

HALIFAX REGIONAL COUNCIL
MINUTES
January 6, 2009

PRESENT:

Mayor Peter Kelly
Deputy Mayor David Hendsbee
Councillors: Steve Streach
Barry Dalrymple
Gloria McCluskey
Lorelei Nicol
Andrew Younger
Bill Karsten
Jackie Barkhouse
Jim Smith
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

STAFF:

Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Chris Newson, 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 McCluskey.

2. **SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor Sloane thanked all who participated and organized the New Year's Eve event on the Grand Parade with special thanks to ATV, ASN, Rawlins Cross, Under the Sun and Dutch Robinson. She also noted that Friday, January 9, 2009 would be the first home game for the Rainmen basketball team and encouraged all to go out and support the team. Councillor Sloane advised that the Holiday Classic event (Rainmen) held over the holidays was very well attended.

Deputy Mayor Hendsbee congratulated Team Canada on their gold medal win in Ottawa noting that the father of team member Evander Kane was from East Preston. He further noted that a meeting would be held on Saturday, January 10, 2009 at 12:00 p.m. noon in Lake Echo regarding plans for the area youth.

Councillor McCluskey noted that there were no pictures of Dartmouth included in the HRM calendar recently distributed throughout HRM. She offered to conduct a photo opportunity tour of Dartmouth for the next calendar.

3. **APPROVAL OF MINUTES - December 9, 2008**

MOVED BY Councillor Blumenthal, seconded by Councillor Sloane that the minutes of December 9, 2008, as presented, be approved. MOTION PUT AND PASSED.

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

Addition: 12.1 Legal Matter: Appeal of UARB Decision re: Walter Hovil Drive

MOVED BY Councillor McCluskey, seconded by Councillor Wile 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 - NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - NONE

9.2 Petitions

9.2.1 Rescind the HRM Winter Parking Ban

Councillor Sloane submitted an additional 111 signatures in support of the petition filed at the December 16, 2008 Council session to rescind the HRM Winter Parking Ban.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Active Transportation Advisory Committee - Amendment to Terms of Reference

- A staff report dated November 24, 2008 was before Council.

MOVED BY Councillor Blumenthal, seconded by Councillor Wile that Halifax Regional Council amend the Terms of Reference for the Active Transportation Committee to include a designate from the Halifax Cycling Coalition. MOTION PUT AND PASSED.

10.1.2 North Preston, Active Transportation Trail - Waterline Extension

- A staff report dated December 4, 2008 was before Council.

MOVED BY Deputy Mayor Hendsbee, seconded by Councillor Sloane that Halifax Regional Council:

1. **Approve a reduction in capital account CDG00983, Regional Trails Capital Maintenance in the amount of \$250,000.**

2. **Approve an increase to capital account CPX01027, Regional Trail Development in the amount of \$250,000. The transfer will allow for Phase 1 development of an active transportation trail in association with construction with the North Preston Water Main Extension currently underway by Halifax Water.**

Deputy Mayor Hendsbee acknowledged Ms. Dolly Williams, East Preston Trails Association, who was in attendance and thanked her for the work to date.

MOTION PUT AND PASSED.

10.1.3 By-Law to Ban the Sale of Fireworks

- A staff report dated December 5, 2008 was before Council.

MOVED BY Councillor Walker, seconded by Councillor Wile that Halifax Regional Council request a staff report in regard to an amendment to the Charter that would give HRM control of the fireworks, including cost implications, in time for the spring sitting of the house. MOTION PUT AND PASSED.

10.1.4 Otter Lake - Business Case ICI Cardboard

- A staff report dated December 31, 2008 was before Council.

MOVED BY Councillor Karsten, seconded by Councillor Wile that Halifax Regional Council approve the following:

1. **The Otter Lake Facility receive and process residential and ICI waste, and that cardboard from ICI properties continue to be managed by local private sector recycling companies; and**
2. **Staff continue to assist the members of the ICI sector (ie; property owners/managers, and collectors) by providing regular updates of paper commodity market conditions, and report back to Regional Council, through the Solid Waste Resource Advisory Committee on any plans, should the market for mixed paper not return.**

During the ensuing discussion, and without a vote being taken on the motion on the floor, the following motion was placed.

MOVED BY Councillor Rankin, seconded Councillor Sloane that Halifax Regional Council refer this matter back to staff for a contingency case and information on what would trigger the implementation of the contingency case, and; that the

Solid Waste Resource Advisory Committee and members of the industry also provide comment on the staff report dated December 31, 2008. **MOTION PUT AND PASSED.**

10.2 CHEBUCTO COMMUNITY COUNCIL

10.2.1 Maintenance of Dunbrack Street Rose Bushes

- A report dated December 17, 2008 was before Council.

MOVED BY Councillor Hum, seconded by Councillor Wile that Halifax Regional Council:

- 1. Consider option 2 as outlined in the Discussion Section of the Information Report dated October 28, 2008 presented in Attachment "A"; and**
- 2. Consider that \$120,000 be included in the 2009/2010 capital budget for tree replantation on Dunbrack Street.**

Councillor Hum explained the long history of maintenance and safety issues involving the rosebushes along Dunbrack Street and that there had been challenges in obtaining regular maintenance by HRM staff. A CPTED (Crime Prevention Through Environmental Design) audit has been conducted by Halifax Regional Police who were recommending that the rosebushes bordering the sidewalks on each side of Dunbrack Street be maintained at a height not to exceed 36" so that pedestrians could be seen and feel safe. The request before Council was to have the rosebushes along the sidewalks removed and replaced with trees; the rosebushes in the center boulevard would remain.

Councillor Younger expressed concern with the manner in which this issue was brought forward and with the fact that the issue may be given more weight during budget deliberations. He also noted that there was a substantial waiting list for similar projects already approved by Council, however; there was no tree budget last year to accommodate those projects.

Councillors Uteck and Harvey requested that if the rosebushes were removed from Dunbrack Street that they be split between their districts for use on Young Avenue in Halifax and the Sackville Heritage Park in Lower Sackville.

Councillor Mosher clarified that since Community Councils are unable to approve expenditures, the request had to come forward to Regional Council.

Councillor Sloane expressed concern that Council was not placing sufficient funds into the Main Street budget for ongoing quality work/maintenance. She suggested that Community Councils consider utilizing their Building Communities Fund for such projects if necessary.

Councillor Smith also expressed concern with the manner in which the issue was brought forward to Council noting that it should have been struck off the agenda as it was setting a bad precedent. He noted that the project could very easily be placed in the pot and that the wording must be very clear that the recommendation was to go forward for consideration during budget deliberations.

In response to Councillor Mosher, Ms. Mary Ellen Donovan, Municipal Solicitor advised that HRM would not be held liable noting the reason for bringing such matters to Council was to allow for a policy decision upon budgetary review for money spent in the community which is what the collective body would do during the budget debates; then, it would be a policy decision and courts respect that decision.

MOTION PUT AND PASSED.

10.3 TAXI AND LIMOUSINE ADVISORY COMMITTEE

10.3.1 Proposed Amendments to By-Law T-108, Respecting Regulation of Taxis & Limousine - Permit the Introduction of Smaller, Fuel Efficient Vehicles in the HRM Taxi Fleet

- A report dated December 15, 2008 was before Council.

MOVED BY Councillor Adams, seconded by Councillor Mosher that Halifax Regional Council request staff to initiate the process to amend By-Law T-108 in order to:

- 1. Permit the introduction of hybrid and smaller fuel efficient vehicles that would fit into the performance standard of 7.8 litres per 100 km.**
- 2. Reduce the door post to post size requirement to 51 inches from 54 inches,**
- 3. Reduce the wheelbase to 101 inches from 105 inches.**

Councillor Adams explained that the request was based on an initiative of Conserve Nova Scotia who presented to the Taxi and Limousine Advisory Committee on the benefits of introducing hybrid vehicles into the HRM taxi fleet. The Taxi and Limousine Advisory Committee recommended the inclusion of other small, fuel efficient vehicles that would meet the performance standard.

Councillor Wile requested that the report also include information on accessibility issues taking into consideration the height and weight of passengers as well as those passengers with wheelchairs, and; that criteria of what would be acceptable as well as contingency plans also be included. She further requested that staff consult with the HRM Advisory Committee for Persons with Disabilities and include their comments in the report.

Councillor Adams clarified for Council that the twelve month pilot program was independent of this motion and would not hinder anyone from purchasing a hybrid vehicle. The pilot program would be conducted by Conserve Nova Scotia who need to compare the data in regard to fuel consumption/mileage to determine any savings.

Councillor Karsten requested that staff include in the report any other amendments to By-Law T-108 that may be under consideration in order to have all amendments addressed at the same time.

Councillor Smith requested that the pilot project also include public response to the smaller vehicles in the taxi fleet indicating whether they felt the vehicles were comfortable and how many passengers could be accommodated.

MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Legal Matter: Case 00956: Amending Development Agreement, Site "C", 60 Walter Haviil Drive, Halifax

This item was dealt with at an earlier In Camera meeting and was now before Council for ratification.

MOVED BY Councillor Mosher, seconded by Councillor Adams that Halifax Regional Council request a staff report from legal services exploring options available to appeal the Nova Scotia Utility and Review Boards decision regarding Case 00956: Amending Development, Site "C", 60 Walter Haviil Drive, Halifax.

MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. ADJOURNMENT

The meeting was adjourned at 7:18 p.m.

January 6, 2009

Julia Horncastle
Acting Municipal Clerk

Information Items

1. Memorandum from Director, Finance dated December 15, 2008
re: Investment Activities - Quarter Ending September 30, 2008
2. Memorandum from Co-Chairs, Investment Policy Advisory Committee dated
December 3, 2008 re: Investment Activities - Quarter Ending September 30, 2008.
3. Memorandum from the Acting Municipal Clerk dated January 2, 2009
re: Requests for Presentations to Council - None