

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES April 4, 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
Linda Mosher
Stephen Adams
Brad Johns
Len Goucher
Reg Rankin
Gary Meade

REGRETS: Councillor Debbie Hum
Councillor Robert Harvey

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 6:00 p.m. with the Invocation being led by Councillor Karsten

2. APPROVAL OF MINUTES

MOVED by Councillor Wile, seconded by Councillor Uteck, that the minutes of March 21, 2006 be approved. MOTION PUT AND PASSED.

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

Additions:

11.1 Legal Matter - Approval of Human Rights Complaint Settlement.

Councillor Sloane expressed her appreciation to all those who worked on the Juno Awards event held this past weekend. In particular, she thanked Stuart Jolliffe, Gordon Lapp, Andre Gracie, and HRM staff who worked through the weekend to ensure the downtown area was kept clean.

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - March 21, 2006

7.1 Case H00153 - Application for De-Registration of 78 Shore Road, Dartmouth (a municipal heritage property)

This matter had been deferred from a meeting of Regional Council held on March 21, 2006.

C An information report dated March 27, 2006 was submitted.

Councillor McCluskey, referring to the information report, advised that since the owners were out of town she supported deferring the matter.

MOVED by Councillor McCluskey, seconded by Councillor Younger that this matter be deferred to May 2, 2006, as outlined in the information report. MOTION PUT AND PASSED.

8. CORRESPONDENCE, PETITIONS & DELEGATIONS

8.1 Correspondence:

8.1.1 Touchdown Atlantic re: Showcasing of F-18's and SkyHawk Parachute Team

A letter dated March 27, 2006 from Frederick R. MacGillivray, Co-Chair, Touchdown Atlantic was submitted.

MOVED by Councillor Fougere, seconded by Councillor Wile that Regional Council grant permission to the Department of National Defence to showcase the SkyHawk Parachute Team and F-18 aircraft for the Touchdown Atlantic 2 - CFL Exhibition Game to be held June 3, 2006 at Husky Stadium. MOTION PUT AND PASSED.

8.1.2 Councillor Steve Streach - Storefront Services in Rural Areas

Councillor Streach submitted a letter from a constituent expressing concern about HRM's ability to adequately serve its satellite offices in the rural areas, such as Musquodoboit. Councillor Streach indicated that staff was working on a report related to this matter and he asked that the letter be forwarded as it may be helpful in preparing the report.

8.2 Petitions

Councillor Smith served a petition of approximately 165 signatures expressing concern about the dangers associated with using the crosswalk located in front of Highfield Rite Stop Store. The petition indicates the contributing factors of this risk being: (1) The crosswalk does not have proper overhead lighting and (2) excessive speeding through Highfield Park Drive. The petition will be forwarded to staff.

Councillor Hendsbee requested that when the petition is forwarded to staff, that clarification be provided on the current standard policies and practices of having a crosswalk with a flashing red light which would ensure traffic comes to a stop for pedestrians. He suggested the flashing white lights do not seem to work.

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 Tender 06-018 - Tree Hazard Mitigation - Lake Charles Parkland

C A report dated March 23, 2006 was submitted.

MOVED by Councillor Younger, seconded by Councillor Snow that Regional Council award Tender #06-018, Tree Hazard Mitigation - Lake Charles Parkland, to the lowest bidder meeting specifications, R. MacLean Forestry Ltd. for a total cost of \$181,993.10 including net HST with funding authorized as per the Budget Implications section of the report dated March 23, 2006.

Mr. Peter Bigelow, Manager of Parkland Planning, addressed Council and noted a correction in the staff report. He referred to page 3 and advised that the report indicates that any portion not covered under disaster relief funding would be paid from operational account W186 Sportsfields West. He pointed out that the correct account is W180 Greenbelts East.

Mr. Bigelow and Mr. Brian Phelan, Superintendent, Parks and Open Spaces, responded to questions.

In response to a question, Mr. Bigelow advised that this will be the last tender with regard to the clean up from Hurricane Juan, but he expected there will be tenders coming forward in regard to restoration.

MOTION PUT AND PASSED.

9.1.2 Tender 06-218 - Resurfacing, Rocky Lake Drive - Central Region

C A report dated March 21, 2006 was submitted.

MOVED Councillor Snow, seconded by Councillor McCluskey that Regional Council award Tender No. 06-218, Resurfacing, Rocky Lake Drive - Central Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$369,987 including net HST from Capital Account No. CZU00782, Resurfacing 2006/2007 with funding authorized as per the Budget Implications Section of the report dated March 21, 2006.

Mr. David Hubley, Manager, Design & Construction Services responded to questions.

MOTION PUT AND PASSED.

9.1.3 Transit Shelter Advertising

C A report dated March 3, 2006 was submitted.

MOVED by Councillor Smith, seconded by Deputy Mayor Walker that Regional Council authorize staff to negotiate a new shelter advertising agreement with ViaCom Outdoor based on Option #2 of their response to RFP 05-018, Transit Shelter Advertising in accordance with the March 3, 2006 staff report.

Mr. Ken Silver, Manager, Transit Planning and Development responded to questions.

In response to a concern expressed by Councillor Mosher with regard to any recourse HRM may have if the company does not attain the standard for removing graffiti and clearing garbage, Mr. Silver advised that at this stage staff was asking for approval to award the proposal and would then work out the terms of the agreement. He indicated that staff would have the ability to ensure that is included in the contract.

Councillor Johns expressed a concern about the timely replacement of glass in the shelters and questioned if there were other materials that could be used instead of glass.

In response, Mr. Silver noted that the 3M Company has recently come out with a product which may be a replacement for glass. He noted that staff is presently setting up a meeting with the supplier to learn more about the product.

In response to a question by Councillor Sloane, the Municipal Solicitor advised that a "Right to Perform" clause regarding cleaning and maintenance can be included in the contract.

At 6:40 p.m. Councillor Uteck entered the meeting.

Councillor Younger questioned if, once the agreement has been negotiated, it would come back to Council for approval.

In response, the Municipal Solicitor advised that this would be a decision of Council.

MOVED by Councillor Younger, seconded by Councillor Sloane that the motion be amended to have the negotiated agreement come back to Council for final ratification. THE MOTION TO AMEND WAS PUT AND DEFEATED.

Councillor Snow questioned if HRM would be able to sell advertising and suggested that the matter be deferred, and staff come back to Council with a report.

Mr. Silver noted that the approach of contracting out the advertising is the approach that most municipalities across Canada use.

MOVED by Councillor Snow, seconded by Councillor Sloane that this matter be deferred, pending a staff report.

THE MOTION TO DEFER WAS PUT AND DEFEATED.

The original motion was now before Council for decision:

MOVED by Councillor Smith, seconded by Deputy Mayor Walker that Regional Council authorize staff to negotiate a new shelter advertising agreement with ViaCom Outdoor based on Option #2 of their response to RFP 05-018, Transit Shelter Advertising in accordance with the March 3, 2006 staff report. MOTION PUT AND PASSED.

Those voting **in favour** were Deputy Mayor Walker, and Councillors Streach, McInroy, Karsten, Kent, Smith, Wile, Murphy, Uteck, Fougere, Mosher, Adams, Goucher, and Meade.

Those voting **against** were Mayor Kelly, and Councillors Snow, Hendsbee, McCluskey, Younger, Sloane and Johns.

Councillors Hum, Harvey, and Rankin were absent.

9.1.4 Halifax Regional School Board Special Election

C A report dated March 29, 2006 was submitted.

MOVED by Councillor Goucher, seconded by Councillor Wile that Regional Council:

- 1. Appoint Jan Gibson, Municipal Clerk as the Returning officer for the HRSB Special Election to be held June 3, 2006; and**
- 2. Halifax Regional Council approve the use of the Provincial Voters List used in the Provincial Election held on August 5th, 2003 and for the regular Municipal and School Board Election held on October 16th, 2004.**

Ms. Jan Gibson, Municipal Clerk and Ms. Geri Kaiser, Deputy Chief Administrative Officer responded to questions.

Councillor Goucher suggested that staff should get clarification either from the School Board or the Office of the Minister of Education on the situation with the Board, prior to going through this process.

Mr. English, Chief Administrative Officer advised that he would be meeting with the Deputy Minister of Education the next day and he would raise this matter.

In response to questions regarding the process, Ms. Gibson advised that the Municipal Elections Act sets out the provisions for the conduct of elections for the Municipality and the School Boards. She added that she received a letter from the School Board dated March 8, 2006 notifying of the vacancy in District 2 and, Section 13 of the Municipal Elections Act states that within four weeks of a vacancy occurring, a report must be brought to Council to set the election date. June 3, 2006 has been set as the date for the special election.

Councillor Uteck suggested to the Chief Administrative Officer that he also raise the question of whether this Board election could be held in conjunction with the next Provincial election.

THE MOTION WAS PUT AND PASSED.

9.2 MEMBERS OF COUNCIL:

9.2.1 Councillor Mosher - Community Signage

An information report dated February 21, 2006 was before Council.

Councillor Mosher referred to the submitted information report and indicated that it did not address what she was trying to accomplish for her district. She explained that within her district, as with all the Councillor's districts, are communities that have traditionally had a specific identity, such as the Kline Heights and Cowie Hill areas in her district. Councillor Mosher advised that she wanted to provide these areas with some type of small signage that would identify the community, and that she was not intending to take away from the 911 project or any other signage project. In this regard, Councillor Mosher advised that she would like to defer this matter for three weeks and that she and Councillor Adams would meet with Carol Macomber, Ken Reashor, and Donna Davis for discussion and the matter would come back to Council with a report.

MOVED by Councillor Mosher, seconded by Councillor Adams that this matter be deferred to April 25, 2006 , pending a meeting between Councillors Mosher, Adams, and Hendsbee and staff for further discussion, and a report with recommendations will come back to Council.

The following comments were put forward by Council:

- C It was noted that funds were set aside in the Herring Cove Road project for signage for the community of Spryfield and to help identify the business area, and staff was requested to have this information available prior to their meeting.
- C It was noted that, if a report comes back to Council on this matter, Dartmouth has signs that are very nice and should not be removed and replaced.

Councillor Streach noted that Council has embarked on a community signage program and he asked for clarification on the difference between it and Councillor Mosher's request.

Councillor Mosher advised that there are certain communities that are small and would not be included in the community signage program. She added that she is looking at it as being more of a neighbourhood identifier sign, and that she did not want to be contrary to the Gateway Signage program or 911 signage program or any other signage programs the Municipality may have.

Further comments were put forward as follows:

- C Marine Drive Valley and Canal Community Council had requested a report from staff on some of these issues a while ago and staff was asked to develop a smaller version of the community sign.

Councillor Kent indicated that she has received no confirmation as to when she may see signage for her district. Councillor Kent questioned if the proposed meeting between the Councillors and staff would be open to other Councillors or just the three mentioned.

Councillor Mosher advised that the meeting with staff would be open to all Councillors.

- C It was suggested that there be a discussion at the meeting on “community” vs. “neighbourhood”, as clarification is needed because some neighbourhoods are bigger than some communities in regard to the civic addressing project. It was also noted that smaller hamlet signs would be more cost effective in smaller communities. It is important for neighbourhoods to maintain their identity and HRM should work to promote and support these neighbourhood identities.

Council Decision:

MOVED by Councillor Mosher, seconded by Councillor Adams that this matter be deferred to April 25, 2006 , pending a meeting between Councillors Mosher, Adams, and Hendsbee and staff for further discussion, and a report with recommendations will come back to Council. THE MOTION WAS PUT AND PASSED.

10. MOTIONS - NONE

11. ADDED ITEMS

11.1 Legal Matter - Approval of Human Rights Complaint Settlement

- C This item was addressed at an In Camera session held earlier and was now before Council for ratification.

MOVED by Councillor Wile seconded by Deputy Mayor Walker that Halifax Regional Council:

- 1. Approve the Employment Settlement Agreement negotiated with the complainants which is attached to the March 29, 2006 Private and Confidential staff report, and further it be noted that this settlement has been approved by the Human Rights Commission but still requires approval by the Amalgamated Transit Union Local 508.**
- 2. Not release the private and confidential report dated March 29, 2006.**

MOTION PUT AND PASSED.

12. NOTICES OF MOTION

Councillor Sheila Fougere

Take Notice that at the next regular meeting of Halifax Regional Council, to be held on April 11, 2006, I intend to introduce a motion to amend Administrative Order Number 31 Respecting Corporate Records & Information Management in HRM to formally establish the mandate and functions of the Municipal Archives.

13. ADJOURNMENT

The meeting adjourned at 7:31 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council:

1. Memorandum from Director, Transportation and Public Works dated March 24, 2006 re: Petition for New Sidewalk, Highway No. 2, Wellington/Fletchers Lake - Central Region
2. Memorandum from Acting Director, Recreation, Tourism & Culture dated March 24, 2006 re: Outdoor Skating Rinks
3. Memorandum from Acting Director, Recreation, Tourism & Culture dated March 27, 2006 re: Bloomfield Centre
4. Memorandum from Deputy Chief Administrative Officer, Corporate Services and Strategy dated March 1, 2006 re: Representation on HRM Boards, Committees & Commissions
5. Memorandum from Director, Planning & Development Services dated March 27, 2006 re: Application for De-registration of 78 Shore Road, Dartmouth
6. Memorandum from the Municipal Clerk, dated March 31, 2006 re: Requests for Presentations to Council - Changing of the Guard Society