

HALIFAX REGIONAL COUNCIL

MINUTES

November 22, 2005

PRESENT:

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

REGRETS:

Councillors: Harry McInroy  
Reg Rankin

STAFF:

Mr. Dan English, Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Jan Gibson, Municipal Clerk  
Ms. Sheilagh Edmonds, Legislative Assistant

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**1. INVOCATION**

The meeting was called to order at 6:13 p.m. with the Invocation being led by Councillor Fougere.

**2. APPROVAL OF MINUTES**

**MOVED by Councillor Wile, seconded by Councillor Uteck the minutes of November 8, 2005 be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Hendsbee advised that the Municipality lost one of its most noted citizens today, pointing out that Mr. Charlie Keating had passed away.

Council stood for a moment of silence in honour of Mr. Keating.

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

Additions:

Proposed Additional Time Frames for Council Focus Areas

- 11.1 Proclamation - National Housing Day - November 22, 2005
- 11.2 Councillor Smith - Parking Exemption for Motor Scooters and Motorcycles
- 11.3 Councillor Mosher - In Camera Agenda Items
- 11.4 Municipal Rural Infrastructure Fund
- 11.5 Contractual Matter - CAO Search Update
- 11.6 Councillor Smith - Letter to Utility and Review Board

Councillor Murphy requested the Mayor write a letter to the Province advising of the needed increase in addiction services for HRM, **to which it was agreed..**

Councillor Streach requested that item 11.5 be moved up on the agenda, **to which it was agreed.**

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

**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**

Deputy Mayor Walker served a petition on behalf of the tenants of Cornwallis-Morreau Manor, Halifax for equitable provision of regularly scheduled bus service by amending #3 (Manors) to include Main Avenue in Fairview to accommodate tenants in Cornwallis- Morreau Manor.

Councillor Meade served a petition on behalf of Blue Mountain/Kearney Lake Road Community opposing the proposed re-zoning application by the Full Gospel Church to rezone 806 Kearney Lake Road from RR Zone to SI and permit the construction of a church by development agreement within 100 feet of a watercourse.

Councillor Uteck served petition on behalf of residents in the area of North West Arm opposing any compromise on behalf of HRM with regard to the property adjacent to 6400 Oakland Road.

**11.5 Contractual Matter - CAO Search Update**

C This item was moved up on the agenda during the approval of the Order of Business.

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

**MOVED by Councillor Streach, seconded by Councillor Wile that Regional Council:**

- 1. Approve the selection of Dan English as Chief Administrative Officer.**
- 2. Authorize the Mayor to negotiate the terms and conditions of employment to include a one-year probationary clause (using the former CAO's contract as the basis of negotiation with Mr. English), and return to Council with the agreed upon terms and conditions of employment.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

Mr. English expressed appreciation to the Mayor and Council for the trust in him they have

shown. He also thanked staff and the Senior Management Team for their support over the past three months, and advised that he looked forward to working with everyone in the future.

## **9. REPORTS**

### **9.1 CHIEF ADMINISTRATIVE OFFICER**

#### **9.1.1 Tender 05-147, Bayers Lake & Aerotech Signage Program**

C A staff report dated November 8, 2005 on the above noted was submitted.

**MOVED by Councillor Wile, seconded by Councillor McCluskey that Regional Council award Tender #05-147, Bayers Lake & Aerotech Signage Program to Eye Catch Signs for a cost of \$192,584.80 including net HST, with funding from Capital Account Numbers CQ300742 - Aerotech Repositioning & Development and CQ300745 - Park Sign Renewal & Maintenance, as outlined in the Budget Implications section of the report dated November 8, 2005. MOTION PUT AND PASSED UNANIMOUSLY.**

#### **9.1.2 Tender 05-148, Refurbish Voith Schneider Propulsion Units, Transit Ferry Halifax III**

C A staff report dated November 2, 2005 on the above noted was submitted.

**MOVED by Councillor McCluskey, seconded by Councillor Sloane that Regional Council award Tender #05-148, Refurbish Voith Schneider Propulsion Units, Halifax III, to Lunenburg Foundry & Engineering Limited for a cost of \$100,579.53 including Net HST, with funding from Capital Account Number CVD00436, Bi-Annual Ferry Refit, as outlined in the Budget Implications section of the November 2, 2005 report. MOTION PUT AND PASSED UNANIMOUSLY.**

#### **9.1.3 Expression of Interest 05-166, Horticultural Hall Repairs & Washroom Upgrades**

C A staff report dated November 7, 2005 on the above noted was submitted.

**MOVED by Councillor Sloane, seconded by Councillor Wile that Regional Council award Expression of Interest 05-166 Horticultural Hall Repairs and Washroom Upgrades to Gaudet Building Contractors Limited for materials and services specified, for a total tender price of \$587,476.72, including net HST with funding from Capital Account No. CPG00492, as per Budget Implications section of this report. MOTION PUT AND PASSED UNANIMOUSLY.**

#### **9.1.4 Award of Consulting Services - Public Gardens Restoration Phase II**

C A staff report dated November 9, 2005 on the above noted was submitted.

**MOVED by Councillor Sloane, seconded by Councillor Karsten that Regional Council award consulting services for Public Gardens Phase II for services specified to Vollick McKee Petersmann for a total price of \$103,429.00, including net HST, with funding from Capital Account No. CPG00492, as per the Budget Implications section of this report. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.5 Case 00798: Amendment to the Downtown Dartmouth Secondary Planning Strategy and Land Use By-law , Dartmouth Marine Slips**

C A staff report dated November 10, 2005 on the above noted was submitted.

**MOVED by Councillor McCluskey, seconded by Councillor Sloane that Regional Council:**

- 1. Initiate the process to consider amending the Downtown Dartmouth Secondary Planning Strategy and Land Use By-law to consider mixed use re-development (residential/commercial) of the lands known as the former Dartmouth Marine Slips property situated along Alderney Drive at Dartmouth Cove; and**
- 2. Request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.**

Staff responded to questions from Council.

At the request of Councillor Uteck, Mr. Paul Dunphy, Director of Planning and Development indicated that staff would provide an information report explaining why staff was recommending in favour of redeveloping the Marine Slips but did not recommend in favour of the redevelopment of Sheppards Island; and why redevelopment Sheppards Island was not approved.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.6 Assimilative Capacity Modelling, Halifax Harbour Solutions - Sole Source**

C A staff report dated November 4, 2005 on the above noted was submitted.

**MOVED by Councillor Younger, seconded by Councillor Karsten that Regional Council award a contract to Coastal Ocean Associates Ltd. on a sole-source basis, as per their attached proposal for assimilative capacity research and modelling for Halifax Harbour, in the amount of \$50,000 plus net HST from Capital Account No.**

**CSE00389, HSP: Source Control / Pollution Prevention, with funding authorized as per the Budget Implications Section of the report dated November 4, 2005. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.7 Membership: Plus Network - International Centre for Sustainable Cities**

C A staff report dated November 15, 2005 was submitted.

**MOVED by Councillor Karsten, seconded by Councillor Sloane that Regional Council recommend Halifax Regional Municipality become a member of the Plus Network-International Centre for Sustainable Cities.**

Staff responded to questions of Council

*At 6:51 p.m. Councillor Becky Kent entered the meeting and took her seat at Council.*

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.8 Proposed Advanced Funding Approval for 2006/2007 Capital Budget**

C A staff report dated November 18, 2005 on the above noted was submitted.

**MOVED by Councillor Hendsbee, seconded by Councillor Fougere that:**

1. **Regional Council provide advanced funding approval of the proposed 2006/07 Capital Budget as follows (details in Schedule A of the November 18, 2005 report):**

<b>Roads, Streets, and Sidewalks</b>	<b>\$9,592,000</b>
<b>Stormwater and Wastewater</b>	<b>\$2,050,000</b>
<b>Traffic and Transportation Services</b>	<b>\$1,459,000</b>
<b>Metro Transit</b>	<b>\$4,009,000</b>

2. **Regional Council provide advanced funding approval for the additional funding required for (details in Schedule B of the November 18, 2005 report):**

<b>Stormwater and Wastewater</b>	<b>\$1,070,000</b>
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Mr. David Hubley, Manager of Design and Construction Services, Mr. Brad Anguish, Director of Environmental Management Services, and Mr. John Sheppard, Manager, Environmental Engineering Services responded to questions of Council.

In response to concerns raised with regard to late tendering, and the delay of some projects,

Mr. Anguish advised that a report will be coming forward to talk about the state of wastewater within HRM and the report will discuss staffing levels at that time.

Mr. English, CAO, also pointed out that in addition to Mr. Anguish's report, as a result of discussion on the capital budget some weeks ago, a report will be coming forward and will address the difficulties encountered in delivering capital projects.

In response to a question by Councillor Kent, Mr. Hubley concurred that Cleary Road is a gravel road and the intention is not to resurface. He noted that there is an encroachment issue. Mr. Hubley clarified that Caldwell Road, from Hines to Horne's Road will be resurfaced.

Following further questions, it was **MOVED by Councillor Meade, seconded by Councillor Murphy that the motion be amended to include \$100,000 to the Metro Transit budget for an Access-A-Bus. THE AMENDMENT TO THE MOTION WAS PUT AND PASSED.**

In response to a question by Councillor Mosher, Mr. Sheppard advised that the tenders not carried out this year would be dealt first, in the coming year. He added that he would consult with Mr. Charles Lloyd on the details and get back directly to Councillor Mosher.

Following further questions, **THE MOTION, AS AMENDED, WAS PUT AND PASSED UNANIMOUSLY.**

## **9.2 INVESTMENT POLICY ADVISORY COMMITTEE**

### **9.2.1 Amendments to the Halifax Regional Municipality Investment Policy (i) Committee Report**

C A report dated November 8, 2005 by the Co-Chairs of the Investment Policy Advisory Committee was submitted.

#### **(ii) Staff Report**

C A staff report dated November 8, 2005 was submitted.

**MOVED by Councillor Karsten, seconded by Councillor Younger that Regional Council approve the amended Halifax Regional Municipality Investment Policy as recommended by the Investment Policy Advisory Committee in its report dated November 8, 2005. MOTION PUT AND PASSED UNANIMOUSLY.**

## **9.3 MEMBERS OF COUNCIL:**

### **9.3.1 Councillor Fougere - Urban Transportation Showcase Program**

**MOVED by Councillor Fougere seconded by Councillor Hendsbee that Regional Council recommend Mayor Kelly send a letter of support for the continuance of the Urban Transportation Showcase Program to the Federal Minister of Transport and our Regional Minister. MOTION PUT AND PASSED UNANIMOUSLY.**

### **9.3.2 Councillor Hum - Impact of Construction on Surrounding Properties**

C A copy of an e-mail, with attached photographs, from Anna and Bruce Ellis, 6 Armada Drive was submitted.

Councillor Hum advised of the concerns expressed by the residents of Armada Drive in regard to the Legacy Homes project at 182 Bedford Highway, and in particular, the fact that they no longer have a view of the Bedford Basin due to this development. The Councillor noted that one of the properties on Armada is a heritage building in which the owners have spent three years renovating. Councillor Hum added that the property owners have recently learned that their heritage property has been devalued \$120,000 due to the impact the Legacy Homes project has had on their property value.

**MOVED by Councillor Hum seconded by Councillor Walker that staff report back to Council on specific issues pertaining to the rights of residents and business owners whose property, the value and enjoyment thereof, is impacted by construction on nearby lands, and the obligations of builders and HRM where construction has such impact. In addition, the report is to examine if the noise bylaw could restrict construction on holidays; if height of buildings is a consideration when staff review plans; and if homeowners should be compensated, either by HRM or the developer, for their property being devalued. MOTION PUT AND PASSED UNANIMOUSLY.**

## **10. MOTIONS**

### **10.1 Councillor McCluskey**

**MOVED by Councillor McCluskey, seconded by Councillor Snow that Regional Council give First Reading of an amendment to Section 7 of Administrative Order One, respecting the seating of members, be amended as follows:**

**the words “in numerical order of their polling division” be deleted and the following inserted in its place: “determined through a random draw conducted by the Mayor on the Monday following the annual election of the Deputy Mayor”**

**THE MOTION WAS PUT AND DEFEATED.**

## **11. ADDED ITEMS:**

### **11.1 Proclamation - National Housing Day - November 22, 2005**

A proclamation RE Civic Remembrance - December 6, 2005 was submitted for information.

### **11.2 Councillor Smith - Parking Exemption for Motor Scooters and Motorcycles**

Councillor Smith noted that the City of Toronto passed a bylaw giving Motor Scooters and Motorcycles free parking, and indicated that it was done based on environmental savings.

**MOVED by Councillor Smith, seconded by Councillor Walker that staff provide a report on the feasibility of HRM implementing a bylaw similar to one passed by the City of Toronto giving Motor Scooters and Motorcycles free parking. It was also requested that the report address the possibility of parking space capacity and if more than one small vehicle (i.e. motor scooter, motor cycle, Smart Cars) could park in one space; and if areas can be allocated for parking specifically for such smaller vehicles. MOTION PUT AND PASSED UNANIMOUSLY.**

### **11.3 Councillor Mosher - In Camera Agenda Items**

**MOVED by Councillor Mosher, seconded by Councillor Sloane that staff revise the April 2000 report RE In Camera, prepared by the Municipal Solicitor, by providing information in regard to why certain matters are discussed In Camera. MOTION PUT AND PASSED UNANIMOUSLY.**

### **11.4 Municipal Rural Infrastructure Fund**

C This item was addressed at an earlier Committee of the Whole meeting held prior to the regular session and was now before Council for ratification.

Councillor Streach referred to the motion from Committee of the Whole and advised that it was not the motion passed as he recalled.

**MOVED by Councillor Johns, seconded by Councillor Goucher that this matter be deferred. MOTION TO DEFER WAS PUT AND DEFEATED.**

The motion was clarified by the Clerk and the following three motions were put:

**MOVED by Councillor Streach, seconded by Councillor Snow that:**

#### **1. Regarding the 20% urban allocation of the MRIF:**

**Staff prepare a report outlining a better balance of the \$4.5 million currently allocated for bikeways/trails, to be distributed between bikeways/trails and transit. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Streach, seconded by Councillor Snow that:**

**2. Regarding the 80% rural allocation of the MRIF:**

**Regional Council approve the direction on the projects as outlined in the Attachment A of the staff report dated November 9, 2005, as priority projects for the MRIF application relative to the 80% rural allocation; and projects that are in progress or underway, that are being phased, to be considered as alternatives should the projects as outlined in Attachment A not be accepted. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Streach, seconded by Councillor Snow that:**

**3. Regarding the MRIF Program:**

**Mayor Kelly write to the Federal and Provincial officials requesting additional infrastructure dollars for the MRIF program. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.5 Contractual Matter - CAO Search Update**

*This matter was dealt with earlier in the meeting.*

**11.6 Councillor Smith - Letter to Utility and Review Board**

Councillor Smith advised that he learned late this afternoon an application had been submitted by the owners of the 'Little Nashville' property to change the license which would allow adult entertainment. The Councillor pointed out that the Utility and Review Board has a couple of options with regard to this matter, noting that they can approve the application or they could hold a public hearing. Councillor Smith added that he would like the Utility and Review Board to at least hold a public hearing on the matter before they make a decision, and he asked for Council's support in this regard.

**MOVED by Councillor Smith, seconded by Councillor Sloane that Mayor Kelly write a letter to the Utility and Review Board strongly encouraging the Board to hold a public hearing in regard to the request for license change for the 'Little Nashville' property in Dartmouth. MOTION PUT AND PASSED UNANIMOUSLY.**

**Proposed Additional Time Frames for Council Focus Areas**

C This item was added to the agenda at the request of the Municipal Clerk.

Council agreed to the followings dates for additional meetings for Council Focus Areas:

3. Tuesday, November 29, 2005 - 9:00 a.m. - 12:00 p.m. and 1:30 p.m. - 3:30 p.m.
4. Tuesday, December 6, 2005 - 2:00 p.m. to 5:00 p.m. (or the start of In Camera)
5. Tuesday, December 13, 2005 - 9:00 a.m. - 12:00 p.m. and 1:30 p.m. - 3:30 p.m.

## **12. NOTICES OF MOTION**

### **Councillor McCluskey**

**TAKE NOTICE** that at the next regular meeting of the Halifax Regional Council to be held on December 6, 2005, I intend to introduce a motion to ask Council to support a request that a comprehensive audit be carried out on all departments of HRM . This audit is to be done by an external audit team and to include the audit of at least two departments each year.

**MOVED by Councillor McCluskey, seconded by Councillor Mosher that staff provide a report on the estimated cost of carrying out an external audit on all HRM departments. MOTION PUT AND PASSED UNANIMOUSLY.**

## **13. ADJOURNMENT**

The meeting adjourned at 8:20 p.m.

Jan Gibson  
Municipal Clerk

The Following information items were circulated to Council:

1. Proclamation - Civic Remembrance - December 6, 2005
2. Proclamation - YMCA World Peace Week - November 19-26, 2005
3. Memorandum from Director, Environmental Management Services dated November 14, 2005 re: Third Energy, Environment & Economy Roundtable December 14 & 15, 2005
4. Memorandum from Director, Transportation & Public Works dated November 3, 2005 re: Active Transportation Plan Update
5. Memorandum from Director, Environmental Management Services dated November 14, 2005 re: Petition: Councillor Sloane - Noise from Cooling Units - Scotia Square
6. Memorandum from Director, Transportation and Public Works dated November 15, 2005 re: Transit Oriented Development and High Capacity Transit Opportunities Analysis Study
7. Memorandum from Director, Planning & Development dated October 26, 2005 re: Building Official Qualifications
8. Memorandum from Director, Environmental Management Services & General Manager, Halifax Regional Water Commission dated November 10, 2005

re: Status of Various Small Water / Sewer Systems

9. Memorandum from Acting Director, Legal Services, dated November 3, 2005  
re: Status of By-Law Prosecutions
10. Memorandum from the Municipal Clerk, dated November 18, 2005  
re: Requests for Presentations to Council - Greening School Grounds in HRM Project