

HALIFAX REGIONAL COUNCIL  
MINUTES

January 29, 2013

PRESENT:

Mayor Mike Savage  
Deputy Mayor Reg Rankin  
Councillors: Barry Dalrymple  
David Hendsbee  
Bill Karsten  
Lorelei Nicoll  
Gloria McCluskey  
Darren Fisher  
Waye Mason  
Jennifer Watts  
Linda Mosher  
Russell Walker  
Matt Whitman  
Brad Johns  
Steve Craig  
Tim Outhit

REGRETS:

Councillor Steve Adams

STAFF:

Mr. Richard Butts, Chief Administrative Officer  
Mr. Martin Ward, Municipal Solicitor  
Ms. Cathy Mellett, Municipal Clerk  
Ms. Sherryl Murphy, Deputy Clerk  
Ms. Sheilagh Edmonds, Legislative Assistant

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**1. INVOCATION**

The Mayor called the meeting to order at 1:00 p.m. with the Invocation being led by Councillor Watts.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillors noted a number of community announcements and acknowledgements.

**3. APPROVAL OF MINUTES – None**

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

There were no additions or deletions to the agenda.

**MOVED by Deputy Mayor Rankin, seconded by Councillor Karsten that the agenda be approved as presented. 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 - None**

**10. REPORTS**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Buy-Back Agreement – BANC Developments Limited, Bayers Lake Lands**

A staff report dated December 20, 2012 was submitted.

**MOVED by Deputy Mayor Rankin, seconded by Councillor Karsten that Halifax Regional Council:**

1. **Approve the terms and conditions of the Buy-Back Agreement outlined in Table 2 of the Confidential Information Report dated December 20, 2012.**
2. **It is further recommended that the confidential Information Report dated December 20, 2012 not be released until the transaction has closed.**

Mr. Peter Stickings, Manager, Real Estate and Land Management responded to questions.

**MOTION PUT AND PASSED. (13 in favour; 2 against)**

Those voting in favour were: Mayor Savage; Deputy Mayor Rankin; and Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Fisher, Walker, Whitman, Johns, Craig, and Outhit.

Those voting against were: Councillors Mason and Watts.

Councillors Mosher and Adams were not present for the vote.

**10.1.2 Project Payments to Waterfront Development Corporation Limited (WDCL) – HRM Sackville Landing Recapitalization – Project Management by WDCL**

A staff report dated December 17, 2012 was submitted.

**MOVED by Councillor Mason, seconded by Councillor Walker that Halifax Regional Council authorize the Chief Administrative Officer to approve payments to Waterfront Development Corporation Limited (WDCL), to not exceed \$60,000 (net HST included), with funding from Project No. CDX01182, as outlined in the Budget Implications section of the December 17, 2012 staff report.**

**MOTION PUT AND PASSED UNANIMOUSLY (15 in favour)**

Councillors Mosher and Adams were not present for the vote.

**10.2 AUDIT & FINANCE STANDING COMMITTEE:**

**10.2.1 East Port District Energy Project**

A report dated January 18, 2013 was submitted from the Audit and Finance Standing Committee.

**MOVED by Councillor Dalrymple, seconded by Councillor Craig that Halifax Regional Council:**

- 1. Recognize the unique opportunity to enable a district energy system for the municipality and identify the East Port District Energy Project as a 2013-14 capital project and authorize that the project be taken to the next stage of development as per the instructions of the Environment and Sustainability Standing Committee outlined in Attachment 1 of the January 18, 2013 Audit and Finance Standing Committee report.**
- 2. Approve investing up to \$300,000 in 2013-14 to enable the due diligence required to fully explore the proposed district energy project, and request the Government of Nova Scotia to cost-share on this investment.**
- 3. Due to the urgency of project timing, instruct staff to propose options for immediate interim funding for the project.**

At 1:41p.m. Councillor Mosher entered the meeting.

Mr. Julian Boyle, Strategic Energy Policy Manager; and Mr. Greg Keefe, Director of Finance and ICT provided a presentation and responded to questions.

Councillor Nicoll spoke in support of moving forward on this project, and advised that she would like to see staff engage Halifax Water in the process.

Councillor Mosher indicated that her concern with the project was the financial risk for taxpayers and advised that she would like the study to look at the potential for bringing in the lands of the Cogswell Street Interchange, and that when it is re-developed, there is a proviso in the agreement requiring the purchaser to sign on to the district energy system. Councillor Mosher added that, in speaking with representatives of East Port Properties, they confirmed the infrastructure could extend as far as the Cogswell Street Interchange.

**MOTION PUT AND PASSED UNANIMOUSLY (16 in favour)**

Councillor Adams was not present for the vote.

**10.3 GRANT COMMITTEE:**

**10.3.1 Property Matter: Less than Market Value Sale of a Portion of PID#40914863, Cobequid Road, Lakeview to the Union Cemetery Company**

A report dated January 7, 2013 was submitted from the Chair of the Grants Committee.

**MOVED by Councillor Dalrymple, seconded by Councillor Craig that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale, subject to the closure of a portion of Cobequid Road, whereby the property located at PID #40914863, Cobequid Road, Lakeview, be conveyed to the Union Cemetery Company for the sum of \$1.00 plus all the costs associated with this conveyance, subject to the preparation of a site survey, legal description and documents of conveyance, and the terms and conditions set out in Table 1 of the August 21, 2012 staff report.**

**MOTION PUT AND PASSED UNANIMOUSLY (14 in favour)**

Those not present for the vote were: Deputy Mayor Rankin, and Councillors: Mason and Adams.

**10.4.1 Traffic Improvements – Cole Harbour Road and Caldwell Road**

**MOVED by Councillor Nicoll, seconded by Councillor Karsten that staff explore the possibility of acquisition of lands at Cole Harbour Road and Caldwell Road for the purpose of traffic improvements to accommodate pedestrians, cyclists, transit, motorists and the development of a Gateway to the Cole Harbour Basin Communities and the Cole Harbour Road Commercial District.**

Councillor Nicoll advised that site work was currently being undertaken by HRM Traffic and HRM Planning and Infrastructure who are exploring the options of land acquisitions in conjunction with community information gathering from local business association and residents. Councillor Nicoll pointed out that there may not need to be land acquisition, but this was an opportunity to explore it so when it is time to address the pressures at this intersection, it is done properly.

In response to a question of clarification from the Chief Administrative Officer, Councillor Nicoll concurred that there was work currently being done, and that her request was asking staff to broaden the scope of that work.

**MOTION PUT AND PASSED UNANIMOUSLY (14 in favour)**

Those not present for the vote were: Councillors: Mason, Adams, and Craig.

**11. MOTIONS**

**11.1 Councillor Whitman**

Councillor Whitman gave Notice of Motion at the January 15, 2013 meeting of Regional Council.

**MOVED by Councillor Whitman, seconded by Councillor Hendsbee that staff provide a report in regard to reviewing and make recommendations to amend the taxation zone designations to reflect any changes in municipal services levels and taking into consideration the water and sewer boundaries, in particular, District 13 and other jurisdictions throughout HRM.**

**MOTION PUT AND PASSED UNANIMOUSLY (15 in favour)**

Those not present for the vote were: Councillors Adams and Johns.

**11.2 Councillor Hendsbee**

Councillor Hendsbee gave Notice of Motion at the January 15, 2013 meeting of Regional Council.

**MOVED by Councillor Hendsbee, seconded by Councillor Dalrymple that Halifax Regional Municipality explore the option of absorbing into the General Base Tax Rate existing and future areas rates that are assessed for the purposes of charging local contributions towards capital construction of local community facilities and public infrastructure projects.**

Mr. Bruce Fisher, Manager, Financial Policy and Planning responded to questions.

In a response to a request, Mayor Savage advised that the mover and seconder of the motion were in agreement to have this go to the Audit and Finance Standing Committee.

**MOTION PUT AND PASSED UNANIMOUSLY (16 in favour)**

Councillor Adams was not present for the vote.

Council recessed at 2:52 p.m.

Council reconvened at 3:06 p.m.

**11.3 Councillor Craig**

Councillor Craig gave Notice of Motion at the January 15, 2013 meeting of Regional Council.

**MOVED by Councillor Craig, seconded by Councillor Outhit that Halifax Regional Council direct staff to provide a report which:**

- 1. Prior to the end of fiscal 2012-2013, to provide an interim report that:**

- **Provides the current understanding of how HRM focuses and performs on all factors related to pedestrian safety – HRM engineering, public education, law enforcement, public engagement and evaluation;**
- **Identifies HRM pedestrian safety statistics and how HRM statistics compare relative to other municipalities; and**
- **Identifies a short-term HRM action plan to address pedestrian safety and any impacts on the 2013-2014 budget.**

**2. During fiscal 2013-2014, to develop and present for consideration by Halifax Regional Council, a long-term comprehensive pedestrian safety action plan to help ensure, and to be seen as ensuring, overall pedestrian safety for HRM residents based on:**

- **The analysis of factors which may be contributing to pedestrian accidents;**
- **Provides options considering both process and organization structure that focuses on engineering, education, enforcement, public engagement, such as a Crosswalk Safety Advisory Committee, overall evaluation, policy and legislation, inter-agency/departmental coordination and cooperation elements;**
- **Provides a mechanism for continuous reporting and evaluation of the foregoing; and**
- **Identifies ongoing budget impacts to the proposed action plan.**

**In addition, that the Mayor, on behalf of Halifax Regional Council, correspond immediately with the provincial Minister of Transportation and Infrastructure Renewal to request an update regarding a recommendation from the 2007 Crosswalk Safety Task Force which stated that “the departments responsible for collecting and analysing collision data do so in a timely, comprehensive, consistent and accurate manner.”**

Councillor Craig indicated that the motion was developed out of the fundamental question of ‘how can HRM keep pedestrians safe and what actions can HRM take to made pedestrians safer.’ He noted that this issue has been substantially researched and discussed in the past and advised that there needed to be methods and means to engage citizens in improving pedestrian safety and tools and processes to understand if the things we are doing are moving the Municipality in the right direction. Councillor Craig advised that in carrying out his research he concluded three observations: 1. HRM staff believe they have a role to play in pedestrian safety; 2. There is no HRM ‘owner’ of pedestrian safety; and, 3. If we continue on the same path, then future Councils will have less data, less information on the issue; no process and no ‘owner of pedestrian safety.

Councillor Dalrymple advised that, overall, he was in favour of the motion but there was one issue he felt needed to be enhanced and mandated and he was prepared to put

forward an amendment to the motion in this regard. Councillor Dalrymple explained that there was no formal process for the public to be involved in discussions around public safety. Residents are frustrated that they have no voice, and Councillors frustrated that they have no authority in this issue. He advised that he was prepared to move an amendment that HRM form a pedestrian safety advisory committee and the composition and authority can be discussed in the report, but ultimately determined by Regional Council.

Mr. Ward, Municipal Solicitor addressed Council in regard to Councillor Dalrymple's proposed amendment and the reference to 'authority', he clarified that the authority is clearly conferred on the Traffic Authority, and that any motion giving that authority to Regional Council would be out of order.

In response, Councillor Dalrymple questioned if Council could request Legislative Amendments from the Province in this regard.

Mr. Ward responded that if it was the intent of the motion for Council to ask the Province for a change to give the authority to Regional Council then that would be acceptable. He also advised that the issue is more complex than the original motion and therefore should be treated as an amendment.

Councillor Dalrymple advised that his main purpose was to have the report in which Councillor Craig was requesting, look at forming a Committee and have the matter come back to Council to make a decision.

In this regard, the Mayor indicated that an amendment was not necessary, and that with the agreement of the mover and seconder, Councillor Dalrymple's request could be made part of the overall motion.

Councillor Fisher pointed out that Council has the authority to form a committee whenever it wants, and suggested that he was prepared to move a separate motion to create the committee immediately and have it report to the Transportation Advisory Committee, rather than wait for the report to come back.

Councillor Nicoll suggested that report should look into how we design our streets and have it more integrated into how we use our streets.

#### **MOTION PUT AND PASSED UNANIMOUSLY (13 in favour)**

Councillors not present for the vote were: Councillors: Mason, Mosher, Adams, and Johns.

**MOVED by Councillor Fisher, seconded by Councillor Hendsbee that staff provide a report with regard to creating a Crosswalk Safety Committee and report back to the next meeting of the Transportation Standing Committee.**

**MOTION PUT AND PASSED. (13 in favour)**

Councillors not present for the vote were: Councillors: Mason, Mosher, Adams, and Johns.

**12. IN CAMERA**

Council did not convene to an In Camera session on this date.

**Private and Confidential Information Item**

1. Contractual Matter-Buy-Back Agreement - BANC Developments Limited, Bayers Lake Lands

**13. ADDED ITEMS: None**

**14. NOTICES OF MOTION**

**14.1 Councillor Mason**

On behalf of Councillor Mason, Councillor Watts gave the following Notice of Motion:

“Take Notice that at the next regular Regional Council meeting, to be held on February 5, 2013 I intend to introduce a motion to direct staff to produce a report to present to the Audit and Finance Standing Committee on April 3, 2013 outlining an action plan, starting in fiscal 2013/14 with the strategic priorities for downtown as outlined in the Greater Halifax Partnership Economic Plan, as endorsed by Council in March of 2011, specifically:

1. To establish the \$50 million intergovernmental capital improvement campaign to repair and enhance the public realm in the urban core.
2. To establish a Strategic Urban Reserve fund for urban core beautification, pole free area public art and infrastructure improvements.

**14.2 Councillor Karsten**

Take Notice that on the next regular meeting of Regional Council, to be held on February 5, 2013, I will introduce a motion to update and revise the by-law adoption process for all non-planning related by-laws by amending Administrative Orders One and Thirty-two to:

1. Make some housekeeping amendments
2. Require Legal Service to draft all the by-laws; and
3. Streamline the adoption process by removing the approval in principle step, allowing debate at First Reading and by dissolving the By-law Rationalization Working Group.

**15. ADJOURNMENT**

The meeting adjourned at 4:16 p.m.

Cathy J. Mellett  
Municipal Clerk

The following information items were submitted:

1. Proclamation - International Holocaust Remembrance Day- January 27, 2013
2. Proclamation – Heart Month – February 2013
3. Proclamation – White Cane Week – February 3 – 9, 2013
4. Memorandum from Director of Transportation and Public Works, dated January 8, 2013 re: Petition –Increased Path Lighting between School Ave. and Melrose Ave.
5. Memorandum from the Director of Finance and ICT, dated December 6, 2012 re: Ten Year History of Reserves
6. Memorandum from the Acting Director of Legal, Insurance and Risk Management, dated January 8, 2013 -Update of the Dispute of the Payment in Lieu of Taxes Payments for the Citadel, Halifax
7. Memorandum from the Municipal Clerk, dated January 22, 2013 re: Requests for Presentation to Council-Sprung Performance Arenas