

HALIFAX REGIONAL COUNCIL
MINUTES
February 27, 2007

PRESENT:

Mayor Peter Kelly
Deputy Mayor Sue Uteck
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
Russell Walker
Debbie Hum
Linda Mosher
Steve Adams
Brad Johns
Robert Harvey
Gary Martin
Reg Rankin
Gary Meade

REGRETS:

Councillor Sheila Fougere

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 Martin.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Harvey noted the Friends of First Lake were holding an open house presentation on the design study for the upgrade of the Glen Slaunwhite Trail in the Fenerty Room of the Sackville Library on Wednesday, February 28, 2007 at 7:00 p.m.

Councillor Sloane requested Mayor Kelly send a letter of condolence to the family of Mr. Gus Weatherburn.

Councillor Hum wished Tyler Kent and his teammates luck as they head off to participate in the Winter Games. She further noted that her public meeting has been cancelled.

Councillor Hendsbee requested Mayor Kelly send a letter of congratulations and a certificate to the Bank of Nova Scotia on their 175th anniversary. He further commended Constable Dean Simmonds on being named Constable of the Year. The Councillor thanked those who contributed to the endeavour of the Black Cultural Centre in their acquisition of a war medal.

Councillor Mosher noted the application by Terrain Group for land on 116 Purcell's Cove Road has been withdrawn.

Councillor Meade wished Councillor Rankin a Happy Birthday.

Councillor Karsten noted the meeting on Commonwealth affordability was postponed to March 20th.

3. APPROVAL OF MINUTES - February 13, 2007

MOVED by Councillor McCluskey, seconded by Councillor Snow, that the minutes of February 13, 2007 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

12.1 Proclamation - Epilepsy Month - March 2007

- 12.2 Councillors Mosher and McCluskey - HRM Participation in Union of Nova Scotia Municipalities (UNSM)
- 12.3 Councillor Adams - Outdoor Skating Rinks
- 12.4 Councillor Snow - Unwanted Flyer Delivery - Litter
- 12.5 Solid Waste/Resources Management System - Diversion Opportunities
- 12.6 Joint Public Lands plans
- 12.7 HRM by Design: Urban Design Vision and Principles and Increase to Contract
- 12.8 Contractual Matter - Urban Renewal Project - CMHC Settlement
- 12.9 Property Matter - Land Acquisition - Highway #7, Lake Echo

Council agreed to move item 10.1.4 up on the agenda to be addressed immediately following the presentation.

Councillor Mosher requested item 10.3.1, Lobbyist position be deleted from the agenda.

MOVED by Councillor Sloane, seconded by Councillor Younger, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS - NONE

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

Councillor Murphy served a petition in support of the need for a price difference between taxis and limousines to and from destinations in HRM and the Halifax Airport.

9.3 Presentation

9.3.1 Capital Health - Chris Power, Chief Executive Officer

Ms. Chris Power, Chief Executive Officer, made a presentation to Council noting:

- Their main goal is the improvement of the health of the community,
- They are part of an integrated district,
- They are supported by a health board system,
- There is a need for more engagement at a senior level,
- They are requesting a commitment in principle to work together with HRM.

Mayor Kelly, on behalf of Council, thanked Ms. Power for her presentation.

As per the approval of the Order of Business, Council addressed item 10.1.4 at this time.

10.1.4 Peggy's Cove Water & Sewer Servicing Options Evaluation and Preliminary Design Study - Additional Provincial Capital Assistance Program Funding

- A report dated February 20, 2007, on the above noted, was before Council.

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

- 1. Accept the offer of a one-time \$4,800 non-repayable contribution from Service Nova Scotia and Municipal Relations available from the Provincial Capital Assistance Program (PCAP), as detailed in the February 8, 2007 letter attached to the February 20, 2007 staff report.**
- 2. Approve an increase to the 2006/07 Approved Capital Budget in the amount of \$4,800 for capital project CSU00909, Peggy's Cove Water and Sewer Servicing Options Evaluation and Preliminary Design Study with funding from the Provincial Capital Assistance Program, as outlined in the Budget Implications section of the February 20, 2007 staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 06-280 - Bridge Maintenance, Lady Hammond Road Overpass, West Region

- A report dated February 16, 2007, on the above noted, was before Council.

MOVED by Councillor Murphy, seconded by Councillor Wile, that Council:

1. **Award Tender No. 06-280, Bridge Maintenance, Lady Hammond Road Overpass - West Region to J. Mason Contracting Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$633,032.06 (net HST included) with funding from Capital Account No. CRU00684, Bridge Repair Program, as outlined in the Budget Implications section of the February 16, 2007 staff report.**
2. **Approve the appointment of O'Halloran Campbell Consultants Limited for contract administration and construction inspection services for an estimated fee of \$38,889.30 (net HST included) with funding from Capital Account No. CRU00684, Bridge Repair Program, as outlined in the Budget Implications section of the February 16, 2007 staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Request for Permanent Encroachment - 2150 Gottingen Street

- A report dated February 8, 2007, on the above noted, was before Council.

MOVED by Councillor Sloane, seconded by Councillor Murphy, that Halifax Regional Council approve the application for permanent encroachment of proposed duct work in the street right of way at 2150 Gottingen Street to served a proposed restaurant.

Councillor Karsten expressed concern with the motion to approve, noting staff recommendation was to deny.

Mr. Ken Reashor, Manager, Traffic and Right of Way Services, advised the reason staff recommended refusal was because the encroachment serves no public purpose and there is an opportunity to have the exhaust system within the building.

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

MOVED by Councillor Sloane, seconded by Councillor Snow, that the matter be referred back to staff with a request that pictures and schematics of the building be provided to Council.

Councillor Hendsbee suggested future applications also include liability insurance

MOTION TO REFER PUT AND PASSED.

10.1.3 Capital Budget Increase - 2006/2007 - Provincial Cost-Shared Funds for Civic Addressing Project, Phase III

- A report dated, February 5, 2007, on the above noted, was before Council.

MOVED by Deputy Mayor Uteck, seconded by Councillor Sloane, that Council approve an increase in the Gross Budget of Capital Account No. CIY00019, Civic Address Data Project Phase III, by \$109,388 with no change to the net budget to include cost sharing from 911 Cost Recovery Fund for municipal civic addressing as outlined in the Budget Implications section of the February 5, 2007 staff report. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.4 Peggy's Cove Water & Sewer Servicing Options Evaluation and Preliminary Design Study - Additional Provincial Capital Assistance Program Funding

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

10.2 AUDIT COMMITTEE

10.2.1 External Audit Services

- A report dated January 26, 2007, on the above noted, was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Walker, that Council approve a one year extension to the existing contract with KPMG for external audit services under the terms as outlined in the discussion section of the January 26, 2007 report at a cost of \$77,650 for the 2006/2007 annual HRM audit. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.3 MEMBERS OF COUNCIL

10.3.1 Councillor Mosher - Request to add February 13, 2007 Information Item #3 to the Agenda - Lobbyist's Position

This item was deleted under the approval of the Order of Business.

10.3.2 (i) Councillor Meade - Request for Report re; Macou's Island, Indian Point Road

MOVED by Councillor Meade, seconded by Councillor Sloane, that staff provide a report on the feasibility of a partnership with the St. Margaret's Bay Stewardship Association to purchase Macou's Island, Indian Point Road, for recreation activities. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.2 (ii) Councillor Meade - Request for Report re: Station Road, Hubbards

Councillor Meade noted that since the 1950's sewage from a septic tank has been discharging sewage into Hubbards Cove. He stated it is now time for the three levels of government to work with the property owners to find a solution.

MOVED by Councillor Meade, seconded by Councillor Sloane, that staff provide a report on what HRM can do to eliminate the sewage problem on Station Road in Hubbards. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

11.1 Councillor Murphy - Amendment to Administrative Order #39

MOVED by Councillor Murphy, seconded by Councillor Walker, that the issue of the fare schedule amendment to change rates for taxis and limousines from the airport for destinations within HRM be referred to the Taxi and Limousine Committee.

Councillor Younger stated he would like to see an independent staff report as well as comment from limousine drivers and placed the following motion.

MOVED by Councillor Younger, seconded by Councillor Snow, that a staff report be provided in addition to the matter being discussed at the Taxi and Limousine Committee. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Adams expressed concern with the resulting rate difference if the amendment was made to the fees. The Councillor stated he would suggest input be received from the airport on this matter.

MOVED by Councillor Younger, seconded by Councillor Sloane, that the matter be referred to the Halifax International Airport Authority.

Mr. Dan English, CAO, suggested the matter be referred to staff to come back and provide clarification with regards to jurisdiction and authority.

Without a vote being taken on the amendment to refer to the Airport Authority nor the main

motion, Council agreed to forward the matter to staff for a report as suggested by the CAO.

12. ADDED ITEMS

12.1 Proclamation - Epilepsy Month - March 2007

This was circulated for the information of Council.

12.2 Councillors Mosher and McCluskey - HRM Participation in Union of Nova Scotia Municipalities (UNSM)

MOVED by Councillor McCluskey, seconded by Councillor Mosher, that HRM cancel its membership as part of UNSM.

During the ensuing discussion, the following points were noted:

- HRM does not receive significant benefits as a result of being a member of UNSM,
- HRM is a significant portion of the province yet it only has 24 votes,
- The money saved could be used for other purposes,
- HRM could form its own entity,
- All avenues have to be explored as UNSM does help,

Mr. English advised he can provide more information and speak with UNSM with regards to benefits and whether they could look at alternate voting and financing arrangements.

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

MOVED by Councillor Karsten, seconded by Councillor Kent, that the matter be referred to staff for a report.

The following items were identified to be addressed in the report:

- What does HRM receive for its dues,
- What are the benefits to HRM for being a member of UNSM,
- What are the successes,
- What cooperation has there been from the UNSM membership,
- What are the benefits to other units versus HRM,
- What would a town or rural municipality's benefits be compared to HRM with regard to pensions and medicals.

Council recessed at 8:00 p.m.

Council reconvened at 8:10 p.m.

MOVED by Councillor Martin, seconded by Councillor Sloane, that the report come back to Council after November, 2007. MOTION DEFEATED.

MOTION TO REFER DEFEATED.

MAIN MOTION DEFEATED.

12.3 Councillor Adams - Outdoor Skating Rinks

MOVED by Councillor Adams, seconded by Councillor Walker, that staff provide an update with respect to ice rink program including the flooding of lakes and what it would cost to put these programs forward.

Councillor Walker requested the report include what effect this would have on indoor skating activities.

Councillor Younger requested the report include what burden is being put on residents with getting them filled and whether the flooding of lakes has to be done through a dry hydrant.

Councillor Hendsbee requested the report include all the current sites in operation in HRM as well as information on uses for these rinks such as hockey and open skating. The Councillor further requested the report include the ages of those using these surfaces, hours of operation and whether there is a code of conduct for use of these facilities. He noted there may be stewardship opportunities for community groups to be responsible for these facilities.

Councillor McCluskey requested the report advise whether these sites are plowed.

Councillor Mosher stated there should be a delineation between tennis court rinks and other facilities.

Councillor Streach requested the report address how the Elderbank site can be remediated.

MOTION PUT AND PASSED UNANIMOUSLY.

12.4 Councillor Snow - Unwanted Flyer Delivery - Litter

MOVED by Councillor Snow, seconded by Councillor McCluskey, that a staff report be provided on what can be done to stop unsolicited flyer delivery in HRM.

Councillor Snow requested staff provide information as to whether this is in violation of the Environment Act and, if this should be addressed by way of a By-Law, then direction be given as to how such a By-Law can be enacted.

Councillor Hendsbee requested the report look at both delivery and those who receive these flyers.

Councillor Hum requested the report address newspaper delivery.

MOTION PUT AND PASSED UNANIMOUSLY

12.5 Solid Waste/Resource Management System - Diversion Opportunities

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

MOVED by Councillor Karsten, seconded by Councillor Wile, that Regional Council authorize staff to:

1. **Initiate the process to amend the By-Law S-600, setting a limit of six (6) bags/containers for residential bi-weekly collection, effective November 5, 2007;**
2. **Proceed with an amendment to By-Law S-600 to prohibit the mixing of source separated organics and recyclables with refuse at ICI properties; and**
3. **Proceed with amendment to By-Law S-600 to require signage on commercial organics and recycling bins.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.6 Joint Public Lands Plans

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

At the request of Councillor Johns, each item was voted on separately.

PART 1

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

1. **Adopt in principle the Joint Public Lands Plans respecting the Grand Parade/Province House and the Spring Garden/Queen Street areas and direct staff to develop and execute an updated Memorandum of Understanding between HRM and the Province for the implementation stages of the Plans.**

MOTION PUT AND PASSED UNANIMOUSLY.

PART 2

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

2. **Authorize HRM staff to enter into negotiations with the Province for the transfer of the Infirmary site to HRM in return for the Tuscan (former Birk's) site and other such lands as may be necessary to make the exchange of equal value.**

MOTION PUT AND PASSED UNANIMOUSLY.

PART 3

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

3. **Designate, in principle, lands at the corner of the Spring Garden/Queen Street as the preferred site for a new HRM Central Public Library.**

MOTION PUT AND PASSED UNANIMOUSLY.

PART 4

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

4. **Authorize HRM staff to proceed with developing a call for proposals for the future development of the Spring Garden/Queen Street (including the Clyde Street Parking Lots) lands and a building program for a new Central Public Library in accordance with the principles set out in the Spring Garden/Queen Street Plan.**

MOTION PUT AND PASSED UNANIMOUSLY.

PART 5

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

5. **Relocate parking from Grand Parade to the Truscan site at the latest by September 1, 2007.**

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

MOVED by Councillor Adams, seconded by Councillor Hendsbee, that all parking of motorized vehicles except those designated spots for St. Paul's church be banned. MOTION DEFEATED.

MAIN MOTION PUT AND PASSED UNANIMOUSLY.

12.7 HRM by Design: Urban Design Vision and Principles and Increase to Contract

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

MOVED by Councillor Sloane, seconded by Councillor Wile, that Regional Council approve:

- 1. HRM by Design's statement of "Urban Design Vision and Principles" as outlined in the report and recommended by the Urban Design Task Force.**
- 2. Authorize an increase to the original contract with the Office for Urbanism in the amount of \$205,823.71 (net HST included) with funding from accounts CDV00738-Centre Plans/Design, C779-6919- Capital District Operating, and CPG00899- Halifax Common Master Plan as indicated in the Budget Implications Section of the February 19, 2007 staff report.**
- 3. Approve a capital budget increase to allow external cost-sharing for the project scope expansion as outlined in the February 19, 2007 report, in the amount of \$41,372, net HST included.**

MOTION PUT AND PASSED.

12.8 Contractual Matter - Urban Renewal Project - CMHC Settlement

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

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

- 1. Approve a one-time payment in the amount of \$246,587.42 to CMHC to conclude outstanding payments due under the bilateral urban renewal program;**

2. **Release this report to the public.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.9 Property Matter - Land Acquisition - Highway # 7, Lake Echo

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

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

1. **Approve a withdrawal from Account Q107, Parkland Reserve, to facilitate the purchase of the subject lands as per the Key Terms and Conditions and the Budget Implications outlined in the staff report dated February 20, 2007, and;**
2. **That this report not be released to the public until the transaction has concluded.**

MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - NONE

14. ADJOURNMENT

The meeting was adjourned at 9:25 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council.

1. Proclamation - Liver Health Month - March 2007
2. Memorandum from Director, Environmental Management Services dated February 9, 2007 re: Harbour Solutions Project - Third Quarterly Report - October to December 2006
3. Memorandum from Traffic Authority dated February 6, 2007 re: Request for Overhead Flashing Lights on Two Lane Roadways
4. Memorandum from Chief Administrative Officer dated February 21, 2007 re: 2014 Commonwealth Games Bid Update
5. Memorandum from Acting Director, Business Planning and Information Management dated February 20, 2007 re: Rural Broadband
6. Memorandum from Director, Legal Services dated February 19, 2007 re: St. Georges Lawn Tennis Club, Joan Rankin & Ed Lake v. Halifax Regional Municipality
7. Memorandum from Director, Legal Services dated February 20, 2007 re: Status of By-Law Prosecutions
8. Memorandum from the Municipal Clerk dated February 23, 2007 re: Requests for Presentation to Council - None