HALIFAX REGIONAL COUNCIL MINUTES May 11, 2010

PRESENT: Mayor Peter Kelly

Deputy Mayor Brad Johns Councillors: Steve Streatch

Barry Dalrymple David Hendsbee Lorelei Nicoll Gloria McCluskey Darren Fisher Bill Karsten

Jackie Barkhouse

Jim Smith Mary Wile

Jerry Blumenthal Dawn Sloane Sue Uteck Jennifer Watts Russell Walker Debbie Hum Linda Mosher Robert Harvey Tim Outhit Reg Rankin Peter Lund

REGRETS: Councillor Stephen D. Adams

STAFF: Mr. Dan English, Chief Administrative Officer

Mr. Randolph Kinghorne, Municipal Solicitor Ms. Cathy Mellett, Acting Municipal Clerk Ms. Krista Tidgwell, Legislative Assistant

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1. INVOCATION

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

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane announced that Saturday, May 15th will be HRM's open house for the greenhouse on Sackville Street. She indicated that names of the Public Gardens' geese will be announced 3 p.m. from the *name the geese* contest and reminded children ages 5 to 12 to put their votes in. She further noted that on May 15th there will be a community garden cleanup and barbecue at Warrington Park. As well, the graduation for NASCAD students will be May 15th at 2 p.m. Councillor Sloane congratulated the graduating students and acknowledged their talents.

Councillor Blumenthal advised that the Imagine Bloomfield Society will be hosting a Spring fair on Sunday, May 16th at the Bloomfield Centre. The Society will also be hosting their Annual General Meeting on Wednesday, May 19th in the Multipurpose Room of the Bloomfield Centre, new members are needed.

Councillor McCluskey noted that from July 29th to 31st will be the largest Dartmouth High School reunion. She commented that the School opened 50 years ago and reminded students that graduated from 1970 through to 1980 to register. She further provided best wishes to the paddlers going to Montreal this week for trials.

Councillor Hendsbee indicated that Saint Anne Church in Lake Echo will be organizing a door-to-door community food bank campaign on Saturday, May 15th. Donations can also be dropped off at the Lake Echo Community Centre after 6 p.m. on Sunday, May 16th.

Councillor Lund announced that on Saturday, May 15th the Saint Luke's United Church in Saint Margaret's Bay will be hosting a Spring garden, plant and bake sale. There will also a beach clean up day on May 15th at the Fox Point and Mill Cove beaches. As well, on May 15th the Stafford Memorial Elementary School will be hosting an enchanted forest fun fair with a special guest appearance from Scooby Doo. The Saint George's Church will host their annual lobster supper on May 15th at the Seabright Legion and the Arthritis Society is hosting a Spring fling on May 16th at the Saint Margaret's Centre.

Councillor Mosher provided a reminder to the Chain of Lake Trails Association of their May 12th meeting at the St. James Anglican Church. She further noted that, on Monday, May 17th the Choices IWK will be hosting a public meeting at the St. James Anglican Church and thanked the Church for providing assistance.

Councillor Dalrymple reminded residents that the Beaver Bank/Kinsac annual town hall

meeting will be held at 7 p.m. on May 13th at the Harold T. Barrett Jr. High School and commented that Mayor Kelly will be in attendance. He further advised that twelve volunteers have been selected for the new Beaver Bank/Kinsac Recreation Board, noting that the successful candidates were notified May 10th and thanked the applicants that had applied. HRM will be hosting a mixed slow pitch tournament at the Beaver Bank ball fields on June 11th, 12th and 13th. Residents interested in playing can contact him or the Beaver Bank Community Centre. All proceeds go towards the Community Centre rebuild. He commented that he looking to host a game between the local MLA's and HRM.

Councillor Watts advised that there will be a public meeting regarding the Larry O'Connell Park on May 12th at the Maritime Hall, Halifax Forum, concerning the development of a batting cage. Residents are welcome to attend and provide their opinions on the Park and its upgrades. She further noted there will be a public meeting on May 13th at the Maritime Hall, Halifax Forum regarding possible long term upgrades to Ardmore Park. There is presently a Peninsula Facility Review Study taking place, which includes focus groups and an online survey on HRM's website. She encouraged residents to provide their opinions regarding long term community recreation facilities on the Peninsula. The Brigadoon Camp, which supports children with chronic illnesses, is hosting a fundraiser on May 15th at the Westin Hotel. Further details are available on the Brigadoon Camp's website.

Councillor Hum announced that the Condo Owners of Nova Scotia will hold their Annual General Meeting on May 20th at 7 p.m. at the St. Peter's Anglican Church, Bedford Highway. She welcomed all condo owners and future condo owners to attend.

Councillor Wile advised that the students of Halifax West High School are presenting their annual musical, the production of A Chorus Line. The production runs May 27th to May 29th. She encouraged all residents to attend and support the students.

Councillor Barkhouse indicated that the second annual Seaside Harvest Festival will be held in October. She noted that the Festival is in the planning stages and provided an invitation to residents interested in getting involved with the planning of the Festival to contact her via phone or email.

Councillor Uteck encouraged residents when they go to the annual plant sales to be cautious and ask merchants where the plants came from and reminded residents that there has been an infestation of European Fire Ants within HRM.

Councillor Smith announced that there will be a public information meeting at the Dartmouth High School on May 12th regarding a development proposal for five additional apartments to 185 Windmill Road.

3. APPROVAL OF MINUTES - April 27, 2010

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the minutes of April 27, 2010 be approved, as presented. MOTION PUT AND PASSED.

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

Additions:

Committee of the Whole Recommendations:

13.1 Roundabouts applicability to HRM Roads

In Camera Recommendations:

- 13.2 Property Matter Property Acquisition for Public Boat Launch on Lake Charlotte
- 13.3 Legal Matter Settlement of Claim
- 13.4 Personnel Matter Councillor and Citizen Appointments to Boards, Committees& Commissions

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that the Order of Business 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 6:00 P.M.
- 9.1 By-Law N-200, Respecting Noise Exemption Application Canadian Cancer Society Relay for Life Various Locations
 - A staff report dated April 27, 2010 was before Council.

Superintendent Robin MacNeil, Halifax Regional Police, delivered an overview of the April 27, 2010 staff report on By-Law N-200 to Council.

Mayor Kelly reviewed the procedures for public hearings then opened the public hearing calling for any speakers for or against the proposal, hearing none, it was MOVED by Councillor McCluskey, seconded by Councillor Sloane that the public hearing be closed. MOTION PUT AND PASSED.

MOVED by Councillor Streatch, seconded by Councillor Blumenthal, that Halifax Regional Council approve the Canadian Cancer Society Relay for Life application for an exemption from the provisions of the Noise By-Law pursuant to the contents of the April 27, 2010 staff report and any matters raised at the hearing. MOTION PUT AND PASSED.

- 9.2 Less Than Market Value Sale 2463 Rocky Lake Drive, Waverley, Waverley Ratepayers Association
 - (I) Grant Committee Report
 - (ii) Heritage Advisory Committee Report
 - (iii) Staff Report

The following was before Council:

- An Extract of Regional Council's April 20, 2010 Minutes.
- A Grants Committee Report dated April 12, 2010.
- A Heritage Advisory Committee Report dated April 8, 2010.
- A staff report dated January 6, 2010.

Ms. Peta Jane Temple, Team Lead Grants & Contributions, delivered an overview of the committee reports and staff report to Council.

Mayor Kelly reviewed the procedures for public hearings then opened the public hearing calling for any speakers for or against the proposal, hearing none, it was MOVED by Deputy Mayor Johns, seconded by Councillor Sloane that the public hearing be closed. MOTION PUT AND PASSED.

MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee, that Halifax Regional Council approve an Agreement of Purchase and Sale whereby the property located at 2463 Rocky Lake Drive, Waverley, be conveyed to the Waverley Rate Payers Association for the sum of \$1.00, plus all associated costs as per the terms and conditions set out in the Discussion section of the staff report dated January 6, 2010.

Councillor Dalrymple commented that this matter was before Council on April 20, 2009 prior to holding the public hearing and had been unanimously approved.

MOTION PUT AND PASSED.

- 10. CORRESPONDENCE, PETITIONS & DELEGATIONS
- 10.1 Correspondence None

10.2 Petitions

10.2.1 Councillor Blumenthal

Councillor Blumenthal submitted a petition containing 707 signatures on behalf of the Seaview Park Committee, requesting that a fenced in area be erected at Seaview Park as soon as possible to serve all of HRM. He indicated that most of the signatures were collected at Seaview Park and that 809 signatures had been collected; however, 102 were ruined due to unforseen "water shed".

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender 10-215 - Thin Overlays - Phase 1, Various Locations

A staff report dated April 22, 2010 was before Council.

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

- Approve a budget increase of \$45,839.73 (net HST included) to Capital Account No.CZU01082 - Resurfacing Program, funded through cost sharing with Halifax Water.
- 2. Award Tender No.10-215, Thin Overlays Phase 1, Various Locations to Dexter Construction Company Limited for a Total Tender Price of \$962,510.27 (net HST included) with funding from Capital Account No.CZU01082 Resurfacing Program, as outlined in the Budget Implications section of the April 22, 2010 staff report.

MOTION PUT AND PASSED.

11.1.2 Tender 10-217 - Micro Surfacing - Phase 1 - Various Locations

A staff report dated April 21, 2010 was before Council.

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

1. Approve a budget increase of \$67,714.97(net HST included) to Capital Account No. CZU01082 - Resurfacing Program, funded through cost sharing with Halifax Water.

2. Award Tender No. 10-217, Micro Surfacing - Phase 1- Various Locations to Dexter Construction Company Limited for a Total Tender Price of \$628,676.63 (net HST included) with funding from Capital Account No. CZU01082 - Resurfacing Program, as outlined in the Budget Implications section of the April 21, 2010 report.

Councillor Sloane indicated that she has been speaking with staff regarding the area of Barrington Street from the ramp at Cogswell Street to Spring Garden. Heritage Gas will be commencing work there shortly and staff have advised that the roads will be paved once the work is completed.

MOTION PUT AND PASSED.

- 11.1.3 Tender 10-226 South Street (South Park Street to Robie Street)
 Resurfacing and Sidewalk Renewal
 - A staff report dated April 21, 2010 was before Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Halifax Regional Council award Tender No. 10-226, South Street (South Park Street to Robie Street) - West Region to Ocean Contractors Limited for a Total Tender Price of \$588,511.01 (net HST included) with funding from Capital Account Nos. CKU01084 - Sidewalk Renewals and CZU01082 - Resurfacing Program as outlined in the Budget Implications section of the April 21, 2010 staff report.

MOTION PUT AND PASSED.

- 11.1.4 Larry Uteck Boulevard / Highway 102 Interchange Environmental Assessment
 - A staff report dated April 26, 2010 was before Council.

MOVED by Councillor Hum, seconded by Councillor Outhit, that Halifax Regional Council approve the reimbursement of \$101,932.38 (net HST included) to Clayton Developments Limited for the Larry Uteck Blvd./Highway 102 Interchange Environmental Assessment study with funding from Capital Account No. CTU00971, Larry Uteck Blvd./Highway 102 Interchange as outlined in the Budget Implications section of the April 26, 2010 staff report.

Councillor McCluskey asked how much construction costs for the interchange have increased since the Capital Cost Contribution on this project was approved in 2003. Mr. Peter Duncan, Manager, Infrastructure Planning Office, Infrastructure and Asset

Management, responded that the Capital Costs Contributions paid by developers would be based on current construction costs.

MOTION PUT AND PASSED.

- 11.1.5 Community Facility Lease Agreement (FLA) Spryfield Lions Rink and Recreation Society
 - A staff report dated April 21, 2010 was before Council.

MOVED by Councillor Mosher, seconded by Councillor Walker, that Halifax Regional Council authorize the Mayor and the Municipal Clerk to enter into a Facility Lease Agreement with the Spryfield Lions Rink and Recreation Society as per the key terms and conditions set out in Table 1 of the April 21, 2010 staff report.

Councillor Mosher thanked the Spryfield Lions Club for their hard work and efforts operating the rink. The Club has operated the rink since 1972. She indicated that she and Councillor Adam are working with the Society and commented that Councillor Adams' father and other original Lions had been instrumental in getting the rink up and running. She further thanked the new Spryfield Lions Rink and Recreation Society for their hard work and efforts towards the operation of the rink and asked for Council's support.

MOTION PUT AND PASSED.

- 11.1.6 Proposed Amendment to Administrative Order 45, Respecting
 Private Road Maintenance Road Maintenance Fee for River Bend
 Road and River Court Home Owners Association
 Motion Councillor Dalrymple Approve Admin. Order 45
 - A staff report dated April 19, 2010 was before Council.
 - A memo from Linda D. Wood, Lawyer for River Bend Road Association, dated May 11, 2010 was before Council.

MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee, that Halifax Regional Council:

1. Approve an annual uniform charge of not more than \$350.00 per property to be applied against all properties accessed from River Bend Road and/or River Court, private roads located in the community of Enfield, as depicted in the map shown in Appendix A of the staff report dated April 19, 2010, effective with the 2010/11 fiscal year for the purpose of funding the road

maintenance activities of the River Bend Road and River Court Home Owners Association.

- 2. Approve Administrative Order 45, Respecting Private Road Maintenance, by adding Schedule 5, respecting a uniform charge for the River Bend Road and River Court Home Owners Association, as shown in Appendix B of the April 19, 2010 staff report.
- 3. Subject to the approval of Schedule 5 of Administrative Order 45, authorize the Mayor and Municipal Clerk to sign on behalf of HRM, the Management and Operating Agreement between HRM and the Association included as Appendix "C" of the April 19, 2010 staff report.

Councillor Dalrymple noted that two public meetings have taken place that were well attended with many questions being answered. There has also been several emails from residents that have also been answered. He indicated that the questions raised in the May 11, 2010 memo from Ms. Linda D. Wood, Lawyer for River Bend Road Association, were similar to the questions raised during the public hearing and have been answered by staff. He commented that all policies and procedures have been followed to take over the maintenance fees on a private road, as well, the Association has obtained all of the necessary voting requirements.

MOTION PUT AND PASSED.

- 11.1.7 Proposed Amendment to Administrative Order 15, Respecting Licence, Permit, and Processing Fees
 - A staff report dated April 19, 2010 was before Council.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal, that Halifax Regional Council approve in principle an amendment to Administrative Order 15, Respecting Licence, Permit and Processing Fees as outlined in Attachment "A" of the April 19, 2010 staff report.

MOTION PUT AND PASSED.

- 11.1.8 Proposed Amendments to Administrative Order 37, Respecting Commerce & Vending on Municipal Lands Site Locations
 - A staff report dated April 19, 2010 was before Council.

MOVED by Councillor Sloane, seconded by Councillor Wile, that Halifax Regional Council approve in principle the amendments to Administrative Order 37,

Respecting Commerce and Vending on Municipal Lands as outlined in Schedule "A" of the April 19, 2010 staff report.

MOTION PUT AND PASSED.

- 11.1.9 Proposed Administrative Order SC-59 Respecting Right of Way Closure Portion of Upper Water Street
 - A staff report dated April 19, 2010 was before Council.

MOVED by Councillor Sloane, seconded by Councillor McCluskey, that Halifax Regional Council approve in principle Administrative Order SC-59, Respecting Right of Way Closure - Portion of Upper Water Street, Halifax as outlined in Attachment "A" and "B" of the staff report dated April 19, 2010 and set a public hearing date.

MOTION PUT AND PASSED.

- 11.1.10 2010 / 2011 Advance Capital Budget Approval Second Submission
 - A staff report dated April 29, 2010 was before Council.

MOVED by Deputy Mayor Johns, seconded by Councillor Outhit, that Halifax Regional Council approve \$16,400,000 of additional advanced funding of the Proposed 2010/2011 Capital Budget; as outlined in the Budget Implications section of this report.

Councillor Uteck expressed concern that approval of Advanced Capital Submissions not preclude decisions Council may have to make during the upcoming 2010/2011 Budget debate.

During a brief discussion, Councillor Uteck requested staff provide a status update with respect to the projects outlined in Attachment B of the staff report dated April 29, 2010, to assist Council in identifying what projects have been started.

Councillor McCluskey commented that the status update should identify where each of the projects are located.

MOTION PUT AND PASSED.

11.1.11 Reinstatement of District 3 Capital Area Rate

- A email dated April 28, 2010 from Ms. Marlene Selig of Lawrencetown to Mayor Peter Kelly and an email from Mark Lewis dated April 21, 2010 re: District 3 area rate to fund Porter's Lake Community Centre, was before Council.
- A staff report dated May 5, 2010 was before Council.

MOVED by Councillor Hendsbee, seconded by Councillor Streatch, that Halifax Regional Council:

- 1. Commencing with the 2010-11 fiscal year, reinstate the District 3 Capital Area Rate of \$0.024 per \$100 of taxable assessment to be applied to the Residential, Resource, Commercial and Business Occupancy assessment within the Rural Tax Area of District 3 as the boundaries for that District existed prior to the District Boundary Review in 2004.
- 2. The term for the Area Rate will be for a period of not more than 10 years, unless Council approves other projects to be funded from the District 3 Capital Area Rate prior to the end of the term.
- 3. Increase the 2010/11 Operating Budget by \$600,000 for the construction of the Porters Lake Community Centre with funding provided from the District 3 Capital Area Rate.

Councillor Hendsbee provided follow up from Council's previous motion of January 26, 2010, noting that a public meeting was held in the community of Porters Lake. He indicated that staff had met with the architects and planners to discuss the possibility of a re-configuration of the Community Centre. as well as, a possible expansion. Staff were able to achieve a two metre adjustment to the size of the building. The additional cost is to accommodate the adjustment to the building.

MOTION PUT AND PASSED.

12. MOTIONS - NONE

13. ADDED ITEMS

The following item was dealt with at a Committee of the Whole meeting held earlier on this date and was now before Council for ratification:

13.1 Roundabouts: Applicability to HRM Roads

MOVED by Councillor Hum, seconded by Councillor Outhit, that Halifax Regional Council adopt in principle the use of modern roundabouts on Municipal roads

where appropriate design guidelines and standards can be met. MOTION PUT AND PASSED.

The following items were dealt with at an In Camera meeting held earlier on this date and were now before Council for ratification:

13.2 Property Matter - Property Acquisition for public boat launch on Lake Charlotte

MOVED by Councillor Streatch, seconded by Councillor Hendsbee, that Halifax Regional Council:

- 1. Approve the withdrawal of \$191,800 from Q107 Parkland Reserve;
- 2. Increase the budget of Capital Account CPX 01149, Park Land Acquisition in the amount of \$191,800; and
- 3. Authorize the Mayor and Municipal Clerk to enter into Agreement of Purchase and Sale for the subject properties for the purpose of constructing a public boat launch at Lake Charlotte, Nova Scotia, as per the terms and Conditions of the report dated April 19, 2010, with funding as per the budget implications section of the April 19, 2010 section of the report; and
- 4. Not release the April 19, 2010 Private and Confidential report until the transaction has been completed.

Councillor Streatch thanked HRM staff for their hard work on bringing this matter together. He commented that Lake Charlotte is one of the largest freshwater lakes within HRM's boundaries and will be well used by many residents. He further thanked the Province of Nova Scotia for assisting with funding, as well as, the three residents who have granted HRM access to a portion of their personal lands to access the Lake.

MOTION PUT AND PASSED.

13.3 Legal Matter - Settlement of Claim

MOVED by Councillor Smith, seconded by Councillor Wile, that Halifax Regional Council settle this claim brought by ACE INA Insurance in the amount of \$13,954.15 in full settlement of the property damage and loss of use associated with this accident. It is further recommended that the April 28, 2010 Private and Confidential report not be released to the public. MOTION PUT AND PASSED.

13.4 Personnel Matter - Councillor Appointment to Boards, Committees & Commissions

MOVED by Councillor Blumenthal, seconded by Councillor McCluskey, that Halifax Regional Council approve the Councillor and Citizen appointments to Board/Committees/Commissions as outlined in Attachment 1 of the Private and Confidential staff report dated May 11, 2010. MOTION PUT AND PASSED.

14. NOTICES OF MOTION 14.1 Councillor Sloane

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 18th day of May, 2010, I propose to move First Reading of the proposed amendments to section 13 of Administrative Order 15, the purpose of which is to facilitate housekeeping amendments required to correctly align the references in the Administrative Order to the section numbers in By-Law C-500.

14.2 Councillor Sloane

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 18th day of May, 2010, I propose to move First Reading of the proposed amendments to Administrative Order 37, the purpose of which is to facilitate housekeeping amendments of existing site descriptions for Commerce and Vending on Municipal Lands, relocating a small number of vending site, and adding two new newspaper box locations.

14.3 Councillor Sloane

Take notice that, on Tuesday, the 8th day of June, 2010, I propose to move Approval of Administrative Order SC-59, the purpose of which is to officially close a portion of Upper Water Street, Halifax, HRM.

14.4 Councillor Hum

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 18th of May, 2010, I intend to request a staff update on community/neighbourhood signage for historical communities within existing boundaries of District 16 (Rockingham-Wentworth and former City of Halifax), including but not exclusive to:

- 1. Rockingham
- 2. Prince's Lodge
- 3. Birch Cove
- 4. Kearney Lake

I request a staff response and action to undertake public consultation with the community, to approve and install community/neighbourhood signage as per above.

15. ADJOURNMENT

The meeting adjourned at 6:58 p.m.

Cathy Mellett Acting Municipal Clerk

INFORMATION ITEMS May 11, 2010

- 1. Proclamation National Public Works Week May 16 22, 2010
- 2. Memorandum from Acting Director, Transportation & Public Works dated April 23, 2010 re: National Public Works Week May 16 22, 2010
- 3. Memorandum from Director, Community Development dated April 21, 2010 re: Petition Mountain View Mobile Home Park Application, Lake Echo
- 4. Memorandum from Director, Community Development dated April 21, 2010 re: Petition Regarding Howard Avenue, Eastern Passage
- 5. Memorandum from Managing Director, External & Corporate Affairs dated April 23, 2010 re: HRM Submission to Federal Standing Committee for Infrastructure, Cities and Communities
- 6. Memorandum from Acting Director, Transportation & Public Works dated May 5, 2010 re: Parking Parking Meter Rates and Related Issues
- 7. Memorandum from the Acting Clerk Manager dated May 7, 2010 re: Requests for Presentation to Council None