

HALIFAX REGIONAL COUNCIL

HALIFAX REGIONAL COUNCIL
MINUTES
October 10, 2006

PRESENT:

Mayor Peter Kelly
Deputy Mayor Russell Walker
Councillors: Krista Snow
Gloria McCluskey
Andrew Younger
Bill Karsten
Becky Kent
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sue Uteck
Sheila Fougere
Debbie Hum
Linda Mosher
Stephen Adams
Robert Harvey
Gary Martin
Reg Rankin
Gary Meade

REGRETS:

Councillors Steve Streach
David Hendsbee
Harry McInroy
Brad Johns

STAFF:

Mr. Dan English, 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 McCluskey.

2. **APPROVAL OF MINUTES - September 26, 2006**

MOVED by Councillor McCluskey, seconded by Councillor Murphy, that the Minutes of September 26, 2006 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

MOVED by Councillor Adams, seconded by Councillor Snow, that items 7.6 and 7.7 respecting By-Law S-800, the Sign By-Law be deferred to October 24, 2006. MOTION PUT AND PASSED UNANIMOUSLY.

Council agreed to move item 10.3.5, Councillor Martin, Motion - Parental Responsibility Act to be addressed immediately following the public hearings.

Additions

- 12.1 Proclamation - National Science and Technology Week - October 13 - 22, 2006
- 12.2 Proclamation - Canada's Citizenship Week - October 16 - 22, 2006
- 12.3 Proclamation - Safe Kids Canada and CN Safe Crossing Week - October 23 -29, 2006
- 12.4 Councillor Meade - Request for HRM Participation on Halifax Regional School Board and Department of Education Construction Steering Committee
- 12.5 Deputy Mayor Walker - Nomination of HRM Representative to the UNSM Board of Directors
- 12.6 Capital Cost Contribution Policy
- 12.7 Legal Matter - Settlement of Claim
- 12.8 Legal Matter - By-Law S-602

MOVED by Councillor Fougere, seconded by Councillor McCluskey, 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

8.1 By-Law T-701, An Amendment to By-Law T-700, Respecting Tax Deferrals - Revised Criteria for Residency

- An extract from the September 12, 2006 Regional Council minutes was before Council.
- A report dated June 17, 2006, on the above noted, was before Council.

Ms. Peta Jane Temple, Team Lead, Tax, Grants & Special Projects, presented the report to Council.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed amendment.

Mr. Adam Conrad, Porter's Lake, spoke in support of the By-Law.

Mr. Ernie Brennan, Ketch Harbour, spoke in support of the By-Law.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

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

MOVED by Deputy Mayor Waker, seconded by Councillor Kent, that Regional Council approve the revisions to By-Law T-700 as detailed in the Discussion section of the June 17, 2006 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00938 - Bedford West Business Campus Amendments

- An extract from the September 19, 2006 Regional Council minutes was before Council.
- A report from the North West Community Council, dated September 12, 2006, on the above noted, was before Council.

Mr. Paul Morgan, Planner, presented the report to Council.

Councillor Sloane joined the meeting at 6:13 p.m.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the

proposed amendments.

Ms. Jan Bird, Bedford, spoke against the proposed amendments.

Mr. Bruce Ford, Bedford, spoke against the proposed amendments expressing concern with the rising trend towards high rise development in Bedford. He suggested HRM delay approval of all height restriction amendments in Bedford until there is a mechanism in place to enable members of the public to participate in By-Law amendments.

Mr. Ernie Brennan, Ketch Harbour, spoke against the proposed amendments stating he did not feel this type of development was suitable for Bedford.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

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

MOVED by Councillor Martin, seconded by Deputy Mayor Walker, that Regional Council approve the amendments to the Regional Subdivision By-Law presented in Attachment F of the staff report dated August 18, 2006. MOTION PUT AND PASSED UNANIMOUSLY.

As per the approval of the Order of Business, Council addressed item 10.3.5 at this time.

10.3.5 Councillor Martin - Motion - Parental Responsibility Act

MOVED by Councillor Martin, seconded by Councillor Younger, that Mayor Kelly write the Provincial Government requesting the government enable an Act which holds parents of youth under 18 years of age, who commit property crimes, financially responsible.

Councillor Martin noted that there is more time spent addressing the persons who commit crimes rather than the victims. He stated there is a need to let parents know they will be held responsible and police need the tools to address youth matters.

Discussion ensued with the following issues being identified by members of Council:

- Police need the tools to address the matter,
- Kids are vandalizing property and people are scared,
- More affordable recreational programming has to be made available,

- People have to take responsibility and there has to be accountability,
- The Young Offenders Act needs to be revised,
- There has to be stronger enforcement with regards to adults buying alcohol for youth.

Councillor Mosher advised she would take the issue forward to the Board of Police Commissioners.

MOTION PUT AND PASSED UNANIMOUSLY.

7. CONSIDERATION OF DEFERRED BUSINESS

Councillor Martin left the meeting at 7:09 p.m.

7.1 Request for Proposal 06-102 - Regional Parking Strategy Functional Plan

- A report dated September 8, 2006, on the above noted, was before Council.

MOVED by Councillor Sloane, seconded by Councillor Snow, that Regional Council approve the award of RFP 06-102, Regional Parking Strategy Functional Plan, to IBI Group at a cost of \$160,315.00 (net HST included) from Capital Account #CTU00884, Functional Transportation Plans and Capital Account #CDE00105, Regional Planning Programme, as outlined in the Budget Implications section of the September 8, 2006 staff report.

Councillor Murphy received clarification that this will take into account the need for parking spaces in case of emergency measures resulting in people having to be moved out of neighbourhoods.

Councillor Fougere requested the study take into consideration the parking availability near buildings with uses such as university classes and labs. The Councillor noted "parking as long as you need" does not exist and this should be taken into consideration.

MOTION PUT AND PASSED

7.2 Government Relations and Strategic Partnership Development

- A report dated September 8, 2006, on the above noted, was before Council.

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

1. **Halifax Regional Council approve the Government Relations and Strategic Partnership Development Policy attached to the September 8, 2006 staff report.**
2. **Halifax Regional Council approve the Government Relations and Strategic Partnership Development Priority Action Areas 2006/2007 attached to the September 8, 2006 staff report.**
3. **Priority Action Areas for Council under the Chief Administrative Officer section “finance” include provincial portion of HST impact on housing affordability.**

Councillor Mosher requested the section on government relations and strategic partnership development and the priority action areas be submitted to all Community Councils for information so that the public can have access to it.

MOTION PUT AND PASSED UNANIMOUSLY.

7.3 Amendments to Municipal Government Act (MGA)

- A report dated September 27, 2006, on the above noted, was before Council.

MOVED by Councillor Rankin, seconded by Councillor Kent, that Halifax Regional Council adopt the proposed amendments to the Municipal Government Act and that the amendments be forwarded to the Province of Nova Scotia for consideration and implementation.

Ms. Donovan, Municipal Solicitor, outlined the amendments advising that legal counsel for the solid waste issues has recommended that a definition of solid waste be included in section 325. She noted there is currently a definition in the Solid Waste Resource Management regulations that would be suitable for the purpose.

MOTION PUT AND PASSED UNANIMOUSLY.

7.4 Committee of the Whole Recommendation - Council Focus Areas

- This item was discussed at the October 3, 2006 Committee of the Whole Council session.

MOVED by Deputy Mayor Walker, seconded by Councillor Mosher, that Regional Council continue to concentrate on the Council Focus areas as outlined during the

2006/2007 budget process for the upcoming 2007/2008 budget period. MOTION PUT AND PASSED UNANIMOUSLY.

7.5 In Camera Recommendation - Property Matter - Potential Acquisition - 169 Wyse Road, Dartmouth

- This item was discussed at the October 3, 2006 In Camera Council session.

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

1. Decline the proposal submitted by 3112771 Nova Scotia Limited; and,
2. Release the report dated September 22, 2006.

MOTION PUT AND PASSED UNANIMOUSLY.

7.6 Motion - Councillor Adams - Amendment to By-Law S-800

This item was deferred to October 24, 2006 under the approval of the Order of Business.

7.7 Motion - Councillor McInroy - Amendment to By-Law S-800

This item was deferred to October 24, 2006 under the approval of the Order of Business.

8. PUBLIC HEARINGS

8.1 By-Law T-701, An Amendment to By-Law T-700, Respecting Tax Deferrals - Revised Criteria for Residency

This item was addressed earlier in the meeting. (See page 5)

8.2 Case 00938 - Bedford West Business Campus Amendments

This item was addressed earlier in the meeting. (See page 5)

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

Councillor Mosher served a petition on behalf of residents of Purcell's Cove Road requesting HRM initiate a study to determine the total costs associated with extending central water and sewer services along Purcell's Cove Road, from Wenlock Grove to Purcell's Cove Road.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Capital Budget Increase - Multi Projects - Joseph Giles Elementary School Playground, John McNeil Elementary School, Monarch/Rivendale Park and Playground

- A report dated September 20, 2006, on the above noted, was before Council.

MOVED by Councillor Karsten, seconded by Councillor Kent, that Council approve an increase in the Gross Capital Budget by \$59,800.00, with no change to the Net Budget, to reflect secured additional funding for Capital Account No. CP300850 - Playground Upgrades and Replacements and Capital Account No. CP300845 - New Park Development, as outlined in the Background section of the September 20, 2006 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Tax Reform Committee Terms of Reference

- A report dated October 10, 2006, on the above noted, was before Council.

MOVED by Councillor Rankin, seconded by Councillor Fougere, that the Terms of Reference for the Tax Reform Committee (TRC) be approved.

The mover and seconder agreed to amend the motion to incorporate two representatives from the business community into the motion

MOVED by Councillor Mosher, seconded by Councillor Wile, that one of the resident members be a senior (65 or older). MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Adams that the terms of reference be amended to allow for three Councillors and three residents. Motion lost, no seconder.

MOVED by Councillor Younger, seconded by Councillor Snow, that the reference to

“12 months” be removed and replaced with “to the term of the project. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Snow suggested staff provide Councillors with copies of the applications for the residents portion in order to provide input with regards to possible member recommendations.

The amended motion was now before Council.

MOVED by Councillor Rankin, seconded by Councillor Fougere, that the Terms of Reference for the Tax Reform Committee (TRC) be approved with the following amendments:

- two members from the business community,
- one of the resident members be a senior (65 or older),
- reference to “12 months” be removed and replaced with “to the term of the project”.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 URBAN DESIGN TASK FORCE

10.2.1 Amendment to Terms of Reference - Membership

- A report dated October 4, 2006, on the above noted, was before Council.

MOVED by Councillor Sloane, seconded by Councillor McCluskey, that Regional Council amend the Urban Design Task Force’s Terms of Reference as described in the October 4, 2006 Committee report, such that the number of Regional Councillors sitting on the Urban Design Task Force is increased from one (1) to three (3). MOTION PUT AND PASSED UNANIMOUSLY.

10.3 MEMBERS OF COUNCIL

10.3.1 Councillor Adams - Request for Report: Transit for Sambro Loop

MOVED by Councillor Adams, seconded by Councillor Sloane, that staff provide a report by April 1, 2007 on financial implications of a) what it would cost to have an area rate for the purchase of a bus and ongoing operation similar to community transit; b) what would be the tax implications if suburban transit, Halifax Transit, was

extended throughout the Sambro Loop on a Sunday service level; c) the private option with possible funding similar to the service provided prior to amalgamation. **MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Kent, seconded by Councillor Smith, that the report include information on implementing a similar service to the Cow Bay Loop. MOTION PUT AND PASSED UNANIMOUSLY.

Council recessed at 8:00 p.m.
Council reconvened at 8:16 p.m

10.3.2 Councillor Mosher - Request for Report: Council Communication/ Branding

Councillor Mosher noted that residents are expressing concern with regards to where their tax dollars are being spent and placed the following motion.

MOVED by Councillor Mosher, seconded by Councillor Snow, that staff provide a report regarding communication tools and branding linking Council to municipal services.

Councillor Mosher advised this motion would ensure the Council brand is consistently linked to services as well as raise awareness of the wide range of services that HRM provides.

MOTION PUT AND PASSED. (9 in favour, 8 against)

Those voting in favour were Mayor Kelly, Deputy Mayor Walker and Councillors Snow, Smith, Wile, Murphy, Hum, Mosher and Adams.

Those voting against were Councillors McCluskey, Younger, Karsten, Kent, Sloane, Fougere, Harvey and Meade.

Councillors Streach, Hendsbee, McInroy, Uteck, Johns, Martin and Rankin were absent.

10.3.3 Councillor Younger - Request for Report: Transit Service and Sunday Shopping

Councillor Younger advised staff is in the process of preparing a report and placed the following motion.

MOVED by Councillor Younger, seconded by Councillor Sloane, that the report

address the following:

- What would be the cost,
- What would be the options,
- What are the limitations in terms of collective agreements,
- Are there enough drivers or can enough drivers be trained to do this,
- How many drivers do we need and when can they be trained.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3.4 Councillor Snow - Request for Lighting - Canada Post Kiosks

MOVED by Councillor Snow, seconded by Councillor Sloane, that Mayor Kelly write Canada Post requesting lighting be installed in the kiosks at the corner of Richardson and Fall River Road and Winely Drive, Fall River, in order to improve safety. Further, if Canada Post is not receptive to installing the lights, a staff report be provided on alternatives. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.3.5 Councillor Martin - Motion - Parental Responsibility Act

This item was addressed earlier in the meeting. (See page 6)

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Proclamation - National Science and Technology Week - October 13 - 22, 2006

The proclamation was circulated for information.

12.2 Proclamation - Canada's Citizenship Week - October 16 - 22, 2006

This proclamation was circulated for information.

12.3 Proclamation - Safe Kids Canada and CN Safe Crossing Week - October 23 -29, 2006

This proclamation was circulated for information.

12.4 Councillor Meade - Request for HRM Participation on Halifax Regional School Board and Department of Education Construction Steering Committee

MOVED by Councillor Meade, seconded by Councillor Sloane, that Mayor Kelly write the School Board and the Department of Education requesting that when a new school is built in HRM, a recreation department staff member be on the steering committee for input on all outdoor recreation activities. **MOTION PUT AND PASSED UNANIMOUSLY.**

12.5 Deputy Mayor Walker - Nomination of HRM Representative to the UNSM Board of Directors

MOVED by Deputy Mayor Walker, seconded by Councillor Wile, that Councillor Linda Mosher be appointed as the Council representative on the UNSM Board of Directors. **MOTION PUT AND PASSED.**

MOVED by Councillor Smith, seconded by Councillor Karsten, that the matter of the nomination to UNSM be referred to the Membership Selection Committee as to why nominations no longer go to that committee. **MOTION PUT AND PASSED UNANIMOUSLY.**

12.6 Capital Cost Contribution Policy

- This item was addressed at an earlier Committee of the Whole session and was now before Council for ratification.

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

- 1. Adopt the report entitled “Infrastructure Charges Study” prepared by SGE Acres Ltd., dated September 2006 as the basis for developing new policy and by-laws;**
- 2. Instruct staff to develop a capital cost charge for wastewater treatment facilities, to be collected at the building permit stage and applied to all developments requiring a new sewer connection; and**
- 3. Ask the Union of Nova Scotia Municipalities to adopt the resolution appended as Attachment 1 to the revised October 5, 2006 staff report to enable the**

application of capital cost charges for buses, ferries, transit facilities and solid waste facilities.

MOTION PUT AND PASSED UNANIMOUSLY.

12.7 Legal Matter - Settlement of Claim

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

MOVED by Councillor Karsten, seconded by Councillor Fougere, that Regional Council settle the following claims:

1. a) **A claim brought by the Plaintiffs, as outlined in the September 20, 2006 Private and Confidential staff report, in the amount of \$10,201.47 to achieve a full settlement of the Plaintiff's action.**

b) **A claim brought by the Plaintiffs, as outlined in the September 20, 2006 Private and Confidential staff report, in the amount of \$31,720.20 to achieve a full settlement of the Plaintiff's action.**
2. **Not release the September 20, 2006 private and confidential report.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.8 Legal Matter - By-Law S-602 - Solid Waste Exportation

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

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

1. **Continue the efforts to bring about the amendment to s.325 of the Municipal Government Act and expect the full support of the Provincial government, as per their previous endorsement.**
2. **Request that the Union of Nova Scotia Municipalities executive restate their February, 2006 position of support of the amended legislation.**

MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - NONE

14. ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council.

1. Proclamation - Waste Reduction Week, October 16 - 22, 2006
2. Memorandum from Director, Legal Services dated September 29, 2006 re: Status of By-Law Prosecutions
3. Memorandum from Chair, Chief Administrative Officer Review Committee dated September 19, 2006 re: Chief Administrative Officer (CAO) Priorities, Goals & Initiatives - 2006 / 2007
4. Memorandum from Acting Director, Finance dated October 10, 2006 re: Discretionary Expenditures
5. Memorandum from Municipal Clerk dated October 6, 2006 re: Council Workshop - Complementary / Alternative Voting Methods
6. Memorandum from the Municipal Clerk dated October 6, 2006 re: Requests for Presentation to Council - Canadian Union of Public Employees (CUPE); Halifax Regional School Board (HRSB)

Date of Request(s)	Name of Delegation(s)	Disposition of Request(s)
October 2 - 6, 2006	Canadian Union of Public Employees (CUPE) - Michelle Cohen, National Servicing Representative re: Contracting Out Halifax Regional School Board (HRSB) - Gary O'Hara, Chair re: Supplementary Funding	As the subject did not appear on the agenda, the group was notified that the request was redundant. Referred to staff of Finance.