HALIFAX REGIONAL COUNCIL MINUTES

April 24, 2012

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

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1. INVOCATION

Mayor Kelly called the meeting to order at 1:00 p.m. with the Invocation being led by Deputy Mayor Karsten.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of community announcements and acknowledgements.

By request of Councillor Sloane, Council observed a moment of silence in honour of slain gay rights activist Mr. Raymond Taavel.

Councillors Hendsbee and Nicoll entered the meeting at 1:07 and 1:08 p.m.

3. APPROVAL OF THE MINUTES – March 27, 2012

MOVED by Councillor McCluskey, seconded by Councillor Nicoll that the minutes of March 27, 2012 be approved.

Discussion ensued on the March 27, 2012 minutes as follows:

Councillor Hum requested that comments she had made in regard to Item 10.1.1 be included in the minutes. She advised that she would provide the Office of the Municipal Clerk with comments for inclusion in the minutes following her review of the March 27, 2012 recording.

Mr. Martin Ward, Solicitor, explained that the minutes are intended to reflect the general discussion of Council and not necessarily the points made by individual members. Whether there needs to be a greater amount of discussion included is a decision of Council.

Without a vote being taken on the motion on the floor, it was **MOVED by Councillor Fisher**, **seconded by Councillor Hum that the approval of March 27**, 2012 minutes be deferred pending review by Councillor Hum of her comments in regard to the Stadium discussions under Item 10.1.1 and confirmation on what, if any, comments she would like added to the minutes. MOTION TO DEFER PUT AND PASSED.

Discussion ensued on the content of Council minutes as follows:

MOVED by Councillor Hendsbee, seconded by Councillor Sloane that Halifax Regional Council request that the Executive Standing Committee review the content provided in Council minutes and provide a report back to Regional Council. Councillor Hendsbee expressed concern with the brevity of the minutes and the potential for loss of context around issues raised. He advised that he would like to have the community announcements/acknowledgements also included in the minutes.

Councillor Watts advised that she was in support of having a list of issues discussed on an item included in the minutes as more content around discussions would be helpful.

Councillor Johns entered the meeting at 1:17 p.m.

Councillor Rankin commented that deferring approval of the minutes was not an efficient method as Councillors have an opportunity to rise and amend the minutes and should be prepared to do so.

Councillor Hum noted that at times it is necessary to refer back to the minutes for a review of the discussion and comments made on an issue, therefore; it is important for the minutes to provide additional information.

MOTION PUT AND PASSED.

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

Additions:

- 12.1 Councillor Nicoll Request for Staff Report re: Caldwell Road Traffic Assessment
- 12.2 Councillor McCluskey Halifax / Dartmouth Ferry Service

Deletion:

Item 10.1.7 Halifax Regional Water Commission (HRWC) Act Amendments

MOVED by Councillor McCluskey, seconded by Councillor Sloane that the agenda, as amended, be approved. 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 April 17, 2012
- 8.1 Motion Councillor Sloane

MOVED by Councillor Sloane, seconded by Deputy Mayor Karsten that Halifax Regional Council request a report from the Executive Standing Committee on proposed amendments to the process for public hearings to allow for a question period to be inserted into the process after the public hearing has been closed. This allows for clarification and allows the mover of the recommendation their full five (5) minutes and/or three (3) minutes during deliberations. MOTION PUT AND PASSED.

- 9. CORRESPONDENCE, PETITIONS & DELEGATIONS
- 9.1 Correspondence

9.1.1 DND Helicopter Landing Request – Crichton Park Elementary School

An undated letter from Ms. Cheryl Highmore, Principal, Crichton Park School, was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Nicoll that Halifax Regional Council grant permission for a Sea King helicopter to land on the Crichton Park Elementary School soccer field on Tuesday, May 15, 2012. MOTION PUT AND PASSED.

9.2 Petitions

This item was dealt with later in the meeting. See page 12.

10. **REPORTS**

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 VIA Rail Sanitary Sewer Encroachment Agreement (Revision)

A report dated April 2, 2012 was before Council.

MOVED by Councillor Uteck, seconded by Councillor Walker that Halifax Regional Council approve the attached revised encroachment agreement to allow the proposed sewer to be installed under Hollis Street from the Via Rail building to Barrington Street. MOTION PUT AND PASSED.

10.1.2 Tender 12-202 – Pavement Renewal and New Sidewalk – Prince Street, Central Region

A report dated March 27, 2012 was before Council.

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

- 1. Approve a budget increase of \$2,190.00 (net HST included) to Project Account No. CJU01083 – New Sidewalks, funded through cost sharing with Halifax Water.
- 2. Award Tender No. 12-202, Paving Renewal and New Sidewalk Prince Street – Central Region, to the lowest bidder meeting specifications, Dexter Construction Company Ltd. for a Total Tender Price of \$547,000.93 (net HST included) with funding from Project Account No. CYX01345 – Street Recapitalization and Project Account No. CJU01083 – New Sidewalks, as outlined in the Budget Implications section of the March 27, 2012 report.

MOTION PUT AND PASSED.

10.1.3 Tender 12-210 – Thin Overlays, Phase 1 – Various Locations

A report dated April 2, 2012 was before Council.

MOVED by Councillor Watts, seconded by Councillor Nicoll that Halifax Regional Council:

- 1. Approve a budget increase of \$63,378.77 (net HST included) to Project Account No. CYX01345 – Street Recapitalization, funded through cost sharing with Halifax Water.
- Award Tender No. 12-210, Thin Overlays Phase 1 Various Locations, to the lowest bidder meeting specifications Basin Contracting Limited for a Total Tender Price of \$942,129.11 (net HST included) with funding from Project Account No. CYX01345 – Street Recapitalization as outlined in the Budget Implications section of the April 2, 2012 report.

MOTION PUT AND PASSED.

10.1.4 Tender 12-209 – Micro Surfacing Phase 1 – Various Locations

A report dated March 26, 2012 was before Council.

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

- 1. Approve a budget increase of \$20,857.20 (net HST included) to Project Account No. CYX01345 – Street Recapitalization, funded through cost sharing with Heritage Gas;
- 2. Approve a budget increase of \$88,716.10 (net HST included) to Project Account No. CYX01345 – Street Recapitalization, funded through cost sharing with Halifax Water;

3. Award Tender No. 12-209, Micro Surfacing – Phase 1 – Various Locations, to the lowest bidder meeting specifications, Industrial Cold Milling for a Total Tender Price of \$1,354,246.63 (net HST included) with funding from Project Account No. CYX01345 – Street Recapitalization, as outlined in the Budget Implications section of the March 26, 2012 report.

MOTION PUT AND PASSED.

10.1.5 First Reading Administrative Order SC-69 Street Closure – A Portion of Wyse Road, Dartmouth

A report dated March 13, 2012 was before Council.

MOVED by Councillor Smith, seconded by Councillor Fisher that Halifax Regional Council give First Reading of By-Law SC-69, Street Closure of a portion of Wyse Road, Dartmouth as outlined in Attachment A and B of the March 13, 2012 staff report, and; set a public hearing date. MOTION PUT AND PASSED.

10.1.6 Eastern Passage Common - Request to Initiate Site Development Plan Process

A report dated April 4, 2012 was before Council.

MOVED by Councillor Barkhouse, seconded by Councillor Sloane that Halifax Regional Council direct staff to undertake a site development planning process for the Eastern Passage Common, formerly known as the lands at Elkins Barracks (A23).

Discussion ensued with some Members of Council expressing concern with this matter taking precedence over other projects already underway. Mayor Kelly explained that this request was brought forward due to the potential new school announcement so that staff could determine if there were any synergies to be gained. If approved by Council, this project would take precedence due to the school situation.

Mr. Peter Stickings, Acting Director Planning and Infrastructure, explained that the area known as Eastern Passage Common lacks definition of its long term program which is what this project will address. The project is to forecast and understand the needs in order to come up with a Phase 1 for the municipal park; the project will also help to identify implications on municipal lands in relation to the new school.

Councillor Hendsbee questioned why six acres of municipally owned land around the cemetery was not included in the Eastern Passage Commons and suggested that staff consider the acquisition of five acres on the Morrison Property.

MOTION PUT AND PASSED.

10.1.7 Halifax Regional Water Commission (HRWC) Act Amendments (To be circulated)

This item was deleted from the agenda during approval of the order of business.

10.1.8 First Reading Proposed By-Law S-435, an Amendment to By-Law S-400, Respecting Charges for Street Improvements

The March 15, 2012 staff report was before Council.

MOVED by Councillor Smith, seconded by Councillor Nicoll that Halifax Regional Council give First Reading of By-Law S-435, an amendment to By-Law S-400 as outlined in Attachment "A1" of the March 15, 2012 staff report.

Councillor Johns requested that staff address, without further cost to the residents, the numerous issues that have occurred due to the poor quality of the road work undertaken on the Old Sackville Road under Local Improvement Charges (LIC).

MOTION PUT AND PASSED.

10.2 HERITAGE ADVISORY COMMITTEE

10.2.1 Case H00364 – Proposed Demolition of Former Tip Top Tailors Building, 1592 Barrington Street, Barrington Street Heritage Conservation District, Halifax

The March 22, 2012 Heritage Advisory Committee report was before Council.

MOVED by Councillor Sloane, seconded by Councillor Nicoll that Halifax Regional Council set May 22, 2012 as the date for public hearing to consider the demolition application for 1592 Barrington Street, Halifax. MOTION PUT AND PASSED.

10.3 SPECIAL EVENTS ADVISORY COMMITTEE

10.3.1 Halifax Regional Municipality (HRM) Non-Annual Events and Event Infrastructure Report

The April 12, 2012 Special Events Advisory Committee report was before Council.

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

- 1. Approve the 2012/13 Non-Annual grants from the Marketing Levy Special Events Reserve (Q315) for a revised total of \$276,460 (an increase of \$34,750) as per the following amendments:
 - a) \$14,500 for Epic Dartmouth, an increase of \$14,500

- b) \$100,000 for Canada vs. Russia Junior Hockey Series conditional upon Halifax winning the bid as host city; an increase of \$17,500
- c) \$10,000 for Memorial Tower (Dingle) 100th Anniversary, an increase of \$2,750
- 2. Approve the infrastructure funding totaling \$50,000, as identified in Attachment 3 of the March 1, 2012 staff report,
- 3. Defer consideration of Titanic 100 Part 2 until further information is provided; and
- 4. Decline the application for funding request from the Hal-Con Sci-Fi Fantasy Convention, Halifax Anthem Showcase, Nocturne: Art at Night, and the Maritime Fiddle Festival.

Councillor Uteck, Chair of the Special Events Advisory Committee, and Ms. Denise Schofield, Manager, Community Recreation Services, clarified that the events under Recommendation 4 will be brought back to the Special Events Advisory Committee for consideration in a separate report that will then be forwarded to Regional Council. The four events, and others, will be reviewed by staff under the exceptional circumstances clause of the current events policy as presently there is no category for these events.

Councillor McCluskey requested that staff review the category scoring for "low cost" and provide clarity/consistency on whether it relates to spectators and/or participants. If both, the category should clearly indicate that cost to both spectators and participants is considered.

Councillor Blumenthal advised that he is not in support of the \$100,000 conditional award for the Canada vs. Russia Junior Hockey Series bid as the money would sponsor a single game with substantial ticket price and many people would be filling hotel rooms in August anyway due to holiday travel.

MOVED by Councillor Mosher, seconded by Councillor Adams that Halifax Regional Council approve an increase to recommendation 1(c), Memorial Tower (Dingle) – 100th Anniversary, to \$15,000 to the Mainland South Heritage Association.

Councillor Mosher explained that the Dingle Tower, located in HRM's largest park and a memorial to representative (democratic) government, is celebrating a significant anniversary this year. Additional funds are required to cover unique needs for this location such as Metro Transit shuttle service and additional police coverage due to the park being located in a largely residential area.

Without a vote being taken on the main motion or motion to amend, it was **MOVED by Councillor Sloane, seconded by Councillor Johns that the report be sent back to the Special Events Advisory Committee for review of all events pending**

information on why the events under Recommendation 4 could not come forward at this time.

Mr. Brad Anguish, Director, Community and Recreation Services, advised that the events noted under Recommendation 4 are being reviewed by staff at the request of the Special Events Advisory Committee and a report will be brought back to the Committee. A deferral of the entire motion and recommendations would not be timely.

Councillor Sloane withdrew her motion to defer.

Discussion ensued on the proposed amendment to increase the \$10,000 grant award to the Memorial Tower (Dingle) – 100th Anniversary event to \$15,000.

Councillor Hendsbee questioned what the federal and provincial governments were contributing to the event and that perhaps there would be funding available from the Democracy 250 fund. He noted that the municipality has contributed toward the park in regard to funding for the restoration of the Dingle Tower and the seawall.

Without a vote being taken on the proposed amendment, it was **MOVED by Councillor** Johns, seconded by Councillor Sloane that the matter be referred back to the Special Events Advisory Committee and that Councillor Mosher present her reasons for the proposed increase for the Committee's consideration as per current practice.

Councillor Mosher explained that many community groups were coming together for the 100th anniversary event. She suggested that there be a category for HRM owned assets. Councillor Mosher noted that some activities may not be able to proceed such as an educational / legacy piece and cultural historic piece (pin and brochure) if additional funding is not found.

It was noted by Councillor Uteck, Chair of the Special Events Advisory Committee, that Councillor Mosher is on the Committee and had the opportunity to represent her position at the Committee. In light of that, a referral back to the Committee would not likely result in a different scoring or recommendation.

MOTION TO REFER PUT AND DEFEATED.

Discussion continued on the proposed amendment to increase the award for the Memorial Tower (Dingle) -100^{th} Anniversary event to \$15,000 from \$10,000.

Councillor Mosher requested a recorded vote.

MOVED by Councillor Mosher, seconded by Councillor Adams that Halifax Regional Council approve an increase to recommendation 1(c), Memorial Tower (Dingle) – 100th Anniversary, to \$15,000 to the Mainland South Heritage Association. MOTION TO AMEND PUT AND DEFEATED. (8 for, 14 against) Those voting in favour of the motion were Councillors: Adams, Mayor Kelly, Mosher, Outhit, Smith, Streatch, Walker and Wile. (8)

Those voting against the motion were Councillors: Barkhouse, Blumenthal, Fisher, Hendsbee, Hum, Johns, Deputy Mayor Karsten, Lund, McCluskey, Nicoll, Rankin, Sloane, Uteck and Watts. (14)

Those absent for the vote were Councillors: Dalrymple and Harvey.(2)

Discussion ensued on the main motion.

Councillor Blumenthal requested that Item 1(b) be voted upon separately.

MOVED by Councillor Blumenthal, seconded by Deputy Mayor Karsten that Halifax Regional Council approve the 2012/13 Non-Annual grants from the Marketing Levy Special Events Reserve (Q315) for \$100,000 for Canada vs. Russia Junior Hockey Series conditional upon Halifax winning the bid as host city; an increase of \$17,500. MOTION PUT AND PASSED.

Councillor Watts clarified, with staff confirmation, that the funds for these awards come from the hotel tax levy, Marketing Levy Special Event Reserve, and is not from taxpayers.

A vote was then taken on the main motion as follows: **MOVED by Councillor Uteck**, **seconded by Councillor McCLuskey that Halifax Regional Council**:

- 1. Approve the 2012/13 Non-Annual grants from the Marketing Levy Special Events Reserve (Q315) for a revised total of \$276,460 (an increase of \$34,750) as per the following amendments:
 - a) \$14,500 for Epic Dartmouth, an increase of \$14,500
 - b) \$100,000 for Canada vs. Russia Junior Hockey Series conditional upon Halifax winning the bid as host city; an increase of \$17,500
 - c) \$10,000 for Memorial Tower (Dingle) 100th Anniversary, an increase of \$2,750
- 2. Approve the infrastructure funding totaling \$50,000, as identified in Attachment 3 of the March 1, 2012 staff report,
- 3. Defer consideration of Titanic 100 Part 2 until further information is provided; and
- 4. Decline the application for funding request from the Hal-Con Sci-Fi Fantasy Convention, Halifax Anthem Showcase, Nocturne: Art at Night, and the Maritime Fiddle Festival.

MOTION PUT AND PASSED.

Council recessed at 2:30 p.m. Council reconvened at 2:39 p.m. Council agreed to deal with Item 9.2.1 at this time.

9.2.1 Councillor Smith

Councillor Smith submitted a petition with 500 signatures collected by the Take Action Society requesting that HRM provide free service on Metro Transit buses and ferries to seniors (65+) one day a week from 9:00 a.m. to 4:00 p.m. and resume after 6:00 p.m.

10.4 MEMBERS OF COUNCIL

10.4.1 Councillor Barkhouse – Request for Staff Report re: Development of Storm Water Policy

MOVED by Councillor Barkhouse, seconded by Councillor Sloane that Halifax Regional Council request a staff report, in conjunction with Halifax Water, outlining a proposed policy to develop public infrastructure that will assist in mitigating a variety of public and private drainage issues, and to identify equitable cost recovery methods that will appropriately finance new infrastructure.

Councillor Barkhouse explained that the policy is to focus on the requirements for proposed public infrastructure, and is not to address improvements that may be required on private property such as lot grading enhancements, improved foundation drains, etc. She noted that there is currently no definitive policy to address drainage problems; storm water flooding/draining.

Councillor Walker requested that staff consider all possibilities and include in the report which entity is responsible for what items.

Councillor Hendsbee suggested that this policy be harmonized with the Lot Grading By-Law as the two documents should be complimentary. He requested that the report also include information on how to bridge the gap between the problem and the solution by including cost recovery and capital work.

Councillor Watts requested a status update on the Stormwater Functional Plan and questioned why this matter was not before the Environment and Sustainability Standing Committee.

Councillor Adams requested that the report include surface water and groundwater as there are areas in his district that have continuous flooding. The main issue seems to be defining who is responsible for water drainage or lack thereof.

Councillor Johns requested that the issue of the responsibility for ditches be included in the report; is it the Halifax Regional Water Commission or the subdivision developer.

MOTION PUT AND PASSED.

10.4.2 Councillor Walker – Federation of Canadian Municipalities (FCM) – Election to the Board of Directors

MOVED by Councillor Walker, seconded by Councillor Johns that Halifax Regional Council endorse Councillor Sue Uteck to stand for election on FCM's Board of Directors for the duration of one year; and that Council assume all costs associated with Councillor Sue Uteck attending FCM's Board of Directors meetings. MOTION PUT AND PASSED.

Councillor Hum left the meeting at 2:58 p.m.

10.4.3 Councillor Rankin – Request for Staff Report re: Public Access to Governor's Lake

MOVED by Councillor Rankin, seconded by Councillor Johns that Halifax Regional Council request a staff report and authorize staff to investigate and evaluate the appropriateness of the public value of a candidate portion of lands lying on the St. Margaret's Bay Road, Timberlea to provide public access to Governor's Lake and at first opportunity return with a recommendation to Council on possible acquisition. MOTION PUT AND PASSED.

- 11. MOTIONS
- 11.1 Councillor Walker

MOVED by Councillor Walker, seconded by Councillor Nicoll that Halifax Regional Council request a staff report to amend the HRM Sign By-Law to specifically exclude election signage from being posted in advance of a specific date to be determined by the Returning Officer in the case of Municipal Elections or at the dropping of the writ in Federal and Provincial Elections.

Councillor Adams noted that on August 4, 2009 a motion was made by the then Council to consider amending the Sign By-Law and a response was expected that September yet no response has been received to date. He requested an update on the 2009 request.

Councillor Outhit requested that the report include alternative, more environmentally friendly options similar to an initiative by the City of Ottawa to use alternatives to signage during municipal elections.

Councillor Hendsbee suggested that the report include information on a possible fee for signage and a penalty if the signs are not removed by a certain date following the election.

Councillor Johns requested that the report include a clear definition as to what constitutes election signage.

Councillor Smith commented that the elimination of signage would be detrimental to new people trying to enter politics. He suggested that there be a designated area for signs with a sign limit.

MOTION PUT AND PASSED.

12. ADDED ITEMS

12.1 Councillor Nicoll – Traffic Assessment Caldwell Road, Dartmouth

MOVED by Councillor Nicoll, seconded by Councillor Hendsbee that Halifax Regional Council request a full traffic assessment for Caldwell Road, Dartmouth given the pressures of area development.

Without a vote being taken on the motion, it was **MOVED by Deputy Mayor Karsten**, seconded by Councillor Blumenthal that this matter be referred to the Transportation Standing Committee.

Deputy Mayor Karsten questioned the 1500 additional homes indicated in the information circulated to Council and requested that the number be clarified in the staff report. He noted that the Department of National Defense has been very cooperative to date in regard to the connector road.

Councillor Hendsbee requested that active transportation perspectives be considered and that Caldwell Road be assessed and evaluated as a possible connector road.

Councillor Nicoll advised that the request comes from the frustration of District 4 residents and asked that the request be sent to staff not the Standing Committee as the Traffic Authority has been considering overall solutions and may be coming forward with some solutions. She advised that she did not see the point in going to the Standing Committee.

MOTION TO REFER PUT AND PASSED.

12.2 Councillor McCluskey – Halifax Dartmouth Ferry Service

MOVED by Councillor McCluskey, seconded by Councillor Sloane that Halifax Regional Council refer the request to reinstate evening ferry service, as it was

prior to the budget approval, to the Transportation Standing Committee for staff report and discussion.

Councillor McCluskey commented that shutting down the ferry service at 10:30 p.m. would affect real estate sales in the downtown; impact downtown businesses and events at the Alderney Landing Events Plaza. Planning meetings have been held to encourage people to move to the downtown and then a service is cut. She noted that she did not want to see the transit fares increased.

Councillor Sloane noted that students of the Nova Scotia Community College in Woodside have indicated that they would like the ferry service to run later as it is an economical and safe method of travel. HRM has a Centre Plan underway and the "centre" is being taken out.

Councillor Smith commented that he was not in support of transit fare increases.

Deputy Mayor Karsten requested that the report include numbers (cost/cost recovery).

MOTION TO REFER PUT AND PASSED.

13. NOTICES OF MOTION

13.1 Councillor Smith

"Take notice that at the regular Regional Council meeting, to be held on May 15, 2012, I propose to move approval of Administrative Order SC-69, the purpose of which is to effect closure of a portion of Wyse Road, Dartmouth, Nova Scotia."

14. IN CAMERA

Council may rise and go into a private In Camera session, in accordance with Section 19 of the Halifax Regional Municipality Charter, for the purpose of dealing with the following:

PRIVATE AND CONFIDENTIAL INFORMATION ITEM

1. Private and Confidential In Camera Information Report – Street Closure – Portion of Wyse Road, Right of Way Street Closure, Dartmouth

15. ADJOURNMENT

The meeting was adjourned at 3:21 p.m.

Cathy J. Mellett Municipal Clerk

INFORMATION ITEMS April 24, 2012

- 1. Memorandum from the Municipal Clerk dated April 17, 2012 re: Requests for Presentation to Council – None
- 2. Memorandum from Acting Director, Planning & Infrastructure dated April 16, 2012 re: Purcell's Cove Area: Central Servicing Feasibility Study