

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES October 12, 2004

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Steve Streach
Councillors: Krista Snow
David Hendsbee
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Len Goucher
Reg Rankin
Gary Meade

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Patti Halliday, Acting Municipal Clerk
Ms. Sherryll Murphy, Legislative Assistant

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1. **INVOCATION**

The meeting was called to order at 6:00 p.m.

2. **APPROVAL OF MINUTES - September 28, 2004**

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal that the minutes of the September 28, 2004 meeting of Halifax Regional Council, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

A moment of silence was observed for Chris Saunders who lost his life as a result of the recent fire on the submarine HMCS Chicoutimi and for Ian MacLeod, Volunteer Firefighter, with the Lakeview, Windsor Junction and Fall River Fire Department.

Mayor Kelly was asked to forward condolences to both families on behalf of Council.

Councillor Smith once again reminded members of Council and the public of the March Against Violence being held in Dartmouth on Wednesday, October 13, 2004 beginning at 6:30 p.m. from the Boys and Girls Club on Farrell Road. He encouraged all residents to take part in the march.

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

Additions:

11.1 Contractual Matter - Harbour Solutions Project - Biosolids Processing Facility

11.2 Councillor Snow - Request for Report re RCMP

4. **BUSINESS ARISING OUT OF THE MINUTES** - None

5. **MOTIONS OF RECONSIDERATION** - None

6 **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS** - None

8. **CORRESPONDENCE, PETITIONS & DELEGATIONS**

8.1 **Correspondence** - None

8.2 Petitions

8.2.1 Petition - Councillor Snow - Siting of New District 2 Community Recreation Centre

Councillor Snow submitted a petition on behalf of residents of District 2 in support of the Jefferson Property as the location for the new District 2 Community Recreation Centre. This matter will be forwarded to staff for review and response.

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 Climate Smart - Sole Source Partnership Contract

- A staff report dated October 6, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Mosher, seconded by Councillor Warshick that Regional Council approve the sole sourced contract for consulting services - Climate Smart (Climate Change Mitigation and Adaptation) to Dillon Consulting Limited (lead consultant in the ClimAdapt partnership) in the amount of \$250,000, net HST with funding authorization as per the Budget Implications section of the October 6, 2004 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 Fast Ferry Project Update

- An information report dated October 6, 2004 submitted by Betty MacDonald, Director, Governance and Strategic Initiatives, was before Council. Distributed to Council was a document entitled the Fast Ferry Project, August 2004.

Mr. Dave McCusker, Project Manager, Fast Ferry Project, gave a brief presentation relative to the Fast Ferry Project and responded to questions from members of Council.

A lengthy discussion ensued with members of Council making the following points in connection with the Fast Ferry Project:

- Ferry docking facilities must be located conveniently. (Mr. McCusker advised that docking locations will be park and ride, on bus routes and near fairly high density residential uses).
- Proposed ferry facilities should also include commercial uses and recognize that

- smaller buses could be used to bring passengers to the ferry.
- Concern expressed that there is an existing lack of capacity in Cole Harbour. Is the Ferry Project being pushed to the detriment of existing problems (i.e. moving in another direction without first having dealt with the problems in the system)?
- Is there a possibility that one of the ferries would be available for tour use from locations such as Fisherman's Cove? (Mr. McCusker noted that such a service might be accommodated during off hours).
- Are there to be any changes to the existing fleet? (Mr. McCusker noted that the existing fleet meets the needs of the services provided very adequately and no changes are planned).
- Concern expressed that no bus service exists to the Eastern Shore. (Mr. McCusker noted that the Regional Planning process was looking at the overall transportation needs of the Municipality and that it is clear that a greater investment in transit services is required. The solution may be smaller buses with a shuttle like service).
- Concern expressed that the time line for the development of the waterfront differs from HRM's time line. A suggestion was made that the Waterfront Development Corporation should be invited to attend an upcoming focus group meeting to be held on October 28, 2004.
- Clarification of funding source sought, with the Chief Administrative Officer indicating that funds for the Fast Ferry Service would be allocated from the Strategic Initiatives Fund.
- The Fast Ferry Project represents the expansion of the oldest ferry system in North America.
- Achieving agreement from the Waterfront Development Corporation and CN within the time line presented (2005-06 Mill Cove and 2006-07 Purcell's Cove) will be difficult.
- Frustration was expressed that a full transportation study is not yet available.

MOVED by Deputy Mayor Streach, seconded by Councillor Blumenthal that the October 6, 2004 Information Report be received. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.3 Waterfront Development Corporation Limited Mandate & Taxation

- A staff report dated October 7, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Fougere, seconded by Councillor Hetherington that Regional Council authorize staff to enter into discussions with the Province of Nova Scotia regarding the mandate of the Waterfront Development Corporation Limited, including the taxation status.

A brief discussion ensued with Councillor Hetherington noting, on a related matter, that he did not believe that any sort of building permit had been issued relative to the new Community College. The CAO indicated that he would determine the status of permits for the Community College.

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.4 Real Property and Asset Management - Energy Auditor

- A staff report dated October 5, 2004 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Uteck, seconded by Councillor Fougere that:

- 1. Council approve a non-repayable withdrawal from the Service Improvement Reserve Q310, to a maximum of \$160,000, to cover two years of compensation and start-up costs associated with the Energy Auditor position, as per the Budget Implications section of the October 5, 2004 staff report.**
- 2. Council approve a non-repayable withdrawal from the Service Improvement Reserve Q310, to a maximum of \$20,000, to cover research costs involved in investigating the use of alternate energy sources in HRM facilities, as per the Budget Implications section of the October 5, 2004 staff report.**

Councillor Hendsbee, referring to the Lake Echo Community Centre, suggested that the standards for illumination were in fact overkill. He asked that staff look at an alternative standard. The Councillor also stressed the need for a requirement for an alternate source of energy in HRM facilities.

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.5 Federal Gas Tax Distribution

- A presentation entitled Opportunities Under Fuel Tax Revenue, October 12, 2004, was distributed to members of Council.

Mr. Bruce Fisher, Manager, Financial Planning, gave a presentation relating to allocation of the Federal Gas Tax . A copy of Mr. Fisher's presentation is on file.

Responding to questions, Mr. Fisher clarified that:

- funds are to be used for capital work with no funds being directed to operating costs
- agreement with the Province regarding how the funds are to be distributed is required before they will begin to flow
- request has been made to meet to discuss the process

Following a further brief discussion the Mayor thanked Mr. Fisher for his presentation.

9.2 GRANTS COMMITTEE

9.2.1 By-Law T-213, An Amendment to By-Law T-201, Tax Exemption for Non-Profit Organizations - New Applications 2004-2005

- A staff report dated September 20, 2004 submitted by Councillor Russell Walker, Chair, HRM Grants Committee, was before Council for consideration.

MOVED by Councillor Walker, seconded by Councillor Fougere that Halifax Regional Council approve in principle By-Law T-213, an amendment to By-Law T-201 Respecting Tax Exemption for Non-Profit Organizations: 2004-2005, New Applications. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 PENINSULA COMMUNITY COUNCIL

9.3.1 Case 00572, Amendments to Halifax Municipal Planning Strategy - Height Precincts, South End

- A staff report dated October 5, 2004 submitted by Sue Uteck, Chair, Peninsula Community Council.

MOVED by Councillor Uteck, seconded by Councillor Fougere that Regional Council:

- 1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law, as they apply to District 12, as contained in Attachment A and B of the staff report dated August 10, 2004 and schedule a public hearing.**
- 2. Approve the amendments to the Halifax Municipal Planning Strategy as contained in Attachments A and B of the staff report dated August 10, 2004.**

Following a brief discussion, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

9.4 **MEMBERS OF COUNCIL**

9.4.1 **Councillor Blumenthal - Proliferation of Election Signs on Municipal / Public Property**

Councillor Blumenthal advised that residents are angry about the proliferation of election signs on public property. He went on to note that he understood the Supreme Court of Canada has ruled that candidates are permitted to place their signs on public property. The Councillor asked who would repair the grass and boulevards when these signs were removed.

Councillor Hendsbee suggested that all candidates pay a permit fee allowing them to place signs on public property.

A brief discussion ensued and it was **MOVED by Councillor Mosher, seconded by Councillor Blumenthal that staff come forward with a report detailing a By-Law or changes to an existing By-Law which would disallow the placing of election signs on public property.**

Mr. Anstey, Municipal Solicitor, in response to the motion, advised that the Supreme Court of Canada has said that candidates are permitted to put their signs on public property, except where it interferes with traffic. Any By-Law to prohibit the placing of such signs would not be enforceable. Mr. Anstey went on to indicate that if an individual damages public property when placing or removing these signs, theoretically, they are responsible for fixing that damage. HRM cannot charge a permit fee in this regard as the Supreme Court has ruled that individuals have the right to place signs. A deposit fee for the removal of signs can be charged.

Following a further short discussion, the **Mover, with agreement from the seconder, withdrew her Motion.**

10. **MOTIONS** - None

11. **ADDED ITEMS**

11.1 **Contractual Matter - Harbour Solutions Project - Biosolids Processing Facility**

- This matter was considered at the In Camera Council session held earlier today.

MOVED by Deputy Mayor Streach, seconded by Councillor Snow that Halifax Regional Council:

1. Enter into the Biosolids Processing Facility Development Agreement with SGE Acres Limited for the planning, design, engineering, equipping, procuring, construction, testing, commissioning, completion and transfer of the Biosolids Processing Facility to be located at the AeroTech Park for a Guaranteed Maximum Price not to exceed Twelve Million Two Hundred and Forty Thousand Dollars (\$12,240,000.00) plus net HST of \$419,685 for a total of \$12,659,685 substantially in the form of the attached draft BPF Development Agreement dated October 3, 2004 with the funding as per the Budget Implications Section of the Private and Confidential staff report dated October 7, 2004.
2. Enter into the Operating and Maintenance Agreement with N-Viro for the operation and maintenance of the Biosolids Processing Facility and the marketing and sale of the Finished Product for Unit Prices described in the Discussion Section of this report and substantially in the form of the attached draft Operating and Maintenance Agreement dated October 1, 2004 with the funding as per the Budget Implications Section of this report.
3. Enter into any required technology license agreements with N-Viro for the acquisition of all required rights to use N-Viro's intellectual property for a guaranteed maximum price not to exceed Two Hundred and Forty Thousand (\$240,000) plus net HST of \$8,229 for a total of \$248,229 substantially as per the Budget Implications Section of this report.
4. This report is not be released to the public until the contract has been agreed to by all parties.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Councillor Snow - Request for Report re RCMP

- This matter was added to the agenda during the setting of the agenda.

MOVED by Councillor Snow, seconded by Councillor Hendsbee that staff provide a report to determine whether the level of RCMP service in the HRM has decreased, including a breakdown of Districts serviced by the RCMP, and further that the report respond to the following questions:

1. How many criminal cases are assigned to each officer and, if possible, a breakdown by District?

2. What is the average open case load per officer, per year?
3. What is the average response time to each call for assistance and, if possible, a breakdown by District?
4. What is the ratio of police officer to resident population and what is the benchmark being used to measure this ratio.
5. How many cases are being solved by the RCMP and has this number declined?
6. Relative to the above questions, what benchmarks are being used to measure law enforcement?

MOTION PUT AND PASSED UNANIMOUSLY.

At this time, Councillor Johns requested that Council agree to add to the agenda a request for staff to issue a press release regarding the protocol for elections and the fact that neither Council or the Mayor have any input to the conduct of the election. Council denied Councillor Johns request.

12. NOTICES OF MOTION

12.1 Notice of Motion - Councillor Walker - By-Law T-213 re Approval of New Applications for 2004-2005

Councillor Walker gave Notice of Motion of his intention to, at the next regular meeting of Halifax Regional Council to be held on the 19th day of October, 2004, move First Reading of By-Law T-213, an amendment to By-Law T-201 Respecting Tax Exemption for Non-Profit Organizations, the purpose of which is to approve new applications for 2004-2005.

13. ADJOURNMENT

There being no further business, the meeting adjourned.

Patti Halliday
Acting Municipal Clerk