

HALIFAX REGIONAL COUNCIL
MINUTES

October 12, 2010

PRESENT:

Mayor Peter Kelly
Deputy Mayor Brad Johns
Councillors: Steve Streach
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
Stephen Adams
Robert Harvey
Tim Outhit
Peter Lund
Reg Rankin

STAFF:

Mr. Wayne Anstey, Acting Chief Administrative Officer
Ms. Roxanne MacLaurin, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Melody Campbell, Legislative Assistant

TABLE OF CONTENTS

1.	INVOCATION	3
2.	SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS . . .	3
3.	APPROVAL OF MINUTES - September 14, 21, & 28, 2010	5
4.		
5.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	5
6.	BUSINESS ARISING OUT OF THE MINUTES	5
7.	MOTIONS OF RECONSIDERATION - NONE	5
8.	MOTIONS OF RESCISSION - NONE	5
9.	CONSIDERATION OF DEFERRED BUSINESS	
	8.1 Borrow Pit A2 Access Road, Otter Lake.	5
10.	CORRESPONDENCE, PETITIONS & DELEGATIONS	
	9.1 Correspondence - None	7
	9.2 Petitions	7
11.	REPORTS	
	10.1 CHIEF ADMINISTRATIVE OFFICER	
	10.1.1 2010 Gas Funding Agreement.	8
	10.1.2 Case 16303 - Amendment to the Bedford Municipal Planning Strategy - 3 Belle Street, Bedford.	8
	10.1.3 Encroachment Agreement - Dalhousie University, South Street, Halifax.	8
	10.1.4 Union of Nova Scotia Municipalities (UNSM) Conference Resolutions 2010.	9
	10.2 ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES	
	10.2.1 Metro Transit Accessibility	9
12.	MOTIONS.	9
13.	ADDED ITEMS	10
14.	NOTICES OF MOTION	11
15.	ADJOURNMENT	11

1. INVOCATION

The meeting was called to order at 5:35 p.m. by Mayor Kelly, with the Invocation being led by Councillor Blumenthal.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane stated that the 3rd Annual Nocturne Festival will be held on the weekend of October 16th with numerous events planned. She urged residents to come out to enjoy the live music, creative arts, and great atmosphere. She expressed her appreciation to Allyson Queen, Rose Zack and Jamie MacLellan who worked to make this event a success.

Councillor Fisher expressed congratulations to Councillor McCluskey on her 25 years since first being elected Alderman and Mayor Kelly on his 25 year anniversary since first being elected.

Councillor McCluskey advised that the Law Enforcement Memorial Service will be held on Sunday, October 16th at 10:30 a.m. at St. Mary's Basilica. Councillor McCluskey submitted a petition regarding the Dartmouth Common at this time, it is further noted in Item 9.2 Petitions.

Councillor McCluskey retired from the meeting at 5:40 p.m.

Councillor Mosher advised that the Halifax Regional Police will be holding its Town Hall Meeting on October 13th at the Chocolate Lake Recreation Centre at 6:30 p.m. She stated that the Crohns and Colitis Foundation will be holding its "All that Glitters Gala Caboose" on Saturday, October 23rd at 8:00 p.m. at the Via Rail Train Station. She added that HRM Earth Adventures book launch will be held Thursday, October 14th at the Trail Shop on Quinpool Road. The book urges children to enjoy the trail system. On October 18th the Halifax Regional Trails second edition book launch, "Get Out and Check it Out" will be held. There will be a guided walking tour Sunday, October 17th at 1:45 p.m. at the Dingle.

Councillor Dalrymple advised that a public hearing regarding the expansion of the Fall River Sobeys will be held at the Marine Drive, Valley and Canal Community Council meeting on Wednesday, October 13th at 7:00 p.m to take place at the LWF Hall.

Councillor Streach expressed congratulations to Ms. Adrienne Power from East Jeddore on winning a bronze medal at the Commonwealth Games. He requested that Mayor Kelly send a letter of congratulations to Ms. Power.

Councillor Hendsbee noted that the Halifax Harbour Bridge Annual Stakeholders meeting will be held on October 13th at 7:30 a.m. at the Delta Halifax. He advised that the Eastern Shore Joint Emergency Management Team will be hosting the Eastern Shore Mini Jamboree on October 16th at the Sobeys parking lot. He stated that on October 16th St. Augustine's Church will be hosting its Annual Spaghetti Dinner and Auction. He stated that on October 16th Canada Post in conjunction with HRM and Feed Nova Scotia will be collecting food donations throughout HRM. He added that the St. Therese Centre Breakfast, including Fish Cakes and Beans, will be held on Sunday, October 17th. He stated that the dedication of the Fallen Police Memorial in Grand Parade will take place at 9:00 a.m. with the church service at 10:30 a.m. at St. Mary's Basilica on October 17th. He noted that October 17th at 1:00 p.m. the Orenda Canoe Club will hold its Annual General Meeting and Awards Ceremony.

Councillor Nicoll expressed congratulations to Ms. Cathie O'Toole, Chief Financial Officer, on receiving her MBA.

Councillor Lund expressed his appreciation to those who participated in the Annual Road Toll on October 2nd at the St. Margaret's Bay Superstore adding that \$2500 was raised. He extended an invitation to the public and Councillors to attend the ground breaking for the new Fire Hall 65 in Tantallon at 2:00 p.m. on October 15th. He added that on Friday, October 16th at 6:00 p.m. the Shore Club in Hubbards will be hosting its Annual Dinner Theatre and Auction. He stated that on October 16th at 7:00 p.m. the Annual Autism Golf Fundraiser will be held at the Cunard Centre. He advised that the Black Point Fire Station Breakfast will be held on October 17th from 8:00 a.m. to noon.

Councillor Barkhouse advised that Beacons Wall of Recognition Event will be held at Tallahassee School on October 13th at 7:30 p.m. in recognition of Ms. Florence Graham Crosby for her contributions and commitment to the Community. She urged residents to attend the upcoming Nocturne Festival adding that it is a great creative event.

Councillor Watts advised that this week is the "International Day for Eradication of Poverty" with events taking place throughout the week. She stated that a film "Four Feet Up" will be shown at the Nova Scotia Art Gallery on October 13th at noon. She added that the movie "Miss Homelessness" will be shown at the Khyber Carbon Arch on Sunday, October 17th at 8:00 p.m. She added that a gathering will be held on the North Common regarding issues of affordable housing at 3:00 p.m. on Saturday, October 16th.

Councillor Adams advised that at 11:00 a.m. on Saturday, October 23rd at St. Paul's Church Hall in Herring Cove a ceremony will be held in dedication of the 70th Anniversary of the sinking of the Hebridean and in memory of the nine souls that were lost.

Councillor Smith stated that the Farrell Hall Benevolent Society will be holding a meeting on October 16th regarding the visioning for Farrell Hall. He advised that the Commemorative Plaque unveiling at Victoria Park will be held on October 13th. He added that the Walk Against Violence will be held on October 20th at 6:30 p.m. beginning at the Boys and Girls Club.

Councillor Wile stated that the Annual Police Town Hall Meeting will be held on October 20th at 6:30 p.m. at Halifax West High School.

3. APPROVAL OF MINUTES - September 14, 21, & 28, 2010

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that the minutes of September 14, September 21 and September 28, 2010, as presented, be approved. MOTION PUT AND PASSED.

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

Deletion:

10.1.2 Case 16303 - Amendment to the Bedford Municipal Planning Strategy - 3 Belle Street, Bedford

Additions:

- 12.1 Legal Matter – Settlement of Claim
- 12.2 Legal Matter – Settlement of Claim
- 12.3 Committees of Council Reform
- 12.4 Drinking Water, HRM Corporate Operations

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

5. BUSINESS ARISING OUT OF THE MINUTES

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Borrow Pit A2 Access Road, Otter Lake

A revised staff report dated October 2, 2010 was before Council.

MOVED by Councillor Rankin, seconded by Councillor Lund, that Halifax Regional Council approve:

1. **An increase to the 2010/11 Project Budget in the amount of \$944,080 to project number CWU01066 - Cell 6 Construction;**
2. **A \$723,140 withdrawal from the Waste Resources Capital Reserve (Q123) and a \$220,940 withdrawal from the Regional Capital Cost Charges Reserve (Q137) in order to fund the above budget increase; and**
3. **The construction of the Borrow Pit A2 Access Road for a maximum price of \$944,080 (inclusive of environmental contingencies and net HST).**

Councillor Rankin advised that the Community Monitoring Committee did have an opportunity to receive a briefing on the project. He noted that on Page 4 of the October 4, 2010 revised staff report it notes that "CMC provided approval to go ahead with this project without reservation", however, the Councillor noted that the **motion of the Community Monitoring Committee stated that it does not have objection to proceeding with the project.**

In response to a question by Councillor Karsten, Mr. Gord Helm, Manager, Solid Waste Resources, stated that the revisions to the report were regarding contingency funding. The original report included environmental contingency in the price, the revised report has the contingency costs added as an item. The revised report also has a few organizational adjustments to make the report clearer. Mr. Helm advised that staff has had discussions with the Province regarding this project and is confident in moving forward. The Councillor noted that the change is to approve \$944,080 as noted in the revised report, not \$820,940 as noted in the original report. The Councillor stated that Council needs the best information possible and that staff should identify any changes made from the original to the revised report. Mr. Helm advised that when staff were working on the original report, the information was based on repair and upgrading of the existing road, upon further consultation with the Contractor and Environment Canada, it was assessed that the road will require some environmental remediation. He added that the 15% environmental contingency is a standard contingency.

Councillor Uteck questioned why work to the road was not anticipated. Mr. Helm advised that the road in place has deteriorated and heavy equipment would not be permitted.

In response to a question by Councillor Karsten regarding the \$220,940 from Regional Capital Cost Charges Reserve, Ms. O'Toole, Director of Finance, advised that this reserve is eligible to provide the funding, as the reserve receives proceeds of Capital Cost Contributions for Solid Waste.

In response to a question by Councillor Fisher, Mr. Helm advised that this contract went through the procurement process.

In response to a question by Councillor Lund, Mr. Helm advised this contract is an all in cost with the only variance being the 15% contingency.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor McCluskey

Councillor McCluskey submitted a petition signed by 402 residents requesting the preservation of the Dartmouth Common baseball fields.

9.2.2 Councillor Watts

Councillor Watts submitted a petition containing signatures of 2135 residents requesting that HRM: Please give us back our Commons - no more publicly-subsidized profit-driven concerts preventing our use of the Halifax Common, public green space designated for the free access of all citizens.

9.2.3 Councillor Watts

Councillor Watts submitted a petition containing signatures of 150 residents requesting that HRM: Go Bottled Water Free, whereas bottled water has an enormous and unnecessary toll on our environment; whereas we recognize water as a human right and strongly oppose the bottled water industry's commodification of this public resource; whereas bottled water companies work to undermine public trust in tap water; whereas the production, transportation and disposal of bottled water requires massive amounts of fossil fuels creating unnecessary levels of greenhouse gas emissions; therefore we the undersigned call on the Halifax Regional Municipality to eliminate the sale and distribution of bottled water.

9.2.4 Councillor Lund

Councillor Lund submitted results of a survey, on behalf of Mr. Philip Pacey, of 104 customers at the Sobeys' Mall in Upper Tantallon, 92 or the 104 respondents, 88% stated that they do not want governments to spend money on the convention centre project.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 2010 Gas Funding Agreement

A staff report dated September 20, 2010 was before Council.

MOVED by Councillor Walker, seconded by Councillor Wile, that His Worship Mayor Peter Kelly, on behalf of Halifax Regional Council, execute the Municipal Funding Agreement (Attachment 1 of the staff report dated September 20, 2010) between the Province of Nova Scotia and Halifax Regional Council.

In response to a question by Councillor Walker, Peter Duncan, Manager, Infrastructure Planning Office, acknowledged that \$800,000 under the new agreement is less than HRM received previously as the gas tax allocation from the Federal Government. Mr. Duncan advised that the Province received \$2,000,000 less in Federal funding. As such HRM's allocation of the provincial funding has increased as a percentage of the total based on population growth but the Provincial funding decreased overall.

Councillor Watts suggested that issues such as climate change and active transportation could be supported through this fund.

In response to a question by Councillor Hendsbee, Mr. Duncan advised that staff will come back to Council with a list of projects for funding allocation.

Councillor Nicoll expressed disappointment that HRM did not receive a larger amount of funding.

MOTION PUT AND PASSED.

10.1.2 Case 16303 - Amendment to the Bedford Municipal Planning Strategy - 3 Belle Street, Bedford

This item was deleted from the agenda, at the request of the applicant, during the approval of the order of business.

10.1.3 Encroachment Agreement - Dalhousie University, South Street, Halifax

A staff report dated September 17, 2010 was before Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Halifax Regional Council approve the Encroachment Agreement to allow Dalhousie to install an underground electrical conduit structure on South Street to service the new Dalplex sign. MOTION PUT AND PASSED.

10.1.4 Union of Nova Scotia Municipalities (UNSM) Conference Resolutions 2010

A staff report dated September 27, 2010 was before Council.

MOVED by Councillor Smith, seconded by Councillor Hendsbee, that Halifax Regional Council forward two resolutions outlined in the report dated September 27, 2010 concerning the following issues:

- 1. Active Transportation (paving of highway shoulders)**
- 2. NS Renewable Electricity Plan (Feed In Tariff)**

Deputy Mayor Johns stated that HRM should consider paving highway shoulders on HRM owned roads.

Councillor Mosher stated that paved shoulders work well for pedestrians and bike users. She advised vehicles parking on paved shoulders is a problem that should be addressed through provincial legislation

Councillor Hendsbee advised that the Active Transportation Strategy and the Bikeways Report addresses HRM's commitment to paving road shoulders.

MOTION PUT AND PASSED.

10.2 ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES

10.2.1 Metro Transit Accessibility

An Advisory Committee for Persons with Disabilities report dated September 20, 2010 was before Council.

MOVED by Councillor Blumenthal, seconded by Councillor Wile, that Halifax Regional Council accept the report of the Advisory Committee for Persons with Disabilities and refer the recommendations to Metro Transit staff for consideration and action.

In response to a question by Councillor Walker, Council was advised that a report will be coming back to Council with the cost component included.

MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 LEGAL MATTER – Settlement of Claim

This item was addressed at an earlier In Camera Session and was now before Council for ratification.

MOVED by Deputy Mayor Johns , seconded by Councillor Nicoll that Halifax Regional Council:

- 1. Settle the claim brought by the Plaintiff in the amount of \$12,500.00 to achieve a full and final settlement of the Plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of this incident on November 28, 2007; and**
- 2. Not release the October 6, 2010 private and confidential staff report to the public.**

MOTION PUT AND PASSED.

12.2 LEGAL MATTER – Settlement of Claim

This item was addressed at an earlier In Camera Session and was now before Council for ratification.

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

- 1. Settle the claim brought by the Plaintiff in the amount of \$50,000.00, to achieve a full and final settlement of the Plaintiff's action, upon obtaining a full release from the Plaintiff from any further claims arising out of the incident on October 19, 2007; and**
- 2. Not release the October 6, 2010 private and confidential staff report to the public.**

MOTION PUT AND PASSED.

12.3 Committees of Council Reform

This item was addressed at an earlier Committee of the Whole session and was now before Council for ratification.

MOVED by Councillor Streach, seconded by Councillor Blumenthal, that Halifax Regional Council:

1. **Adopt the six (6) Standing Committees of Council as outlined in Appendix A of the supplementary report dated October 9, 2010**
2. **Adopt, in principle, the consolidation of the mandates and terms of reference of current Committees of Council as outlined in Appendix A of the supplementary report dated October 9, 2010**
3. **Direct implementation, as outlined in the supplementary report of October 9, 2010, to commence including the Community Council and “at large” appointment of Councillors to the Standing Committees and recruitment of community volunteers to Boards and Committees as required.**

MOTION PUT AND PASSED.

12.4 Drinking Water, HRM Corporate Operations

This item was addressed at an earlier Committee of the Whole session and was now before Council for ratification.

MOVED by Councillor Watts, seconded by Councillor Sloane that Halifax Regional Council adopt the recommendations as outlined in the staff report of August 23, 2010:

1. **That HRM administrative and operational facilities with access to clean drinking water, where possible, phase out the purchase of bottled water, including bottled coolers, excluding:**
 - **Community operated and recreation facilities, and**
 - **Emergency Services and Operational staff requiring bottled water for occupational health and safety reasons.**
2. **That staff reduce the amount of bottled water required for operational and emergency staff by ensuring that canteens and filling stations are available as where practical and possible in buildings.**

MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. ADJOURNMENT

The meeting was adjourned at 6:35 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS
October 12, 2010

1. Proclamation – International Day for the Eradication of Poverty – October 17, 2010
2. Memorandum from Director, Community Development dated September 17, 2010 re: HRM Community Facility Partnership Fund 2009-2010 – Shubenacadie Canal Commission
3. Memorandum from Director, Community Development dated September 16, 2010 re: Community Action on Homelessness Presentation
4. Memorandum from Director, Community Development dated September 27, 2010 re: Development Projects in Downtown Halifax and Dartmouth
5. Memorandum from Director, Transportation & Public Works dated September 21, 2010 re: Petition – Palisade Place, Halifax
6. Memorandum from Director, Transportation & Public Works dated October 1, 2010 re: WaterLink Transportation Update
7. Memorandum from Director, Legal Services & Risk Management dated September 21, 2010 re: Development Agreement to Construct Five-Storey Addition at City Centre Atlantic
8. Memorandum from the Municipal Clerk dated October 8, 2010 re: Requests for Presentation to Council – Lil Mac Pherson, The Wooden Monkey; Biosolids & Waste Water Caucus – Marilyn Cameron, Chair re: Use of Bio-solids