

HALIFAX REGIONAL COUNCIL
MINUTES

September 15, 2009

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

REGRETS: Councillor: Dawn Sloane
Mayor Peter Kelly

STAFF: Mr. Wayne Anstey, Deputy Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Cathy Mellett, Acting Municipal Clerk
Ms. Chris Newson, Legislative Assistant

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1. INVOCATION

Deputy Mayor Hendsbee called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Watts.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Ms. Cathy Mellett, Acting Municipal Clerk, announced the upcoming Special Municipal By-Election to elect a Councillor for District 6 East Dartmouth - The Lakes. She noted that advance polls were held. Electronic and telephone voting options were available.

Councillor Uteck announced the upcoming breast cancer research fundraiser, *Bras Across the Bridge*, organized by the Halifax Harbour Bridgers in partnership with C-100 Radio and Samuel & Co.

Councillor Watts extended an invitation for everyone to attend the upcoming Quinpool Road Fall Fair. She announced the Great Canadian Shoreline Clean-up and encouraged all to view the website for details. She also announced that a Rowing Regatta would be held at St. Mary's Boat Club on Saturday.

Councillor Mosher entered the meeting at 6:03 p.m.

Councillor Lund announced that major renovations had been completed at the St. Margaret's Centre and that a ceremony would be held on Sunday to rename the Centre the Danny Smith Centre in recognition of Mr. Smith's volunteer contributions to the community. The Nova Scotia Junior Hockey game would follow with all proceeds donated to the Memorial Scholarship Fund for students of the Sir. John A. MacDonald High School. He announced a fundraising dance for the Epilepsy Association to be held on Saturday at the Shore Club, Hubbards.

Councillor Mosher thanked all volunteers and HRM staff for two recently held community parties: *Stoneridge on the Park* and *Revelry on Retreat* which celebrated its 33rd consecutive year.

By request of Councillor Blumenthal, Council observed a moment of silence in honour of Mr. Eric Davidson, a survivor of the Halifax Explosion, who recently passed away.

Councillor Barkhouse announced the upcoming meetings of the Eastern Passage/Cow Bay Athletic Association and the Lynn Drive Neighbourhood Watch meeting. She reminded everyone of the upcoming Atlantic Film Festival and the GO NORTH studio and Gallery Tour event.

Councillor Nicoll thanked all who supported and participated in the recent Cole Harbour Harvest Festival.

Deputy Mayor Hendsbee announced the annual Canadian Cancer Society's Marine Drive Chapter fundraiser, Treasurers in the Trunk flea market to be held at the Porter's Lake Superstore on September 19th and the upcoming Annual General Meeting of the Black Cultural Society to be held at the Black Cultural Centre in Cherry Brook.

3. APPROVAL OF MINUTES - None

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

- Additions:
- 13.1 Correspondence - Request for Ceremonial Fly-Past - Alexander Keith's Birthday Celebration
 - 13.2 Long Lake Provincial Park - Councillor Adams

MOVED BY Councillor McCluskey, seconded by Councillor Adams that the order of business, as amended, be approved. MOTION PUT AND PASSED.

Council agreed to deal with Item 13.1 at this time.

13.1 Correspondence - Request for Ceremonial Fly-Past - Alexander Keith's Birthday Celebration

- A letter from Ms. Emily Peaker, Program Coordinator, Alexander Keith's Birthday Celebration, was before Council.

MOVED BY Councillor Blumenthal, seconded by Councillor Wile that Halifax Regional Council grant the Canadian Air Force request for a fly-by for the Alexander Keith's Birthday celebration on October 5, 2009 from 5:30 p.m to 10:30 p.m. in the vicinity of the Keith's Brewery on Lower Water Street, Halifax. 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

9.1 Case 01162 - Development Agreement, Hollis & Morris Streets

- A copy of the July 17, 2009 Supplementary Staff Report was before Council.
- A copy of the Heritage Advisory Committee Report dated July 16, 2009 was before Council.
- A copy of the District 12 Planning Advisory Committee Report dated June 29, 2009 was before Council.
- A copy of the June 15, 2009 Supplementary Staff Report was before Council.
- A copy of the May 13, 2009 Staff Report was before Council.
- An extract of the August 11, 2009 minutes was before Council.
- A copy of the Supplementary Report dated July 17, 2009 was before Council.
- A copy of the PowerPoint presentation was before Council.

The following persons provided written submissions in regard to Case 01162: Tipper McEwan, Larry Smith, Ulrich Lobsiger and Dr. Petra Mudie.

Mr. Richard Harvey, Senior Planner, presented the report. Following the presentation, Deputy Mayor Hendsbee clarified that the proposed development had been grand fathered under the Halifax Municipal Planning Strategy prior to HRMbyDesign being adopted by Regional Council, therefore; the Halifax Municipal Planning Strategy would be the rules that would apply for this particular application.

Mr. Harvey responded to questions of clarification from Members of Council as follows:

- At this stage in the process, there would be more detailed discussion between the Developer and Nova Scotia Power in regard to underground wiring. Currently, the undergrounding would be for the portion of sidewalk area abutting the development site.
- The development site does fall within the recently approved boundaries of the HRMbyDesign area. The development area was grand fathered-in to the previous Municipal Planning Strategies during the HRMbyDesign boundary discussions.
- The height limitation for the development area would be 100', a difference of 30' from the HRMbyDesign limitation of 70'.
- In regard to policy context for external material, the red tinted glass balconies were not a concern as they would be located above the street level. The building would be located in an area comprised of heritage buildings that also have a colourful pallet.

- There was no public art requirement in the Municipal Planning Strategy.
- There were no bonus conditions related to undergrounding or public art.
- The absolute height was not contained in the Municipal Planning Strategy.
- The city wide economic policy was a consideration as the property in question was located in the southern, waterfront Secondary Plan area.
- The District 12 Planning Advisory Committee discussed the proposed development over two meetings without reaching a conclusive decision, however; staff did take guidance from their comments.

Ms. Mary Ellen Donovan, Municipal Solicitor, in response to Councillor Karsten, advised that Council would base its decision on the policies currently in place, however; in regard to the proximity of the proposed development property to the HRMbyDesign boundaries, contextually, those comments would be relevant.

Deputy Mayor Hendsbee explained the rules and procedures for public hearings then opened the public hearing calling for any speakers for or against the proposal.

The Developer declined the opportunity to provide opening remarks.

Jason Pelly, Halifax, Sustainability Consultant not associated with the proposed development, explained that in terms of energy, an existing building would be the greenest building due to its imbedded energy. Buildings are built to meet the needs of the community and the economic reality. Since the early 1900's the existing building had been modified and expanded within the context of the economic reality at the time. He acknowledged that one existing, free standing building did have cultural significance and that setting money aside to save or move irreplaceable buildings of such historical interest should be considered, if not, the long term impact would be that the last historical building would be knocked down. The proposed development does address the current economic reality of the area and a vibrant downtown was needed.

Elias Metlej, Halifax, advised that his family owns and operates a business across the street from the proposed development and that he was a former member of the HRM Heritage Advisory Committee. He indicated his support for the proposal as the development would improve the quality of the streetscape and neighbourhood as a place to live. He expressed confidence that the proposed building would be a well-built, quality building.

Peter Delefes, Head of St. Margaret's Bay, President of Heritage Trust of Nova Scotia, noted that the Developer has carried out fine developments in the city that have reinforced design elements found in the surrounding historic structures and contain architectural features that enhance the overall attractiveness of the buildings. He noted Heritage Trust's concerns with the present proposal as follows:

- the proposed ten (10) storeys, in particular the five (5) storey tower, was too high

- for the historic area and the surrounding Georgian style neighbourhood;
- Heritage Trust requested that the height be lowered to a maximum of 70' as the clear intent of the HRMbyDesign process was for lower buildings in this area;
- the base portion of the building, minus the five storey tower, would be most appropriate for Morris and Hollis Street.

Mr. Delefes noted the historic significance of the southeast corner of Morris and Hollis Street and its association with Mr. Charles Morris after whom Morris Street was named. Although it would be unrealistic to expect the existing Victoria Apartment building to be restored to its former elegance, Heritage Trust would like to see some parts of the historic area preserved and incorporated into the new development, specifically the Charles Morris structure and the Rhuland building with its unusual bell cast tower. The buildings were rated for purposes of Heritage Designation in 1988 but unfortunately were never designated. If the existing buildings could not be incorporated into the proposed development, Heritage Trust suggested that they be moved.

Joanne MacRae, Halifax, a current resident of the development property, advised that she was in support of the proposal. Ms. MacRae explained that although she was sad to be losing her home she recognized the wonderful opportunity the proposed development would offer in regard to attracting more people to live in the area and help the city come alive. The development was located near Cornwallis Park, the gateway to the city for those arriving by cruise ship. She commented that development also had to take people into consideration and that it was important for the community to come together for a collective grieving process for the existing building and then move forward to welcome the new. She extended an invitation to everyone to attend the October 24th Street Festival to celebrate the life of the existing building and its cultural impact on the city that extended far beyond its architectural form.

Kathleen O'Donovan, Halifax, advised that she was a resident of the district and was in support of the proposed building. Ms. O'Donovan noted that heritage was important, however; the existing building could not be saved. She acknowledged that new buildings had revitalised the area including the addition of new restaurants that marries the old with the new. She noted that you now see people walking in the area. Although not in favour of ten storey buildings, she noted that the proposed building height was within the guidelines and restrictions.

Victor Syperek, Halifax, advised that he was a former resident of the existing building and a current resident in the district. He objected to the height of the tower as it was too high.

Elizabeth Pacey, Halifax, explained the historical significance of the proposed

development area such as the Georgian neighbourhood and the existing building that was once residence to Mr. Charles Morris. She expressed concern with the height of the proposed development as it would be too high and bulky in relation to the two-storey Georgian style of the area. She referenced Policy 2.3.3.2 and 2.3.3.3, which speaks to low rise residential, indicating that the policy had been used to have the height of the Bishop's Landing development lowered from nine (9) storeys to five (5) and seven (7) storeys to ensure there would be less of an impact and contrast to the area. She also referenced Policy 5.6.1 in regard to reinforcing the proportion of historic buildings in the neighbourhood. She noted that the existing Charles Morris building should have been provided provincial registered heritage status and preserved along with the neighbouring Rhuland House with the bell cast roof and both buildings should now be saved at all cost.

Don Secord, Halifax, Operator of Jazz Deli Café located across the street from the proposed development. Mr. Secord advised that he was in support of the development as the current building was an eyesore. He noted that there have been exciting changes in that end of the city, including renovations to the Halifax Port Corporation and Nova Scotia Power Corporation properties, that have provided an incentive to make the area more attractive. Enabling residents to live close to where they work and go to school would be an environmental reason to support the proposed development along with the significant economic impact that would result from a new apartment complex in the area. The development would be in the best interest of the neighbourhood and Halifax.

Sam Austin, Halifax, a recent resident of the Victoria Apartment building, advised that he was in support of the proposal as the existing buildings were in rough shape. His main concern was in regard to the public participation/notification process. Referencing Section 9.3.3. of the Municipal Planning Strategy in regard to Outreach for Inclusiveness, he raised the following points:

- residents of the proposed development area were reflected in Section 9.3.3 as most area residents were young people of lower income who would not typically participate in this forum.
- the Developer held a public information meeting at the local Superstore in advance of the HRM meetings but the tenants, who would be directly affected, were not invited to the meeting. He was informed of the meeting by a co-worker who lived across the street and had received a notice in her mail. The City has a role in safeguarding the greater interest.
- the City placed a sign on the side of the existing building with the Municipal Planner's telephone number to call for information on the development. This type of notification was inadequate.
- information on the HRM website did not contain pictures of the proposed development, therefore; some members of the public may interpret "redevelopment" to mean "restore" and not realize that it actually meant "to tear

down and start new”.

- only inviting property owners to meetings was a very archaic and dated way to look at participation. Citizenship is not about how much property you own; renters are also part of the community and should not be excluded overtly or by omission. He noted that he received an HRM Newsletter in his mail in regard to green bins/composting but no notice that his “mailbox” was about to be demolished.

Mr. Austin encouraged HRM to have more participation to fully involve all participants and not just those who had wealth in property.

Alex Bryant, Halifax, advised that she was in support of the project as it would drastically improve the quality of the neighbourhood. The existing block could be seen as an urban blight. She bought into the area as she saw the ultimate promise of the undeveloped land in the downtown core. The proposed development has the potential to bring more people to the area resulting in more people walking on the street and enjoying quality of life.

Jim McFadygen, Halifax, advised that he was in support of the proposed development as he considered the current condition of the site to be a dangerous situation. In regard to the historic significance of the area, he suggested that a plaque be attached to the building or in the area to recognize the historic significance of the area.

Kim Thompson, Halifax, commented that encouraging natural building systems and the real cost of building today becomes a challenge when trying to work with the natural heritage, built heritage and environmental challenges. She suggested that this development be used as a model and test case for what could be done with the on site buildings to adapt them by being creative without being confrontational. Ms. Thompson commented that there was a growing interest in moving historical buildings in an affordable way and that there were many historical buildings across the province that needed to be protected. She encouraged developers to look at green building potential and incorporating more heritage principles in their developments.

Beverly Miller, Halifax, requested that Regional Council not approve the development without significant changes and considerations such as:

- incorporating the two early 19th century buildings on the south end of the Hollis Street lot into the project.
- that the proposed ten (10) storey aluminum tower with pink and red balconies violates the restrictions of the current Municipal Planning Strategy in regard to height and Policy 5.6.1 that requires the exterior design of new buildings to be complimentary to existing buildings.

- consider “landmarks” not “landfills” as the environmental impact of taking an entire block of buildings, putting them in the landfill, and reconstructing buildings on that site should be considered. The embodied energy in those buildings would be lost along with the local building materials and craftsmanship that went into their construction. There would be the potential for the new buildings to be built with foreign, imported materials. Heritage Trust encourages “landmarks” not “landfills”
- consider the reasons why the heritage buildings were not registered when the matter came before Regional Council.
- that there be some investigation as to why the building was left to deteriorate to the extent that it has as property owners are required to keep up their property.

Jonathan Morasky, Halifax, advised that most of the history of the area has been very well documented and recorded in books and other forums. He noted that it was up to Council how it would allocate its limited resources. Referring to the Magna Carta, Mr. Morasky explained that property ownership encompasses the dominion and control over the property to do with what would be in the owners determination of best use. The developers associated with the project have decency, acuity and grace with proven works. He noted that the red/pink balconies would be very pleasing to the growing Chinese population in the area and suggested that the new Canadian’s perspective also be taken into consideration. Other issues related to development have to be taken into account such as the City’s budget process; taxes raised as a result of the building and the income generated from monies paid to the providers who would serve the building from its outset through its life. He suggested that HRM plan now for preserving what can be preserved.

Ezra Edelstein, Halifax, commented that history does not need to be represented only in a physical way through the preservation of buildings as history could be represented/documentated in other ways such as sharing memories. Mr. Edelstein explained that the existing buildings were not built to last 100 years; they were built cheaply and fast and will rot/dry out and fall down. He referenced language used in a documentary on development that referenced “renewal” rather than “development” or “demolition”.

Louis Lawen, Representative of Dixel Developments Limited, Applicant, thanked everyone for their comments, in particular, the Heritage Trust for their history of the area. He requested Regional Council’s support for the project. Mr. Lawen volunteered to add into the development agreement a commitment to include some form of public art in recognition of historic figure Charles Morris and the historic significance of the area. He advised Council that, if the proposal were approved, development would commence immediately.

Deputy Mayor Hendsbee called three times for any additional speakers; hearing none,

it was **MOVED BY Councillor Johns, seconded by Councillor Wile that the public hearing be closed. MOTION PUT AND PASSED.**

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

- 1. Approve the development agreement, as contained in Attachment “A” of the July 17, 2009 Supplementary Staff report; and**
- 2. Require that the development agreement be signed and returned within 120 days, or any extension thereof granted by Regional Council on request of the Developer, from the date of final approval by Regional Council or any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Uteck commented that a delineation of heritage was required in regard to new buildings as replicating heritage aspects into new buildings would result in those buildings no longer being heritage. She noted that it was unfortunate the existing buildings had not been registered as heritage properties and that they have deteriorated. In regard to references to Policy 2.3.3 and the lowering of the height of the Bishop’s Landing development, she clarified that the matter had gone to the Supreme Court of Nova Scotia for approval. She noted that the proposal before Council was in the planning stage prior to the HRMbyDesign process and that Council was obligated to follow the previous rules for this particular development. Councillor Uteck commented that there were great points raised in regard to public participation that should be taken into consideration by staff and Council. In regard to the comment “landmarks not landfill”, Councillor Uteck clarified that HRM was leading the country with 90% of construction material being recycled or reused. She commented that overall the proposed project will be an attractive, beautiful property that will revitalize the area. She encouraged Council to start planning now for how they will deal with future heritage properties and perhaps consider the matter during budget deliberations as the \$5,000 offered through the Heritage Improvement Program was not sufficient. The question now before Council was to decide whether the project met the requirements of the Municipal Planning Strategy and accomplished the Land Use By-Law and intent of future plans for the area. Councillor Uteck advised that she was in support of the development.

Councillor Hum noted that she had mixed views on the development but was in support of the project as it met the principles of the Regional Plan and would create a vibrant community that would attract people to the downtown. She expressed concern with the exterior construction material and the overall look of the proposed building while supporting the efforts to green the building through underground wiring, use of geothermal technology and the proposed plans for handling greywater. Councillor Hum

noted the public comments in regard to the current notification process and agreed that it was an area for improvement as all residents, not only property owners, should be incorporated into the process.

Council recessed at 7:45 p.m.

Council reconvened at 7:54 p.m.

Councillor Blumenthal commented that he was in support of the proposal as it would build the density of old Halifax and the city would be growing again. He expressed support for the innovative ideas incorporated into the development such as geothermal energy and underground wiring and the commitment of the Developer to incorporate public art in the development.

Councillor Watts advised that she was in support of the efforts of the Dixel Developments Limited but was not in support of the proposal due to issues with policy 2.3.3.3 in regard to low rise residential development and the character in the Municipal Planning Strategy and 5.6.1 regarding new buildings being complimentary. The development does not fit with the intent of the policy. She explained that the issue is not just saving the buildings but saving the districts. The HRMbyDesign process did that. Lower building heights would be more in keeping with the surrounding community. This development does not meet either HRMbyDesign or the former Municipal Planning Strategy. Councillor Watts requested that the public comments made by Mr. Austin be forwarded to the Municipal Solicitor and Director fo Community Development for comment on how those suggestion could be initiated and become part of the process. She encouraged Council to consider an alternative development for this site.

Councillor Harvey noted that the preferable outcome would have been for the Victoria Apartment building to have been refurbished over the years and saved along with the Morris and Rhuland homes, however; HRM does not have a policy to support that and no one has come forward from the private sector to do anything. The planning policies that an appeal could be based on were not strong enough to turn the proposal down. He indicated his support for the motion and welcomed the willingness of the Developer to recognize the historic significance of the area and the Morris family.

Councillor Outhit commented that he did not like the look of the building, however; the issue before Council was whether the proposal met the policies and whether it was reasonable for economic and development reasons. Council has to do its best to grow a vibrant, diverse community. Councillor Outhit noted that he appreciated the fact that the Developer was open to moving the building if the opportunity arose and that recognition of the historic significance of the area would be incorporated into the Development Agreement. He expressed concern with the lack of a decision from the District 12 Planning Advisory Committee for the second time and requested that the

matter be investigated to determine why the Committee was unable to reach a decision and that the issue be rectified. Councillor Outhit advised that he wanted the benefit of a recommendation from both the Heritage Advisory Committee and the Planning Advisory Committee. He advised that he would support the project to keep the downtown moving forward.

Councillor Streach thanked the Developer for coming forward during a period of economic downturn and investing in the City. He concurred with a comment from a member of the public in regard to the property owners right to do with their property as they see fit. He advised that he was in support of the proposal.

Councillor Mosher commented that Council was elected to develop and formulate policy. She noted that some areas of HRM have been developing, such as the Chebucto Community Council area which had a new district added due to the increased density, while the downtown had been experiencing urban decay. HRM wants and needs its residents to live downtown due to outlying development issues such as traffic and road widening concerns. She explained that the Crime Prevention Through Environmental Design (CEPTED) principles advise people that natural surveillance (people living, walking and enjoying the area) would decrease the crime rate as people would be involved in their community. Councillor Mosher advised that she was in support of the development and thanked the Developer for committing to commence the project immediately and for incorporating recognition of the historical significance of the area into the development.

MOVED BY Councillor Uteck, seconded by Councillor Outhit that the motion be amended to incorporate in the development agreement the verbal commitment of the Developer, given during the September 15, 2009 Public Hearing, to include recognition of the historical significance of the existing buildings through public art or a commemorative plaque. MOTION TO AMEND PUT AND PASSED.

The motion, as amended, now reads as follows:

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

- 1. Approve the development agreement, as contained in Attachment "A" of the July 17, 2009 Supplementary Staff report and as amended on September 15, 2009 to incorporate the verbal commitment of the Developer to include recognition of the historical significance of the existing buildings through public art or a commemorative plaque; and**
- 2. Require that the development agreement be signed and returned within 120**

days, or any extension thereof granted by Regional Council on request of the Developer, from the date of final approval by Regional Council or any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

MOTION PUT AND PASSED.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS - NONE

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Temporary Borrowing Resolutions and 2009 Fall Debenture

- A report dated September 8, 2009 was before Council.

MOVED BY Councillor Uteck, seconded by Councillor Karsten 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 6.5%, to enable the Halifax Regional Municipality to issue a 10-year debenture in the amount of \$6,500,000.**
- 2. Approve a Temporary Borrowing Resolution in the amount of \$38,865,045 for financing of the debt funded portion of the Approved 2009/10 Capital Budget.**
- 3. Approve a Temporary Borrowing Resolution in the amount of \$6,364,000 for renewal of the expiring Temporary Borrowing Resolution 2005/06-02.**
- 4. Approve a Temporary Borrowing Resolution in the amount of \$13,543,000 for renewal of the expiring Temporary Borrowing Resolution 2007/08-01.**

MOTION PUT AND PASSED.

11.1.2 Bottled Water

- A copy of the PowerPoint presentation was before Council.
- A staff report dated August 6, 2009 was before Council.

Mr. Richard McLellan, Procurement Lead Service Delivery, presented the report.

MOVED BY Councillor Watts, seconded by Councillor Barkhouse that whereas testing results have deemed that the water in City Hall meets Canadian Drinking Water Guidelines, it is recommended that Halifax Regional Council:

- 1. Improve the drinking water sources, including the public drinking fountain, at City Hall to a standard of suitable pressure, temperature, hygiene and aesthetics, and phase out the purchase and distribution of bottled water at this location.**
- 2. Endorse the HRM Corporate Catering and Meeting guidelines document and ask HRM business directors to request staff to implement the guidelines.**
- 3. Endorse the staff action plan outlined in the report dated August 6, 2009.**
- 4. Defer deliberation on restrictions of the sale of bottled water from HRM Facility vending machines, and the use of office water coolers, until completion of the staff action plan.**

Councillor Watts explained that the intent of the motion was to ensure HRM remained on track as a leader in sustainability. She noted that many residents of HRM were championing the cause to ensure greater environmental sustainability through the reduction of transportation and life cycle costs associated with producing a bottle of water. Councillor Watts commented that HRM should acknowledge the source of water in its community, Halifax Water, as they do a great job in providing a good resource.

Councillor Rankin advised that he was in support of the motion. He clarified that the intent was not for a ban on bottled water; the intent was to provide the municipality's own resource of potable water in municipal facilities. The motion would send the message to the public that HRM supports its own product, potable water, and would assist in providing equitable access to the public right to clean drinking water. A person would still be permitted to bring bottled water into City Hall, however; the municipality would endorse the alternative which would be access to public water.

Councillor Mosher concurred that everyone has the right to potable drinking water. She noted that HRM recreation facilities, including the rural areas, should have potable water available. In order to meet the true intent of the motion to reduce the carbon footprint, she requested that the motion be expanded to include all bottled beverages, such as pop and juice, and that the phase out include vending machines located in HRM facilities.

Councillor Wile clarified that the motion by the Federation of Canadian Municipalities (FCM) was intended for the government of the municipalities not the general public.

She noted that people would still be able to buy water wherever and whenever they wished as the intent was not for a public ban on the purchase of bottled water.

Councillor Wile expressed concern with the possibility of bacteria on public drinking fountains.

Councillor Karsten clarified that other municipalities considering the implementation of the Federation of Canadian Municipalities (FCM) motion to ban bottled water have only achieved a 30% diversion rate whereas HRM has close to an 80% diversion rate.

Councillor Dalrymple noted that he could not support the motion while 80% of his residents had no choice but to use bottled water. He advised that he would not support spending money to ban bottled water until the water boundaries were extended to those areas that currently do not have water service. He expressed the following concerns: risk for contaminants in wells; lack of a staff action plan for increasing the availability of tap water in HRM facilities, and; the budget implications associated with the plan.

Councillor Hum advised that she was in support of the initial phase out of bottled water at City Hall but was not in support of a complete ban on bottled water. She explained

that people should have a choice as there were residents who could not drink municipal water due to chemical sensitivities. Due to the heightened concern around colds and flu, she expressed concern with the only option at City Hall being the public drinking fountains. Councillor Hum suggested that the economic impact on businesses also be considered. She also noted that the catering services often provide styrofoam plates and cups and that those items should be considered along with the bottled water in the catering guidelines.

Councillor Outhit advised that he was in support of phasing out the purchase and distribution of bottled water at City Hall and agreed that the action would set a good example. He expressed concern with extending the ban to vending machines in HRM facilities as it may increase the consumption of pop/juice.

Councillor Barkhouse clarified that the motion was not to ban bottled water; the motion was that City Hall would no longer provide bottled water. She noted that further deliberation on restrictions to vending machines in HRM facilities had been deferred.

Councillor Streach commented that if HRM wanted to send a message the message should be that HRM has a great waste diversion program and great water so start drinking municipal water. He added that he was not sure what would be accomplished by taking away options.

Councillor Lund advised that he was in support of not providing bottled water at City

Hall. He noted that the wording in the recommendations was to “phase out” not to “ban” the distribution of bottled water. He expressed concern with not providing the option of bottled water at sport facilities as people would be forced to choose an alternative that may be worse for their health. Councillor Lund expressed concern with dispensing unit contamination and noted that the public would have to be advised to use their own container and not drink directly from a public fountain. Temperature and odour of the water would also have to be reviewed. He requested information on the cost of providing routine sampling of water quality and the operational cost for one time sampling for the public drinking water. He suggested that each facility be dealt with separately and that alternatives be considered over time as many communities do not have potable water.

Councillor Nicoll commented that she would prefer to have options and would not be in support of an all out ban on bottled water.

In response to Councillor Hum’s request for clarification, Mr. Phil Townsend, Director, Infrastructure and Asset Management, advised that Council would have to define “ban”. The staff recommendation currently before Council was that bottled water would not be purchased, provided or distributed at City Hall, however; people could bring a bottle of water into City Hall for their own consumption.

Councillor Watts advised that an education campaign was needed including signage in public buildings. She noted that not purchasing bottled water would be a lifestyle change requiring a person to make choices.

In response to Councillors Adams and Outhit for clarification on whether City Hall actually spends \$20,000 annually for bottled water, Mr. McLellan explained that of the \$60,000 spent per year on bottled water 1/3 of that cost was allocated to City Hall for a total of approximately 100,000 bottles per year. Mr. Wayne Anstey, Deputy Chief Administrative Officer, noted that the figures for City Hall would also include water used for meetings at other facilities and catered events.

Councillor Adams advised that the funds used to purchase bottled water at City Hall were not tax payers dollars. Stipends paid to Councillors serving on external Boards and Committees were used to pay for bottled water.

Councillor Mosher requested a recorded vote.

Deputy Mayor Hendsbee noted for the record that he would be voting from the Mayor’s Chair.

Those voting in favour of the motion were Councillors: Barkhouse, Blumenthal, Harvey,

Karsten, Lund, McCluskey, Nicoll, Outhit, Rankin, Smith, Uteck, Walker, Watts, Wile and Deputy Mayor Hendsbee.

Those voting against the motion were Councillors: Adams, Dalrymple, Hum, Mosher and Streach.

Those absent for the vote were Councillors: Johns, Sloane and Mayor Kelly.

MOTION PUT AND PASSED.

11.2 MEMBERS OF COUNCIL

11.2.1 Councillor Mosher - Request for Report re: Weekly Green Bin Collection

MOVED BY Councillor Mosher, seconded by Councillor Walker that Halifax Regional Council request a staff report on the cost implications of extending the weekly green bin collection to the end of September during the summer of 2010 and in future summers.

Councillor Mosher explained that, due to the continued hot weather into the month of September, the issues of odour and insects remained a concern for area residents.

Deputy Mayor Hendsbee noted that the issue had been discussed at the Solid Waste Advisory Committee.

Without a vote being taken on the main motion, it was **MOVED BY Councillor Walker, seconded by Councillor Mosher that the motion be amended to commence the weekly green bin collection at the beginning of June. MOTION TO AMEND PUT AND PASSED.**

The amended motion would now read as follows:

MOVED BY Councillor Mosher, seconded by Councillor Walker that Halifax Regional Council request a staff report on the cost implications of extending the weekly green bin collection to commence the beginning of June to the end of September during the summer of 2010 and in future summers.

Without a vote being taken on the main motion, it was **MOVED BY Councillor Lund, seconded by Councillor Rankin that the motion be amended to extend the cost implication study to include weekly green bin collection to all areas of HRM to**

provide consistent service to all citizens of the Halifax Regional Municipality.

The amended motion would now read as follows:

MOVED BY Councillor Mosher, seconded by Councillor Walker that Halifax Regional Council request a staff report on the cost implications of extending the weekly green bin collection as follows:

- 1. To commence the beginning of June and run until the end of September during the summer of 2010 and in future summers.**
- 2. To extend weekly green bin collection service to all areas of the Halifax Regional Municipality.**

MOTION PUT AND PASSED.

11.2.2 Councillor Uteck

11.2.2 (i) Request for Letter to Province re: CN Bridges

MOVED BY Councillor Uteck, seconded by Councillor Blumenthal that Halifax Regional Council request that Mayor Kelly write a letter to the Honourable Minister of Transport Canada requesting that HRM be allowed to access engineering assessments of all CN owned bridges within HRM boundaries.

MOTION PUT AND PASSED.

11.2.2 (ii) Request for Outside Peer Review - Freshwater Brook

MOVED BY Councillor Uteck, seconded by Councillor Blumenthal that Halifax Regional Council request an outside peer review of the Freshwater Brook project to ensure the best possible course of action has been taken.

Deputy Mayor Hendsbee requested that the matter also be referred to Halifax Water.

Councillor Uteck explained that increasing delays with the Freshwater Brook project over the last fourteen (14) months have affected area businesses and residents. She noted that a municipality in British Columbia had been found liable (under appeal) for business interruptions.

MOTION PUT AND PASSED.

12. MOTIONS - NONE

13. ADDED ITEMS**13.1 Correspondence - Request for Ceremonial Fly-Past - Alexander Keith's Birthday Celebration**

This item was dealt with earlier in the meeting. See page 3.

13.2 Long Lake Provincial Park

MOVED BY Councillor Adams, seconded by Councillor Mosher that Mayor Kelly send a letter to the provincial Minister of Natural Resources requesting that the province clean-up and perform maintenance in the area around Long Lake Provincial Park located off the Old Sambro Road. MOTION PUT AND PASSED.

14. NOTICES OF MOTION**14.1 Councillor Watts**

"Take notice that at the next regular meeting of the Halifax Regional Council to be held on September 22, 2009, I intend to introduce a motion to ask for Council's support to request a staff report on the implications of securing changes to the provincial legislation banning the sale and use of cosmetic pesticides in Nova Scotia."

14.2 Councillor Mosher

"Take notice that at the next regular meeting of the Halifax Regional Council to be held on September 22, 2009, I intend to introduce a motion to ensure that HRM cease providing all bottled beverages, including but not limited to pop and juice."

14.3 Councillor Lund

"Take Notice that at the next regular meeting of Halifax Regional Council, to be held on Tuesday, the 21st day of September 2009, I intend to introduce a motion that:

- 1. Any wastewater treatment design that has environmental implications shall have an independent third party review; and*
- 2. The Terms of Reference for the scope of this review can be negotiated with the proponent at the outset of the project, and is to be paid by the proponent, or as negotiated."*

14.4 Councillor Smith

“Take notice that at the next regular meeting of the Halifax Regional Council to be held on September 22, 2009, I intend to introduce a motion to request a staff report to be provided to Regional Council in time for the next year’s budget deliberations on the TNR (Trap, Neuter, Release) program for HRM’s feral cat population.”

15. ADJOURNMENT

The meeting was adjourned at 9:52 p.m.

Cathy Mellett
Acting Municipal Clerk

INFORMATION ITEMS
September 15, 2009

1. Proclamation - National Family Dinner Night - September 17, 2009
2. Proclamation - Taoist Tai Chi Awareness Day - September 19, 2009
3. Proclamation - Responsible Dog Ownership Week - September 20-27, 2009
4. Memorandum from Chair, Solid Waste Resource Advisory Committee dated June 24, 2009 re: Federation of Canadian Municipalities Resolution - Phasing Out of Bottled Water
5. Memorandum from Acting Director, Transportation and Public Works dated August 31, 2009 re: Request for Encroachment - Eastern Passage Banners
6. Memorandum from Director, Transportation and Public Works dated August 27, 2009
re: Petition - South Ridge Circle, Dartmouth
7. Memorandum from the Acting Municipal Clerk dated September 11, 2009
re: Requests for Presentation to Council - Heritage Trust of NS