

HALIFAX REGIONAL COUNCIL
MINUTES

September 17, 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
Stephen Adams
Matt Whitman
Brad Johns
Steve Craig
Tim Outhit

REGRETS:

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Mr. Martin Ward, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Mr. Quentin Hill, 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 Johns.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of special community announcements and acknowledgements.

Councillor Mosher arrived at 1:08 p.m.

3. APPROVAL OF MINUTES – NONE

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

Additions:

14.1 Deputy Mayor Rankin- Forum of Recognized Provincial Political Parties Concerning Municipal Matters

11.3.1 Councillor Karsten: Cow Bay Road Deep Storm Sewer Project

MOVED by Councillor Craig , seconded by Councillor Whitman 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. PUBLIC HEARINGS – NONE

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence – NONE

10.2 Petitions

10.2.1 Municipal Clerk

The Municipal Clerk submitted a petition on behalf of residents containing 155 signatures requesting the Mayor and HRM Council put on hold the construction of a new 12-bay Metro Transit, Lacewood Terminal and host a Public/Community Engagement process with the riders, community residents and retail neighbours of the existing terminal site.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Award – Unit Price Tender No. 13-286, Street Resurfacing – Phase 2 – Burnside Business Park – East Region

A staff report dated September 4, 2013 was before Council.

MOVED by Councillor Fisher, seconded by Councillor McCluskey that Halifax Regional Council award Tender No. 13-286, Street Resurfacing – Phase 2 – Burnside Business Park – East Region, to the lowest bidder meeting specifications, Dexter Construction Company Limited for a Total Tender Price of \$627,634.86 (net HST included) with funding from Account No. CQ300741 – Burnside and City of Lakes Development, as outlined in the Financial Implications section of the September 4, 2013 report.

MOTION PUT AND PASSED UNANIMOUSLY (17 in favour).

11.1.2 Award – Unit Price Tender No. 13-251, Phase 12-5 and 12-6 Grading – Burnside Park

A staff report dated September 4, 2013 was before Council.

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

- 1. Award Tender No. 13-251, Phase 12-5, 12-6 and Lot 1249 Grading, Burnside Business Park, to the lowest bidder meeting specifications, Dexter Construction Company Limited, for a Total Tender Price of \$7,171, 300 (no HST included, 100 % revocable), from project No. CQ300741, Burnside and City of Lakes Development, with funding authorized as per the Financial Implications section of the September 4, 2013 report.**
- 2. Authorize, as per the Financial Implications section of the September 4, 2013 report, the appointment of CBCL Ltd. for construction inspection services, in the amount of \$217,075 (no HST included, 100% revocable).**

- 3. Approve an increase of \$1.50/sq. ft to the approved minimum unit value lot pricing specific to lot 1249 to reflect the lot as graded as part of the subject tender scope.**

MOTION PUT AND PASSED UNANIMOUSLY (17 in favour).

11.1.3 Acquisition of Real Estate – 1162 & 1224 Main Street – Highway 7 Westphal

Regional Council agreed to address this at an in camera session to be held later. See page 12.

11.1.4 Encroachment Agreement – Brunello Estates, Timberlea

A staff report dated August 23, 2013 was before Council.

MOVED by Deputy Mayor Rankin, seconded by Councillor Walker that Halifax Regional Council approve the Encroachment Agreement, as provided in Attachment A of the August 23, 2013 staff report, to enable the installation of two golf cart bridges and associated cart pathways within the Timberlea Village Parkway right-of-way.

Deputy Mayor Rankin advised that the work involves building two bridges across the Timberlea Village Parkway. He noted that the work can be done on weekends and will not obstruct traffic. He stated that there is an annual encroachment fee of \$4000, so there is no cost to the Municipality.

Councillor Johns left the meeting at 1:30 p.m.

MOTION PUT AND PASSED UNANIMOUSLY (16 in favour).

11.1.5 Negotiate Boundaries for the Blue Mountain Birch Cove Lakes Regional Park in relation to the Highway 102 West Corridor

A staff report dated July 8, 2013 was before Council and a handout noting revised environmental implications section dated September 17, 2013.

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

- 1. Accept the Terms of Reference (Attachment 1 of the July 8, 2013 staff report) for an independent facilitator to help HRM and the developers' representatives reach a negotiated agreement on potential regional park boundaries, parkland acquisition and development of the Highway 102 West Corridor lands.**

2. **Authorize staff to enter into discussions with the developers' representatives for the purposes of securing the services of an Independent Facilitator as per the terms of the July 8, 2013 staff report; and**
3. **Until such time as the facilitator has provided the Municipality with his or her report or unless the information has already been disclosed under freedom of information, any confidential information arising from the facilitation process shall be discussed by Council at a closed session.**

Deputy Mayor Rankin advised that the boundaries have been a long standing issue and that this would provide an independent forum between HRM and the developers to negotiate.

Councillor Johns returned to the meeting at 1:34 p.m.

MOVED by Councillor Watts, seconded by Councillor Mason to add an amendment to ensure there is public consultation as per article 5 (Attachment 1 in the July 8, 2013 staff report) prior to Regional Council making a decision on the potential negotiated agreement.

Discussion on the amendment ensued.

MOTION TO AMEND PUT AND PASSED UNANIMOUSLY (17 in favour).

Councillor Mosher explained that in 2006 during the Regional Plan, residents recognized that this was an important park for the area. She stated that the province owns the land at Chocolate Lake. She expressed complete support for the park and she would fully support HRM donating land for this park to make the entire Chocolate Lake area parkland

A vote was taken on the main motion as amended, which reads:

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

1. **Accept the Terms of Reference (Attachment 1 of the July 8, 2013 staff report) for an independent facilitator to help HRM and the developers' representatives reach a negotiated agreement on potential regional park boundaries, parkland acquisition and development of the Highway 102 West Corridor lands;**
2. **Authorize staff to enter into discussions with the developers' representatives for the purposes of securing the services of an Independent Facilitator as per the terms of the July 8, 2013 staff report;**

3. **Until such time as the facilitator has provided the Municipality with his or her report or unless the information has already been disclosed under freedom of information, any confidential information arising from the facilitation process shall be discussed by Council at a closed session; and**
4. **Ensure there is public consultation as per article 5 (Attachment 1 in the July 8, 2013 staff report) prior to Regional council making a decision on the potential negotiated agreement.**

MOTION PUT AND PASSED UNANIMOUSLY (17 in favour).

11.2 GRANTS COMMITTEE

11.2.1 Business Improvement District (BID) Contributions Fund 2013-14 Recommended Awards

A report dated August 20, 2013 was before Council.

MOVED by Councillor Walker, seconded by Councillor Mosher that Halifax Regional Council approve the seven (7) awards detailed in Attachment 2 of the July 22, 2013 staff report for a combined total of \$99,803.81 from operating account C771 - 6919.

Mayor Savage requested information on why the North End Business Association was not included in the list of awards.

Mr. Bruce Fisher, Manager Financial Policy and Planning, advised that the North End Business Association did not complete their reporting for the 2012/13 money and did not properly apply for the 2013/14 funding. He further added that the Association has had some administrative challenges due to the transition of senior staff. Mr. Fisher noted that Council could refer the matter back to the Grants Committee for consideration.

Councillor Watts advised that she was at a recent meeting of the North End Business Association and clarified that the transition of staff in the spring led to the reporting issues. She further explained that the Association was aware of the ramifications of late reporting and would be bringing their request to the Grants Committee at a later date.

MOTION PUT AND PASSED UNANIMOUSLY (16 in favour).

Deputy Mayor Rankin was not present for the vote.

11.3 MEMBERS OF COUNCIL

11.3.1 Councillor Karsten - Cow Bay Road, Deep Storm Sewer Project

The following items were before Regional Council:

- Information report dated August 7, 2013
- Regional Council report dated December 6, 2013
- Correspondence from Ms. Amy Stewart
- Request for Council consideration from dated September 17, 2013

MOVED by Councillor Karsten, seconded by Councillor Craig that Halifax Regional Council:

- a) Rescind the February 26, 2013 Regional Council decision: Stormwater Infrastructure Interim Funding Solution.**
- b) Revise the Stormwater Infrastructure Funding; and**
- c) Initiate the Cow Bay Road, Phase 1 project under the revised interim solution.**

Councillor Karsten stated that the residents of the area overwhelmingly rejected the offer to participate in the project through Local Improvement Charge (LIC). He added the report does not address the increase in costs since the report was first received by Regional Council. He clarified that the SNC Lavalin Report originally indicated the project cost per residence would be \$8,000 to \$10,000. He noted that the project is now in a design stage and the cost would be a minimum of \$14,000. Councillor Karsten stated that there are seventy residences that do not have flooding issues and are being expected to pay an LIC. He also claimed that residents are being asked to pay for infrastructure that does not belong to them.

Deputy Mayor Rankin advised that he would support the motion so that a report would come back to Regional Council that would consider less expensive solutions. He indicated that there are many questions that needed clarity and could be addressed in the report. He specified that some of the cost does lie with the homeowners, as laterals are a household cost and not public infrastructure. He stated it would be important to bring a report back so that another debate could address the issues.

Councillor Dalrymple remarked that he could not support the motion in the current form as it is very site specific. He stated he would support a motion to request a report that looked at shared funding opportunities with Halifax Water, HRM and residents in regards to both stormwater and water infrastructure. Councillor Dalrymple indicated that he could not support the motion unless water servicing was also included in the motion. The Councillor expressed concern that the report did not indicate funding from the federal and provincial governments.

Councillor Outhit indicated that he was leaning towards supporting the motion; however he noted that he would be looking for fairness and would not want the issue to be site

specific. He explained that if the motion was successful he would request to bring back the Giles Drive issue from his area as it faced a similar LIC issue.

Councillor Nicoll asked if once all flooding issues are prioritized, would they be all done through LICs.

In response, Mr. Richard MacLellan, Manager Energy and Environment explained that that the original report indicated what stormwater projects would require an LIC as part of the funding solution for specific types of projects.

Councillor Karsten remarked that residents are aware that anything on their property would be the responsibility of the homeowner. He added that the Cow Bay Road issue is not site specific. He noted that the original report advised that it was an overarching guideline for other projects that would come forward. He indicated that Cow Bay Road was just the first in a list of projects that staff was ready to move forward with.

Councillor McCluskey requested clarification on what would happen if the motion was passed.

Mr. Martin Ward, Solicitor, replied that the motion presented if passed, would rescind the previous motion of Council and then would initiate the project without having a clear understanding of what the scope of the project funding would be. He noted the following options before Council:

- Rescind the motion and request a report on how to move forward with an Interim Funding Solution (IFS).
- Rescind the motion and decide how to move forward on a new IFS at the current Council session.
- Not to rescind and ask for a report.

Following further discussion, Mr. Richard Butts, CAO stated that what was needed was a vote on the motion of rescission. He added that there needed to be clear direction from Council to staff of what was being requested to bring back as an Interim Funding Solution option. He further indicated that it was not a policy debate on water and wastewater infrastructure issue but a debate on funding.

In response to Council, Mr. Maclellan advised that the Cow Bay Road Eastern Passage project was initiated two years ago and was the only project ready to go.

Mr. Ward advised that the motion could be voted on as a whole, or each section could be voted on individually.

Regional Council agreed to vote on the three recommendations separately.

The first motion before Council reads:

MOVED by Councillor Karsten, seconded by Councillor Craig that Halifax Regional Council:

- a) Rescind the February 26, 2013 Regional Council decision: Stormwater Infrastructure Interim Funding Solution.**

MOTION PUT AND PASSED. (16 in favour, 1 against). 2/3 majority vote required.

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

Those voting against: Councillor Dalrymple.

The CAO requested that the second part of the motion be clear as to what specifically a staff report would encompass.

Council recessed at 2:30 p.m. and resumed at 2:45 p.m.

The second recommendation of the motion was now before Council.

MOVED by Councillor Karsten, seconded by Councillor Craig that Halifax Regional Council:

- b) Request a report with options to revise Stormwater Interim Funding Solution including an option that does not involve resident funding participation, for review and approval by Regional Council.**

MOTION PUT AND PASSED (16 in favour, 1 against).

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

Those voting against: Councillor Dalrymple.

The final recommendation was before Council.

MOVED by Councillor Karsten, seconded by Councillor Craig that Halifax Regional Council:

- c) Assign priority consideration to Cow Bay Road Phase 1 project under the revised interim solution.**

MOTION PUT AND PASSED (16 in favour, 1 against).

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

Those voting against: Councillor Dalrymple.

12. MOTIONS

12.1 Councillor Mason

MOVED by Councillor Mason, seconded by Councillor Whitman that Halifax Regional Council request a staff report outlining the proposed Memorandum of Understanding between HRM and The Scots: The North British Society regarding Victoria Park.

MOTION PUT AND PASSED UNANIMOUSLY (17 in favour).

12.2 Councillor Mason

MOVED by Councillor Mason, seconded by Councillor Hendsbee that Halifax Regional Council request a staff report investigating the potential for allowing limited use camping permits in HRM parks to not-for-profits, limited to no more than once per year per not-for-profit, and with limited availability of one camping opportunity per HRM park per quarter in designated parks only.

Councillor Mason noted that because of the Occupy movement, a number of non-profit groups have had difficulty in obtaining access to HRM parks to do one or two night camps. He stated his intention was not to allow free-for all access in parks but, to have a limited and appropriate access for not for profit groups.

Councillor Adams advised that under By-law P-600 camping is currently prohibited unless otherwise posted or with permission. He felt that no action was required as it was already covered.

In response to questions from Council, Mr. Ken Reashor, Director Transportation and Public Works, stated that some of the groups in question were refused camping access because once camping was permitted to one group it would be difficult to prevent others from camping.

Councillor Mason urged Council to support the motion. He stated the intention of the motion was to create policy framework that would allow not for profit groups reasonable time and access to camp in parks.

MOTION PUT AND PASSED (13 in favour, 4 against).

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

Those voting against were: Councillors Mosher, Walker, Adams, and Outhit.

13. IN CAMERA

Council agreed to hold an in camera session to discuss item 11.1.3 Acquisition of Real Estate – 1162 & 1224 Main Street – Highway 7 Westphal. Prior to convening to in camera, Council completed the public agenda.

14. ADDED ITEMS

14.1 Deputy Mayor Rankin – Forum of Recognized Provincial Political Parties Concerning Municipal Matters

Mayor Savage proposed that Council invite each of the provincial party leaders or a designate to come and speak to Council. Specifically, he suggested the leaders address how they see the relationship between HRM and the Province moving forward after the election. He further suggested that a list of questions be prepared for the leaders to discuss. He noted that he did not want it to be a contentious setting, but rather have the leaders speak to Council on issues that Council considers important. He added that Council would need to agree to suspend the rules to ensure that no questions came from the floor.

A number of Councillors expressed support for inviting the three recognized provincial party leaders to a future Council session before the provincial election.

Councillor Hendsbee requested that all three parties be invited to the same Council session. He requested that some questions from individual Councillors be sent through to the Mayor's office for consideration.

Mayor Savage advised that a document outlining some topics and questions would be created and sent to the party leaders for their consideration before the meeting. He stated that he would make sure that the document was distributed to Council as well

MOTION PUT AND PASSED UNANIMOUSLY (17 in favour).

11.1.3 Acquisition of Real Estate – 1162 & 1224 Main Street – Highway 7 Westphal

A staff report dated September 6, 2013 was before Council.

Councillor Hendsbee suggested this item be discussed in camera as it was a property matter and sensitive in nature.

Mr. Ward advised that Council did not have to go in camera to discuss the public report. He further explained that if the discussion was to go beyond the public considerations that Council should go in camera.

MOVED by Councillor Hendsbee, seconded by Councillor Johns that Regional Council convene to In Camera to discuss this matter.

MOTION PUT AND PASSED (16 in favour, 1 against).

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

Those voting against were: Councillor Mason.

Council convened to In Camera at 3:15 pm. Council resumed regular session at 3:26 p.m.

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

- 1. Not acquire the subject property.**
- 2. Direct staff to develop functional road realignment plan for the required roadway corridor.**

Councillor Hendsbee indicated he would not support the motion and requested Council defeat the motion. He suggested that Council should support an alternative motion to pursue the acquisition of the property and the development of a functional road realignment plan for the required road corridor. He explained that the area is considered a transit hub for the area. He specified that the Cole Harbour Open Space plan will have some impact on the development of the area.

Councillor Nicoll stated she receives many calls about how dangerous it is for motorists trying to access Ross Road. She stated that the road alignment needs to be done for the safety of motorists and residents in the area.

Ms. Jane Fraser, Director Planning and Infrastructure, advised that the subject land is designated urban reserve so there is no anticipation of any development to occur in that area. She further added that the development of the functional plan will determine what the actual land needs are and when they will be required.

Regional Council agreed that the two recommendations be separated into separate motions.

The first recommendation was now before Council.

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

1. **Not acquire the subject property.**

MOTION DEFEATED (8 in favour, 9 against).

Those voting in favour were: Mayor Savage; Deputy Mayor Rankin; and Councillors McCluskey, Fisher, Mason, Watts, Mosher, and Craig.

Those voting against were: Councillors Dalrymple, Hendsbee, Karsten, Nicoll, Walker, Adams Whitman, Johns, and Outhit.

The second recommendation was now before Council.

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

2. **Direct staff to develop functional road realignment plan for the required roadway corridor.**

MOTION PUT AND PASSED UNANIMOUSLY (17 in favour).

The final recommendation was now before Council.

MOVED by Councillor Hendsbee, seconded by Councillor Johns that Halifax Regional Council:

1. **Direct staff to seek to acquire the property at 1224 Main Street for the purpose of road alignment.**

MOTION PUT AND PASSED (14 in favour, 3 against).

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

Those voting against were: Mayor Savage; and Councillors Mason and Watts.

15. NOTICES OF MOTION - NONE

16. ADJOURNMENT

The meeting was adjourned at 4:02 p.m.

Cathy J. Mellett
Municipal Clerk

The following information items were submitted:

1. Proclamation – Right to Know Week – September 23-28, 2013
2. Proclamation – Biotechnology & Life Sciences Week – September 20-27, 2013
3. Memorandum from the Director of Transportation and Public Works dated August 26, 2013 Solid Waste Strategy Review Community Engagement Update Report #1
4. Memorandum from the Director of Human Resources dated July 17, 2013 re: Comeau versus HRM – Nova Scotia Human Rights Complaint
5. Memorandum from the Municipal Clerk dated September 9, 2013 re: Requests for Presentation to Council – None