

HALIFAX REGIONAL COUNCIL

HALIFAX REGIONAL COUNCIL
MINUTES
November 28, 2006

PRESENT:

Mayor Peter Kelly
Deputy Mayor Sue Uteck
Steve Streach
Krista Snow
David Hendsbee
Harry McInroy
Gloria McCluskey
Bill Karsten
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Gary Martin
Gary Meade

REGRETS:

Councillors: Andrew Younger
Becky Kent
Reg Rankin

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 Murphy.

Council observed a moment of silence in memory Ms. Margaret Stanbury, who served as Deputy Mayor for the former City of Halifax from 1974 to 1975.

Councillor Russell Walker recognized a delegation from the government of Guyana who were in the gallery.

2. APPROVAL OF MINUTES - November 14, 2006

MOVED by Councillor Wile, seconded by Councillor Walker, that the minutes of November 14, 2006 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 12.1 Contractual Matter - 2014 Commonwealth Games International Bid Budget
- 12.2 Contractual Matter - Fibre Optic Network Municipal Access Agreement
- 12.3 Legal Matter - Postponement Agreement
- 12.4 Personnel Matter - Citizen Appointments to Boards/Committees and Commissions

Councillor McCluskey requested information item #5, Second Quarter 2006/2007 Financial Report be brought forward to the regular agenda for discussion.

MOVED by Councillor McCluskey, seconded by Councillor Wile, 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 Councillor Karsten - Amendment regarding Halifax-Dartmouth

Canada Day Committee Terms of Reference

Councillor Karsten requested this item be deferred to December 12, 2006.

8. PUBLIC HEARING

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

- An extract from the October 31, 2006 Regional Council minutes, was before Council.
- A report dated October 26, 2006, on the above noted, was before Council.

Ms. P.J. Temple, Coordinator, Tax and Grants, presented the staff report to Council.

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

Ms. Frances Blair Harper, Alice Housing, Dartmouth expressed concern that if they are required to pay taxes on properties it will put undue financial stress on the agency. She advised Alice Housing is a safe housing program which provides counselling and personal development programs. Ms. Harper outlined some of the programs and services provided by Alice Housing,

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

Mr. Ernie Brennan, Ketch Harbour, expressed concern that some of the businesses benefiting the community are not receiving an exemption. He suggested Council consider what organizations are in need of financial help.

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

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

MOVED by Councillor Walker, seconded by Councillor Murphy, that Alice Housing be referred back to committee. MOTION TO REFER CARRIED.

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

- 1. Approve the recommended exemptions or partial exemption set out in**

Attachment 2 of the October 26, 2006 staff 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.**

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

Councillor Streach served a petition from the Sheet Harbour Chamber of Commerce relating to water concerns and placed the following motion.

MOVED by Councillor Streach, seconded by Councillor Sloane, that it be added for consideration on the infrastructure list and further, a report on the community consultation timelines and cost analysis be prepared. MOTION PUT AND PASSED UNANIMOUSLY.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Request for Proposal 06-125 - HRM Community Energy Plan

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

MOVED by Councillor Mosher, seconded by Deputy Mayor Uteck, that Halifax Regional Council award RFP-06-125, Community Energy Plan to the highest scoring proponent, Lewis Engineering Inc. in association with Jacques Whitford Consulting Limited at a cost of \$204,040 (net HST included) from Capital Account #CDI00697 District Energy Concept; Capital Account #CDE00105 Regional Planning Program and Cost Center D945 Projects as outlined in the Budget Implications section of the November 21, 2006 staff report.

Mr. Stephen King, Manager, Environmental Performance, outlined the staff report.

Councillor Mosher stated this plan will provide a framework for future initiatives in the municipality and promote energy efficiency. She noted there are environmental and regeneration benefits as well as a social aspect.

In response to Councillor Smith, Mr. English, CAO, advised a list of the functional plans with timelines will be provided to Council.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 2007 Council Meeting Schedule

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

MOVED by Councillor Wile, seconded by Councillor Snow, that Council adopt the 2007 Regional Council Meeting Schedule. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 AUDIT COMMITTEE

10.2.1 Consolidated Audited Financial Statements, March 31, 2006

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

Mr. Jamie O'Neil, KPMG, presented the audited financial statements to Council.

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the Halifax Regional Municipality's consolidated audited financial statements for the year ended March 31, 2006 be approved, and that the Mayor and Municipal Clerk be authorized to sign the financial statements on behalf of Council. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.2 Audited Financial Statements - Miscellaneous Trust Funds, March 31, 2006

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

MOVED by Councillor McCluskey, seconded by Councillor Smith, that the audited financial statements of the Halifax Regional Municipality - Miscellaneous Trust Funds for the year ended March 31, 2006 be approved, and that the Mayor and Municipal

Clerk be authorized to sign the financial statements on behalf of Council.

In response to Deputy Mayor Uteck with regards to the inability to access the funds in the Harbour Championship trust fund, Ms. Catherine Sanderson, financial services, advised financial services is currently examining the wording of the trust fund.

Councillor Wile requested staff provide information on what the plan is with regard to the dispensing of the monies in the City Home and TB hospital trust fund.

Deputy Mayor Uteck referenced the Tax Sale Surplus suggested staff look at these funds and perhaps at dispersing this money. In response Ms. Sanderson advised she would provide a report on "aged" report on the capital surplus.

Councillor Murphy requested staff report on a means by which contributions could be made towards the upkeep of the Titanic grave sites.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3 MEMBERS OF COUNCIL

10.3.1 (i) Councillor Walker - Tax Exemption for Non-Profit Organizations in Receipt of Municipal Contracts: Policy Implications

- An information report dated November 8, 2006, on the above noted, was before Council.

Ms. P.J. Temple, Coordinator, Grants Program, advised staff was asked to look at the tender process for non-profit organizations and whether in fact if they were in receipt of partial or full tax exemption it provided any unfair advantage over another proponent. She advised there were two cases and after review, there was no unfair advantage that could be directly associated with those cases.

10.3.1(ii) Councillor Walker - Award of Tender 06-074 Winter Sidewalk Snow and Ice Control - Western Region

- An information report dated October 25, 2006, on the above noted, was before Council.

Councillor Walker noted that when the original report had come forward, the length of the route was incorrectly estimated.

MOVED by Councillor Walker, seconded by Councillor Wile, that the amount approved at the September 12, 2006 Regional Council session re item “e” Route SW-P3 to Provincial Pavement Markings be amended to reflect the total cost of \$1,204,707.89. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.2 Councillor Johns - Snow and Ice Control Service Standards

- An information report dated November 7, 2006, on the above noted was before Council.

Councillor Johns expressed concern that a number of staff reports are coming back as information reports which do not provide and opportunity for Council debate and discussion. He expressed concern that Council was not provided an opportunity to discuss the changes to the service standards for snow and ice. He noted that the standards noted in the report may not benefit residents on priority two roads as snow clearing on those streets may not begin until after at least ten centimetres of snow has fallen.

In response, Mr. Labrecque, Director, Transportation and Public Works, advised these standards are not new and were approved over a period of time and are the framework that drives how the program is delivered.

Mr. Gordon Hayward, Snow and Ice Coordinator, stated the standards are not new and are a redefinition of standards that were in the approved standards for priority one and two streets. On further question, Council was advised that this is the same standard of snow clearing.

In response to Councillor Walker, Council was advised that with regard to the snow removal guidelines the timeline is complete at the end of the snow fall. He stated that based on the shift structure system, many of those timelines can be advanced up such that if there are significant snow falls then it could take up to two weeks to complete some of the intersections and four weeks on cul-de-sacs.

Councillor Walker stated for the record that once priority one streets are done, priority two streets will be finished and cleaned up within twenty four hours of the snow fall. In response, Mr. Hayward advised that if there is a snow event that is greater than ten centimetres then staff will start to do cut throughs after ten centimetres of snow to provide access and then finish cleaning up the streets within twenty four hours from the end of the snow fall.

10.3.3 Councillor Streach - Request for Report re: proposed Expansion of the Containment Zone of the Brown Spruce Longhorn Beetle

Councillor Streach advised that it has come to his attention that the Canadian Food Inspection Agency is proposing a new containment zone which will take in all the harvestable forests in HRM and fifty percent of harvestable timber throughout the province of Nova Scotia crippling the forestry industry. The Councillor stated the Federal Government needs to be encouraged to look at other solutions aside from crippling or shutting down the forestry industry in central Nova Scotia.

MOVED by Councillor Streach, seconded by Councillor Hendsbee, that staff prepare a report on the current situation and proposed actions that the CFIA has put forward as it relates to the enlargement of the beetle zone. Further, Mayor Kelly write the CFIA, Federal Minister Chuck Strahl, the Minister of Natural Resources for the province of Nova Scotia and all members of parliament in Nova Scotia encouraging them to support the forestry sector.

Councillor Streach stated he is raising this issue because it is potential disastrous. He noted CFIA had advised that containment of a small area was going to work but the situation is worse.

Mr. Peter Bigelow, Manager, Real Property Planning, advised staff will bring a report to Council that clarifies the situation suggesting Council move ahead with the letters so that the CFIA does understand Council's concern.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3.4 Councillor Snow - Request for Report re: Exploration of Funding Sources - Water Servicing, Fall River Village, Phases 1 - 9

MOVED by Councillor Snow, seconded by Councillor Streach, that staff provide a report exploring funding sources as well as determining if there are any current or proposed external programs the community might use for water services. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Contractual Matter - 2014 Commonwealth Games International Bid Budget

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

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

- 1. Confirm HRM's total cash contribution to the 2014 Commonwealth Games International Bid Budget as outlined in the Budget Implications section of the November 3, 2006 Private and Confidential staff report.**
- 2. Approve release of HRM's share of the International Bid Budget as part of a joint cost sharing announcement with the Federal and Provincial governments.**
- 3. Not release the report publicly until such time as the joint cost sharing announcement has been made.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Contractual Matter - Fibre Optic Network Municipal Access Agreement

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

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

- 1. The execution of the Municipal Access Agreement attached to the November 16, 2006 Private and Confidential staff report.**
- 2. The acquisition of 32 fibre strands in the Valley Community Fibre Network within HRM boundaries at a cost of \$75,000, paid from account no. CID00748;**
- 3. Staff enter into discussions with Service Nova Scotia Municipal Relations respecting the taxation of telecommunication carriers for their use of municipal streets, and**
- 4. The report not be released to the public.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Legal Matter - Postponement Agreement

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

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

- 1. HRM approve the providing of a postponement agreement to the Bank of Montreal**
- 2. The report not be released to the public.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.4 Personnel Matter - Citizen Appointments to Boards/Committees and Commissions

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

MOVED by Deputy Mayor Uteck, seconded by Councillor Fougere, that Regional Council:

- 1. Approve the Citizen appointments to Boards/Committees/Commissions as outlined in Attachment 1 of the staff report dated November 28, 2006**
- 2. The appointments to the Advisory Committee for Persons with Disabilities be referred back to the Membership Selection Committee.**
- 3. The report may be released to the public upon ratification by Regional Council.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.5 Information Item #5, Second Quarter 2006/2007 Financial Report

Councillor McCluskey expressed concern that the report states there is a \$2.25 million projected for the year end. She questioned whether there was a plan, and if so, she requested it be provided so that the budget deliberations would not start with having to cover a deficit for this year. She questioned the projected deficit and tax revenues as well as an adjustment of the allowance for appeals of \$757,000.

Mr. English, advised that it is the CAO's chief responsibility to produce a balanced budget and mitigation measures will be taken and a report will come back in January advising Council on the budget process.

Mr. Cathie O'Toole, Acting Director of Finance, advised she has reviewed the last six fiscal years and there have been instances in the first or second quarter where there have been very large projected deficits but history shown that by the end of the fiscal year it is managed to a balanced budget. She advised revenue strategies are being looked at and advised the third quarter report will show a large measure of improvement.

13. NOTICES OF MOTION

Councillor Harvey

Take notice that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, 5 December 2006, I intend to introduce a motion that:

Whereas it is the mission of this municipality to promote healthy lifestyles and well communities

and

Whereas it is the mandate of this municipality to provide a variety of active recreational opportunities to the widest range of citizens possible

and

Whereas to achieve these goals, such active recreational opportunities must be provided at affordable cost to citizens

and

Whereas the user pay principle can reasonably only fund a portion of such affordable active recreational opportunities

Be it resolved that the Halifax Regional Municipality absorb the capital debts of its regional recreational facilities which primarily provide active recreational opportunities.

14. ADJOURNMENT

The meeting was adjourned at 8:00 p.m

Jan Gibson
Municipal Clerk

The following information items were circulated to Council.

2. Proclamation - Canadian AIDS Awareness Week 2006 and World AIDS Day
3. Memorandum from Director, Community Development dated November 20, 2006
re: Department of National Defence (DND) Shearwater Lands
4. Memorandum from Director, Environmental Management Services dated October 24, 2006 re: Harbour Solutions Project - Quarterly Report (July to September /06)
5. Memorandum from Acting Director, Finance dated November 21, 2006
re: Year End 2005 / 2006 Financial Report
6. Memorandum from Acting Director, Finance dated November 21, 2006
re: Second Quarter 2006 / 2007 Financial Report
7. Memorandum from Acting Director, Finance dated November 17, 2006
re: Miscellaneous Donation Accounts - Operating Fund
8. Memorandum from the Municipal Clerk dated November 24, 2006
re: Requests for Presentation to Council - None