

HALIFAX REGIONAL COUNCIL  
MINUTES

January 25, 2011

PRESENT:

Deputy Mayor Jim Smith  
Councillors: Steve Streach  
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  
Stephen Adams  
Brad Johns  
Robert Harvey  
Reg Rankin  
Peter Lund

REGRETS:

Mayor Peter Kelly  
Councillors: Linda Mosher  
Tim Outhit

STAFF:

Mr. Wayne Anstey, Acting Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Cathy Mellett, Municipal Clerk  
Ms. Melody Campbell, Legislative Assistant

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## **1. INVOCATION**

Deputy Mayor Smith called the meeting to order at 3:50 p.m. with the Invocation being led by Councillor Lund.

## **2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor Sloane advised that on Wednesday, January 26th the Partners for Care will hold a session at the Atlantic Hotel regarding the design of the Halifax Urban Garden Project. She added that the opening of African Heritage Month will take place at the Halifax North Memorial Library on January 27th.

Councillor Blumenthal advised that the outdoor North End rink is open. He expressed his appreciation to Mr. John Blanchard and all the volunteers working to make the North End Rink available to residents.

Councillor Watts stated that the outdoor Ardmore rink is open. She noted that the deadline is approaching for planning Bike Week events and that further information can be found regarding Bike Week at [www.halifax.ca](http://www.halifax.ca). She expressed her congratulations and requested Mayor Kelly send a letter of congratulations to the Independent Supported Housing Initiative on receipt of the 2010 Housing Award - Best Practices in Affordable Housing: Recognizing Leadership from the Private Sector.

Councillor Hendsbee advised that the Change of Command Ceremony for the Royal Canadian Army Cadet Corp Preston Westphal 117 will be held on January 26th at the East Preston Community Centre acknowledging the service of Mark Johnson. He stated that the Bell Park School will be holding Martin Luther King Junior Peace awards at 10:15 a.m. on Friday, January 28th.

Councillor Lund stated that on Monday, January 31st at 7:00 p.m. the Fox Point Stakeholders will present the draft Community Strategy Plan at the Lions Club in Fox Point.

Councillor Nicoll stated that Hockey Night in Canada, in conjunction with Hyundai, is coming to Cole Harbour. She added that events will be held from Friday to Sunday and that further information can be obtained by contacting Cole Harbour Place.

Councillor Barkhouse advised that the Eastern Passage outdoor skating rink is open and she advised that further information regarding the rink can be obtained by contacting the Tallahassee Recreation Centre.

## **3. APPROVAL OF MINUTES – January 11, 2011**

**MOVED by Councillor Lund, seconded by Councillor Nicoll, that the minutes of January 11, 2011 be approved, as presented. MOTION PUT AND PASSED.**

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

Additions:

- 12.1 Infrastructure Stimulus Fund – Re-allocation of Surplus Funds
- 12.2 PROPERTY MATTER – Municipal Lands – Bayne Street
- 12.3 LEGAL MATTER – Settlement of Claim
- 12.4 DARTMOUTH BRIDGE TERMINAL PROPOSED TENDER CHANGES

Councillor Johns requested that Information Item #3, Advanced Funding for the 2011/12 Project Budget be brought forward to the February 1, 2011 Regional Council agenda.

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

**MOVED by Councillor McCluskey, seconded by Councillor Karsten, that Regional Council continue the Regional Council beyond 4:30 p.m. to conclude the January 25, 2011 agenda. 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**

**8.1 Washmill Lake Court Underpass**

A staff report dated December 10, 2010 was before Council.

A supplementary report dated January 20, 2011 was before Council.

**MOVED by Councillor Wile, seconded by Councillor Walker that Halifax Regional Council:**

- 1. Approve the resolution to request an extension to the March 31, 2011 deadline for funding the Washmill Lake Court Extension under the Federal Government's Economic Action Plan, as per Attachment A of the December 10, 2010 staff report.**
- 2. Approve a budget increase of \$597,881.44 (HST exempt) to Project No. CQ300748, Washmill Lake Court/102 Underpass, with funding from Project No. CQ300743 – Bayers Lake Infill and Ragged Lake Development, as**

**outlined in the Budget Implications section of the December 10, 2010 staff report.**

- 3. Authorize an increase to the contract with Brycon Construction Limited for Washmill Lake Court Extension Phase 1, Tender No. 10-201, in the amount of \$994,137 (HST exempt), with funding from Project No. CQ300748, Washmill Lake Court/102 Underpass, as outlined in the Budget Implications section of the December 10, 2010 staff report.**
- 4. Direct staff to bring forward a funding plan for the final phase (Phase 3) of the Washmill Lake Court project (as outlined in the Discussion section of the December 10, 2010 staff report) as part of the 2011/12 Capital Budget Program.**

The following key points were included in Council's discussion of this matter.

In response to a question by Councillor McCluskey, staff advised that SNC Lavalin has been the consultant on the project. The Councillor suggested that Council consider delaying the vote on this issue until additional information is received from staff.

In response to a question by Councillor Uteck, Mr. Wayne Anstey, Acting Chief Administrative Officer stated that Washmill Lake is within the serviceable area.

Councillor Uteck requested that the vote be split and that Council vote individually on the four recommendations.

Councillor Hum expressed concern that the underpass, if not completed, would be an underpass to nowhere. She added that there needs to be a connection to Regency Avenue, Main Avenue and Bayers Lake.

Councillor Rankin expressed concern that the amount of pyritic rock was not taken into consideration when the estimates were provided to HRM.

Councilor Watts suggested that the overpass could remain as is as a reminder of HRM's fiscal responsibility. Staff advised, in response to a question by Councillor Watts, that bike lanes have been designed for that section of the roadway.

In response to a question by Councillor Smith, staff advised that the existing business park funding is a single reserve which includes Ragged Lake Business Park, Bayers Lake Business Park, the Burnside Business Park and the Aerospace Business Park.

In response to a question by Councillor Barkhouse, Mr. Peter Duncan, Manager, Infrastructure Planning Office, advised that, at this point, if the project goes beyond October 31, 2012, ten percent of the Federal Funding will be lost. Councillor Barkhouse suggested that the project could be scaled back and that information be provided to Council identifying elements of Phase Three that are discretionary and can be

eliminated. Mr. Anstey advised Council that staff will be considering all options and reporting back to Council.

In response to a question by Councillor Karsten, Mr. Peter Stickings, Manager, Real Estate and, advised Facility Services Council that the third entrance to Bayers Lake Business Park was initiated in 2002 with the 200 acres included in the business park sub designation. He added that the transportation infrastructure was not sufficient for the development of the 200 acres during the early development of the park.

In response to a question by Councilor Dalrymple, staff stated that they will be considering the funding models that may be available for the Phase 3 of the project.

Councillor Sloane expressed the view that the project goes against HRMbyDesign. She expressed concern in relation to available funding for undeveloped lots as the lands are not serviced. Staff advised that in respect to the cost of servicing, lots carry the servicing costs and infrastructure costs, funding is not coming from the general tax rate and is consistent with the objectives of the Regional Plan.

In response to a question by Councillor Lund, Mr. Phil Townsend, Director, Infrastructure and Asset Management, advised Council that the first step in the process before Council is to make an application to the Federal Government for an extension to December 31, 2012, which has to be sent in to the Federal Government by January 31, 2011.

Councillor Rankin advised that the remedy is not to stop the project, and if HRM were to do so, it would lose the stimulus funding from the Federal Government.

Mr. Anstey reiterated to Council that Phase One and Phase Two of the project are complete.

Councillor Barkhouse suggested that Number Four of the motion be amended to remove of all unnecessary aspects of the project.

Councillor Uteck withdrew her request to split the vote on the motion.

A recorded vote was requested on the motion.

**MOTION PUT AND PASSED. (17 in favour, 4 against)**

Those voting in favour were Deputy Mayor Smith and Councillors Streach, Dalrymple, Hendsbee, Nicoll, Fisher, Karsten, Wile, Blumenthal, Uteck, Walker, Hum, Adams, Johns, Harvey, Rankin, Lund.

Those voting against were Councillors McCluskey, Barkhouse, Sloane, Watts.

Mayor Kelly and Councillors Outhit and Mosher were absent for the vote.

Council recessed at 5:40 p.m.  
Council reconvened at 5:56 p.m.

Councillor Hum retired from the meeting at 5:57 p.m.

## **9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

### **9.1 Correspondence**

#### **9.1.1 Town of Shelburne Chamber of Commerce - Request for Letter of Support re: Reinstatement of CAT Ferry Service**

**MOVED by Councillor Uteck, seconded by Councillor Walker, that Halifax Regional Council request that Mayor Kelly write a letter of support relative to the efforts to have the Yarmouth/Maine ferry service re-established. MOTION PUT AND PASSED.**

### **9.2 Petitions**

#### **9.2.1 Councillor Streach**

Councillor Streach submitted a petition containing approximately 72 names to petition the Department of Highways to give attention to the deficient infrastructure of Mozier Cove Road especially the low lying section of road across the beach which is impossible to maintain due to its elevation in relation to the bodies of water on either side.

#### **9.2.2 Councillor Sloane**

Councillor Sloane submitted a petition containing 8544 names requesting that the Mayor and Councillors make the 2011 Canada Games Skating Oval located on the Halifax North Commons a permanent facility for all citizens of HRM to enjoy.

#### **9.2.3 Councillor Sloane**

Councillor Sloane submitted approximately 18 letters of support requesting that the Mayor and Councillors make the 2011 Canada Games Skating Oval located on the Halifax North Commons a permanent facility.

#### **9.2.4 Councillor Sloane**

Councillor Sloane submitted a petition signed by approximately 495 students of LeMarchant St. Thomas Elementary School and Armbrae Academy requesting that the Mayor and Councillors keep the Oval open.

**10. REPORTS**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Budget Transfer - Canada Games Centre**

A report dated January 7, 2011 was before Council.

**MOVED by Councillor Walker, seconded by Councillor Wile that Halifax Regional Council approve a transfer of \$350,000 from Project NO. CBX01046, City Hall Stonework Restoration, to Project No. CB100091, Mainland Common Recreation Facility.**

Staff advised Council that funds will be available to complete stonework on City Hall.

**MOTION PUT AND PASSED.**

**10.1.2 Buyout of Leased By-Law Vehicles**

A report dated December 8, 2010 was before Council.

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

- 1. The buyout of the 17 leases for By-law vehicles from Project #CVK01090 - Police Marked Cars; and**
- 2. An increase to Project #CVK01090 - Police Marked Cars by \$65,089, funded through an unbudgeted withdrawal from the Police Vehicles Reserve - Q205 as per the budget implications section of the report dated December 8, 2010.**

**MOTION PUT AND PASSED.**

**10.1.3 Reserve Business Case - Q205 Police Vehicles**

A report dated December 8, 2010 was before Council.

**MOVED by Councillor Uteck, seconded by Councillor Fisher that Halifax Regional Council approve the revised Reserve Business Case Q205 Police Vehicles as per the Budget Implications and attachment to the report dated December 8, 2010.**

**MOTION PUT AND PASSED.**

**11. MOTIONS**

**11.1 Councillor Sloane**



**MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Regional Council request a report regarding HRM's ability to grant funding to HMCS Sackville Trust for a study required for the Queen's Landing lands and that the request be forwarded to the Grants Committee. MOTION PUT AND PASSED.**

**11.2 Councillor Karsten**

**MOVED by Councillor Karsten, seconded by Councillor McCluskey, that Regional Council consider changing the interim award policy to reflect the Chief Administrative Officer's authority to award tenders to a maximum of one million dollars (\$1,000,000) and that that this issue be referred to the Audit and Finance and Standing Committee. MOTION PUT AND PASSED.**

**12. ADDED ITEMS**

**12.1 Infrastructure Stimulus Fund – Re-allocation of Surplus Funds**

**MOVED by Councillor Streach, seconded by Councillor Walker that Halifax Regional Council:**

- 1. Approve the resolution to request an extension to the March 31, 2011 deadline for funding a reallocation of \$640,000 to the HRM Building Upgrade Project, under the Infrastructure Stimulus Fund, included in the report dated January 25, 2011 as Attachment A.**
- 2. Approve requesting an extension to the March 31, 2011 deadline for funding a relocation of up to \$1,000,000 to the HRM Building Upgrade Project under the Infrastructure Stimulus Fund, as outlined in the Discussion section of the report dated January 25, 2011, and subject to a detailed funding plan.**

**MOTION PUT AND PASSED.**

**12.2 PROPERTY MATTER – Municipal Lands – Bayne Street**

**MOVED by Councillor Blumenthal, seconded by Councillor Karsten that Halifax Regional Council:**

- 1. Grant the Halifax Port Authority a right of first refusal, for a further period of five (5) years, on the remaining municipally owned Bayne Street lands, should they in whole, or in part, be deemed surplus to the Municipality's requirements in the future.**
- 2. The private and confidential report dated January 5, 2011 be released.**

**MOTION PUT AND PASSED.**

**12.3 LEGAL MATTER – Settlement of Claim**

**MOVED by Councillor McCluskey, seconded by Councillor Nicoll that Halifax Regional Council:**

- 1. Settle this claim brought by the Plaintiff in the amount of \$20,000.00 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 this incident on January 19, 2007; and**
- 2. The private and confidential report dated January 11, 2011 not be released to the public.**

**MOTION PUT AND PASSED.**

**12.4 DARTMOUTH BRIDGE TERMINAL PROPOSED TENDER CHANGES**

**MOVED by Councillor McCluskey, seconded by Councillor Karsten that Halifax Regional Council refer this matter to Harbour East Community Council for a public information meeting on Thursday, February 3, 2011 at 6:00 p.m. and then come back to Halifax Regional Council for the final decision. MOTION PUT AND PASSED.**

**13. NOTICES OF MOTION - NONE**

**14. ADJOURNMENT**

The meeting was adjourned at 6:21 p.m.

Cathy J. Mellett  
Municipal Clerk

Information Items  
January 25, 2011

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1. Proclamation – Family Literacy Day – January 27, 2011
2. Proclamation – Data Privacy Day – January 28, 2011
3. Memorandum from Director, Infrastructure & Asset Management dated December 20, 2010 re: Advanced Funding for the 2011 / 2012 Project Budget
4. Memorandum from Director, Finance dated January 10, 2011 re: Award of Contracts – CAO Approval
5. Memorandum from Director, Legal Services & Risk Management dated January 10, 2011 re: Status of By-Law Prosecutions, September 1 – 30, 2010
6. Memorandum from the Municipal Clerk dated January 21, 2011 re: Requests for Presentation to Council - None