentation was submitted.
- Proposed Downtown Halifax Urban Design Plan Public Hearing Comments was submitted.

MOVED BY Councillor Blumenthal, seconded by Councillor Watts, that Halifax Regional Council request that a supplementary report be submitted for the June 2, 2009 Regional Council meeting regarding any concerns that were noted at the HRM by Design public hearing or by Council.

Mr. Andy Fillmore, Project Manager for Urban Design, advised Council that three issues would specifically be addressed in the supplementary report; the Turner Drake Report, Downtown Building Heights and Public Hearing Comments.

Regarding the Turner Drake Report; Mr. Fillmore advised that the report had been commissioned as a result of stake holders' concerns over whether HRM had enough building capacity. He stated that the draft report had been released to the public and the Urban Design Task Force in December of 2008. He noted that it had then been held up and the steering committee had since agreed that the findings were accurate for the next four years.

Mr. Fillmore provided a 3D model of both the old policy and proposed HRM by Design view planes from Citadel Hill.

The Councillors noted the following items that they would like addressed in the supplementary report:

- If it was possible to increase sustainability in HRM by Design;
- Clarification regarding how Council was able to override decisions made by the Design Review Committee;
- Staff's comments on the 2007 Hazelton Report;
- Time frames for the Functional Plans that were to be part of HRM by Design in the future including transportation, sustainability, affordable housing and the parking strategy;
- The bringing forward of the additional two heritage conservation districts including time frames for moving forward;
- That any amendments dealt with should indicate if they were substantive or not as they could trigger an additional public hearing;
- What impact the four grandfathered Development Agreements would have on other view planes;

- Comments on whether it was better to include energy plans in the local HRM by Design plan or in the Regional Plan;
- If the change in as of right heights from 45 feet to 72 feet would be substantial.

Mr. Fillmore requested that Councillors send any additional questions or amendments they wished to include in the supplementary report to him by Friday, May 15, 2009.

MOTION PUT AND PASSED.

9. PUBLIC HEARINGS

9.1 Case H00220 - De-Registration of 170 Exhibition Grounds Road, Middle Musquodoboit (A Municipally Registered Heritage Property)

This item was dealt with earlier in the meeting. Please see page 6.

9.2 Case 01224 - Amendments to Eastern Passage / Cow Bay Municipal Planning Strategy and Land Use By-Law, Eastern Passage

This item was deleted from the agenda under the Approval of the Order of Business.

9.3 By-Law N-200, Respecting Noise - By-Law Exemption Application - Canadian Cancer Society Relay For Life Events

This item was dealt with earlier in the meeting. Please see page 7.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - None

10.2 Petitions - None

10.3 Presentation

10.3.1 Jeux de l'Acadie

This item was dealt with earlier in the meeting. Please see page 6.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 2009 / 2010 Capital and Operating Budgets

This item was dealt with earlier in the meeting. Please see page 7.

11.1.2 Additional Advanced Funding for the 2009 / 2010 Capital Budget - Streets and Roads, Sidewalks and Curbs

- A report dated May 1, 2009 was before Council.

MOVED BY Councillor Uteck, seconded by Councillor Karsten , that Halifax Regional Council:

1. **Approve an additional amount of \$5,014,000 in advanced budget for Streets and Roads, and Sidewalk Capital Projects as listed in Attachment “A” of the report dated May 1, 2009. The additional request will bring the advanced capital budget approval from 50% to approximately 75% of the total proposed budget for 09/10.**
2. **Approve the list of 2009/10 Streets and Roads Capital Projects as identified in Attachment “B” of the report dated May 1, 2009 which are to be funded from previously approved budgets.**

Councillor Mosher advised, for the record, that Purcell’s Cove and Purcell’s Cove Road were two different areas, therefore, the report should state Purcell’s Cove Road for clarity.

MOTION PUT AND PASSED.

11.1.3 Funding - Sackville Landing Boardwalk

- A report dated May 1, 2009 was before Council.

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

- 1) **Approve an increase to the gross capital budget to provide for the capital repair costs to one of the major pedestrian thoroughfares within the Sackville Landing site, and**
- 2) **Approve the transfer of \$100,000.00 from CRESSPOOL AND CAPPOOL to fund the project as per the budget implications of the report dated May 1, 2009.**

MOTION PUT AND PASSED.

11.2 HERITAGE ADVISORY COMMITTEE

11.2.1 Case H00226 - Application to consider 7910, Highway #7 Musquodoboit Harbour, as a Municipally Registered Heritage Property

- A report dated April 28, 2009 from the Heritage Advisory Committee was before Council.

MOVED BY Councillor Nicoll, seconded by Hendsbee, that Halifax Regional Council set a date for a heritage hearing to consider the application for June 23, 2009. MOTION PUT AND PASSED.

12. MOTIONS

12.1 Councillor Nicoll

MOVED BY Councillor Nicoll, seconded by Deputy Mayor Hendsbee, that staff prepare a report to Council with possible options to modify the transit tax structure and/or boundaries chosen by Council on April 28, 2009 (Option 6b) to address some of the anomalies and concerns raised subsequent to Council's decision. The option should be complimentary and not deviate from the spirit or intent of Option 6b. Further, the options to be brought back for this year's budgetary discussions. MOTION PUT AND PASSED.

12.2 Councillor Adams

MOVED BY Councillor Adams, seconded by Councillor Harvey, that Halifax Regional Council amend HRM's tendering policy to allow the Chief Administrative Officer the ability to award tenders up to \$500,000, consistent with the other provisions of the policy.

It was noted that the last time this policy was changed was on September 15, 2005.

MOVED BY Councillor Mosher, seconded by Councillor Hum, that Halifax Regional Council defer this item and refer it to the Audit Committee for a report.

It was noted that if the main motion was approved the CAO would provide details of awarded tenders as information items in the weekly Council package.

Councillor Mosher advised that she wished to ensure that a report came forward regarding best Canadian practices. Ms. O'Toole indicated that staff was awaiting discussion with the Audit Committee, however, they did have several reports drafted for Council.

A vote was taken on the deferral. **MOTION DEFEATED**

A vote was taken on the main motion. **MOTION PUT AND PASSED.**

13. ADDED ITEMS

13.1 Correspondence - Request for Ceremonial Fly-Past - Canada Day Celebrations

MOVED BY Councillor McCluskey, seconded by Councillor Blumenthal that Halifax Regional Council grant permission to 12 Wing Shearwater for a fly past over HRM. MOTION PUT AND PASSED.

13.2 Councillor Johns - Rebecca Cohn Parking for Parents of Millwood High Grads

MOVED BY Councillor Harvey , seconded by Councillor Rankin that Halifax Regional Council request a recommendation report on the subject of parking arrangements for parents attending the Millwood High School graduation ceremony at the Rebecca Cohn auditorium. MOTION DEFEATED.

13.3 Bedford West Capital Cost Contributions

The following item was approved at the Committee of the Whole session held earlier in the day and was now before Council for ratification:

MOVED BY Councillor Outhit, seconded by Councillor Lund, that Halifax Regional Council:

- 1. Give First Reading to the amendments to the Regional Subdivision By-law and the Municipal Planning Strategies for Bedford; Halifax; and Beaver Bank, Hammonds Plains and Upper Sackville as presented in Attachment A of the staff report dated April 20, 2009.**
- 2. Schedule a public hearing.**
- 3. A Supplementary Report be provided to Council prior to the public hearing.**
- 4. Approve the amendments presented in Attachment A of the staff report dated April 20, 2009.**

MOTION PUT AND PASSED.

13.4 CONTRACTUAL MATTER - FOUR PAD ICE FACILITY

The following item was approved at the In Camera session held earlier in the day and was now before Council for ratification:

MOVED BY Councillor Outhit, seconded by Councillor Rankin, that Halifax Regional Council:

- 1. Approve the Guaranteed Maximum Price of \$36.28 Million to accommodate additional seating plus land cost.**
- 2. Authorize the Mayor and Municipal Clerk to enter into the Design Build contract with Ellis Don subject to Phase 2 only proceeding when the necessary Stimulus Funding is secured.**
- 3. Authorize the Mayor and Municipal Clerk to enter into the Operating contract with Nustadia.**
- 4. Include the identified pre-construction design work in Phase 1.**

It was requested that the motion be split.

MOVED BY Councillor Outhit, seconded by Councillor Rankin, that Halifax Regional Council approve the Guaranteed Maximum Price of \$36.28 Million to include accommodation additional seating plus land cost. MOTION PUT AND PASSED.

MOVED BY Councillor Outhit, seconded by Councillor Rankin, that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into the Design Build contract with Ellis Don subject to Phase 2 only proceeding when the necessary Stimulus Funding is secured. MOTION PUT AND PASSED.

MOVED BY Councillor Outhit, seconded by Councillor Rankin, that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into the Operating contract with Nustadia. MOTION PUT AND PASSED

MOVED BY Councillor Outhit, seconded by Councillor Rankin, that Halifax Regional Council include the identified pre-construction design work in Phase 1. MOTION PUT AND PASSED.

13.5 LEGAL MATTER - SETTLEMENT OF CLAIM

The following item was approved at the In Camera session held earlier in the day and was now before Council for ratification:

MOVED BY Councillor Rankin, seconded by Councillor Wile, that Halifax Regional Council:

1. **Settle the claim brought by the Plaintiff in the amount of \$25,000.00 to achieve a full settlement of the Plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of the incident of April 10, 1997.**
2. **Not release the Private and Confidential report dated May 6, 2009 to the public.**

MOTION PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor McCluskey

Take notice that at the regular meeting of Regional Council to be held on Tuesday, June 2, 2009, I intend to introduce a motion to approve that St. George's Lane, Dartmouth, be made a one way street.

15. ADJOURNMENT

The meeting was adjourned at 8:12 p.m.

Julia Horncastle
Acting Municipal Clerk

The following items were added as information:

1. Proclamation - International Day Against Homophobia and Transphobia - May 17, 2009
2. Proclamation - National Public Works Week - May 17-23, 2009
3. Memorandum from Director, Transportation & Public Works dated May 1, 2009
re: National Public Works Week - May 17-23, 2009
4. Memorandum from Director, Finance dated May 12, 2009
re: Guidelines - HRM Spending During Municipal, Provincial or Federal Elections
5. Memorandum from the Acting Municipal Clerk dated May 8, 2009
re: Requests for Presentation to Council - Jeux de l'Acadie