

HALIFAX REGIONAL COUNCIL

HALIFAX REGIONAL COUNCIL
MINUTES
October 24, 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
Linda Mosher
Stephen Adams
Robert Harvey
Gary Martin
Reg Rankin
Gary Meade

REGRETS:

Councillor 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 Younger.

2. APPROVAL OF MINUTES - October 3, 2006

MOVED by Councillor Wile, seconded by Councillor Sloane, that the minutes of October 3, 2006 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 11.1 2011 Canada Winter Games Bid
- 11.2 Information Item: Memorandum from Director, Transportation and Public Works dated October 24, 2006 re: Shared Paving of O'Connell Drive - East Region
- 11.3 HRM By Design
- 11.4 Legal Matter - Settlement of Claim
- 11.5 Legal Matter - Case 00634: Rezoning - Colby Golf Centre Lands - 1226 Cole Harbour Road, Cole Harbour
- 11.6 Councillor Adams - Access - Long Lake, Spryfield
- 11.7 Councillor Karsten - Potential Closure of Akerley Campus Rink

MOVED by Councillor Sloane, seconded by Councillor Smith, 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

7.1 Motion - Councillor Adams - Amendment to By-Law S-800 to change the period of time a temporary sign is posted

In response to Councillor Adams as to the process, Mr. Kurt Pyle, DCAO's Office, advised that if the motion passes at this meeting the process would be started. He noted the By-Law

is not officially in effect and therefore Council could not make it's decision on the amendment until the By-Law is in effect.

MOVED by Councillor Adams, seconded by Councillor Sloane, that Council approve, in principle, an amendment to By-Law S-800 so that the period of time that a temporary sign is posted is 120 days up and 30 days down. MOTION PUT AND PASSED. (16 in favour, 7 against)

Those voting in favour were Deputy Mayor Walker and Councillors Streach, Snow, McCluskey, Younger, Kent, Smith, Wile, Murphy, Uteck, Fougere, Hum, Mosher, Adams, Rankin and Meade.

Those voting against were Mayor Kelly and Councillors Hendsbee, McInroy, Karsten, Sloane, Harvey and Martin.

Councillor Johns was absent from the meeting.

7.2 Motion - Councillor McInroy - Amendment to By-Law S-800 to reinstate the staff recommendation as presented during the Temporary Sign By-Law public hearing

MOVED by Councillor McInroy, seconded by Councillor Hendsbee, that Council approve, in principle, that page 10, Section 6.2(g) of By-Law S-800 be amended to reincorporate a portion of Section 6.2(g)(ii) such that mobile signs be permitted only once per business for a maximum of 60 days for new business openings within a commercial and industrial zone within the boundaries of Cole Harbour/Westphal Municipal Planning Strategy and lands abutting Highway #7 Main Street from Salmon River to Montague Road and in the Sackville Drive Secondary Planning Strategy, Sackville Municipal Planning Strategy. The intent is to reinstate what staff recommended at the Temporary Sign By-Law public hearing.

In response to Councillor Adams, Mr. Pyle, DCAO's Office, advised the amendment is the same as is currently in the Town of Bedford. If there is a grand opening, a mobile sign is permitted for 60 days and after that no mobile signs at all. In terms of what was moved forward to public hearing, Council moved a package that Cole Harbour and Sackville, as defined by the Councillor, would be excluded from the mobile sign provisions and be subject to the same provisions that are now in place for the Town of Bedford.

On further question, Mr. Pyle advised the provisions were in the June 28th Supplementary report.

MOTION PUT AND PASSED. (13 in favour, 10 against)

Those voting in favour were Mayor Kelly, Deputy Mayor Walker and Councillors Hendsbee, McInroy, Karsten, Kent, Smith, Wile, Sloane, Harvey, Martin, Rankin and Meade.

Those voting against were Councillors Streach, Snow, McCluskey, Younger, Murphy, Uteck, Fougere, Hum, Mosher and Adams.

Councillor Johns was absent from the meeting.

8. CORRESPONDENCE, PETITIONS AND DELEGATIONS

8.1 Correspondence

8.1.1 Maritime Forces Atlantic - Request for Ceremonial Fly-past

MOVED by Councillor McCluskey seconded by Councillor Sloane, that Halifax Regional Municipality grant permission for the Canadian Forces to fly a Sea King helicopter (CH 124) over the City of Halifax to the Grand Parade (north to south) at an altitude of 500 feet above the highest obstacle within the flight path at approximately 11:02 a.m. on November 11, 2006. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Petitions

Councillor Harvey served a petition on behalf of the residents of Riverside Estates requesting the installation of a short section of sidewalk at the entrance to the subdivision from the Old Sackville Road to the first lot on Hallmark Avenue.

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 Tender 06-107 - Ten (10) 2007 Single Axle Truck Chassis with U-Shaped Combination Dump/Spreader and Reversible Plow

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

MOVED by Deputy Mayor Walker, seconded by Councillor Wile, that Council award Tender No. 06-107 for Ten (10) 2007 Single Axle Truck Chassis with U-Shaped Combination Dump/Spreader and Reversible Plows to MacKay's Truck & Trailer

Center Ltd. for a Tender Price of \$1,616,834.00 (net HST included) with funding from Capital Account No. CVD00413 as outlined in the Budget Implications section of the October 10, 2006 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 By-Law S-420, An Amendment to By-Law S-400, Respecting Charges for Street Improvements - New Paving Projects Outside the Core Area - 2005

- A report dated October 11, 2006, on the above noted, was before Council.

MOVED by Councillor Meade, seconded by Councillor Rankin, that Council approve in principle and begin the formal process for adoption of By-Law S-420 Respecting Charges for Street Improvements from Capital Account No. CXU00585, New Paving of Subdivision Streets Outside the Core Area. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.3 Metro Transit Service and Sunday Shopping

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

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

- 1. Regional Council approve additional Sunday transit service as a pilot to accommodate expected demand for service resulting from Sunday shopping at a net cost of \$150,000 for the remainder of the 2006/07 fiscal year; and,**
- 2. Regional Council approve an increase of \$150,000 in the 2006/07 Operating Budget with funding provided as a withdrawal of \$150,000 from the Operations Stabilization Reserve, Q308.**

In response to questions, staff advised:

- The proposal looks at Bayers Lake,
- The proposal looks at balancing out services by putting services where there were no services,
- There will be ongoing monitoring of traffic and service levels,
- There will be regular reports on findings to Council such as ridership numbers,
- There are currently twenty five buses on Sunday and the additional five would bring it up close to the Saturday number but not with the same service frequencies,
- The additional service will be communicated through media and ridership alerts.

MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Murphy, seconded by Councillor Meade, that Mayor Kelly write the Province requesting emergency funding for unforeseen circumstances of Sunday shopping. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.4 Funding for Desktop Computers and Other Peripherals

- A report dated October 16, 2006, on the above noted, was before Council.

MOVED by Councillor Streach, seconded by Councillor Sloane, that Halifax Regional Council:

- 1. Approve a loan of \$920,700 in fiscal 2006-07, repayable with interest, from the Capital Replacement Reserve (Q130) to operating account A410-6706 to finance the replacement of desktop computers, notebooks, and related products, and**
- 2. Approve a loan of \$495,500 in fiscal 2007-08, repayable with interest, from the Capital Replacement Reserve (Q130) to operating account A410-6706 to finance the replacement of desktop computers, notebooks, and related products.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.5 Clean Air Petition to the United States Environmental Protection Agency (EPA)

- A report dated October 6, 2006, on the above noted, was before Council.

MOVED by Councillor Karsten, seconded by Councillor Sloane, that HRM Council join the list of signatories to the legal petition to the Administrator of the US Environmental Protection Agency (EPA) to reduce trans-boundary air pollution from US coal-fired power plants and as described in the “Legal Petition to Reduce US Air Pollution” as attached to the October 6, 2006 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Murphy noted there has never been any communication to the public with regard to the emissions from the Tufts Cove plant and placed the following motion.

MOVED by Councillor Murphy, seconded by Councillor Adams, that Nova Scotia Power be invited to make a presentation at a Regional Council session on their existing plan to address environmental concerns and to clean up emissions especially in Halifax harbour and the Tufts Cove Plant. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Sloane, seconded by Councillor Wile, that Mayor Kelly write the Federal Government asking them to follow the example of the legal petition of the US air pollution act. MOTION PUT AND PASSED.

9.2 HERITAGE ADVISORY COMMITTEE

9.2.1 Revised Evaluation Criteria for Registration of Heritage Sites

- A report dated September 28, 2006 from the Heritage Advisory Committee, on the above noted, was before Council.
- A report dated September 28, 2006, on the above noted, was before Council.

MOVED by Councillor Sloane, seconded by Councillor Uteck , that Regional Council adopt the revised Evaluation Criteria for Registration of Heritage Sites as outlined in the September 28, 2006 Heritage Advisory Committee Report. MOTION PUT AND PASSED UNANIMOUSLY.

9.2.2 Heritage Incentives Program

- A report dated October 11, 2006, on the above noted, was before Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Halifax Regional Council, commencing in 2007, approve the revisions to the Heritage Incentives Program in accordance with the Revised Terms of Reference outlined in Attachment “D” of the June 2, 2006 staff report with an amendment to delete the requirement for a Building Conservation Plan BUT include the Building Conservation Plan as part of the priority rating criteria. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 GRANT COMMITTEE

9.3.1 By-Law T-218, An Amendment to By-Law T-200, Respecting Tax Exemptions for Non Profit Organizations - 2006/2007

- A report dated October 17, 2006 from the Grants Committee was before Council.

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

- 1. Set a date for a public hearing to approve the recommended exemptions or partial exemptions set out in Attachment 2 of the October 17, 2006 report (Schedule 26 and Schedule 29); the removal of accounts as set out in Attachment 3; and records management changes as detailed in Attachment 4, effective April 1, 2006, unless otherwise noted.**
- 2. The tax exemption or partial exemptions provided under By-Law T-200 for the fiscal year 2005-2006 shall also apply for the fiscal year 2006-2007.**

Councillor Streach referenced the Ecology Action Centre, noting it is being transferred from commercial to residential as it is a non profit organization and questioned what it meant to be a non profit and how receiving monies from HRM still allows you to be considered a non profit.

In response, Council was advised the organization is a legitimately registered non profit with the Nova Scotia Registry of Joint Stocks and also is a registered Canadian charity. It was noted that this program recognizes that the existing assessment classification says that if your property is not used for residential purposes, and it is not a resource property, then by default it is assessed as commercial. This program is recognizing that the commercial designation does not actually recognize the nature of the party who owns this property nor the nature of its use. The purpose of By-Law T-200 is to recognize that HRM is adjusting for the assessment system as it currently exists.

MOVED by Councillor Streach, seconded by Councillor Adams, that Item 2 - Ecology Action Centre, 2705 Fern Lane, Halifax be deferred and referred back to the Grant Committee until further information comes forward.

Deputy Mayor Walker noted the organizations listed meet the criteria.

Councillor Adams questioned whether during the research was it brought forward that the Ecology Action Centre does do work for the Municipality. In response, Ms. Cathie O'Toole, Acting Director, Financial Services, advised all the organizations on the list that qualify as not for profits have to meet certain criteria, noting not for profits can earn revenue on a fee for service basis. She noted there may be other not for profits that may have received grants who do work on a fee for service basis, maybe not for HRM but for other organizations. She stated Council may wish to consider this as a larger policy issue rather than just the Ecology Action Centre.

Councillor Adams suggested that any time that a non profit organization, regardless of what they do, is competing with other entities that pay tax there's an unfair advantage.

MOTION PUT AND PASSED. (12 in favour, 10 against)

Those voting in favour were Mayor Kelly and Councillors Streach, Snow, Hendsbee, McCluskey, Wile, Murphy, Mosher, Adams, Martin, Rankin and Meade.

Those voting against were Deputy Mayor Walker and Councillors Younger, Karsten, Kent, Smith, Sloane, Uteck, Fougere, Hum and Harvey.

Councillors McInroy and Johns were absent.

MOVED by Councillor Fougere, seconded by Councillor Snow, that Item 11 - Westmoor 57 Co-Operative Limited, Halifax - Affordable Housing, be referred back to the Grant Committee. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Adams, seconded by Councillor Rankin, that staff provide information on all organizations that have a fee for service, HRM or other agencies, as there could be a competitive disadvantage. Further, the staff report examine whether a policy needs to be developed to ensure that there is a level playing field when there are tenders or contracts being awarded. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Smith noted that the process with regards to referrals back is that the Councillor that makes the referral appears in person before the Grant Committee to put the case forward as to why the Grant Committee should re-examine the matter.

MAIN MOTION PUT AND PASSED UNANIMOUSLY.

10. MOTIONS - NONE

11. ADDED ITEMS

11.1 2011 Canada Winter Games Bid Report

- A report dated October 24, 2006, on the above noted, was before Council.

MOVED by Councillor Fougere, seconded by Councillor Hum, that Regional Council:

1. Adopt the Terms of Reference, contained in Appendix A of the October 24,

- 2006 report, for the 2011 Canada Winter Games Bid Planning Committee; and**
- 2. Approve an expenditure of \$75,000 from the Strategic Growth Reserve Q126, to fund the 2011 Canada Winter Games bid,**
 - 3. Authorize an increase to the 2006/07 Operating Budget of \$75,000 and corresponding increase in reserve withdrawals budgeted for 2006/07 from Q126, Strategic Growth Reserve.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Information item: Memorandum from Director, Transportation and Public Works dated October 24, 2006 re: Shared Paving of O'Connell Drive - East Region

- An information report, dated October 24, 2006, on the above noted was before Council.

MOVED by Councillor Hendsbee, seconded by Councillor Streach, that Regional Council:

- 1. Extend the limits of paving on O'Connell Drive to include the HRM owned portion from the school entrance to the end;**
- 2. Include the paving of O'Connell Drive (Trunk 7 to the end) in the proposed 2007/08 Aid-to-Municipalities Program;**
- 3. Waive the right to petition;**
- 4. Approve the recovery of Local Improvement Charges for the new paving of O'Connell Drive by levy of frontage charges.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.3 HRM By Design

- The following item was discussed at a Committee of the Whole session held earlier and was now before Council for ratification.

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

- 1. Approve HRM By Design's public participation strategy as outlined in the**

October 17, 2006 staff report.

- 2. Approve the methodology and schedule, as described in the October 17, 2006 staff report, of Council's incremental adoption of HRM by Design's findings at key project milestones.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.4 Legal Matter - Settlement of Claim

- The following item was discussed at an In Camera session held earlier and was now before Council for ratification.

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

- 1. Increase Capital Project CPC00269 - Dartmouth Waterfront/Alderney Landing Phase II by \$15,000.00 with funding from the capital from operating account;**
- 2. Approve an offer by HRM in full settlement of the claim including abandonment of the counterclaim in the amount of \$15,000.00; and**
- 3. Not release the October 4, 2006 Private and Confidential staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.5 Legal Matter - Case 00634: Rezoning - Colby Golf Centre Lands - 1226 Cole Harbour Road, Cole Harbour

- The following item was discussed at an In Camera session held earlier and was now before Council for ratification.

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

- 1. Not appeal the Utility and Review Board's decision on the Colby Golf Centre Lands,**
- 2. Not release the October 19, 2006 Private and Confidential staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.6 Councillor Adams - Access to Long Lake, Spryfield

Councillor Adams advised that two no parking signs have been erected at the location but the rocks blocking the access to the lake have not been moved.

MOVED by Councillor Adams, seconded by Councillor Mosher, that Mayor Kelly to either write or speak with the Minister to seek further clarification with regards to the entrance and access to Long Lake in Spryfield and put forward a request that the rocks blocking the entrance be moved to provide access. MOTION PUT AND PASSED UNANIMOUSLY.

11.7 Councillor Karsten - Potential Closure of Akerley Campus Rink

Mayor Kelly requested to write Minister of Health Promotions, Department of Education and Transportation and Public Works opposing the closure of the ice rink and ask for consultation to begin between the province and HRM to reach a positive solution. Further, a staff report be provided on the implications of the closure as it would be the loss of an ice surface.

Councillor Karsten stated it is the intention of Akerley Campus to have more academic space by having the ice rink close by April, 2007. The Councillor noted this would have ramifications for Dartmouth and HRM.

12. NOTICES OF MOTION

12.1 Deputy Mayor Walker

Take notice that at the next regular Regional Council meeting, to be held on Tuesday, October 31 st, 2006; I propose to Move First Reading of By-Law T-218, the purpose of which is to amend By-Law T-200, Tax Exemptions for Non-Profit Organizations for 2006-2007 new applications.

12.2 Councillor Meade

Take notice that at the next regular Regional Council meeting to be held on October 31, 2006, I propose to introduce for First Reading By-Law S-420 Respecting Charges for Street Improvements.

13. ADJOURNMENT

The meeting was adjourned at 8:05 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council.

1. Memorandum from Director, Transportation & Public Works dated October 3, 2006 re: Traffic Control Measures - Bedford Highway
2. Memorandum from Director, Community Development dated October 18, 2006 re: HRM Contributions Fund Interim 2006 / 2007 Awards - Community & Neighbourhood Facilities
3. Memorandum from Acting Director, Finance dated September 12, 2006 re: Update - Ethical Procurement Policy / Green Procurement
4. Memorandum from Acting Director, Finance & Deputy Treasurer dated October 17, 2006 re: Investment Activities, Quarter Ending June 30, 2006
5. Memorandum from Co-Chairs, Investment Policy Advisory Committee dated October 16, 2006 re: Investment Policy Advisory Committee Report, Quarter Ending June 30, 2006
6. Memorandum from Director, Community Development dated October 19, 2006 re: Infrastructure Charges Study (To be circulated)
7. Memorandum from the Municipal Clerk dated October 20, 2006 re: Requests for Presentation to Council - Halifax Regional School Board

Date of Request(s)	Name of Delegation(s)	Disposition of Request(s)
October 9 - 20, 2006	Halifax Regional School Board (HRSB) re: Supplementary Funding	Ms. Carol Olsen, Superintendent of Schools made a presentation to Council regarding this issue on October 10, 2006.