

HALIFAX REGIONAL COUNCIL
MINUTES

February 19, 2013

PRESENT:

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

REGRETS:

Councillors: Bill Karsten
Brad Johns

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

TABLE OF CONTENTS

1.	INVOCATION	4
2.	SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS	4
3.	APPROVAL OF MINUTES – None.....	4
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS.....	4
5.	BUSINESS ARISING OUT OF THE MINUTES – NONE.....	4
6.	MOTIONS OF RECONSIDERATION – NONE.....	4
7.	MOTIONS OF RESCISSION – NONE	4
8.	CONSIDERATION OF DEFERRED BUSINESS – NONE.....	5
9.	PUBLIC HEARINGS.....	5
	9.1 HERITAGE HEARING: Case H00370: Application to consider 7962 Highway #7, Musquodoboit Harbour, as a Municipally Registered Heritage Property	5
	9.2 PUBLIC HEARING: By-law-N-200 Respecting Noise, Exemption Application – Canadian Cancer Society’s 2013 Relay for Life	5
10.	CORRESPONDENCE, PETITIONS & DELEGATIONS	6
	10.1 Correspondence: None.....	6
	10.2 Petitions: None	6
	10.3 Presentations: None	6
11.	REPORTS	6
	11.1 CHIEF ADMINISTRATIVE OFFICER	6
	11.1.1 Canada Games Centre – Interim Agreement.....	6
	11.1.2 Adoption of Proposed Administrative Order 49 Respecting the Settlement of Actions, Proceedings and Claims Motion – Councillor Nicoll – Approve Admin. Order 49	8
	11.1.3 Proposed Amendment to Administrative Order 48, Respecting the Creation of Community Councils – Planning Advisory Committees Motion – Councillor Johns – Approve Admin Order 48	9
	11.1.4 Amended Temporary Borrowing Resolution - \$5,455,000	10
	11.2 HALIFAX AND WEST COMMUNITY COUNCIL.....	10
	11.2.1 Amendments to HRM Asset Naming Policy	10
	11.3 ENVIRONMENT AND SUSTAINABILITY STANDING COMMITTEE	10
	11.3.1 Terms of Reference: Regional Watershed Advisory Board.....	10
	11.3.2 Analysis of Financial Impact of Modifications to the Resource Recovery Fund Board (RRFB) Funding Model	12
	11.4 GRANTS COMMITTEE	13
	11.4.1 First Reading Proposed By-law T-229, An Amendment to By-Law T-200, Respecting Tax Exemption for Non-Profit Organizations – 2012-2013 Motion – Councillor Walker – First Reading	13
12.	MOTIONS.....	14
	12.1 Councillor Mosher	14
13.	IN CAMERA.....	15
14.	ADDED ITEMS - None	15
15.	NOTICES OF MOTION	15

15.1 Councillor Watts..... 15
16. ADJOURNMENT 15

1. INVOCATION

The Mayor called the meeting to order at 1:02 p.m. with the Invocation being led by Councillor Adams.

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

Deletion:

13.1.1 CUPE 108 Collective Bargaining Update - Oral

Councillor Watts advised that she wanted to comment on the Order of Business. She expressed concern that the hearings had been scheduled for 1:00 p.m. and not 6:00 p.m.; that it was her understanding all public hearings were to be held at 6:00 p.m., and if there were to be a change, then it would be brought before Council. She requested that this not occur again in future without the matter coming before Council with a request for a change in time.

A brief discussion ensued with several other Councillors concurring with Councillor Watts.

Mayor Savage indicated that he would ensure this would be carried out in the future.

At 1:10 p.m. Councillor Mosher entered the meeting.

Councillor Adams asked that the Information Item 4 from the February 12, 2013 Regional Council agenda, be added to next week's Council agenda.

MOVED by Councillor Nicoll, seconded by Councillor McCluskey that the Order of Business 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. PUBLIC HEARINGS

9.1 HERITAGE HEARING: Case H00370: Application to consider 7962 Highway #7, Musquodoboit Harbour, as a Municipally Registered Heritage Property

A report dated December 14, 2012 from the Heritage Advisory Committee with an attached staff report dated November 20, 2012 was before Council for consideration.

Ms. Maggie Holm, Heritage Planner provided the presentation with regard to the application by the Old School Community Gathering Place Co-op Limited, the property owner, to have the property registered as a municipal heritage property.

There were no questions from Council. The Mayor opened the Heritage Hearing and invited the property owner to address Council if they wished.

Ms. Anita Rose, representing the Co-op addressed Council and noted that when the Community went through their community visioning process, there was strong support in the community to ensure the former school was maintained.

Ms. Rose responded to questions.

There being no further persons to address Council; it was **MOVED by Councillor McCluskey, seconded by Councillor Nicoll that the heritage hearing close. MOTION PUT AND PASSED.**

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll that Regional Council approve the registration of 7962 Highway #7, as shown on Map 1 of the November 20, 2012 staff report, under the HRM Heritage Property Program.

MOTION PUT AND PASSED UNANIMOUSLY (15 in favour)

Councillors Karsten and Johns were not present for the vote.

9.2 PUBLIC HEARING: By-law-N-200 Respecting Noise, Exemption Application – Canadian Cancer Society’s 2013 Relay for Life

A staff report dated January 18, 2013 was submitted.

Councillor Craig advised that he sits on the Board of the Canadian Cancer Society, and therefore, would declare a conflict of interest on this item and remove himself from the Council table.

Ms. Tanya Phillips, Manager, Bylaw Standards provided the staff presentation.

There were no questions from Council.

The Mayor called three times for anyone wishing to speak on this matter; there being none it was **MOVED by Councillor Watts, seconded by Councillor Mason that the public hearing close. MOTION PUT AND PASSED.**

MOVED by Councillor Outhit, seconded by Councillor McCluskey that Regional Council approve the Canadian Cancer Society Relay for Life's application for an exemption from the provisions of the Noise By-Law pursuant to the contents of the January 18, 2013 staff report and matters raised at the public hearing.

MOTION PUT AND PASSED UNANIMOUSLY (13 in favour)

Councillors Hendsbee, Karsten, Johns, and Craig were not present for the vote.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence: None

10.2 Petitions: None

10.3 Presentations: None

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Canada Games Centre – Interim Agreement

A staff report dated January 14, 2013 was submitted.

Ms. Denise Schofield, Manager, Regional Recreation and Culture, provided an overview of the staff report.

Councillor Walker indicated that he was prepared to move a motion as noted in the staff recommendation but with additional recommendations.

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

- 1. Authorize the Mayor and Municipal Clerk to execute the Interim Agreement for the operation and management of the Canada Games Centre (Attachment 1 of the January 14, 2013 staff report as amended); such Interim Agreement to commence on the date it is executed by the Mayor and Municipal Clerk.**

2. **The CGC Society has been advised by HRM that as part of the Building Canada Fund Agreement dated September 4, 2008 between HRM and the Federal Government, a requirement for community fundraising in the amount of \$2 million was included in the agreement. HRM has requested CGC Society assist in meeting HRM's obligations for community fundraising. The CGC has agreed to assist HRM by developing a strategic plan outlining the means to achieve this fundraising requirement. The CGC Society will use its best efforts to develop this strategic plan prior to the expiry of the Interim Agreement, for inclusion in the future formal agreement between the parties. As noted previously in section 6.04 (d) this is not limited to fundraising. HRM will provide assistance to the CGC Society in the review and implementation of the strategic plan, the extent of which will be determined upon review of the plan. Details of assistance from HRM will be captured in the formal agreement between the parties.**
3. **HRM shall provide property and general liability insurance coverage for the term of this Interim Agreement that includes the CGC Society as an additional insured. The property insurance provided by HRM will only cover contents used by the CGC Society in the usual operation of a recreational facility such as the CGC. The CGC Society will be responsible to obtain and maintain, to HRM's satisfaction, such insurances as HRM may reasonably require, including, but not limited to Director's Insurance for the Board of Directors and Officers.**
4. **That the CGC society agrees that one HRM member of Council shall be a full voting Board Member of the Society and one HRM staff member be an Ex-officio nonvoting member.**

Noting that the motion differs from the staff recommendation, the Mayor asked for the Municipal Solicitor's comment on whether the motion was acceptable.

Mr. Martin Ward, Municipal Solicitor, explained that the Canada Games Centre Society had some concern about the original agreement and they proposed alternative wording. He advised that the motion before Council contains wording proposed by the Society in regard to section 8.04, Fundraising; as well, they had concerns about insurance and wording has been modified on the insurance portion to address this concern.

In reference to recommendation 4, Councillor Walker advised that he has included revised wording to section 6.05 to reflect that the Council representative on the Board would be a full voting Board Member, and not ex-officio.

In response to a question, Councillor Walker advised that the proposed change to section 6.05 would enable the Council representative to vote.

Ms. Schofield responded to questions.

Several Councillors expressed concern about the proposed change with respect to the status of the Council representative on the Board. It was noted that staff would be going back to the Society to determine what the Strategic Plan will look like and that governance will be a piece of that next phase.

MOVED by Councillor Hendsbee, seconded by Councillor Outhit that recommendation 4 be deferred.

MOTION TO DEFER WAS PUT AND DEFEATED (6 in favour, 9 against)

Those voting in favour were: Councillors: Hendsbee, Nicoll, Mosher, Whitman, Craig, and Outhit.

Those voting against: Mayor Savage; Deputy Mayor Rankin; and Councillors Dalrymple, McCluskey, Fisher, Mason, Watts, Walker, and Adams.

Councillors Karsten and Johns were not present for the vote.

MOTION PUT AND PASSED UNANIMOUSLY (15 in favour)

Councillors Karsten and Johns were not present for the vote.

**11.1.2 Adoption of Proposed Administrative Order 49 Respecting the Settlement of Actions, Proceedings and Claims
Motion – Councillor Nicoll – Approve Admin. Order 49**

A staff report dated February 6, 2012 was submitted.

MOVED by Councillor Nicoll, seconded by Councillor McCluskey that Halifax Regional Council provide delegated settlement authority as follows:

- 1) Claims where a Proof of Loss/Final Release is required and the total recoverable is less than or equal to \$25,000.00 require the signature of the Senior Claims Officer.**
- 2) Claims where a Proof of Loss/Final Release is required and the total recoverable loss is between \$25,000.00 and less than or equal to \$50,000.00 require the signature of the Manager of Risk and Insurance Services.**
- 3) Claims where a Proof of Loss/Final Release is required in excess of \$50,000.00 signatures are required from the Manager of Risk and Insurance and from the Business Unit's Director.**

- 4) **Claims settled directly by HRM's Insurer, signature of the Manager of Risk and Insurance will be required to reimburse Insurer for amounts up to the applicable policy deductible.**

It is further recommended that Halifax Regional Council replace the Settlement Policy for Legal Actions or Proceedings with Administrative Order 49, as set out in Attachment A of the February 6, 2013 staff report.

MOTION PUT AND PASSED UNANIMOUSLY (15 in favour)

Councillors Karsten and Johns were not present for the vote.

**11.1.3 Proposed Amendment to Administrative Order 48, Respecting the Creation of Community Councils – Planning Advisory Committees
Motion – Councillor Johns – Approve Admin Order 48**

A staff report dated February 8, 2013 was submitted.

MOVED by Councillor Outhit, seconded by Councillor Mason that Halifax Regional Council:

- (1) Amend Administrative Order Number 48 Respecting the Creation of Community Councils to: (a) delegate the authority to Community Councils to create Planning Advisory Committees; (b) limit the number of planning advisory committees to no more than two for each Community Council; and (c) adopt a standard Terms of Reference, as set out in Appendix B attached hereto, effective Tuesday, February 19, 2013;**
- (2) Direct staff to consult Planning Advisory Committees and receive their recommendations earlier in the development review process;**
- (3) Amend the boundaries of the North West Planning Advisory Committee as shown on Map 2 to align with the jurisdiction of the North West Community Council;**
- (4) Dissolve the District 12 Planning Advisory Committee and thank the members for their dedicated public service;**
- (5) Direct staff to initiate the processes necessary to amend all planning documents affected by recommendations 1 through 4; and**
- (6) Direct staff to continue to monitor the effectiveness and efficiency of all Planning Advisory Committees and report to the respective Community Council whenever concerns arise.**

MOTION PUT AND PASSED UNANIMOUSLY (15 in favour)

Councillors Karsten and Johns were not present for the vote.

11.1.4 Amended Temporary Borrowing Resolution - \$5,455,000

A staff report dated February 5, 2013 was submitted.

MOVED by Councillor Whitman, seconded by Councillor Craig, that Halifax Regional Council approve the amended Temporary Borrowing Resolution in the amount of \$5,455,000.

MOTION PUT AND PASSED UNANIMOUSLY (15 in favour)

Councillors Karsten and Johns were not present for the vote.

11.2 HALIFAX AND WEST COMMUNITY COUNCIL

11.2.1 Amendments to HRM Asset Naming Policy

A report dated February 6, 2013 was submitted from the Chair of Halifax and West Community Council with an attached staff report dated December 16, 2012.

MOVED by Councillor Mosher, seconded by Councillor Watts, that Halifax Regional Council direct staff to commence the process to amend Administrative Order No. 46 such that it include park bridges within the HRM Asset Naming Policy.

MOTION PUT AND PASSED UNANIMOUSLY (15 favour)

Councillors Karsten and Johns were not present for the vote.

11.3 ENVIRONMENT AND SUSTAINABILITY STANDING COMMITTEE

11.3.1 Terms of Reference: Regional Watershed Advisory Board

A report dated February 8, 2013 was submitted from the Chair of the Environment and Sustainability Standing Committee, with an attached staff report dated January 3, 2013.

Correspondence dated February 18, 2013 was submitted by Wendy MacDonald.

MOVED by Councillor Dalrymple, seconded by Councillor Fisher that Halifax Regional Council:

- 1. Approve the Terms of Reference for the Regional Watersheds Advisory Board, as outlined in Attachment A of the Staff report dated January 3, 2013 with the following amendments:**
- 2. Dissolve the existing Watersheds Advisory Boards when the new Regional Watersheds Advisory Board is created.**

Councillor Dalrymple indicated that he wanted to include components from the Alternatives section of the Standing Committee report, relating to the terms of reference, as these were discussed at the Committee and there was agreement that it would be appropriate to have them included.

In response to Councillor Dalrymple, the Municipal Solicitor advised that an amendment to the motion would be in order.

MOVED by Councillor Dalrymple, seconded by Councillor Fisher that the motion be amended to include the following:

- Substitute “One citizen at large representing each Community Council” with “One (1) Citizen at large may be appointed by each Community Council” in the Terms of Reference; and**
- Substitute “performs duties as directed by Regional Council on matters outside the current legislative authority” to “performs duties as directed by Regional Council on matters described in the Municipal Planning Strategies” in the Terms of Reference.**

THE AMENDMENT WAS PUT AND PASSED (14 in favour, 1 against)

Those voting in favour were: Mayor Savage; Deputy Mayor Rankin; and Councillors: Dalrymple, Hendsbee, Nicoll, Fisher, Mason, Watts, Mosher, Walker, Adams, Whitman, Craig, and Outhit.

Those voting against: Councillor McCluskey

Councillors Karsten and Johns were not present for the vote.

Mr. Richard MacLellan, Manager, Energy and Environment responded to questions.

The motion now reads:

MOVED by Councillor Dalrymple, seconded by Councillor Fisher that Halifax Regional Council:

1. **Approve the Terms of Reference for the Regional Watersheds Advisory Board, as outlined in Attachment A of the Staff report dated January 3, 2013 with the following amendments:**
 - **Substitute “One citizen at large representing each Community Council” with “One (1) Citizen at large may be appointed by each Community Council” in the Terms of Reference; and**
 - **Substitute “performs duties as directed by Regional Council on matters outside the current legislative authority” to “performs duties as directed by Regional Council on matters described in the Municipal Planning Strategies” in the Terms of Reference.**
2. **Dissolve the existing Watersheds Advisory Boards when the new Regional Watersheds Advisory Board is created.**

MOTION PUT AND PASSED (12 in favour, 3 against)

Those voting in favour were: Deputy Mayor Rankin; and Councillors: Dalrymple, Hendsbee, Nicoll, Fisher, Mason, Watts, Mosher, Walker, Adams, Whitman, and Craig.

Those voting against: Mayor Savage, and Councillors: McCluskey and Outhit

Councillors Karsten and Johns were not present for the vote.

Council recessed at 3:01 p.m.

Council reconvened at 3:15 p.m.

11.3.2 Analysis of Financial Impact of Modifications to the Resource Recovery Fund Board (RRFB) Funding Model

A staff report dated February 8, 2013 was submitted from the Chair of the Environment and Sustainability Standing Committee with an attached staff report dated February 7, 2013.

Correspondence dated February 19, 2013 was submitted from John B. Challinor II, Director of Corporate Affairs, Nestle Waters.

MOVED by Councillor Watts, seconded by Councillor Nicoll that Halifax Regional Council request that the Mayor submit a letter to the Minister of Environment requesting consideration of changes to the deposit-refund program for beverage containers in order to enable increases to diversion credit funding for municipal waste programming to counter the rising costs of increased diversion (as mandated by the Environmental Goals and Sustainability Act 300 kg/capita goal).

Councillor Watts explained that in 2011 Nova Scotia Environment commissioned an organizational review of the Resource Recovery Fund Board, which manages the refund deposit tax program, and concluded that the RRFB model is in critical condition and unsustainable beyond 2016. In January of this year the Environment invited waste management stakeholders, including HRM to provide comment and to advance recommendation on changes to the beverage container deposit refund program. Councillor Watts advised that the motion is about a review of changes to the system and not about looking for revenue by an increase in the refund deposit tax.

Mr. Gord Helm, Manager of Solid Waste Resources further explained that, instead of paying the 10 cent deposit at the check-out, residents would pay 5 cents and that revenue would go to municipalities to support their own curbside blue bag program, which would be collected and recycled through their own system. He added that, to HRM, this would be a significant increase to HRM's diversion credit funding and would result in an increase of approximately \$3 million of program support.

Mr. Helm responded to questions.

In response to a question by Councillor Fisher, Mr. Helm clarified that the recommendation is in response to the Province's request for alternative ideas to fix a system that they have identified as not sustainable.

During discussion of the matter Councillors expressed concern regarding the impact of this proposal on low income residents, sports groups and the recycling depots.

MOTION PUT AND PASSED (14 in favour, 1 against)

Those voting in favour were: Mayor Savage; Deputy Mayor Rankin; and Councillors Dalrymple, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Whitman, Craig, and Outhit.

Those voting against: Councillor Hendsbee

Councillors Karsten and Johns were not present for the vote.

11.4 GRANTS COMMITTEE

11.4.1 First Reading Proposed By-law T-229, An Amendment to By-Law T-200, Respecting Tax Exemption for Non-Profit Organizations – 2012-2013 Motion – Councillor Walker – First Reading

A report dated February 4, 2013 was submitted from the Chair of the Grants Committee with an attached staff report dated January 22, 2013.

MOVED by Councillor Walker, seconded by Councillor Fisher that Regional Council give First Reading to By-Law T-229 and schedule a public hearing.

Councillor Mason asked that it be noted for the record that he was concerned that Council was discussing this so close to the end of the fiscal year and that this process needs to happen nine or ten months earlier to be fair to the not for profit organizations who align their fiscal year with the government fiscal year.

MOTION PUT AND PASSED UNANIMOUSLY (14 in favour)

Councillors Karsten, Johns, and Watts were not present for the vote.

12. MOTIONS

12.1 Councillor Mosher

MOVED by Councillor Mosher, seconded by Councillor Adams that a staff report be requested on removing area rates for sidewalk snow clearing and that service be provided for all sidewalks throughout HRM under the Urban/Suburban tax rate

Councillor Mosher explained that she was looking for consistency in the level of sidewalk snow clearing across the Municipality, noting that currently there are four districts in the Municipality that do not have this service. For the information of Council, Councillor Mosher circulated a document entitled, *Sidewalk Snow Removal Presentation, The Committee for Inclusive Transportation, February 17, 2006*.

A discussion ensued and the following comments were noted:

In response to a question by Councillor Dalrymple, Councillor Mosher advised that she envisions this being applicable to all properties within 1 kilometre of a sidewalk.

Councillor Watts asked that the report be comprehensive and look at all the implications. She noted that about one third of responses she's received on this matter prefer to maintain the policy of having property owners clear their own sidewalks.

Deputy Mayor Rankin advised that it may be time for the Municipality to look at this as an essential service.

Councillor Nicoll noted that for various reasons, sidewalk snow clearing service differs throughout the Municipality and she asked that the report provide the history of this issue.

MOTION PUT AND PASSED UNANIMOUSLY (14 in favour)

Councillors Karsten, Adams, and Johns were not present for the vote.

13. IN CAMERA

13.1 Labour Relations

13.1.1 CUPE 108 Collective Bargaining Update – Oral

This item was deleted during the Approval of the Order of Business.

14. ADDED ITEMS - None

15. NOTICES OF MOTION

15.1 Councillor Watts

“Take Notice that at the next Regional Council meeting, scheduled for Tuesday, February 26, 2013 I intend to move a motion to direct staff to:

1. Re-route the “Type A” deadheads to Quinpool Road on a trial basis for up to one year beginning May 20, 2013, as identified in the January 4, 2013 staff report titled “Metro Transit Buses Deadheading via Chebucto Road”; and
2. Report back to Regional Council on the operational and budgetary impacts of this adjustment after the trial has been completed.

Chebucto Road would remain available for Metro Transit to use for “Type B” deadheads, detours, special routings, new routes, etc.”

16. ADJOURNMENT

The meeting adjourned at 4:19 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS

The following information items were submitted:

Proclamation- Awesome Day in HRM- February 28, 2013

Memorandum from the Director of Metro Transit dated January 4, 2013 re: Metro Transit Buses Deadheading via Chebucto Road

Memorandum from the Municipal Clerk dated February 12, 2013
re: Requests for Presentation to Council - None