

HALIFAX REGIONAL COUNCIL
MINUTES
August 7, 2007

PRESENT:

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

REGRETS:

Councillors: Dawn Sloane
Steve Adams

STAFF:

Mr. Wayne Anstey, Acting Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Jan Gibson, Municipal Clerk
Ms. Jennifer Weagle, Legislative Assistant

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1. INVOCATION

The meeting was called to order at 6:02 p.m. with the Invocation being led by Councillor Martin.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor McCluskey congratulated the Natal Day Committee and sponsors on another successful event.

Councillor Wile advised that today is the second anniversary of the death of Jonathan Reeder, and a memorial march is taking place this evening against violence.

Councillor Younger invited residents to Beazley Field on Saturday, August 11, 2007 from 1-4:00 p.m. for the sod turning for the new Dartmouth East Community Centre, noting that there will be free entertainment and food.

Councillor Murphy commented on the success of Natal Day celebrations this year, and thanked the Department of National Defence for opening ships to the public.

Councillor Hendsbee noted that the Lake n' Shore Days festival will be held in Porters Lake August 11-12, 2007 and will include a parade Saturday and fireworks in the Sandy Point area.

Councillor Hum indicated that the Hemlock Ravine public consultation that was scheduled for August 8, 2007 has been cancelled and will be rescheduled for a date in September.

Councillor Mosher advised that she has been receiving calls regarding changes to signs in the Armdale Rotary. She indicated that due to a change in design, the project is two weeks behind schedule and should be completed the end of September.

Councillor Adams congratulated Mr. John Shabbot who was recently named Assistant Coach of the New York Islanders, noting that Mr. Shabbot played peewee hockey in Spryfield early in his hockey career.

Councillor Kent invited residents to the 32nd Annual Eastern Passage Summer Carnival August 5 - 12, 2007, noting that many activities are planned throughout the weekend. She acknowledged that grants from HRM contribute to the ongoing success of the event.

Councillor Snow invited residents to the Kaloose Fair, which will be held in Fall River from August 17-19, 2007 and will include family fun, a dance, a barbeque, and fireworks on Sunday the 19th.

Councillor McInroy advised that August 9, 2007 has been proclaimed Joe DiPenta Day in

HRM. Councillor McInroy reviewed the Proclamation signed by Mayor Kelly, noting that Cole Harbour will play host to Mr. DiPenta and the Stanley Cup with a community parade on August 9, 2007 at 1:00 p.m.

Councillor Streach advised that the annual Clam Harbour Sand Castle and Sculpture Festival will be held this weekend with prizes, free admission, concessions and local crafts.

Councillor Johns advised that the Sackville Drive - Lively Subdivision servicing began today, which is a \$7M project to extend water and sewer services to Lively Subdivision and Middle Sackville. He noted that as the summer progresses, residents should expect traffic delays.

3. APPROVAL OF MINUTES - None

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

Additions:

- 13.1 Deputy Mayor Uteck
 - (i) Request for Report re: Best Research and Practices - Role of Mayor and Deputy Mayor
 - (ii) Request for Letter to Minister of Transportation re: Amendment to Motor Vehicle Act re: Parking
- 13.2 Personnel Matter - Employment Contract Renewal (July 31, 2007 In Camera Session)
- 13.3 Legal Matter - Settlement of Claim (August 7, 2007 In Camera Session)
- 13.4 Councillor Hum - Traffic Signals at Bedford Highway and Mount Saint Vincent University
- 13.5 Councillor Hendsbee - September 4, 2007 Regional Council Meeting
- 13.6 Councillor Karsten - Speeding on Main Street, Dartmouth

At the request of Councillor Martin, Council agreed to move Item 11.1.7 - Hammonds Plains Road Improvements - to follow directly after the public hearings.

MOVED by Councillor Snow, seconded by Councillor McCluskey, that added item 13.1(i) be dealt with as an In Camera item. MOTION PUT AND PASSED.

Mayor Kelly advised that the Municipal Solicitor will be reviewing whether Item 13.1(i) should be considered an In Camera item, and will advise after the public hearings. (This item was further discussed later in the meeting, see pages 15 and 24.)

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

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. PUBLIC HEARINGS

9.1 Administrative Order SC-45, Respecting Closure of a Portion of Bartlin Road Right of Way, Dartmouth

- A staff report dated June 22, 2007, on the above noted, was before Council.

Mr. Tom Crouse, Acquisition & Disposal Manager, Real Property, presented the report to Council.

Mayor Kelly called three times for those wishing to speak either in favour of or in opposition to the proposed closure. Hearing none, the following motion was placed:

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

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that Regional Council close the portion of the Bartlin right-of-way, Dartmouth, as shown in Attachment "A" of the June 22, 2007 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

**9.2 By-Law L-126, An Amendment to By-Law L-100, Respecting Charges for Local Improvements - Spider Lake Water Services Extension
(Supplementary Report)**

- A supplementary report dated July 25, 2007, on the above noted was before Council.
- A staff report dated June 25, 2007, on the above noted, was before Council.
- An extract of the July 3, 2007 Regional Council minutes was before Council.
- A copy of the presentation on this matter was before Council.

Mr. Harold MacNeil, Engineering Information Engineer, Halifax Regional Water Commission, presented the report to Council.

Mr. MacNeil and Mr. Gordon Roussel, Financial Consultant, Budget & Financial Analysis,

responded to questions of clarification from members of Council, clarifying the following:

- C Staff did not receive any further notice from residents wishing to change their survey vote;
- C The interest rate would be fixed for a term of ten years, through the Municipal Finance Corporation, and the outstanding balance would be rolled over at the ten year mark for another debenture;
- C Bills would not be sent to residents until after the project is completed;
- C If staff were to consider an area rate, they would have to consider the catchment area of those properties that might benefit from the water extension, and that area would only include the three phases in the Spider Lake Subdivision, which staff believe to be an insufficient area over which to distribute the costs;
- C Staff designed Phase 1 to allow for an extension into Phases 2 or 3 as an option in the future;
- C This proposal is for water services only, and does not include sewer services as staff were only asked to look at water services, and municipal sewer servicing is not in the vicinity and would be very costly to install;
- C Construction of Phases 1 & 2 of the subdivision are complete, and Phase 3 is almost complete;
- C Fire hydrants will be installed as part of the water service extension through a fire protection rate.

Ms. Mary Ellen Donovan, Municipal Solicitor, advised that the *Municipal Government Act* MGA would permit an area rate of Phase 1, and Council may choose to move from a per foot charge to an assessment based charge. The circumstances of Phases 2 and 3 differ; however, with new construction and new on-site infrastructure, meeting newer on-site requirements, would not likely in the near future to have services extended to them. Therefore there would be no identifiable benefit, which is required under s.75 of the MGA, for the imposition of an area rate.

Mayor Kelly called for those wishing to speak in favour of or in opposition to the proposed water service extension.

Mr. Andrew Crosby, Spider Lake Road, advised of several concerns with the proposed water service extension. He noted that each household was entitled to one vote, and his wife cast the vote for their household, where she was in favour of the water extension, but he was not. He indicated that there are new residents to the neighbourhood, who have not had the opportunity to vote on this matter. Mr. Crosby advised that Phase one of the subdivision was built 30-40 years ago, consisting of eight homes which shared one well with a central water system that runs along the street resembling a municipal system. He indicated that residents inquired about having Municipal water services hooked into the existing water system, but were told that this was not the practice of the Municipality, although this would save residents

money. Mr. Crosby advised that on the map that was included in the mailout, one of the lots indicated is not a residential lot, but is a lot where the pump house is located. He noted that this property was assessed the same, and the charge to this property will have to be divided between the eight homes in Phase one. Mr. Crosby further noted that Lot 119 was not a part of the original subdivision, but is now to be included in the servicing area. He commented that Lot 119 is significantly larger than the other properties and could be subdivided into further lots in the future.

Mr. Jim McCanyon, Andrea Lynn Avenue, indicated that he is in favour of the project; however, he has concerns with the cost. He noted that the project would cost residents \$15,000, for one municipal service, where other areas are fully serviced with water, sewer and storm water for \$24,000. He questioned whether HST would be charged on the \$15,000 as well. Mr. McCanyon noted that after residents are charged this amount, their homes will then be reassessed to take into account the improvements, and they will end up paying higher taxes. Mr. McCanyon questioned whether if residents choose not to hook up to the extended water service, they will be levied for water. Mr. McCanyon encouraged staff to look at other options for approaching this project.

Mr. Michael Robson, Margorie Ann Drive, indicated that the 19-21 result of the survey vote was changed by someone calling in to change vote. He noted that there are misconceptions with some residents who do not fully understand the charges. Mr. Robson indicated that it is important to be specific on the requirements so that residents are aware of the final costs and are aware that they will be paying whether they use the extended water services or not. He indicated that he had recently had his well tested, and he has a large quantity of water, free of any contaminations, and therefore he may never hook up to the municipal system and should not have to pay the full cost.

Mr. Brahim Jorche, Andrea Lynn Avenue, noted that he also has a large quantity of good quality water in his well. He indicated that he is concerned about how to pay such a large amount. Mr. Jorche advised that there are new residents in the neighbourhood that should also have a right to vote on this issue.

Mr. Dan Wile, Margorie Ann Drive, advised that he has been a resident of Phase one of the subdivision since 1979. He noted that he has a problem well that has quantity issues and regularly goes dry. Mr. Wile commented that a community meeting was held on this matter and the details and costs were explained to residents at that time. He noted that Councillor Younger also send a letter to residents explaining the costs. Mr. Wile indicated that since the vote, two families have moved into the neighbourhood, who didn't have an opportunity to vote on this issue. He advised that he has given them all of the information on the water service extension details and costs. Mr. Wile indicated that he would be pleased to be a part of the best water system in Canada and see this project completed, as it has been ongoing for many years.

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

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

Council recessed at 7:10 p.m. and reconvened at 7:22 p.m. with the same members present with the exception of Councillors Adams, Martin and Wile.

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

- 1. Approve, as presented to Council on July 3, 2007, the adoption of By-Law L-126 respecting charges for the Spider Lake Water Services Extension, including imposing a Local Improvement Charge at an interim rate of \$14,976 per lot for those properties located in Phase 1; and**
- 2. That the Halifax Regional Water Commission explore connection to existing piping along the area with the shared well.**

Councillor Younger clarified the following for the benefit of residents:

- C That one resident did write in to change their vote, which then changed the vote from 20-19 to 21-18;
- C That lot 119 was included in Phase one on the date of the public hearing after staff re-examined records, and lot 115 was sent a survey, but in the end it was not counted after it was determined that it was the pump house property;
- C HST will not be charged on the \$15,000;
- C He spoke with one of the new residents that did not have an opportunity to vote, and they indicated to him that their vote would have been the same as the previous resident;
- C One vote per household is allowed for surveying regarding all projects of this nature;
- C The cost of this project is comparable to the water portion of other projects approved by Council.

Councillor Mosher suggested creating a frequently asked questions link for water applications on the HRM website for the information and education of residents. She requested that on a future date to have a position from staff on water only extensions, as she was previously informed they were not favourable.

MOTION PUT AND PASSED.

9.3 By-Law N-300, Respecting Nuisances

- A supplementary staff report, dated June 27, 2007, on the above noted, was before Council.
- A staff report dated April 13, 2007, on the above noted, was before Council.
- C A draft minutes extract of the Regional Council minutes of July 3, 2007 was before Council.
- C Submissions from residents on this matter were before Council.

Staff Sergeant Robin McNeil, Halifax Regional Police, presented the supplementary report to Council.

Ms. Mary Ellen Donovan, Municipal Solicitor, suggested several minor changes to the proposed By-law, as follows:

- C clause 2(h) - remove "lake, lake shore" and replace with "water courses including the shore of the water course";
- C clause 7(1) - change to read "establishment of a dedicated phone line *with 24 hour machine answering service* (telephone number as in subsection 6(2));
- C clause 7(3) - change to read "retrieval of the shopping carts by the owner within 24 hours of receipt of notification through *a dedicated phone line*; and"
- C clause 12 - change to read "This Part shall come into effect *on the 1st day of January 2008.*"

Sgt. McNeil responded to questions of clarification of Council at this time, noting the following:

- C The dedicated phone line for notification of shopping cart owners will be the responsibility of the store;
- C The HRM Call Centre will refer calls to report shopping carts to the store identified on the cart;
- C If someone was in possession of a shopping cart that is the property of a store, it would still be considered abandoned.

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

Mr. Walter Regan, Sackville, advised that he is the President of the Sackville Rivers Association (the Association), which is concerned with the health of the Sackville River and its watershed. Mr. Regan indicated that the Association supports the proposed by-law. He advised that through the past 19 clean-ups conducted by the Association, they have retrieved hundreds of shopping carts from the Sackville River and its watershed. He noted that these carts pollute and obstruct water courses. Mr. Regan outlined several suggested amendments to the by-law, as outlined in his correspondence before Council dated August 7, 2007.

Mayor Kelly called three times for any further speakers. Hearing none, the following motion

was placed.

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

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

- 1. Approve By-Law N-300, Respecting Nuisances (attached as Appendix B to the June 27, 2007 supplementary report), with amendments;**
- 2. Approve an amendment to Administrative Order 15, Respecting License, Permit and Processing fees (attached as Appendix B to the June 27, 2007 supplementary report) to include the shopping cart impoundment fee; and**
- 3. Authorize staff to submit a request to the Province to include penalties levied under the by-law in the Summary Offence Proceedings Act.**

MOVED by Councillor Hendsbee, seconded by Councillor Smith, to amend clause 3(2)(a)(iii) to read “causes any damage to any structure, *object*, sod, plant or tree;” MOTION PUT AND PASSED.

The main motion was voted on at this time. **MOTION PUT AND PASSED.**

Council recessed at 8:30 p.m. and reconvened at 8:47 p.m. with the same members present.

It was noted that Councillor Martin has left the meeting, and therefore Council agreed to continue with the agenda as presented.

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Correspondence - None

10.2 Petitions

10.3 Presentation

10.3.1 Weir Rockin 2007 Planning Committee re: Outdoor Concert

C A copy of the presentation on this matter was before Council.

Mr. Scott McKenzie, a member of the Weir Rockin 2007 Planning Committee, updated Council on the details of the concert on August 25, 2007, noting the following:

- C Volunteer organizers and the Springfield Lake Recreation Association received a summer festival grant for the concert;
- C The concert will be held at Weir Baseball Field in Upper Sackville;
- C The headliner is April Wine, with opening acts from local bands The MacGillivray Brothers and The Persuaders;
- C Professional security, paramedics, and RCMP will be on site;
- C Other on site services will include a beer tent, VIP tent, and food and beverage vendors;
- C Parking lots at Weir Field will be closed to public traffic;
- C A free Drink Responsibly shuttle service will be available, provided by Councillor Johns;
- C The organizing committee would like to hold an annual concert for the residents of Sackville and surrounding areas;
- C Tickets are 75% sold, and are available online, by phone, at select Atlantic Superstore locations, and at the Metro Centre Box Office.

Councillor Johns introduced members of the organizing committee and thanked them for their hard work in putting together this concert. Councillor Johns and Mr. MacKenzie responded to questions from members of Council.

Council agreed to move to Item 11.1.7 at this time.

11.1.7 Hammonds Plains Road Improvements

- C A report dated August 1, 2007, on the above noted, was before Council.
- C A copy of the presentation on this matter was before Council.
- C A submission from a resident on this matter was before Council.

Councillor Rankin indicated that Research In Motion (RIM) plans to open in April 2008, and 600 jobs will be created. He advised that HRM had agreed to improvements to the Hammonds Plains Road under the Agreement of Purchase and Sale by December 2008. Councillor Rankin indicated that RIM's building construction is ahead of schedule, and they have requested that HRM consider undertaking road improvements in time for the spring 2008 opening.

MOVED by Councillor Rankin, seconded by Deputy Mayor Uteck Regional Council:

- 1. Direct staff to proceed with improvements to Hammonds Plains Road in the 2007 construction season, utilizing option 2 in the report to sole source through RIM;**

2. **Approve the creation of a capital account entitled, “Hammonds Plains Rd Improvements” with funding from Capital Cost Contribution and capital accounts CTV00725 and CB100091 as outlined in the Budget Implications section of the August 1, 2007 report.**

3. **Conduct a public consultation exercise in that area.**

Ms. Kenda MacKenzie, Development Engineer, presented the August 1, 2007 report to Council. Ms. MacKenzie, Ms. Denise Schofield, Acting Manager, Development Engineering, and Mr. Paul Dunphy, Director, Community Development, responded to questions of clarification from Council, noting the following:

- C RIM contractors are on site; Annapolis Group for project management and land acquisition and ACL for construction work;
- C Reallocation of the Mainland Common (\$1.54M) and Lacewood interchange (\$0.20M) accounts are a temporary loan and will be reimbursed in full;
- C A few properties along the Hammonds Plains Road will have to be secured wholly, and pieces of others, in order to accommodate the road widening;
- C Staff will be discussing proposed costs and prices with Real Property Services before negotiating with property owners;
- C Part of the sidewalk will be paid by Capital Cost Charge (CCC), and there will not be a Local Improvement Charge (LIC) to residents;
- C HRM staff would continue to carry out audit inspections on the work being completed by RIM, HRM would receive cost estimates from RIM for review and consistency, and the process would be treated similarly to a development application;

Councillor Mosher requested that the motion be split and voted on separately.

At the request of Councillor Hum, Ms. Mary Ellen Donovan, Municipal Solicitor, advised that the normal process when looking at a road widening, where there needs to be an acquisition of private land holdings, is to hold discussions with the property owners first. She advised that this would be stage one of the expropriation process, as outlined in the *Expropriation Act*. Ms. Donovan clarified that if negotiations are unsuccessful, stage two would be to entertain whether expropriation would be appropriate.

Mr. Wayne Anstey, Acting Chief Administrative Officer, clarified the following:

- C RIM approached HRM to see if they would advance the project this year;
- C RIM felt they could acquire the properties themselves and carry out construction faster than HRM;
- C Staff have approved the financial details, and the only problem is sole sourcing as a policy;

- C Staff would try to fast track the tender process, to have the construction completed this year;
- C The cost of the property acquisitions was included in the quote submitted by RIM, and if they had to pay more to acquire the properties faster, RIM would have to cover the extra cost.

Councillor Rankin clarified that Councillor Martin passed on his intention for this item to him before he had to leave the meeting, and he is in support of proceeding with the improvements to Hammonds Plains Road in the 2007 construction season, but he did not endorse the sole source contract to RIM.

The following motions were voted on separately:

MOVED by Councillor Rankin, seconded by Deputy Mayor Uteck, that Regional Council direct staff to proceed with improvements to Hammonds Plains Road in the 2007 construction season. MOTION PUT AND PASSED. (17 in favour, 1 against)

Those voting in favour were Mayor Kelly, Deputy Mayor Uteck, Councillors Streach, Hendsbee, McInroy, McCluskey, Younger, Kent, Smith, Murphy, Fougere, Walker, Hum, Mosher, Johns, Harvey, and Rankin.

Voting against was Councillor Meade.

Councillor Snow indicated that she had voted in favour although it did not show on the recorded vote.

Councillors Wile, Sloane, Adams and Martin were not in attendance.

MOVED by Councillor Rankin, seconded by Deputy Mayor Uteck, that Regional Council approve Option 2 of the August 1, 2007 staff report for construction in 2007 through a sole source contract with RIM. MOTION DEFEATED. (7 in favour, 13 against)

Those voting in favour were Deputy Mayor Uteck, Councillors Streach, Snow, Hendsbee, Murphy, Uteck, Fougere, and Rankin.

Those voting against were Mayor Kelly, Councillors McInroy, McCluskey, Younger, Karsten, Kent, Smith, Walker, Hum, Mosher, Johns, Harvey, and Meade.

Councillors Wile, Sloane, Adams and Martin were not in attendance.

MOVED by Councillor Rankin, seconded by Deputy Mayor Uteck, that Regional Council approve Option 1 of the August 1, 2007 staff report for construction in 2007

through a Public Tender. MOTION PUT AND PASSED. (16 in favour, 0 against)

Those voting in favour were Mayor Kelly, Deputy Mayor Uteck, Councillors Streach, Snow, Hendsbee, McInroy, McCluskey, Younger, Smith, Murphy, Walker, Hum, Mosher, Johns, Rankin, and Meade.

It was noted that Councillor Harvey had voted against, and Councillors Karsten, Kent, and Fougere had voted in favour, although it did not show on the recorded vote.

Councillors Wile, Sloane, Adams and Martin were not in attendance.

MOVED by Councillor Rankin, seconded by Deputy Mayor Uteck, that Regional Council approve the creation of a capital account entitled, “Hammonds Plains Rd. Improvements” with funding from Capital Cost Contributions and capital accounts CTV00725 and CB100091 as outlined in the Budget Implications section of the August 1, 2007 staff report. MOTION PUT AND PASSED.

MOVED by Councillor Rankin, seconded by Deputy Mayor Uteck, that Regional Council direct staff to conduct a public consultation exercise in the Hammonds Plains Road area on this matter. MOTION PUT AND PASSED.

Mayor Kelly clarified that Council would require a 2/3 vote to continue this meeting past 10:00 p.m.

MOVED by Councillor Hendsbee, seconded by Councillor McInroy, that Regional Council continue meeting past 10:00 p.m. until the agenda is completed. MOTION PUT AND PASSED. (16 in favour, 4 against)

Those voting in favour were Mayor Kelly, Deputy Mayor Uteck, Councillors Hendsbee, McInroy, McCluskey, Younger, Karsten, Kent, Murphy, Fougere, Walker, Hum, Mosher, Johns, Harvey, and Rankin.

Those voting against were Councillors Streach, Snow, Smith, and Meade.

Councillors Wile, Sloane, Adams and Martin were not in attendance.

13.1(i) Deputy Mayor Uteck - Request for Report re: Best Research and Practices - Role of Mayor and Deputy Mayor

C This matter was addressed earlier in the meeting at page 5 and later in the meeting at page 24.

Councillor Snow indicated that she believes this matter is a personnel matter and should be discussed at the next in camera session of Council.

MOVED by Councillor Snow, seconded by Councillor Streach, that this matter be deferred to the next in camera session of Council.

Deputy Mayor Uteck clarified that this matter is not a personnel issue, it is a policy development issue for future Deputy Mayors.

MOTION DEFEATED. (7 in favour, 8 against)

Those voting in favour were Mayor Kelly, Councillors Streach, Snow, McInroy, McCluskey, Karsten, and Walker.

Those voting against were Deputy Mayor Uteck, Councillors Hendsbee, Younger, Kent, Fougere, Hum, Harvey, and Rankin.

Councillors Smith, Wile, Murphy, Sloane, Mosher, Adams, Johns, Martin and Meade were not in attendance.

Council agreed to move to Item 11.2.1 at this time.

11.2 ENERGY AND UNDERGROUND SERVICES ADVISORY COMMITTEE

11.2.1 Alderney 5 Energy Project

- A report dated July 18, 2007, on the above noted, was before Council.
- A copy of the presentation was before Council.

Mr. Julian Boyle, Energy Auditor, Transportation and Public Works, presented the Alderney 5 Energy Project to Council.

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

- 1. Authorize an increase in the Gross Capital budget in the amount of \$2,689,143 as per the Budget Implications section of the report dated July 11, 2007;**
- 2. Authorize an unbudgeted withdrawal of \$1,034,286 from the Capital Replacement Reserve (Q130) to be repaid from energy savings as per the Budget Implications section of the report dated July 11, 2007;**

3. **Authorize HRM to enter into a contract with High Performance Energy Systems for energy retrofits of the Alderney 5 buildings subject to the key terms and conditions as per the Background section of the July 18, 2007 report and subject to Provincial ministerial approval of the capital lease component.**

Councillor Younger noted that this is the world's first geothermal cold energy storage project and is HRM's first district heating and energy project. He noted that this project will save tax payers money and has extensive environmental benefits.

Mr. Boyle responded to questions of clarification from members of Council, noting the following:

- C HPES stands for High Performance Energy Systems, a local unique specialized engineering energy company;
- C Because of the tight time line on the construction in terms of utilization of Federal funding, the contract requires a completion date of May 15, 2008 and will require the restoration of the parking lot to its current condition for summer events;
- C Excess capacity is written into the contracts, and staff will be determining how to deal with the excess.

MOTION PUT AND PASSED.

11. **REPORTS**

11.1 **CHIEF ADMINISTRATIVE OFFICER**

11.1.1 **Tender 07-049 - Traffic Signal Loop Installation & Maintenance, 2 Year Contract - Various Locations**

- C A report dated July 30, 2007, on the above noted, was before Council.

MOVED by Councillor Murphy, seconded by Councillor Kent, that Regional Council award Tender No. 07-049, Traffic Signal Loop Installation & Maintenance Agreement- Various Locations, 2 Year Agreement to Black & McDonald Limited for materials and services listed at the unit prices quoted, for a Total Tender Price of \$122,799.18 (including net HST) with funding from Capital Account No. CTR00530-Traffic Signal Control System Integration as outlined in the Budget Implications section of the July 30, 2007 report.

At the request of Councillor McCluskey, Mr. Wayne Anstey, Acting CAO, advised that, over the past three years, staff have deliberately only awarded one year contracts to be able to review the estimated work and costs vs. the actual work and costs.

MOTION PUT AND PASSED.

11.1.2 Tender 07-261 - Pavement Resurfacing, Curb and Sidewalk Renewal, High Street, West Region

C A report dated July 24, 2007, on the above noted, was before Council.

MOVED by Councillor Murphy, seconded by Councillor McCluskey, that Regional Council award Tender No. 07-261, Pavement Resurfacing, Curb and Sidewalk Renewal, High Street - West Region to Dexter Construction Company Limited for a Total Tender Price of \$202,100.27 (net HST included) with funding from Capital Account Nos. CZU00782 - Resurfacing Program, CKU00783 - Sidewalk Renewals and CSI00875 - Stormwater & Wastewater Remediation, as outlined in the Budget Implications section of the July 24, 2007 report. MOTION PUT AND PASSED.

11.1.3 Tender 07-265 - Paving, Sewer and Water Main Renewal, Sidewalk Renewal and Gas Main Installation, Elliot Street, East Region

C A report dated July 27, 2007, on the above noted, was before Council.

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

- 1. Approve an increase in the Gross Budget of Capital Account CYU00784 by \$135,533 (net HST included) with no change to the Net Budget to reflect the cost sharing of the installation of a water main from Halifax Regional Water Commission (HRWC);**
- 3. Approve an increase in the Gross Budget of Capital Account CSE00900 by \$54,991 (net HST included) to reflect the transfer of funds for the installation of a gas main;**
- 4. Approve an unbudgeted withdrawal in the amount of \$54,991 from Q131 Energy and Underground Services Reserve and,**
- 5. Award Tender No.07-265, Paving, Sewer and Water Main Renewal, Sidewalk Renewal and Gas Main Installation, Elliot Street - East Region to Dexter Construction Company Limited for material and services listed at the unit prices quoted for a Total Tender Price of \$500,182.64 (net HST included) with funding from Capital Account Nos. CKU00783 - Sidewalk Renewals, CYU00784 - Paving Renewals, CGI00958 - Elliot Street, Dartmouth, Sewer**

Renewal and CSE00900 - Underground Services as outlined in the Budget Implications section of the July 27, 2007 report.

MOTION PUT AND PASSED.

11.1.4 Tender 07-158 - Northbrook School Training Facility - Phase II Renovations

C A report dated July 6, 2007, on the above noted, was before Council.

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

- 1. Approve an increase to Capital Account CBK00678 - Police Training Centre - Northbrook School funded from a repayable loan from the Police Officer On the Job Injury (Compensation) Reserve - Q323 in the amount of \$256,084 as per the budget implications section of the July 6, 2007 report;**
- 2. Approve the award of Tender 07-158 Northbrook School Renovations Phase II - Integrated Courts and Records to Rideau Construction Ltd. for a total tender price of \$604,025 (including net HST) as per the budget implications section of the July 6, 2007 report.**

MOTION PUT AND PASSED.

11.1.5 Case 01025 - Halifax Municipal Planning Strategy and Land Use By-Law Amendment - Gladstone Ridge, Halifax

- A report dated July 23, 2007, on the above noted, was before Council.

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

- 1. Authorize staff to initiate the process to amend the Halifax Municipal Planning Strategy and Land Use By-Law to enable a mixed use development by development agreement at 2747-2753 Gladstone Street; and**
- 2. Instruct that the MPS amendment process include a public participation program in accordance with the Public Participation Resolution, adopted by Regional Council on February 25, 1997.**

MOTION PUT AND PASSED.

11.1.6 Case 01029 - Amendments to the Sackville Municipal Planning Strategy and Land Use By-Law - C-1 Zone

- A report dated July 23, 2007, on the above noted, was before Council.
- A copy of the presentation on this matter was before Council.

MOVED by Councillor Johns, seconded by Councillor Harvey, that Regional Council:

- 1. Approve initiation of the process to amend the Sackville Municipal Planning Strategy and Land Use By-law to consider increasing the maximum gross floor area of a building within the C-1 Zone from 2,000 square feet to a maximum of 5,000 square feet; and**
- 2. Request staff to follow the public participation program approved by Council in February 1997.**

MOTION PUT AND PASSED.

11.1.7 Hammonds Plains Road Improvements

This item was dealt with earlier in the meeting, see page 12.

11.1.8 Property Matter - Transfer of Title to Former Housing Demonstration Project Properties to City of Halifax Non-Profit Housing Society (Harbour City Homes)

- A report dated August 3, 2007, on the above noted, was before Council.

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

- 1. Approve in principle, entering into an Agreement of Purchase and Sale whereby title to 2014-2020 Maynard Street, 2386-2388 Gottingen Street, 2350-2361 Gottingen Street, 2444-2450 Barrington Street, Halifax, and 2421 Creighton Street, Halifax, be conveyed to Halifax Non-Profit Housing Society for the sum of \$1 each, subject to site survey and legal description, and as per the conditions stated in the August 3, 2007 report; and**

2. Set a date for a public hearing.

MOTION PUT AND PASSED.

11.1.9 Property Matter - Sale of 2275 Brunswick Street, Halifax, to City of Halifax Non-Profit Housing Society (Harbour City Homes)

C A report dated August 2, 2007, on the above noted, was before Council.

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

- 1. Approve in principle entering into an Agreement of Purchase and Sale whereby the property located at 2275 Brunswick Street, Halifax, be conveyed to the City of Halifax Non-Profit Housing Society for the sum of \$1, plus certain costs associated with this conveyance, subject to site survey and legal description, and the terms and conditions set out in the staff report of December 4th, 2006;**
- 2. Set a date for a public hearing.**

MOTION PUT AND PASSED.

11.1.10 Updated 2007 - 2008 Budget Resolution

C A report dated July 31, 2007, on the above noted, was before Council.

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

- 1. The Resolution for Approval of the Operating Budget and Area Rates for Fiscal 2007-2008 as approved by HRM Council on June 26, 2007 be amended to reflect a revised Gross Capital Budget number of \$ 214,002,000 (Appendix "A" to the July 31, 2007 report);**
- 2. The Reserves Budget (Appendix "B" to the July 31, 2007 report) be approved as amended, per the Budget Implications section of the July 31, 2007 report.**

Councillor McCluskey requested a break down of figures indicated in the Capital Reserve Funds Budget for Account Q121 Business/Industrial Parks Expansion.

MOTION PUT AND PASSED.

11.1.11 Proposed Administrative Order SC-46, Respecting Closure of a Portion of Cole Drive, Cole Harbour

- A report dated July 12, 2007, on the above noted, was before Council.

Ms. Carla Thistle, Real Estate Officer, and Mr. Tom Crouse, Acquisition and Disposal Manager, presented the report to Council and clarified the following at the request of members:

- C That on page 3 of the staff report, in the Terms and Conditions for Parcels DR and ER, as well as Parcels FR and GR, the last line of the Special Conditions should read "*Purchaser* and HRM to pay their own legal fees.";
- C That any transaction details, specifically the purchase price, would not be discussed in public as these are ongoing property negotiations;
- C Where market value is below \$50,000, the sale would not come through Council, but would be submitted to the Director for approval, as per the Transaction Policy approved by Council;
- C Staff researched market value of lots recently sold in the area, determining an average sale price of \$9 per square foot, and there was a frontage premium taken into account for these lots.

Members of Council raised the following concerns:

- C That the properties were brought forward as two parcels, instead of four individual parcels;
- C That appraisals of the parcels have not been undertaken; and
- C The market values of the parcels were not disclosed to members of Council.

At the request of Councillor McInroy, Ms. Mary Ellen Donovan, Municipal Solicitor, clarified that Council may choose to deem these parcels surplus, and defer the sale of the parcels.

MOVED by Councillor McInroy, seconded by Councillor McCluskey, that Halifax Regional Council close Parcels DR and ER and Parcels FR and GR of the Cole Drive right-of-way, as per Administrative Order #SC-46, as shown on Attachment "B" of the July 12, 2007 report.

Ms. Donovan clarified that the survey plan with metes and bounds description and lot description are attached to the staff report, and Council could proceed with just the closure, subject to the value of the parcels being under \$50,000. She clarified that if the value of the parcels are over \$50,000 a public hearing process would be required as per the *Municipal Government Act*.

Before a vote was taken, the following motion was placed:

MOVED by Councillor McInroy, seconded by Councillor McCluskey, that this matter be deferred to the next meeting of Regional Council with further information from staff. MOTION PUT AND PASSED.

11.1.12 First Reading Proposed By-Law S-604, An Amendment to By-Law S-600, Respecting Solid Waste Resource Collection and Disposal

- A report dated July 31, 2007, on the above noted, was before Council.

MOVED by Councillor Karsten, seconded by Councillor Younger, that Halifax Regional Council Give First Reading to By-Law S-604, as contained in Appendix "A", and set a date for a Public Hearing.

Public hearing date September 4, 2007.

MOTION PUT AND PASSED.

11.2 ENERGY AND UNDERGROUND SERVICES ADVISORY COMMITTEE

11.2.1 Alderney 5 Energy Project

This item was addressed earlier in the meeting. See page 16.

12. MOTIONS

12.1 Councillor Johns

MOVED by Councillor Johns, seconded by Councillor Fougere, that Regional Council incorporate into Administrative Order One: "Motions of Council are to be documented as unanimous only when verified by a recorded vote".

Members of Council discussed this matter, noting the following in favour and against the proposed amendment to Administrative Order One:

- C Currently if a member does not vote, the vote is recorded in the negative;
- C Currently if there are no objections noted, the motion is recorded as unanimous;
- C In the long term, all votes should be recorded; however Council does not currently have the technology to do so;
- C Council is given the opportunity to make amendments to the minutes before they are approved;
- C The only member with the ability to determine a unanimous vote is the Chair, because

- the Chair does not indicate their vote unless it is a recorded vote, and the Chair also indicates for the record when a vote is unanimous;
- C A vote may be recorded as unanimous if there are only 15 members present and they all vote in favour, although there are 24 members of Council.

Mayor Kelly commented that if an issue appears to be contentious, a recorded vote is requested.

Councillor Johns clarified that he is concerned that the term “unanimous” is subjective, and is used too often in the Regional Council minutes.

MOTION PUT AND PASSED. (11 in favour, 6 against)

Those voting in favour were Mayor Kelly, Deputy Mayor Uteck, Councillors Hendsbee, McInroy, McCluskey, Murphy, Fougere, Hum, Mosher, Johns, and Harvey.

Those voting against were Councillors Streach, Younger, Karsten, Kent, Smith, and Walker.

Councillors Snow, Wile, Sloane, Adams, Martin, Rankin and Meade were not in attendance.

13. ADDED ITEMS

13.1 Deputy Mayor Uteck

- (i) Request for Report re: Best Research and Practices - Role of Mayor and Deputy Mayor**

This matter was discussed earlier in the meeting. See pages 5 & 15.

MOVED by Deputy Mayor Uteck, seconded by Councillor Fougere, that Halifax Regional Council request a staff report with regard to the roles of the Mayor and Deputy Mayor, focusing on the division of roles, responsibilities, communication, protocol, speech writing, and a budget for the next Deputy Mayor.

Councillor McCluskey placed the following amendment:

MOVED by Councillor McCluskey, seconded by Councillor Younger, that a sub-committee be struck comprised of four former deputy mayors.

Deputy Mayor Uteck indicated that this clarification is needed because of the increasingly busy schedules of the Mayor and Deputy Mayor.

Councillor Mosher indicated that all Councillors need to be aware of proper protocols, since Councillors frequently attend events on behalf of the Mayor as well.

Deputy Mayor Uteck placed the following amendment:

MOVED by Deputy Mayor Uteck, seconded by Councillor Fougere, that the staff report include discussion on best practices from other Municipalities.

The amended motion was voted on at this time, as follows:

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

- 1. Request a staff report with regard to the roles of the Mayor and Deputy Mayor, focusing on the division of roles, responsibilities, communication, protocol, speech writing, and a budget for the next deputy mayor, with discussion on the best practices of other Municipalities; and**
- 2. That a sub-committee be struck comprised of four former deputy mayors.**

MOTION PUT AND PASSED.

13.1(ii) Request for Letter to Minister of Transportation re: Amendment to Motor Vehicle Act re: Parking

MOVED by Deputy Mayor Uteck, seconded by Councillor Younger, that Regional Council request staff to research best practices with regard to an amendment to the Parking By-law that would enable motorcycles and mopeds to park, free of charge, at municipally owned parking metres.

Councillor Younger commented that members of Council are awaiting a staff report regarding Smart Cars and perpendicular parking.

MOTION PUT AND PASSED.

13.2 Personnel Matter - Employment Contract Renewal (July 31, 2007 In Camera Session)

C The following item was addressed at an In Camera session on July 31, 2007 and was now before Council for ratification.

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

- 1. Approve the employment contract renewal for Frank Beazley, Chief of Police,**

for a period of three years, ending June 30, 2010.

2. **Release the July 13, 2007 Private and Confidential report to the public.**

MOTION PUT AND PASSED.

13.3 Legal Matter - Settlement of Claim (August 7, 2007 In Camera Session)

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

MOVED by Councillor Walker, seconded by Councillor Murphy, that Halifax Regional Council:

1. **Settle this claim brought by the Plaintiff in the amount of \$20,000.00 to achieve a full settlement of the Plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of the accident of June 10, 2006.**
2. **That this report not be released to the public.**

MOTION PUT AND PASSED.

13.4 Councillor Hum - Traffic Signals at Bedford Highway and Mount Saint Vincent University

- C A copy of correspondence from the Mount Saint Vincent Student's Union President dated July 31, 2007 was distributed to Council.

MOVED by Councillor Hum, seconded by Councillor Walker, that Regional Council request a staff report for the September 4, 2007 Council meeting, to consider the installation of half lights at the cross walk at the Bedford Highway and Mount Saint Vincent University, to include discussion on alternative options, consideration of future development of the Mother House lands, traffic signalization at Seton Road, exploration of MSVU paying any or all costs toward any traffic signalization, and consideration of a review that was undertaken last year on this matter. MOTION PUT AND PASSED.

13.5 Councillor Hendsbee - September 4, 2007 Regional Council Meeting

Councillor Hendsbee noted that the first week of September is a busy time for members of Council and residents, with schools going back in to session.

MOVED by Councillor Hendsbee, seconded by Councillor Murphy, that the

September 4, 2007 meeting of Regional Council be cancelled. MOTION DEFEATED.
(7 in favour, 10 against)

Those voting in favour were Mayor Kelly, Deputy Mayor Uteck, Councillors Streach, Murphy, Mosher, and Johns.

Those voting against were Councillors McInroy, McCluskey, Younger, Karsten, Kent, Smith, Fougere, Walker, Hum, and Harvey.

Councillors Snow, Wile, Sloane, Adams, Martin, Rankin and Meade were not in attendance.

13.6 Councillor Karsten - Speeding on Main Street, Dartmouth

MOVED by Councillor Karsten, seconded by Councillor Younger, that Regional Council request a staff report with regard to speeding on Main Street in Dartmouth, with the following considerations:

- 1. Request staff review of lighting on Main Street from Brigadoon to Ridgecrest to determine if additional lighting may be a benefit;**
- 2. Request staff review the potential of a speed reduction from 70km/h to 60km/h;**
- 3. Request staff to utilize the Cole Harbour RCMP computerized mobile radar trailer to educate motorists of the posted speed limit;**
- 4. Request staff review other creative means to alter the environmental design of this section of Main Street, similar to initiating a C.P.T.E.D. for crime prevention related issues;**
- 5. Request Chief Frank Beazley to inquire on the status of Provincial legislation for Traffic/Speed cameras with Hon. Murray Scott, Minister for the Department of Justice;**
- 6. Request the Province of Nova Scotia to initiate a Province wide Speeding Education Campaign;**
- 7. Request staff to provide a brief report to Council with regard to why municipalities do not get involved in municipally owned drag strip or race track operations;**
- 8. Request HRP/RCMP integrated traffic division to step up enforcement beyond the present level.**

Councillor Karsten noted that this request arises out of the tragic accident that took place last week on Main Street in Dartmouth.

Members of Council discussed this issue, noting the following suggestions:

- C The need for speed cameras on Main Street;
- C The need for authority from the Province to better deal with this issue;

- C An option could be to consider issuing significant penalties for excessive speeding, as opposed to speeding tickets;
- C Looking at incorporating jersey barriers to prevent head on collisions.

14. NOTICES OF MOTION - None

15. ADJOURNMENT

The meeting was adjourned at 12:05 a.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council.

1. Proclamation - Joe DiPenta Day - August 9, 2007
2. Memorandum from Acting Director, Finance dated July 30, 2007
re: Steve Subdivision Petition
3. Memrorandum from Acting Director, Finance dated July 27, 2007
re: Revenue Adjustments Due to Assessment Appeals
4. Memorandum from Acting Director, Finance dated July 30, 2007
re: Federation of Canadian Municipalities - Municipal Cooperation Program for
December 2004 Tsunami Relief - Sri Lanka
5. Memorandum from Acting Director, Finance dated July 31, 2007
re: First Quarter 2007 / 2008 Financial Report
6. Memorandum from Director, Community Development dated July 27, 2007
re: Starr Manufacturing Company - Historic Event Designation
7. Memorandum from the Municipal Clerk dated August 3, 2007
re: Requests for Presentation to Council - None