

HALIFAX REGIONAL COUNCIL
MINUTES
November 1, 2005

PRESENT:

Mayor Peter Kelly
Deputy Mayor Len Goucher
Councillors: Steve Streach
Krista Snow
David Hendsbee
Harry McInroy
Gloria McCluskey
Andrew Younger
Bill Karsten
Becky Kent
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Reg Rankin
Gary Meade

STAFF:

Mr. Wayne Anstey, Acting Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Jan Gibson, Municipal Clerk
Ms. Julia Horncastle, Legislative Assistant

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1. INVOCATION

The meeting was called to order at 6:00 p.m with the Invocation being led by Councillor Wile.

2. APPROVAL OF MINUTES - October 18, 2005

MOVED by Deputy Mayor Goucher, seconded by Councillor Karsten, that the minutes of October 18, 2005 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

A memorandum, dated November 1, 2005, from the Municipal Clerk, regarding an amendment to the October 11, 2005 minutes was circulated to Council.

MOVED by Councillor Mosher, seconded by Deputy Mayor Goucher, that the October 11, 2005 minutes be amended to include the comments made by Councillor Mosher pertaining to By-Law SC-40, Birkshire Close Pathway Closure. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 12.1 Legal Matter - Case 00605: Development Agreement
- 12.2 Property Matter - Expropriation - 15 Melva Street, Dartmouth
- 12.3 Property Matter - Khyber Arts Society, Amendment to Lease Agreement, 1588 Barrington Street
- 12.4 Property Matter - Telecommunications Facility Lease - CHUM Limited

MOVED by Councillor Johns, seconded by Councillor Hendsbee, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

5. SELECTION OF DEPUTY MAYOR

Deputy Mayor Goucher thanked staff and Council for their assistance over the past year. Mayor Kelly called for nominations for Deputy Mayor.

MOVED by Councillor Hendsbee, seconded by Councillor Fougere, that Councillor Sue Uteck be nominated for the position of Deputy Mayor.

Councillor Hendsbee provided comments in support of the nomination.

MOVED by Councillor Adams, seconded by Councillor Streach, that Councillor Russell Walker be nominated for the position of Deputy Mayor.

Councillor Adams provided comments in support of the nomination.

Mayor Kelly called three times for any further nominations. Hearing none, the following motion was put:

MOVED by Deputy Mayor Goucher, seconded by Councillor Snow, that nominations cease. MOTION PUT AND PASSED UNANIMOUSLY.

Both nominees briefly addressed Council with respect to their nominations.

Following the vote, **Councillor Walker was declared Deputy Mayor for 2005-2006.**

6. **MOTIONS OF RECONSIDERATION - NONE**

7. **MOTIONS OF RESCISSION - NONE**

8. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 **Correspondence - None**

9.2 **Petitions - None**

10. **REPORTS**

10.1 **CHIEF ADMINISTRATIVE OFFICER**

10.1.1 **Request for Proposal 05-074, Fare Collection System - Metro Transit**

- A report dated October 24, 2005, on the above noted, was before Council.

MOVED by Councillor Kent, seconded by Councillor Wile, that Regional Council approve the award of RFP #05-074, Fare Collection System to Garival Inc. for a total price of \$532,773 including net HST from Capital Account CHD00060, Farebox

Replacement, with funding authorized as per the Budget Implications section of the October 24, 2005 report. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.2 Capital Budget Increase - Cost Sharing - Kingswood Elementary School Playground, South Woodside Playground and Cobequid Ballfield

- A report dated October 17, 2005, on the above noted, was before Council.

MOVED by Councillor Meade, seconded by Councillor Rankin, that Halifax Regional Municipality:

- 1. Approve an increase in the Gross Capital Budget to Capital Account No. CPC00677 - New Playground Development by \$13,993.34, with no change to the Net Budget, to reflect the cost sharing as per the Budget Implications section of the October 17, 2005 report.**
- 2. Approve an increase in the Gross Capital Budget to Capital Account No. CP300559 - Playground Upgrades and Replacements by \$15,000, with no change to the Net Budget, to reflect the cost sharing as per the Background section of the October 17, 2005 report.**
- 3. Approve an increase in the Gross Capital Budget to Capital Account No. CPC00304 - Ballfield Upgrades by \$15,000 with no change to the Net Budget, to reflect the cost sharing as per the Background section of the October 17, 2005 report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Additional Committee of the Whole Sessions: Council Strategic Focus Areas

- A report dated October 27, 2005, on the above noted, was before Council.

MOVED by Councillor Streach, seconded by Councillor Younger, that Council stay with the pre-approved Council meeting schedule and deal with these items as they come forward.

Following discussion, the mover and seconder agreed to withdraw the motion on the floor and placed the following motion.

MOVED by Councillor Streach, seconded by Councillor Younger, that the topics for November 8th be moved to November 15th and advance the schedule. Further, a Committee of the Whole meeting be scheduled for November 29th.

Without a vote being taken on the motion on the floor, the following amendment was placed.

MOVED by Councillor Sloane, seconded by Councillor Kent, that Public Safety and By-Law Enforcement be discussed on November 29, 2005. MOTION PUT AND PASSED.

Ms. Betty MacDonald, Director, Governance and Strategic Initiatives, advised it would be the intent of staff that these sessions would be used to introduce the topic and seek preliminary direction to staff. It was not expected that Council would resolve all of the issues in these topic areas prior to the end of the year.

Councillor Mosher requested each item be voted on separately.

COUNCIL DECISION

MOVED by Councillor Streach, seconded by Councillor Younger, that Council discuss Fiscal Framework - Infrastructure (Including MRIF) at a Committee of the Whole on November 15, 2005. MOTION PUT AND PASSED (16 in favour, 8 against)

MOVED by Councillor Streach, seconded by Councillor Younger, that Council discuss Taxation, Transit and Traffic at a Committee of the Whole on November 22, 2005. MOTION PUT AND PASSED. (17 in favour, 3 against)

MOVED by Councillor Streach, seconded by Councillor Younger, that Council discuss Public Safety and By-Law Enforcement at a Committee of the Whole on November 29, 2005. MOTION PUT AND PASSED (17 in favour, 5 against)

MOVED by Councillor Streach, seconded by Councillor Younger, that Council discuss Community Relations and Youth at a Committee of the Whole on December 6, 2005. MOTION PUT AND PASSED (16 in favour, 6 against)

MOVED by Councillor Streach, seconded by Councillor Younger, that Council discuss Community Recreation, Community Development and Economic Development at a Committee of the Whole on December 13, 2005. MOTION PUT AND PASSED (14 in favour, 5 against)

At this time Councillor Streach placed the following motion.

MOVED by Councillor Streach, seconded by Councillor Murphy, that the Membership Selection Committee be requested to recommend Terms of Reference and membership for a working committee to help staff deal with the service agreements of the Regional Development Agencies, Greater Halifax Partnership and the Destination Halifax to be brought forward for the December 13, 2005 Committee of the Whole.

Ms. MacDonald advised both the RDA and GHP have a Board and there is Council representation on those Boards. She advised staff has asked each of these organizations to prepare a response to the Economic Strategy. She stated there may be value in having one committee work on the negotiation of the two agreements so that the integration of the two agreements is done well. She suggested a solution may be to have the Councillors now sitting on the GHP and RDA work with staff to negotiate a new agreement.

MOTION DEFEATED.

10.2 PENSION COMMITTEE

10.2.1 Request to Province for Exemption from Solvency Funding Requirements Under Pensions Benefits Act

- A report dated October 27, 2005, on the above noted, was before Council.

MOVED by Councillor McInroy, seconded by Councillor Wile, that:

- 1. Halifax Regional Council support a proposal from the Halifax Regional Municipality Pension Committee (HRM Pension Committee) to the Province of Nova Scotia, to amend the Regulations under the Pension Benefits Act to exempt the Halifax Regional Municipality Pension Plan (“HRM Plan”) from the requirement to fund solvency deficiencies.**
- 2. The Mayor communicate Halifax Regional Council’s support in a letter to the Province.**

Ms. Karen Henderson, Mercers, advised the pension plan is always funded to meet the obligations of the plan on a “going concern” basis. There is a requirement by the Province that the plan be funded not just on a “going concern” basis but also in the event that the plan was to be wound up. She advised there is no surplus in the plan due to difficult circumstances in the capital market in Canada and investments in the plan have not done well in the last five

years thus the request to the Province.

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Legal Matter - Case 00605: Development Agreement

- This item was addressed at an In Camera meeting held prior to the regular session and was now before Council for ratification.

MOVED by Councillor Uteck, seconded by Deputy Mayor Walker, that Halifax Regional Municipality appear as a respondent before the Court of Appeal on the appeal of Case 00605: Development Agreement Mid Town Tavern & Grill, 1684 Grafton Street. MOTION PUT AND PASSED.

12.2. Property Matter - Expropriation - 15 Melva Street, Dartmouth

- This item was addressed at an In Camera meeting held prior to the regular session and was now before Council for ratification.

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

- 1. Authorize the Mayor and the Municipal Clerk to approve the Resolution attached to the October 19, 2005 report, pursuant to the provisions of the Expropriation Act and Municipal Government Act, for the expropriation of 15 Melva Street, Dartmouth, for the purposes of constructing a CSO chamber for the Harbour Solutions Project as per the terms and conditions of the Private and Confidential report dated October 19, 2005.**
- 2. Authorize the Mayor and Municipal Clerk to approve a statutory offer based on the appraisal by Alderney Real Estate Appraisals Ltd. on behalf of HRM, with funding of this amount plus related administrative and professional fees to be provided by Dexter Construction Company Ltd.**
- 3. Recommend that Dexter Construction continue negotiations with the property owner.**

4. **Not release the Private and Confidential report dated October 19, 2005 until the matter of settlement is completed.**

MOTION PUT AND PASSED.

12.3 Property Matter - Khyber Arts Society, Amendment to Lease Agreement, 1588 Barrington Street

- This item was addressed at an In Camera meeting held prior to the regular session and was now before Council for ratification.

MOVED by Councillor Wile, seconded by Councillor Uteck, that Halifax Regional Council:

1. **Approve amendment of the current lease agreement as set out in the discussion section of the Private and Confidential report dated October 25, 2005, effective April 1, 2005 with the Khyber Arts Society, 1588 Barrington Street, Halifax, conditional upon compliance with a debt repayment plan as detailed in Attachment 2 of the Private and Confidential report dated October 25, 2005.**
2. **Authorize the immediate termination of the lease agreement in the event of non-compliance with the terms and conditions of occupancy set out in this report.**
3. **The report dated October 25, 2005 to be released to the public.**

MOTION PUT AND PASSED.

12.4 Property Matter - Telecommunications Facility Lease - CHUM Limited

- This item was addressed at an In Camera meeting held prior to the regular session and was now before Council for ratification.

MOVED by Deputy Mayor Walker, seconded by Councillor Adams, that Halifax Regional Council endorse a Halifax Regional Water Commission Board recommendation to lease land to CHUM Limited for a telecommunication tower within the Chain Lake Watershed at Geizer Hill, Halifax. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

Councillor Sloane

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on November 8th, 2005, I intend to introduce a motion to request staff to investigate other Municipalities across Canada and report to Council with a list of recommendations on the amending of the process for the election of Deputy Mayor for 2006.

14. ADJOURNMENT

The meeting was adjourned at 7:35 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council.

1. Proclamation - National Family Dinner Night - November 3, 2005
2. Memorandum from the Municipal Clerk, dated October 27, 2005 re: Requests for Presentations to Council - None