



**HALIFAX REGIONAL COUNCIL
MINUTES
March 18, 2014**

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

STAFF: Mr. Richard Butts, Chief Administrative Officer
Mr. John Traves, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sheilagh Edmonds, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

*A video recording of this meeting is available:
http://archive.isiglobal.ca/vod/halifax/archive_2014-03-18_live.mp4.html*

*The agenda, supporting documents, and information items circulated to Council are available
online: <http://www.halifax.ca/council/agendasc/140318rcAgenda.html>*

The meeting was called to order at 1:00 p.m., and recessed at 3:08 p.m. Council reconvened in at 3:22 p.m. Council moved into an In Camera session at 4:54 p.m. and reconvened at 5:40 p.m. Council adjourned at 5:41 p.m.

1. INVOCATION

The Mayor called the meeting to order with the Invocation being led by Councillor Outhit.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of special community announcements and acknowledgements.

3. APPROVAL OF MINUTES – Committee of the Whole February 5, 2014 and Regional Council February 25, 2014

MOVED by Councillor McCluskey, seconded by Councillor Nicoll that the minutes of the Committee of the Whole meeting of February 5, 2014 and the Regional Council meeting of February 25, 2014 be approved. MOTION PUT AND PASSED.

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

Additions:

14.1 Deputy Mayor Fisher – Public Access Right to ‘Owner Unknown’ Lands, Lake Fletcher

14.2 Mayor Savage – Proposed Adjustment to 2014 Regional Council Meeting Schedule

14.3 Councillor Johns – Correction to Error in November 15, 2013 SEAC Report Submitted at Regional Council’s November 26, 2013 Meeting RE: *2013/14 HRM Events Grants – Second Intake*

It was agreed that Councillor John’s added item would be dealt with immediately following item 11.1.6.

Information Item No. 5 – Exemptions to Truck Route By-Law (T-400) – Councillor Whitman
Councillor Whitman advised that he would like to bring forward this information item to the agenda of the next regular meeting of Regional Council, and would have a recommendation to present for Council’s consideration.

MOVED by Councillor Walker, 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**

The Clerk noted that correspondence was received for item 11.1.11 and was circulated to council. For a detailed list of correspondence received refer to the specific agenda item.

10.2 Petitions - None

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Award – Tender No. 13-136 – Four (4) Compactor Trucks

The following was before Council:

- A staff recommendation report dated February 6, 2014.

MOVED by Councillor McCluskey, seconded by Councillor Whitman that Halifax Regional Council award Tender No. 13-136, for the supply of Four (4) Compactor Trucks, to the lowest bidder meeting specifications, Joe Johnson Equipment, at a Total Price of \$512,308.56 (net HST included) with funding from Project Account – CVD01087 – Fleet Vehicle Replacement – as outlined in the Financial Implications section of the February 6, 2014 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.2 Award – Unit Price Tender No. 14-222, Captain William Spry Centre Driveway Extension – Spryfield – West Region

The following was before Council:

- A staff recommendation report dated February 14, 2014

MOVED by Councillor Adams, seconded by Councillor Mosher that Halifax Regional Municipality award Tender No. 14-222, Captain William Spry Centre Driveway Extension, Spryfield – West Region, to the lowest bidder meeting specifications, Dexter Construction Company Limited for a Total Tender Price of \$790,487.88 (net HST included), with funding from Project No. CDV00734 – Streetscaping in Center Hubs/Corridors, as outlined in the Financial Implications section of the February 14, 2014 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Councillor Johns

11.1.3 Award – RFP# P13-326, Uniformed Parking Enforcement

The following was before Council:

- A staff recommendation report dated January 29, 2014

MOVED by Councillor Mosher, seconded by Councillor Karsten that Halifax Regional Council award RFP# P13-326, Uniformed Parking Enforcement, to the highest scoring proponent, Independent Security Services (ISS), for a one (1) year term commencing April 1, 2014, to be renewed on an annual basis for a maximum period of five (5) years, subject to annual review, at a first year cost of \$831,741.34 (net HST included) with funding from Operating Budget, Cost Centre A315 as outlined in the Financial Implications section of the January 29, 2014 staff report.

Councillor Karsten advised that he has received complaints from residents who have attended some of HRM's special events, and have found the parking enforcement officers excessive in ticketing at these events.

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Councillor Johns.

11.1.4 First Reading Proposed By-Law R-107, An amendment to By-Law R-100, Respecting the Repeal of By-Laws and Ordinances

The following was before Council:

- A staff recommendation report dated February 17, 2014.

MOVED by Councillor Mason, seconded by Deputy Mayor Fisher that Halifax Regional Council give First Reading to By-law R-107 to repeal the following:

- 1. By-law S-203 Respecting Smoke Free Places (HRM);**
- 2. By-law H-300 Halifax County Regional Rehabilitation Centre (HRM);**
- 3. By-law P-800 Respecting the Regulation of Pesticides, Herbicides and Insecticides (HRM);**
- 4. By-law No. 1 Interpretation By-law (County);**
- 5. By-law No. 16 Penalties By-law (County); and**
- 6. By-law P-300 Penalties By-law (Dartmouth).**

Councillor Watts expressed concern about repealing item 3, advising that if repealed, it would impact Council's ability to have any further consideration around this by-law.

In response Ms. Donna Boutilier, Solicitor explained that this particular by-law came into effect when there was no Provincial legislation. She added that the HRM Charter has provisions which allow HRM to create pesticide by-laws, however, the Provincial Act supersedes this and regulations with respect to a list of allowable exemptions are set out by the Minister. Ms. Boutilier advised that if the Provincial Act supersedes the Charter, then HRM's current by-law is redundant.

Mr. Traves, Municipal Solicitor, further added that the Charter still provides Council the authority to pass a by-law if it desires to do so and if something is not covered by the Provincial by-law.

In response to further questions, Mr. Traves advised that it would be more efficient for Council to remove this by-law as it serves no purpose; and that there is no difference in timeline, whether Council wanted to amend a by-law versus bringing in a new by-law.

In response to a question by Councillor McCluskey, Ms. Boutilier advised that HRM's Smoke Free Places by-law has been superseded by the Provincial regulation.

Councillor Whitman pointed out that even though HRM's Smoke Free Places by-law is now redundant, there is still signage posted in public places indicating that referencing this by-law. He questioned why the signage hasn't been replaced to reference the Provincial legislation, and how much would it cost and who would be responsible for new signage.

In response, Mr. Traves advised that the by-law signage should have been replaced, however, the legislation is in effect regardless of signage.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.5 Second Reading Proposed By-Law B-502, An amendment to By-Law B-500, Respecting Building Service Connections

The following was before Council:

- A staff recommendation report dated February 3, 2014.

MOVED by Deputy Mayor Fisher, seconded by Councillor Hendsbee that Halifax Regional Council approve By-law B-502 respecting the amendments to By-Law B-500, increasing the authorized amount for reimbursement for CCTV expenses from existing \$250 to \$400 effective the date of advertisement.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.6 Case 19056 – Amendments to the Sackville Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) to Enable Townhouse and Multiple unit Development on Walker Service Road, Lower Sackville

The following was before Council:

- A staff recommendation report dated February 24, 2014.

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

- 1. Authorize staff to initiate the process to consider amending the Sackville Municipal Planning Strategy and Land Use By-law to permit site-specific policy to consider townhouse and multiple unit development at 26 and 34 Walker Service Road, Lower Sackville, as shown on Map 1; and**
- 2. Request that staff follow the public participation program as approved by Council in February 1997.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mosher .

During the approval of the agenda, Council agreed to deal with the following item at this time:

14.3 Councillor Johns – Correction to Error in November 15, 2013 SEAC Report Submitted at Regional Council’s November 26, 2013 Meeting RE: *2013/14 HRM Events Grants – Second Intake*

Councillor Johns addressed the matter advising that it has come to his attention that there was a typographical error in the report which was approved by Regional Council, and he was concerned that it would have an impact on funding for the Magnetic North Festival. He expressed concern that the year noted in the report was incorrect and that this would result in the group not receiving the funding in the year which was intended.

Ms. Denise Schofield, Manager, Regional Recreation and Culture, addressed Council and clarified the issue, indicating that the group would be receiving its funding in 2015, the year in which the event occurs, as originally intended.

11.1.7 Case 18510 – Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) Amendment for 3400 Dutch Village Road and 3343 Westerwald Street, Halifax.

The following was before Council:

- A staff recommendation report dated February 24, 2014.

MOVED by Councillor Walker, seconded by Councillor Mosher that Halifax Regional Council:

- 1. Authorize staff to initiate the process to consider amending the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law to allow for a mixed-**

use development at 3400 Dutch Village Road and 3343 Westerwald Street, Halifax by development agreement; and

- 2. Request staff to follow the public participation program for the MPS amendment process as approved by Regional Council in February 1997.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Johns

11.1.8 Buy-Back Agreement – 2421 Brunswick Street, Halifax

The following was before Council:

- A staff recommendation report dated February 19, 2014.

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

- 1. Authorize the Mayor and Municipal Clerk to execute a deed to convey a fifty (50) percent interest in 2421 Brunswick Street to Canada Mortgage and Housing Corporation (CMHC), to facilitate the conveyance of the property to Adsum Association for Women and Children; and**
- 2. Authorize the Mayor and Municipal Clerk to enter into an amended Buy-Back Agreement with Adsum Association for Women and Children, to enable a federal funding agreement as described in the Discussion section of the February 19, 2014 staff report.**

MOVED by Councillor Watts, seconded by Councillor Rankin that the motion be amended to include that the Buy-Back Agreement will have a term of fifteen (15) years only, commencing from the date of its execution and in the event that the buy- back provisions are not exercised by HRM during the fifteen year term, then the Buy-Back Agreement shall be released by the Municipality.

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

The Municipal Solicitor advised that the amendment would require two-thirds majority in order to pass.

THE AMENDMENT WAS PUT AND PASSED UNANIMOUSLY.

The Municipal Solicitor advised that the amended motion also requires two-thirds majority in order to pass.

The amended motion now reads:

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

- 1. Authorize the Mayor and Municipal Clerk to execute a deed to convey a fifty (50) percent interest in 2421 Brunswick Street to Canada Mortgage and Housing Corporation (CMHC), to facilitate the conveyance of the property to Adsum Association for Women and Children;**
- 2. Authorize the Mayor and Municipal Clerk to enter into an amended Buy-Back Agreement with Adsum Association for Women and Children, to enable a federal funding agreement as described in the Discussion section of the February 19, 2014 staff report; and**
- 3. The Buy-Back Agreement will have a term of fifteen (15) years only, commencing from the date of its execution and in the event that the buy- back provisions are not exercised by HRM during the fifteen year term, then the Buy-Back Agreement shall be released by the Municipality.**

THE MOTION AS AMENDED WAS PUT AND PASSED UNANIMOUSLY.

11.1.9 Requested Amendment to Conditions of Sale – Provincial Purchase of Lands at Burnside for the Proposed Burnside/Sackville Expressway, 107 Bypass

The following was before Council:

- A staff report dated February 3, 2014.

MOVED by Deputy Mayor Fisher, seconded by Councillor Nicoll that Halifax Regional Council:

- 1. Approve the Province of Nova Scotia’s request to extend the infrastructure construction completion date, as provided in the MOU dated March 20, 2012, between the Halifax Regional Municipality and the Province of Nova Scotia, as per the terms and conditions outlined in Table 1 of the February 3, 2014 staff report; and**
- 2. Authorize the Mayor and Municipal Clerk to enter into an amended Agreement of Purchase and Sale between the Halifax Regional Municipality and the Province of Nova Scotia, as per the terms and conditions outlined in Table 1 of the February 3, 2014 staff report.**

In response to a question by Councillor Watts, Mr. Peter Stickings, Manager, Real Estate and Land Management advised that the active transportation trail along Burnside Drive has had a considerable amount of work done over the past number of years and the corridor has been reserved through to Burnside Drive to Sackville through the Provincial right of way.

Councillor Watts asked Mr. Stickings to confirm this information in an e-mail to the Active Transportation Committee.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.10 2014/2015 Pedestrian Safety Action Plan

The following was before Council:

- A staff report dated February 24, 2014.

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

- 1. Adopt the 2014/2015 Pedestrian Safety Action Plan, included as Attachment 1 to the February 24, 2014 staff report; and**
- 2. Direct staff to return, through the Transportation Standing Committee, not later than December 2014, with the annual Pedestrian Safety Action Plan for consideration in the 2015/2016 fiscal year.**

MOVED by Councillor Craig, seconded by Councillor Johns that the motion be amended to direct staff to include a Pedestrian Safety Priority Outcome Statement within the Healthy Communities Priority Theme that acknowledges pedestrian and motorists shared responsibility for safety, as well as HRM's commitment to pedestrian safety, for consideration by Council in preparation for the 2015/16 planning cycle.

THE AMENDMENT TO THE MOTION WAS PUT AND PASSED UNANIMOUSLY.

Mr. Taso Koutroulakis, Manager, Traffic and Right of Way Services, and Deputy Chief Bill Moore, Halifax Regional Police responded to questions.

The amended motion now reads:

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

- 1. Adopt the 2014/2015 Pedestrian Safety Action Plan, included as Attachment 1 to the February 24, 2014 staff report;**
- 2. Direct staff to return, through the Transportation Standing Committee, not later than December 2014, with the annual Pedestrian Safety Action Plan for consideration in the 2015/2016 fiscal year; and**
- 3. Direct staff to include a Pedestrian Safety Priority Outcome Statement within the Healthy Communities Priority Theme that acknowledges pedestrian and motorists shared responsibility for safety, as well as HRM's commitment to pedestrian safety, for consideration by Council in preparation for the 2015/16 planning cycle.**

MOTION AS AMENDED PUT AND PASSED UNANIMOUSLY.

Council recessed at 3:08 p.m.

Council reconvened at 3:22 p.m.

11.1.11 Khyber Arts Society Funding Request

The following was before Council:

- A staff report dated March 10, 2014.
- Correspondence from Heritage Trust of Nova Scotia.

MOVED by Councillor Mason, seconded by Councillor Watts that Council suspend the Rules of Order to consider item 11.1.11.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Nicoll, McCluskey, Mosher, Whitman, Johns, and Craig.

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

- 1. Provide one time grant funding in the amount of \$45,000 to the Khyber Arts Society to cover moving costs and supplemental rental costs for a period not longer than 3 years associated with their relocation from 1588 Barrington Street, conditional on:
 - a. A signed lease agreement or signed offer to lease at the new location;
 - b. Confirmation of vacant possession delivered to HRM on March 31, 2014; and
 - c. A signed surrender/release in favour of HRM; and**
- 2. Authorize the CAO to amend the current month to month arrangement such that it reduced the rental payments owing from both the Khyber Arts Society and Heritage Trust for the period January 1, 2014 to March 31, 2014 to a nominal amount, effectively waiving rent for that period.**

Councillor Mason advised that there was some urgency in dealing with this matter due to an occupational health and safety issue at 1588 Barrington Street. He noted that Khyber Arts Society is prepared to sign a lease this afternoon to facilitate their move out of the building. Councillor Mason pointed out that Council has always been supportive of the Khyber Arts Society and with this funding the Society can focus on continuing their excellent programming.

In response to a question by Councillor Karsten on the next steps should Council approve the recommendation, the CAO advised that this would be subject of an Administrative Order 50 report which will come to the Executive Standing Committee within the next month or so.

In response to a question by Councillor McCluskey, Ms. Denise Schofield, Manager, Regional Recreation and Culture advised that the rent between the two groups is \$1500 a month and the recommendation, if approved, will waive the rent for three months.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns.

11.2 AUDIT AND FINANCE STANDING COMMITTEE

11.2.1 Award – Tender 13-414 – Ragged Lake Transit Centre Storage Garage Floor Texturing

The following was before Council:

- A report dated March 7, 2014 from the Chair of the Audit and Finance Standing Committee.

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

- 1. Approve a one-time project scope alteration to CMXO1229 to fund the specified flooring work of Tender 13-414;**
- 2. Award Tender No. 13-414, Ragged Lake Transit Centre Storage Garage Floor Texturing, to the lowest bidder meeting specifications, Eastern Infrastructure Inc., for a Total Tender Price of \$76,963.07 (net HST included), with funding from Project No. CMXO1229 – Ragged Lake Transit Centre FFE, as outlined in the Financial Implications section of the January 10, 2014 staff report;**
- 3. Approve an Increase to P.O. #2070642590 for \$6,465.73 (net HST included) to Stantec Consulting Limited for Construction Contract Administration and Inspection Services, with funding from Project No. CMXO1229 – Ragged Lake Transit Centre FFE, as outlined in the Financial Implications section of the January 10, 2014 staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns

11.2.2 Write-off of Uncollectible Accounts

The following was before Council:

- A report dated March 7, 2014 from the Chair of the Audit and Finance Standing Committee.

MOVED by Councillor Karsten, seconded by Councillor Nicoll that Halifax Regional Council approve:

- 1. The business occupancy tax accounts in the amount of \$44,374.87 comprised of \$29,574.95 principal and \$14,799.92 interest as detailed in Schedule 2 of the February 5, 2014 staff report be formally written out of the books of account;**

2. **The general revenue accounts in the amount of \$7,403.82 comprised of \$7,403.82 principal and \$0.00 interest as detailed in Schedule 3 of the February 5, 2014 staff report be formally written out of the books of account;**
3. **The real property tax accounts in the amount of \$1,161.15 comprised of \$1,053.69 principal and \$107.46 interest as detailed in Schedule 4 of the February 5, 2014 staff report be formally written out of the books of account.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns

11.2.3 E-Delivery Investment

The following was before Council:

- A report dated March 7, 2014 from the Chair of the Audit and Finance Standing Committee.

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

1. **Approve the payment of the E-Delivery project investment costs of \$405,828 for HRM to Property Valuation Services Corporation (PVSC), to replenish the Technology Advancement Fund; and,**
2. **Direct staff to approach Halifax Water to cost-share of the E-Delivery investment**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Johns

11.2.4 Discovery Centre Funding Request – Capital and Operating Contributions

Councillor Adams declared a conflict of interest on this item, and left the Council Chamber.

The following was before Council:

- A report dated March 7, 2014 from the Chair of the Audit and Finance Standing Committee.

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

1. **Authorize a \$2 Million (\$2,000,000) contribution to the Discovery Centre, to be funded from the current projected surplus, for capital costs relating to a purpose built facility in Block D of Nova Scotia Power’s building on Lower Water Street, subject to the conditions set out in Attachment A of the February 11 staff report;**

Approve the transfer of the above noted \$2,000,000 to Q310 – Service Improvement Reserve for future disbursement contingent on meeting the conditions and following the payment schedule as set out in Attachment A of the February 11 staff report ; and

Authorize staff to negotiate a funding agreement between HRM and Discovery Centre, to facilitate the disbursement of the \$2 Million (\$2,000,000) contribution towards capital costs, consistent with the funding terms set out in Attachment A of the February 11 staff report and authorize the Mayor and Municipal Clerk to execute said agreement.

- 2. Authorize an operating contribution of \$145,000 to Discovery Centre for fiscal 2014-2015;**

Authorize staff to negotiate a contribution agreement between HRM and Discovery Centre, to facilitate the operating contribution of \$145,000 to Discovery Centre for fiscal 2014-2015, and authorize the Mayor and Municipal Clerk to execute said agreement; and

Direct staff to withhold disbursement of the operating contribution of \$145,000 to Discovery Centre for fiscal 2014-2015 pending execution of a contribution agreement.

Councillor Watts addressed the issue of financial accessibility of all members of the public to use the Discovery Centre and suggested that a community accessibility plan be added as criteria and that statistics and feedback on this come back to staff for monitoring.

Mr. Greg Keefe, Director, Financial Services advised that staff had contacted the Discovery Centre staff to find out if they already have such a program in place, however they were not able to get a response by this meeting. He added that he was aware that the Centre does have outreach programs.

Councillor Hendsbee asked if staff could provide a tally of the projects to which the surplus has been allocated. In response, Mr. Keefe advised that could provide this information as an update at the Budget Committee of the Whole meeting.

MOVED by Councillor Watts, seconded by Councillor Mason that the motion be amended to include a community access plan for children, youth, and school groups as an outcome measure for the \$145,000 2014/15 Operating Agreement with the Discovery Centre.

A discussion ensued with members of Council indicating they were not supportive of the amendment advising that it was ambiguous and did not provide specific direction.

Mr. Keefe suggested that Council not make any change for the 2014/15 year, and ask the Discovery Centre to consider it for the 2016-17 year and, in the meantime, staff will have a conversation with the Discovery Centre.

With this information, and with the agreement of Council the amendment was withdrawn.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Adams and Johns

11.2.5 Fiscal Year 2013/2014 Financial Report – Sackville Sports Stadium

The following was before Council:

- A report dated March 7, 2014 from the Chair of the Audit and Finance Standing Committee.

MOVED by Councillor Karsten, seconded by Councillor McCluskey that Halifax Regional Council approve the financial statements of the Sackville Sports Stadium dated March 31, 2013.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mason, Adams, and Johns

11.3 GRANTS COMMITTEE

11.3.1 Less than Market Value Lease – Shakespeare by the Sea Theatre Society for 5480 Point Pleasant Drive, Halifax

The following was before Council:

- A report dated March 3, 2014 from the Chair of the HRM Grants Committee

MOVED by Councillor Walker, seconded by Councillor Nicoll that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into a less than market value lease agreement with Shakespeare by the Sea Theatre Society for the building located at 5480 Point Pleasant Drive, Halifax, as per the key terms and conditions set out in Table 1 of the discussion section of the January 20, 2014 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mason, Adams, and Johns

11.3.2 Second Reading Proposed By-law T-230, An amendment to By-law T-200 Respecting Tax Exemptions for Non Profit Organizations, Proposed Administrative Order 2014-001-ADM Tax Relief to Non Profit Organizations, and Renewals for 2013-14 Fiscal Year – Part 1

The following was before Council:

- A report dated February 14, 2014 from the Chair of the HRM Grants Committee.

- Draft minute extract from February 25, 2014.
- Revised copy of the Proposed Administrative Order was circulated to Council

MOVED by Councillor Walker, seconded by Councillor Mason that Halifax Regional Council approve the following:

- 1. Repeal HRM By-law T-200 the Tax Exemption By-law, as set out in Attachment 1 of the staff report dated January 27, 2014;**
- 2. Adopt Administrative Order 2014-001-ADM, the Tax Relief for Non-Profit Organizations Administrative Order, as detailed in Attachment 1 of the Grants Committee report dated February 14, 2014;**
- 3. Remove three (3) organizations as detailed in Table 1 of Attachment 3 of the staff report dated January 27, 2014;**
- 4. Decrease the level of tax relief for three (3) organizations as detailed in Table 2 of Attachment 4 of the staff report dated January 27, 2014; and**
- 5. Approve the renewal of full or partial tax relief for 182 organizations (336 properties) as detailed in Schedules 26 to 30 (Tables 3a to 3e) of Administrative Order 2014-001-ADM, of the Grants Committee report dated February 14, 2014, effective April 1, 2013, for a combined total cost of \$2,885,103.**

MOVED by Councillor Walker, seconded by Councillor Mason that the motion be amended to approve the following amendments to the proposed Administrative Order 2014-001-ADM, set out in Attachment 1 of the staff report dated February 14, 2014, as follows:

- (a) clause i of section 2 be amended by replacing the numerical references “17 and 19” with “14 and 16”;**
- (b) clause c of section 4A and clause b of section 4B be amended by replacing the numerical references “7 or 8” with “5 or 5A”;**
- c) clause a of section 5A be amended by adding a comma after the word “leased” and by adding the words and comma “with a minimum of three (3) years remaining,” after the words “consecutive years”;**
- (d) subclause i of clause a of section 5A be amended by deleting the word “or” at the end of subclause;**
- (e) subclause 3 of clause a of section 5A be amended by adding the word “another” at the beginning of the subclause;**

(f) subsection 1 of section 6 be amended by adding the word “shall” after the word “relief” and before the words “be pro-rated”; and

(g) clause b of subsection 1 of section 6 be amended by deleting the words “lessee or lessor terminates the lease for any reasons or the lease otherwise expires prior to the end of the current taxation year” and replacing those words with the words and comma “any portion of the real property owned by an eligible non-profit organization or an eligible registered Canadian charitable organization for which tax relief has been provided is conveyed.”.

THE AMENDMENT TO THE MOTION WAS PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Johns

THE MAIN MOTION AS AMENDED WAS PUT AND PASSED UNANIMOUSLY.

Not Present: Councillor Johns

11.3.3 Proposed Amendments to Administrative Order 2014-001-ADM, Tax Relief to Non Profit Organizations and Renewals for 2013-14 Fiscal Year Part 2

The following was before Council:

- A report dated March 4, 2014 from the Chair of the HRM Grants Committee

MOVED by Councillor Walker, seconded by Councillor McCluskey that Halifax Regional Council approve:

- 1. The addition of twenty (20) non-profit housing organizations to Schedule 30, effective April 1, 2013, as detailed in Table 2 of Attachment 2 of the staff report dated January 27, 2014, effective April 1, 2013, at a combined total cost of \$171,131;**
- 2. The addition of the Bedford Basin Yacht Club, Deanery Project Cooperative Limited, Jost Mission Day Care Society, Bay Road Community Hall Association, and Lake Echo Lions Club to Schedule 29, effective April 1, 2013, as detailed in Table 3a of Attachment 3 of the staff report dated January 27, 2014, effective April 1, 2013, at a combined estimated cost of \$33,540;**
- 3. Decline seventeen (17) applicants as detailed in the Discussion section of the Grants Committee report; and**
- 4. Defer sixteen (16) applicants in Revised Table 5 in the Discussion section of the Grants committee report.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Councillor Johns

11.4 MEMBERS OF COUNCIL

11.4.1 Councillor Mason – Proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy (MPS) and the existing development agreement to construct a 16 storey building at 1595 Barrington Street

- A Councillor Request for Consideration Form was before Regional Council.

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

- 1. Due to the unique circumstances relative to the timing of the commencement of the development and the desire to accommodate the Discovery Centre tenant at the site until their relocation to a new site is achieved, direct staff to initiate amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the existing development agreement, referenced as Case No. 01231, for 1595 Barrington Street, to consider a new commencement of construction date requirement of July 20, 2016 and new completion date requirement of July 20, 2019; and**
- 2. Adopt a public participation program for the consideration of said amendments that shall be comprised of a request for written comments from the public through notification that includes the placement of a regular newspaper advertisement and the posting of information on HRM's website, in lieu of a public information meeting and other provisions of the February 25, 1997 Regional Council Resolution regarding a Public Participation Program for Municipal Planning Strategy Amendments.**

In addressing the matter, Councillor Mason advised that nothing will materially change if the motion is passed, except for the revision to the approach of the public participation process.

Councillor Watts referred to the second recommendation and advised that she was concerned when Council considers waiving public information meetings, therefore, she was requesting the motion be split and each item voted on separately.

In response to a question of clarification, Mr. Richard Harvey, Major Projects Planner advised that this motion involves an amendment to the Downtown Municipal Planning Strategy and an amendment to the Development Agreement and that the public process will require holding a public hearing for both.

The Mayor advised that Council would now vote on Recommendation 1:

Due to the unique circumstances relative to the timing of the commencement of the development and the desire to accommodate the Discovery Centre tenant at the site until their relocation to a new site is achieved, direct staff to initiate amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the existing development

agreement, referenced as Case No. 01231, for 1595 Barrington Street, to consider a new commencement of construction date requirement of July 20, 2016 and new completion date requirement of July 20, 2019.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Johns

Recommendation 2:

Adopt a public participation program for the consideration of said amendments that shall be comprised of a request for written comments from the public through notification that includes the placement of a regular newspaper advertisement and the posting of information on HRM's website, in lieu of a public information meeting and other provisions of the February 25, 1997 Regional Council Resolution regarding a Public Participation Program for Municipal Planning Strategy Amendments.

MOTION PUT AND PASSED. (15 for, 1 against)

For: Mayor Mike Savage; Deputy Mayor Darren Fisher; and Councillors: Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Mason, Mosher, Walker, Adams, Rankin, Whitman, Craig, and Outhit.

Against: Councillor Watts

Not present: Councillor Johns

12. MOTIONS

12.1 Councillor Karsten

MOVED by Councillor Karsten, seconded by Councillor Walker that Halifax Regional Council request a staff report and needs assessment on a pad ready sports field on Baker Drive, Dartmouth.

In response to a question, Ms. Denise Schofield, Manager, Regional Recreation and Culture advised that she envisions this request would be undertaken as part of the Community Facility Master Plan.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns.

Council dealt with item 14.1 at this time.

14. ADDED ITEMS:

14.1 Deputy Mayor Fisher – Public Access Right to ‘Owner Unknown’ Lands, Lake Fletcher

- A Councillor Request for Consideration Form was before Regional Council.

MOVED by Deputy Mayor Fisher, seconded by Councillor Nicoll that Regional Council request Mayor Savage write a letter of support for the Shubie Canal Commission’s campaign to the Premier and Minister of Natural Resources to ensure the Owner Unknown Land near Lake Fletcher remains in public ownership.

Deputy Mayor Fisher advised that this dispute has been a concern for some time and he felt it would be helpful if the Mayor were to send a letter on behalf of Council.

Councillor Dalrymple advised that the piece of property in question is crucial for the Canal Commission, and the property dispute has concerned the Canal Commission over the past year. He pointed out that the Shubenacadie Canal is a historic canal system and the area in question is one of the few public accesses to the lake that has virtually no public access.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Mosher and Johns

14.2 Mayor Savage – Proposed Adjustment to 2014 Regional Council Meeting Schedule

Mayor Savage advised that he was invited to an economic development conference on May 27th therefore he was asking Council’s consideration of moving the May 27 Regional Council meeting to May 20.

MOVED by Councillor Craig, seconded by Councillor Karsten that Halifax Regional Council replace the Regional Council meeting of May 27, 2014 with a meeting on May 20, 2014.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mosher and Johns

14.3 Councillor Johns – Correction to Error in November 15, 2013 SEAC Report Submitted at Regional Council’s November 26, 2013 Meeting RE: 2013/14 HRM Events Grants – Second Intake

This item was dealt with earlier in the meeting. See page 6.

15. NOTICES OF MOTION:

15.1 Deputy Mayor Fisher

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 1st day of April, 2014, I propose to introduce a Policy pursuant to Section 325 of the Halifax Municipality Charter, Administrative Order AO-SC-77, the purpose of which is to close a portion of Grafton Street between Prince Street and Sackville Street, and set a public hearing date.

15.2 Councillor Hendsbee

Take notice that, at the next regular Regional Council meeting, to be held on the 1st day of April, 2014, I propose to introduce proposed Administrative Order 2014-002-ADM, *Respecting the Heritage Incentives Program* to be effective beginning with applications for financial assistance for the 2015-16 fiscal year.

15.3 Councillor Watts

Take notice that, at the next regular Regional Council meeting, to be held on the 1st day of April, 2014, I propose to request a staff report on the use of buy-back agreements and the implications of the current policy/practice for both the Municipality and Community groups; and to provide options for consideration that would allow greater flexibility in buy-back agreements for less than market value sales of municipal property.

15.4 Councillor Hendsbee

Take notice that, at the next regular Regional Council meeting, to be held on the 1st day of April, 2014, I propose to introduce the following motion:

“Be it resolved that HRM Regional Council request a staff report to respond to the request by the Lake Charlotte Area Heritage Society, in its letter of March 3, 2014 for HRM to provide a capital contribution of \$40,000 towards its \$440,000 Visitor Experience Enhancement Project, recognizing it as a pro-rata contribution similar in nature to HRM support provided to the Discovery Centre; and

Be it further resolved that HRM provide annual operational support for the Easter Shore Archives, up to a maximum of \$45,000 per year, to match any annual operational funding provided by the Province to the Lake Charlotte Area Heritage Society.”

15.5 Councillor Karsten

Take notice that, at the next regular Regional Council meeting, to be held on the 1st day of April, 2014, that Management of Halifax Water be invited to attend to address Regional Council on the recently initiated Storm Water charges.

MOVED by Councillor Rankin, seconded by Councillor Whitman that Council convene In Camera. MOTION PUT AND PASSED.

13. IN CAMERA

13.1 Legal Advice

13.1.1 Legislative Amendment Direction and Update

Council met in camera to discuss this item, and reconvened in the public session to ratify the motion from in camera as follows.

MOVED by Deputy Mayor Fisher, seconded by Councillor Nicoll that Halifax Regional Council:

- 1. Direct staff to negotiate with the Province of Nova Scotia respecting all current legislative amendment requests;**
- 2. Authorize the Mayor, or in the absence of the Mayor, the Deputy Mayor, on the advice of the Chief Administrative Officer and the Director of Legal, Insurance & Risk Management Services, to provide instructions to staff on the negotiations;**
- 3. Authorize the Director of Legal, Insurance & Risk Management Services, and such other staff as designated by the Director, and the Mayor, or any Member of Council designated by the Mayor, to appear and make representation at the Law Amendments Committee on behalf of the Municipality.**
- 4. Not release the Private and Confidential staff report dated March 10, 2014 to the public.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Whitman and Johns

16. ADJOURNMENT

The meeting adjourned at 5:41 p.m.

Cathy J. Mellett
Municipal Clerk