

HALIFAX REGIONAL COUNCIL
MINUTES
March 28, 2006

PRESENT:

Mayor Peter Kelly
Deputy Mayor Russell Walker
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
Debbie Hum
Stephen Adams
Brad Johns
Robert Harvey
Len Goucher
Reg Rankin
Gary Meade

REGRETS:

Councillor: Linda Mosher

STAFF:

Ms. Geri Kaiser, 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 Younger.

2. **APPROVAL OF MINUTES - March 7, 2006**

MOVED by Councillor McCluskey, seconded by Councillor Sloane, that the minutes of March 7, 2006 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Deletions

Information Item #2, Memorandum from Director, Planning and Development, dated March 15, 2006 re: Telecommunication Application Public Participation Process was referred back to staff for clarification.

Additions

- 12.1 Contractual Matter - Settlement of Outstanding Late Delivery Penalties
- 12.2 Personnel Matter - Citizen and Councillor Appointments to Boards, Committees Commissions
- 12.3 Contractual Matter - Municipal Association of Police Personnel (MAPP)

MOVED by Councillor Hendsbee, seconded by Councillor Johns, that Mr. Martell, the promoter of the event being addressed under item 11.1 be allowed to address Council. MOTION PUT AND PASSED.

Councillor Wile, on behalf of the Changing of the Guard Society, made a presentation to Mayor Kelly.

MOVED by Councillor Fougere, seconded by Councillor Goucher, that item 10.4.1, Terms of Reference for the Bikeways Advisory Committee be referred to the Membership Selection Committee Sub Committee. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Sloane, seconded by Councillor Goucher, 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. **PUBLIC HEARINGS**

8.1 **By-Law F-300, Respecting Fees for the Provision of Tax Information**

- An extract from the draft March 7, 2006 Regional Council minutes was before Council.
- A staff report dated February 28, 2006, on the above noted, was before Council.

Ms. Catherine Sanderson, Financial Services, presented the report to Council.

Councillor Hendsbee suggested the wording “business occupancy tax” be removed from the By-law as it was going to be phased out. It was agreed that the By-law would be amended accordingly.

Mayor Kelly called three times for anyone wishing to speak either in favour of or in opposition to the proposed By-law. Hearing none, the following motion was placed.

MOVED by Councillor Goucher, seconded by Councillor Sloane, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

DECISION OF COUNCIL

MOVED by Councillor McInroy, seconded by Councillor Goucher, that Regional Council approve By-Law F-300, Respecting the Provision of Tax Information.

Councillor McInroy stated it is reasonable to move in this direction as will be a benefit to taxpayers and will offset other costs associated with the tax billing process.

In response to Councillor McCluskey, Ms. Kaiser, Acting Chief Administrative Officer, advised that when a resident requests the balance of his/her tax bill there is no charge but, when a mortgage company or bank calls there is a charge. She noted there are approximately twenty five thousand calls for requests per year.

MOTION PUT AND PASSED

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 06-030 - Lease of Twelve (12) 2006 Four Door Wagons

- A report dated March 17, 2006, on the above noted, was before Council.

MOVED by Councillor Karsten, seconded by Councillor Sloane, that Regional Council:

- 1. Award Tender #06-030 to Chebucto Ford Sales for the lease of twelve (12) 2006 Four Door Wagons, for a total lease amount of \$164,464.00 (net HST included).**
- 2. Authorize the Mayor and Municipal Clerk to enter into a 36-month lease with Chebucto Ford Sales for twelve (12) Four Door Wagons, with funding to be provided from the operating budget, as detailed in the Budget Implications section of the March 17, 2006 report, and subject to written approval from the Minister of Service Nova Scotia and Municipal Relations as required under Section 88(4) of the Municipal Government Act.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Bicentennial Theatre - Capital Project

- A report dated March 21, 2006, on the above noted, was before Council.

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

- 1. Approve a reduction in capital project CPG00485 - Needham Bells in the amount of \$30,000.**
- 2. Approve a withdrawal from the Heritage Reserve (Q312) in the amount of**

\$30,000 to assume the cost sharing funding for capital project CBG00300 - Bicentennial Theatre as per the Budget Implications section of the March 21, 2006 report.

Councillor Murphy questioned why the money was moved from one heritage account to another. He noted the report does not provide any information as to why the Memorial Bells project came in under thirty thousand dollars and questioned when the interpretation panels were to be installed. The Councillor requested a report be provided on why the specifications on the project came in under thirty thousand dollars and why the local Councillor was not consulted. He further noted the report does not provide information on the original specifications for the bell nor what work was done.

MOTION PUT AND PASSED

10.1.3 MRIF - Response to Requests for Support

- A report dated March 15, 2006, on the above noted, was before Council.

Ms. Jennifer Church, Intergovernmental Affairs, outlined the report for Council.

MOVED by Councillor Rankin, seconded by Councillor Wile, that Council approve a standard response by the Mayor, on behalf of Halifax Regional Council for any requests for support for any component of the Municipal Rural Infrastructure Funds indicating that Halifax Regional Council will not consider, or make a formal resolution, indicating support for any Municipal Rural Infrastructure Fund application other than those already approved by Council.

Councillor Rankin noted the intent of this motion is to indicate HRM's position to anyone requesting support for any MRIF fund applications. The letter would be a standard response indicating that for HRM Council to consider putting forward other projects would undermine the list of Council approved projects.

In response to Councillor Snow, Ms. Church confirmed the listing included with the report is listed in order of Council approved priority.

Councillor Johns stated that this is reaffirming that HRM would not support any application that would compete with HRM projects.

In response to Councillor Goucher, Ms. Church advised that the motion around alternative projects is that if a project on the current list is not approved or if there is some capacity created by a project not being approved, then projects that are in progress or underway will

be considered as alternatives. She advised that if a negative response is received on one of the projects in the list that was submitted, then staff would respond by bringing forward for consideration a project list that would meet the criteria of the program and Council's approved infrastructure rating criteria.

MOTION PUT AND PASSED

10.1.4 Cultural Plan (Supplementary Report)

- A supplementary report, dated March 15, 2006, on the above noted, was before Council.

MOVED by Councillor Hendsbee, seconded by Councillor Streach, that Regional Council approve the final draft Cultural Plan dated March 21, 2006 as per the revisions contained in the supplementary report and attachment.

Councillor McInroy noted that the document still incorporates a reference to supplementary funding as well as the word “will” in various policy statements. The Councillor stated he does not believe Council is in a position to commit to the financial implications associated with the document.

MOVED by Councillor McInroy, seconded by Councillor Younger, that where the word “will” it be replaced with the word “may” in the document.

Without a vote being taken on the staff recommendation or the amendment, the following motion was placed.

MOVED by Councillor Hendsbee, seconded by Councillor Murphy, that the discussion be deferred pending the staff presentation. MOTION DEFEATED. (8 in favour, 14 against)

Those voting **in favour** were Mayor Kelly and Councillors Hendsbee, Kent, Smith, Wile, Murphy, Sloane, Uteck and Hum.

Those voting **against** were Deputy Mayor Walker and Councillors Streach, Snow, McInroy, McCluskey, Younger, Karsten, Fougere, Adams, Johns, Harvey, Goucher, Rankin and Meade.

Councillor Mosher was absent from Council.

Councillor McInroy clarified that perceptually he did not want to place Council in a position where it says it will do this. He noted that during each budget year funds are limited and it would be fair to be up front and clear as to what Council can do.

In response to Councillor Streach, Council was advised it is meant to be a strategic plan and using the word “will” does not tie Council in any way.

Councillor Uteck noted that this was a policy only.

The following earlier amendment was now before Council.

MOVED by Councillor McInroy, seconded by Councillor Younger, that where the word “will” it be replaced with the word “may” in the document. MOTION DEFEATED.

The main motion was now before Council for consideration.

MOVED by Councillor Hendsbee, seconded by Councillor Streach, that Regional Council approve the final draft Cultural Plan dated March 21, 2006 as per the revisions contained in the supplementary report and attachment. MOTION PUT AND PASSED.

RECESS

Council recessed from 7:55 p.m. to 8:10 p.m.

10.2 BOARD OF POLICE COMMISSIONERS

10.2.1 Nova Scotia Fallen Peace Officers Memorial

- A report from the Board of Police Commissioners, dated March 21, 2006, on the above noted, was before Council.

MOVED by Councillor Johns, seconded by Councillor McCluskey, that Halifax Regional Council authorize HRP and HRM’s Real Property and Asset Management to partner in identifying a suitable site for the Nova Scotia Fallen Peace Officers Memorial.

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

MOVED by Councillor Kent, seconded by Karsten, that RCMP be included in the motion. MOTION PUT AND PASSED UNANIMOUSLY.

MOTION AS AMENDED

MOVED by Councillor Johns, seconded by Councillor McCluskey, that Halifax Regional Council authorize HRP, RCMP and HRM’s Real Property and Asset Management to partner in identifying a suitable site for the Nova Scotia Fallen Peace Officers Memorial. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 SOLID WASTE RESOURCE ADVISORY COMMITTEE

10.3.1 Partial Interim Closure of Cell 3 - Advance 2006/07 Budget Approval

- A report from the Solid Waste Resource Advisory Committee dated March 21, 2006, on the above noted, was before Council.

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

- 1. Approve Capital Project CWI00779, Partial Interim Closure of Cell 3 in advance of the 2006/07 budget.**
- 2. Provide advanced funding approval of the proposed 2006-2007 Capital budget in the amount of \$4,233,000, to be withdrawn as contained in the Budget Implications section of the March 21, 2006 report, to be withdrawn from Reserve Q120 in 2006/07.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.4 BIKEWAYS ADVISORY COMMITTEE

10.4.1 Terms of Reference - Composition

Referred to the sub committee of the Membership Selection Committee under the approval of the Order of Business.

10.5 MARKETING LEVY WORKING COMMITTEE

10.5.1 Amendment to Draft Terms of Reference

- A report from the Marketing Levy Working Committee, dated March 22, 2006, on the above noted, was before Council.

MOVED by Councillor Younger, seconded by Councillor Sloane, that:

- 1. Regional Council approve expanding the Terms of Reference of the Marketing Levy Working Committee to enable the Committee to provide input on the issue of Facilities/Major Events Hosting Strategy and the Special Events Reserve.**

2. Regional Council approve the Terms of Reference as revised.

MOTION PUT AND PASSED UNANIMOUSLY.

10.6 MEMBERS OF COUNCIL

10.6.1 Councillor Fougere - Graffiti on Quinpool Road

Councillor Snow declared a conflict and removed herself from debate

Councillor Fougere identified areas and items being defaced by graffiti throughout her district.

MOVED by Councillor Fougere, seconded by Deputy Mayor Walker, that the Mayor and CAO write to the Senior Executive Officers of Canada Post, Aliant and Nova Scotia Power, asking them to help devise a more focussed plan of action in cooperation with various business associations and HRM staff in order to eradicate the graffiti problem.

Councillor Murphy noted pay phones are a particular problem.

Councillor Sloane noted power boxes are constantly defaced.

Councillor Hendsbee suggested HRM talk to the outlets where the spray paint is being sold as there may be a need to have these supplies kept locked away and not made easily accessible.

Councillor Hum noted that Aliant does respond favourably to this issue.

Councillor Fougere noted a group of small businesses have taken responsibility and this would request others step up play their part as well.

MOTION PUT AND PASSED UNANIMOUSLY.

10.6.2 Councillor Younger - Motorhome Dumping Station

Councillor Younger noted that the only publicly accessible motorhome dumping station in HRM is at Shubie Park and a problem has arisen whereby the motorhomes are too big and in many cases can't get into the park.

MOVED by Councillor Younger, seconded by Councillor Kent, that staff provide a report on the issue of the possibility of HRM setting up motorhome dumping stations either in industrial parks or along the highways. MOTION PUT AND PASSED UNANIMOUSLY.

10.6.3 Councillor Younger & Councillor Karsten - Endorsement of East Dartmouth Community Centre Application

Councillor Younger advised the Federal Government, in the fall of 2005, made an announcement of \$1.1 million in support which completed the government funding of the project, noting the MRIF program did not exist at that time. The Councillor suggested Council take a strong position at this time in that the Federal Government had committed the money to the project before MRIF existed; therefore, the money was not committed from MRIF and should not require Council to re-priorize its projects.

MOVED by Councillor Younger, seconded by Councillor Karsten, that Halifax Regional Municipality, in support of the Dartmouth East Recreation Centre Society, call upon the Government of Canada to meet its commitment to financially support, as a full 1/3 partner, the Dartmouth East Recreation Centre, from a funding source other than HRM's MRIF allocation.

Councillor Karsten stated this was a commitment made to a project that this community has been looking for for approximately twenty years.

Councillor Younger clarified that this motion was written to address the issue that the Federal Government announced funding from an additional source which is not available to HRM. Council would like the Federal Government to live up to that commitment. He reiterated that the motion excludes MRIF funding in this request. If HRM was successful in getting more MRIF money then this, like any other project on the list, would return to Council with a staff recommendation.

Councillor Adams expressed concern that even though this is not included in the MRIF funding request the Federal Government may say they are going to decrease HRM's funding by \$1.1 million.

Councillor Streach noted for the record that he supported the project.

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

11.1 Councillor Harvey - Mixed Martial Arts Extreme Cage Combat

MOVED by Councillor Harvey, seconded by Councillor Johns, that Regional Council prohibit the activity known as Mixed Martial Arts Extreme Cage Combat from facilities owned by the Halifax Regional Municipality.

Mr. Peter Martell, Combat Productions, made a presentation to Council on the sport.

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

MOVED by Councillor Hendsbee, seconded by Councillor Streach, that Council extend the meeting to 10:30 p.m. MOTION PUT AND PASSED.

Councillor Harvey stated that he does not feel HRM venues are the right place for this type of sport.

MOVED by Councillor Streach, seconded by Councillor Sloane, that the question now be put.

It was noted that a two thirds vote of Council was required for the motion to pass.

MOTION PUT AND PASSED (17 in favour, 5 against)

Those voting **in favour** were Mayor Kelly, Deputy Mayor Walker and Councillors Streach, Snow, McCluskey, Younger, Karsten, Wile, Sloane, Uteck, Hum, Adams, Johns, Harvey, Goucher, Rankin and Meade.

Those voting **against** were Councillors Hendsbee, Kent, Smith, Murphy and Fougere.

Councillors McInroy and Mosher were absent from Council.

The motion was now before Council for decision.

MOVED by Councillor Harvey, seconded by Councillor Johns, that Regional Council prohibit the activity known as Mixed Martial Arts Extreme Cage Combat from facilities owned by the Halifax Regional Municipality. MOTION DEFEATED (3 in favour, 19 against)

Those voting **in favour** were Councillors Smith, Wile and Harvey.

Those voting **against** were Mayor Kelly, Deputy Mayor Walker and Councillors Streach, Snow, Hendsbee, McCluskey, Younger, Karsten, Kent, Murphy, Sloane, Uteck, Fougere, Hum, Adams, Johns, Goucher, Rankin and Meade.

Councillor McInroy and Mosher were absent from Council.

12. ADDED ITEMS

12.1 Contractual Matter - Settlement of Outstanding Late Delivery Penalties

- 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 Uteck, seconded by Councillor Streach, that Halifax Regional Council:

- 1. Accept the offer from E-One Canada to supply one (1) 1500 gallon Pumper Tanker to HRM as settlement in full for the outstanding late delivery penalties on tender awards, 04-104, 04-106, 04-108 for the purchase of seven (7) Fire Apparatus.**
- 2. Not release the March 13, 2006 staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Personnel Matter - Citizen and Councillor Appointments to Boards, Committees & Commissions

- 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 Smith, seconded by Councillor Johns, that Halifax Regional Council:

- 1. Approve the appointment of Councillor Steve Adams to the Taxi and Limousine Committee for a term to expire November, 2007.**
- 2. Approve the appointment of Mr. Gary Russell to the Advisory Committee for Persons with Disabilities for a term to expire November, 2006.**

MOTION PUT AND PASSED.

12.3 Contractual Matter - Municipal Association of Police Personnel (MAPP)

Councillor Fougere declared a conflict on this item and left the meeting.

- 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 Johns, seconded by Councillor McCluskey, that Halifax Regional Council accept the changes to the MAPP contract as set out in the March 28, 2006 memorandum:

1. **Specifically, changes to Articles 11, 14, 21, 40, and 42, and to Article 48 to provide for the development of a succession plan.**
2. **And the addition of Article 53 relating to the creation of a reserve police officer.**
3. **The March 28, 2006 memorandum not be released.**

MOTION PUT AND PASSED UNANIMOUSLY.

13. **NOTICES OF MOTION - NONE**

14. **ADJOURNMENT**

The meeting was adjourned at 9:55 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council:

1. Proclamation - Better Business Awareness Week - March 27 - 31, 2006
2. Memorandum from Director, Planning & Development dated March 15, 2006
re: Telecommunication Applications: Public Participation Process
3. Memorandum from Director, Transportation and Public Works dated March 17, 2006
re: Petition - Councillor Streach - Removal of Streetlights West Jeddore Road
4. Memorandum from Chief of Police dated March 20, 2006 re: School Crosswalk Guard Program
5. Memorandum from Director, Legal Services dated March 22, 2006 re: Status of By-Law Prosecutions
6. Memorandum from Chair, Bikeways Advisory Committee dated March 20, 2006
re: 2006/2007 Capital Budget Recommendations
7. Memorandum from the Municipal Clerk, dated March 24, 2006 re: Requests for Presentations to Council - None