HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES

November 30, 2010

REVISED

| PRESENT: Counc | Mayor Peter Kelly Deputy Mayor Jim Smith illors: Barry Dalrymple David Hendsbee Lorelei Nicoll Gloria McCluskey Darren Fisher Bill Karsten Jackie Barkhouse Mary Wile Jerry Blumenthal Dawn Sloane Sue Uteck Jennifer Watts Russell Walker Debbie Hum Linda Mosher Stephen Adams Brad Johns Robert Harvey Tim Outhit Reg Rankin Peter Lund |
|-------------------|--|
| REGRETS: | Councillors Steve Streatch |
| STAFF: | Mr. Mike Labrecque, Acting Chief Administrative Officer Ms. Mary Ellen Donovan, Municipal Solicitor Ms. Sherryll Murphy, Acting Municipal Clerk Ms. Shawnee Gregory, Legislative Assistant |

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1. INVOCATION

Mayor Kelly called the meeting to order at 3:28 p.m. with the Invocation being led by Councillor Mosher

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Uteck indicated that a public consultation meeting was being held on December 2, 2010 regarding the Solar City Project and that information was also available online. She stated that the second annual Quinpool Pet Parade would be taking place on December 4, 2010.

Councillor Blumenthal stated that the first night of Hanukah was on December 1, 2010 and there would be a lighting ceremony at Grand Parade. He indicated that ceremonies marking the anniversary of the Halifax Explosion would be taking place on Fort Needham Hill and Fire Station #4 on Duffus Street on December 6, 2010.

Councillor Hendsbee indicated that there would be a community tree lighting ceremony at the Lake Echo Community Centre on December 3, 201. He stated that on December 4, 2010, the St. Genevieve's Christmas Sale and Tea would be taking place in East Chezzetcook and a penny auction would be held at the Lawrencetown Beach Volunteer Fire Fighters Association.

Councillor McCluskey invited all to attend the Christmas tree lighting at Sullivan's Pond on Saturday, December 4, 2010.

Councillor Adams stated that there would be a Christmas tree lighting on December 9, 2010 at the Captain William Spry Centre. He indicated that Councillor Mosher was participating in the Salvation Army Stocking Stuffer initiative and encouraged support until the closing date of December 17, 2010; noting that more information was available online.

Councillor Mosher provided her regrets for the Council meeting on December 7, 2010. She indicated that a Public Information meeting would be held on December 15, 2010 regarding the North West Arm Seawall.

Councillor Lund stated that an RCMP Town Hall meeting would be taking place on December 1, 2010 at the St. Margaret's Centre and that he would be raising money for Christmas Daddies at the Hubley Mall on December 4, 2010. He indicated that the Bay Chorale would be performing their annual concert on December 5, 2010 at the Emanuel Baptist Church.

Councillor Watts stated that a follow up meeting regarding the Urban Farm Development at the old QEII site would be taking place on December 1, 2010. She indicated that December 1, 2010 was also World Aids Day and highlighted several events that would be taking place in the community. Councillor Watts requested that Mayor Kelly send a letter to Ms. Betty Peterson and Ms. Dolly Williams to congratulate them for being 2010 YMCA Peace Medallion Recipients. In closing, she stated that she had partnered with Ms. Kristen Rowe on her 'Dare to Remember' campaign and would be giving up her car for the month of December to raise money for Aids programs in Africa.

Councillor Johns indicated that the Sackville Christmas tree lighting would take place on December 2, 2010.

Councillor Barkhouse announced that the Kris Kringle traditional German market would be taking place from December 3 to 5, 2010 at Alderney Landing.

Deputy Mayor Smith stated that the annual commemorative event marking the Halifax Explosion would be held at the corner of Pinecrest and Albro Lake Road on December 6, 2010.

Councillor Rankin extended an invitation to the Christmas tree lighting at the Prospect Regional Community Centre on December 8, 2010.

Councillor Fisher congratulated six graduates of the Dartmouth Whalers Minor Hockey Association who would be playing with Team Nova Scotia at the 2011 Canada Winter Games as follows: Mr. Zack Taylor, Mr. Evan McEachran, and Mr. Matthew Highmore, Ms. Julianne Bruce, Ms. Jordie MacKeigan and Erin MacIssac.

3. APPROVAL OF MINUTES – November 16, 2010

MOVED by Councillor McCluskey, seconded by Councillor Nicoll that the minutes of November 16, 2010 be approved as presented. MOTION PUT AND PASSED.

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

Additions:

- 12.1 Councillor Mosher Request to add Information Item # 1, "Graffiti Management Plan- Update #2" to the Regional Council Agenda for Discussion.
- 12.2 Councillor/Citizen Appointments to HRM Committees & Associate Boards

Deletions:

- 10.1.1 Request for Proposal 10-070 Supply & Delivery of Self Contained Breathing Apparatuses, Compressed Air Cylinders, Integrated Communications Components, and Accessories for Halifax Regional Fire & Emergency Services
- 11.1 Motion Deputy Mayor Smith
- 11.2 Motion Councillor Hum

MOVED by Councillor Blumenthal, seconded by Councillor Sloane 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
- 8. CONSIDERATION OF DEFERRED BUSINESS NONE
- 9. CORRESPONDENCE, PETITIONS & DELEGATIONS
- 9.1 Correspondence None
- 9.2 Petitions

9.2.1 Councillor Sloane

Councillor Sloane submitted a petition containing 770 signatures in support of the St. John's United Church Redevelopment Project.

9.2.2 Councillor Dalrymple

Councillor Dalrymple submitted a petition containing 1340 signatures in protest of the reduction or elimination of the community bus service in Beaver Bank and urging Council not to take away any of the current trips.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Request for Proposal 10-070 – Supply & Delivery of Self Contained Breathing Apparatuses, Compressed Air Cylinders, Integrated Communications Components, and Accessories for Halifax Regional Fire & Emergency Services

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

11.1.2 Draft Audited Financial Statements

The Financial Information of Halifax Regional Municipality for the Year Ended March 31, 2010 was before Council.

The Consolidated Financial Statements of Halifax Regional Municipality for the Year Ended March 31, 2010 was before Council.

The Financial Statements of Halifax Regional Municipality – Miscellaneous Trust Funds, for the Year Ended March 31, 2010 was before Council.

A presentation was submitted.

Councillor McCluskey advised that the financial statements for the year ended March 31, 2010 have been reviewed and approved by HRM's Audit Committee. She thanked all internal and external staff involved in this process.

Mr. Louie De Montbrun, Manager of Accounting Operations, provided the presentation on the Draft Audited Financial Statements. He noted that amortization had increased by \$7,000,000, income coming into HRM trust had seen a significant reduction since previous years and that expenditures had also increased.

MOVED by Councillor McCluskey, seconded by Councillor Karsten that Halifax Regional Council approve:

- 1. The audited financial statements of the Halifax Regional Municipality Miscellaneous Trust Funds for the year ended March 31, 2010; and
- 2. The Halifax Regional Municipality's Consolidated Audited Financial Statements for the year ended March 31, 2010.

Discussion on the motion ensued with staff responding to questions.

Ms. Cathie O'Toole, Director of Finance, provided clarification as to why HRM was showing a surplus of \$85,000,000 and was still showing a projected \$13,000,000 deficit. She advised that accounting surplus was different than budgeted surplus; noting that what staff was calling 'accumulated surplus' related to fixed assets that were tied up in equity and would have to be liquidated for financial gain as they were not actual cash.

MOTION PUT AND PASSED.

10.2 GRANT COMMITTEE

10.2.1 Proposed By-Law T-227, an Amendment to By-Law T-200, Respecting Tax Exemption for Non-Profit Organizations 2010-2011

A report dated November 15, 2010 was before Council.

MOVED by Councillor Walker, seconded by Councillor Lund that Halifax Regional Council approve in principle:

- 1. The renewal of tax exemption status for the 2010-2011 fiscal year for 176 organizations presently on By-law T-200 at a combined cost of \$2,580,572;
- 2. A one-time adjustment to Sport Nova Scotia and Ocean Glen Society tax accounts for a combined total cost of \$9,502;

- 3. The addition of twelve (12) properties as detailed in Attachment 2 of the October 7, 2010 staff report for a combined total cost of \$113,074;
- 4. The removal of Nova Scotia Nature Trust Account ANN#04958535, Ostrea Lake, for an annual saving of \$322;
- 5. The decline of eleven (11) applications as detailed in Attachment 4 of the October 7, 2010 staff report; and
- 6. The deferral of fifty-two (52) applications as detailed in Attachment 5 of the October 7, 2010 staff report.

Discussion on the motion ensued.

Councillor Outhit requested that a decision on the Rocky Lake Development Association be deferred in order to provide the time to have the Association address the issue of back taxes owing.

MOVED by Councillor Outhit, seconded by Councillor Blumenthal that decision on the Rocky Lake Development Association be deferred. MOTION PUT AND PASSED.

The motion now reads:

MOVED by Councillor Walker, seconded by Councillor Lund that Halifax Regional Council approve in principle:

- 1. The renewal of tax exemption status for the 2010-2011 fiscal year for 176 organizations presently on By-law T-200 at a combined cost of \$2,580,572;
- 2. A one-time adjustment to Sport Nova Scotia and Ocean Glen Society tax accounts for a combined total cost of \$9,502;
- 3. The addition of twelve (12) properties as detailed in Attachment 2 of the October 7, 2010 staff report for a combined total cost of \$113,074, with the exception that decision on the Rocky Lake Development Association be deferred;
- 4. The removal of Nova Scotia Nature Trust Account ANN#04958535, Ostrea Lake, for an annual saving of \$322;
- 5. The decline of eleven (11) applications as detailed in Attachment 4 of the October 7, 2010 staff report; and

6. The deferral of fifty-two (52) applications as detailed in Attachment 5 of the October 7, 2010 staff report.

MOTION PUT AND PASSED.

10.2.2 Grants and Contributions – Proposed Policy Regarding Non-Profit Registrations

A report dated November 17, 2010 was before Council.

MOVED by Councillor Walker, seconded by Councillor Lund that Halifax Regional Council:

- 1. Uphold the formal registration requirement for applicants to the *HRM Community Grants Program, Tax Exemption for Non-Profit Organizations Program*, and less than market value property sales and leases; and
- 2. Approve the exceptions as set out in the Draft Interpretation Bulletin #5 included as Attachment 1 of the October 7, 2010 staff report.

MOTION PUT AND PASSED.

10.3 HALIFAX WATERSHED ADVISORY BOARD

10.3.1 Transfer of Environmental Assessment Approval from Tangier Limited Partnership for Blueberry Hill Mine to Acadian Mining Corporation

A report dated November 17, 2010 was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Wile that Halifax Regional Council request that, as recommended by the Halifax Watershed Advisory Board, the Mayor write to Minister Sterling Belliveau, Department of Environment, forwarding the comments and concerns outlined in the Discussion Section of the November 17, 2010 Committee report which relate to the Environmental Registration Document for the Blueberry Hill Mine. MOTION PUT AND PASSED.

10.4 GOVERNANCE & DISTRICT BOUNDARY REVIEW COMMITTEE

10.4.1 HRM's Submission to the Nova Scotia Utility and Review Board – Phase 2, Review of Polling District Boundaries

A report dated November 22, 2010 was before Council.

A presentation was before Council.

District Boundary Review Public Meeting Minutes were before Council from the following meetings: November 3, 2010 at Halifax West School, November 3, 2010 at Cole Harbour Place, November 4, 2010 at St. Andrew's Centre, November 8, 2010 at Basinview School, November 8, 2010 at Dartmouth High School, November 10, 2010 at St. Margaret's Centre and November 10, 2010 at Gordon Snow Community Centre.

MOVED by Councillor Wile, seconded by Councillor Blumenthal that Halifax Regional Council ratify the recommendations of the Governance and District Boundary Review Committee regarding polling district boundaries, contained in Attachments 4 and 5 of the November 22, 2010 Committee report, for submission by HRM to the Nova Scotia Utility and Review Board (NSUARB).

Discussion on the motion ensued with staff responding to questions.

Councillor Adams advised that he would not support the motion as he was not comfortable with the boundary changes in Spryfield; noting that he would like the Governance and District Boundary Review Committee to revisit this matter.

Councillor Walker expressed concern that certain proposed Districts, such as District 2, were already over the 10% ratio set out by the Nova Scotia Utility and Review Board (NSUARB).

Ms. Cathy Mellett, Municipal Clerk, advised that while HRM was required to submit boundaries within the +/- 10 % ratio, the Committee also provided guiding principles to the process; one of which was to retain communities. She stated that the community of Beaver Bank in District 2 was an example of this principle; noting that the Committee deemed it to be unfair to split communities of voters and was prepared to defend these small variances.

Councillor Walker expressed concern that his District had been chopped into pieces and his residents had not been notified that they would be included in the Peninsula area. He recommended that the boundary between Districts 15 and 11 be moved to Joseph Howe Drive.

Mayor Kelly advised Council that if they did wish to amend specific District boundaries and refer them back to the Committee, it would have to amend all boundaries as amending one boundary would impact all other boundaries.

Ms. Mary Ellen Donovan, Municipal Solicitor, indicated that this would be the complication if Council was going to adjust certain boundaries. She stated that the request of Council was to either approve or refuse all of the Committee's boundary recommendations.

MOVED by Councillor Walker, seconded by Councillor Adams, that Halifax Regional Council refer this matter back to the Governance and District Boundary Review Committee for further review. Discussion on the referral ensued with staff responding to questions.

Ms. Donovan and Ms. Mellett advised that there were timing concerns with the referral as, under the Municipal Government Act, Council was required to submit an application to the NSUARB for review by December 31 of the year that review began.

Councillor McCluskey expressed concern over the effect the proposed boundary changes would have on residents of Cherry Brook and Humber Park as they had previously gone to the NSUARB requesting to be left in the Cole Harbour District. Councillor McCluskey requested that this issue be revisited as well.

Councillor Rankin advised that he would not support the referral as Council could not deal with a District in isolation as a change in one would impact the others. He stated that it was not reasonable to expect the Committee to revamp the review and that amendments to Districts had to be made as a result of demographic and population shifts.

Councillor Blumenthal advised that he was also against the referral; noting that the NSUARB may change Council's proposal anyway and the boundaries would have to be worked out again. He stated that the recommendation should be approved as presented.

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

Discussion on the main motion continued.

Councillor Hum advised that she had concerns with the whole process; noting that it should be an arms length committee from Council working on the review. She stated that she would be making a submission outlining her concerns to the NSUARB and encouraged her fellow Councillors to do the same.

Mayor Kelly indicated that the NSUARB would first review the number of HRM Councillors and if they chose any number other than the recommended 23, the boundaries would be referred back to HRM for further review.

MOTION PUT AND PASSED.

Mayor Kelly thanked the Governance and District Boundary Review Committee and staff for their work and dedication to this process.

10.5 MEMBERS OF COUNCIL

10.5.1 Councillor Fisher – Halifax Comedy Festival Request to Present to Special Events Advisory Committee

A Councillor Request Form submitted by Councillor Fisher was before Council.

MOVED by Councillor Fisher, seconded by Councillor Sloane that Halifax Regional Council recommend that members of the Halifax Comedy Festival be permitted to apply and make a presentation to the Special Events Advisory Committee for possible Hallmark Status consideration.

Discussion on the motion ensued.

Councillor Fisher indicated that this was a high profile event with local, national and international attention; noting that he wished to bring it to the same status as the Montreal Comedy Festival.

Councillor Johns, Chair of the Special Events Advisory Committee, advised that while he was not opposed to any group wanting to come forward to present, a whole new proposal model would be coming forward to Council which he would like to have approved prior to the presentation. He stated that the proposal would lay out new categories and methods of funding special events.

MOTION PUT AND PASSED.

11. MOTIONS

11.1 Deputy Mayor Smith

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

11.2 Councillor Hum

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

12. ADDED ITEMS

12.1 Councillor Mosher – Request to add Information Item # 1, "Graffiti Management Plan- Update #2" to the Regional Council Agenda for Discussion

A memorandum from the Chair, Graffiti Task Force dated November 16, 2010 re: Graffiti Management Plan – Update #2 was before Council.

Councillor Mosher noted that there was an omission in the information report which has since been corrected and updated on the website. She stated that the omission was on pages 5 and 6 of the information report dated November 16, 2010 under Economic Development, Business Improvement Districts and that the following text had been added:

'Downtown Dartmouth Business Improvement District: the Downtown Dartmouth Business Commission's Budget for 2010/2011 fiscal year is currently \$3,000 but might be reduced because of the funding cuts from HRM. In the past, they have done two full clean ups a year and have done graffiti clean up as calls come in from businesses and also spot cleaning.'

Councillor Mosher provided the annual update from the Graffiti Task Force. She highlighted key points of the information report. Regarding the reporting of graffiti, she requested that residents call the police non emergency number at 490-4056, unless the graffiti was in progress; noting that while calling HRM's Call Centre at 490-4000 would get the graffiti removed, it was best to call the police for successful prosecution. She stated that residents could also request an information flyer and free paint removal kit by calling the HRM Call Centre. She advised that the Task Force was not in the position to know if education programs or partnerships were working; noting that it has been recommended that an annual survey be conducted. She announced that a new term called 'religious mischief' had been created and such graffiti should be reported to police for investigation.

Councillor McCluskey stated that Mr. Tim Olive, Executive Director of the Downtown Dartmouth Business Commission, was upset with the report as the Commission does a great deal of graffiti removal on both public and private properties. She indicated that, despite the addition to the information report, Mr. Olive did not understand why his idea of saving money via Business Improvement Districts (BIDs) taking responsibility had not been included.

Councillor Uteck requested a future report outlining what HRM was spending on graffiti management and how it may be done for less.

In closing, Councillor Mosher stated that the next steps included coordinated protocol to ensure increased reporting and an enhanced education campaign for awareness and immediate reporting. She stated that the Task Force was also seeking mentors to educate youth in the community. She indicated that the Task Force would be seeking financial support for private property owners in the future and for an education campaign as well. Councillor Mosher stated that the Task Force would continue to seek partnerships and had been given a free graffiti data base from Calgary Police which staff were implementing for Nova Scotia.

Ms. Donovan clarified that Council had previously considered the legislative authority regarding graffiti and had written to the Province in reference to this matter.

12.2 Councillor/Citizen Appointments to HRM Committees & Associate Boards

This item was addressed at an In Camera session held earlier in the day and was now before Regional Council for ratification:

MOVED BY Councillor Blumenthal, seconded by Deputy Mayor Smith that Halifax Regional Council:

- 1. Adopt the recommendation of the Membership Selection Committee regarding appointments to Standing Committees of Council and Associated Boards and Committees as outlined in Attachment 1 of the Private and Confidential report dated November 26, 2010.
- 2. Adopt the recommendation of the Membership Selection Committee to forward the relevant Committee appointments (Councillor and Citizens) to the respective Standing Committee or Community Councils for their recommendation to Halifax Regional Council, as outlined in Attachment 2 of the Private and Confidential report dated November 26, 2010 as amended:

Councillor Walker replace Councillor Mosher on Halifax Water, and when the standing committee is up and running it will appoint the other councillor

Councillor Nicoll and Councillor McCluskey be appointed to the Greater Halifax Partnership

And further, that the Standing Committees use, for the purpose of their nominations, the list of Councillors expressing interest to serve on the Committees as submitted to the Membership Selection Committee and adhere to all policies previously adopted by Council regarding Council appointments.

- 3. Approve the appointment of Ali Nadeen and Neil Lovitt to the District 12 Planning Advisory Committee.
- 4. Adopt the recommendation of the Membership Selection Committee to increase the membership of the Graffitti Task Force from two (2) Councillors to three (3) Councillors; the membership of the Shubenacadie Canal Commission from one (1) to two (2) Councillors; the membership of the Special Events Advisory Committee from three (3) to five (5) Councillors; and the membership of the Accessibility Advisory Committee from two (2) to three (3) Councillors to accommodate the interest of members of Council on serving on those Committees.
- 5. Adopt the recommendation of the Membership Selection Committee to move the Rural Fire Management Committee from a Committee of Council to a Staff Advisory Committee as Council's mandate in regard to the Committee has been completed.

- 6. That the current membership of the Committees (Councillors and Citizens) referred to the Standing Committees continue until such time as the Standing Committees bring forward their nominations for appointment by Halifax Regional Council, which shall be no later than March 31, 2011.
- 7. That the Private and Confidential report dated November 26, 2010 be released to the public along with the motion of Regional Council.

MOTION PUT AND PASSED.

13. NOTICES OF MOTION

13.1 Councillor Hum

Take notice that at the next regular Regional Council meeting, to be held on Tuesday, the 7th day of December, 2010, I propose:

Whereas;

The Nova Scotia Utility and Review Board is the body appointed by the Government of Nova Scotia under the Municipal Government Act (MGA) to review, alter or confirm the boundary review required to be undertaken by the Municipality.

And, given that the Nova Scotia Utility and Review Board already has broad powers, under the MGA Section 368, in regard to all aspects of the municipality's boundary submission.

That Halifax Regional Council:

1. Request that the Province of Nova Scotia amend the MGA Part XVI, Section 369 to remove Council as the body required to conduct the study of the number and boundaries of polling districts in the municipality and to direct that the Nova Scotia Utility and Review Board shall be the body that both conducts the study and sets the number and boundaries of polling districts and number of Councillors for Municipalities in Nova Scotia, including the Halifax Regional Municipality.

And, that Halifax Regional Council

2. Seek the support of the Union of Nova Scotia Municipalities (UNSM) to advance this amendment to the Province of Nova Scotia to take effect for all future boundary reviews.

13.2 Councillor Walker

Take notice that at the next regular Regional Council meeting, to be held on Tuesday,

the 7th day of December, 2010, I propose to move First Reading of By-Law T-227, the purpose of which is to consider additions, deletions, deferred applications and corrections regarding tax exemption as recommended in the staff report dated October 7, 2010.

14. ADJOURNMENT

The meeting was adjourned at 5:06 p.m.

Cathy J. Mellett Municipal Clerk

INFORMATION ITEMS

- 1. Memorandum from Chair, Graffiti Task Force dated November 16, 2010 re: Graffiti Management Plan – Update #2
- 2. Memorandum from Director, Community Development dated November 3, 2010 re: By-Law T-200, Exemption for Non-Profit Organizations Program – List of Organizations in Receipt of Tax Exemption
- 3. Memorandum from Director, Infrastructure & Asset Management dated November 9, 2010 re: Climate SMART Community Action Guide to Climate Change and Emergency Preparedness Update and the Provincial Climate Change Adaptation Fund
- 4. Memorandum from Director, Finance dated November 23, 2010 re: Fiscal Health Indicators – March 31, 2010
- 5. Memorandum from Director, Finance dated November 26, 2010 re: Second Quarter 2010 / 2011 Financial Report
- 6. Memorandum from Director, Legal Services & Risk Management dated November 15, 2010 re: 2003 Supplementary School Funding Challenge
- 7. Memorandum from Director, Legal Services & Risk Management dated November 18, 2010 re: Status of By-Law Prosecutions – August 2010
- Memorandum from the Municipal Clerk dated November 26, 2010 re: Requests for Presentation to Council – Harrietsfield / Williamswood / Sambro Transit Committee