

HALIFAX REGIONAL COUNCIL
MINUTES
October 16, 2007

PRESENT:

Mayor Peter Kelly
Deputy Mayor Sue Uteck
Councillors: Steve Streach
David Hendsbee
Gloria McCluskey
Andrew Younger
Bill Karsten
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sheila Fougere
Russell Walker
Linda Mosher
Brad Johns
Robert Harvey
Gary Martin
Reg Rankin
Gary Meade

REGRETS:

Councillors: Krista Snow
Harry McInroy
Becky Kent
Debbie Hum
Stephen Adams

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 4:00 p.m. with the Invocation being led by Councillor Kent.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Kent announced this would be her last meeting as a Councillor of Halifax Regional Municipality before taking up her duties as a member of the Nova Scotia Legislature representing the Eastern Passage/Cole Harbour riding.

Councillor Snow advised that the Citizens on Patrol will be holding a meeting on Wednesday, October 17th at the LWF Fire Hall at 7:00 p.m.

Councillor Hendsbee announced there will be a Pub Night at the Lawrencetown Community Centre starting at 8:00 p.m. on Saturday, October 20th.

Councillor Younger congratulated Mr. Joe MacDonald, HRM Maintenance Worker, on his receipt of the Henry Findlay Award for his work in Shubie Park.

Councillor Smith advised a fundraiser will be held at 7:00 p.m. on Sunday at Farrell Hall in support of the PACS society.

Councillor Meade advised a public meeting has been scheduled for Wednesday, October 17th at the Tantallon Library regarding a rezoning in Westwood Hills.

3. APPROVAL OF MINUTES - September 25 & October 2, 2007

MOVED by Councillor McCluskey, seconded by Councillor Wile, that the minutes of September 25 and October 2, 2007 be approved. MOTION PUT AND PASSED.

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

Additions

12.1 Declassified Private and Confidential Information Report dated October 9, 2007 - Legal Advice on Public Hearing Process.

12.2 Contractual Matter - Amalgamated Transit Union

12.3 Property Matter - 182 Stonewick Cross, Middle Sackville

Council agreed to move item 11.4.1 up on the agenda to be addressed following the public hearing.

Council agreed to move items 12.2 and 12.3 up on the agenda to be addressed following item 11.4.1.

MOVED by Councillor Sloane, seconded by Councillor Smith, 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**

8.1 **Harmonized By-Law A-300, Respecting Animals**

This item was addressed at a later point in the meeting. (See page 7)

9. **PUBLIC HEARING**

9.1 **Administrative Order SC-47, Respecting Closure of a Portion of Military Road, Purcell's Cove - PID 40934499**

- An extract from the September 11, 2007 Regional Council minutes was before Council.
- A report dated October 10, 2007, on the above noted, was before Council.

Mr. Chad Renouf, Real Estate, 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 street closure. Hearing none, the following motion was placed.

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

MOVED by Councillor Mosher, seconded by Councillor Adams, that Council close the Military Road Right of Way, Purcell's Cove, as shown on Attachment "A" of the October 10, 2007 staff report. MOTION PUT AND PASSED.

11.4.1 Case H00203: Application to Consider 5516 North Street, Halifax as a Municipally Registered Heritage Property (Heritage Hearing)

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

Ms. Maggie Holm, Heritage Planner, presented the report to council.

Ms. Holm advised the applicants were not present.

MOVED by Councillor Sloane, seconded by Councillor Murphy, that Halifax Regional Council approve the registration of 5516 North Street, Halifax (shown in Map 1 of the June 28, 2007 staff report) be registered under the HRM Heritage Property Program. MOTION PUT AND PASSED.

13.2 Contractual Matter - Amalgamated Transit Union

- This item was addressed at the October 2, 2007 In Camera session and was now before Council for ratification.

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

1. **Confirm as acceptance of the unanimous recommendation of the memorandum of settlement between HRM and ATU dated September 30, 2007 which was signed by each party's representatives.**
2. **Direct that Council's ratification of the Agreement shall be deemed to be the date following the ATU ratification vote.**
3. **Details of contract not be released to the public until after ATU ratification.**

MOTION PUT AND PASSED.

13.3 Property Matter - 182 Stonewick Cross, Middle Sackville

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

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

- 1. Approve the purchase of 182 Stonewick Cross, required for the westerly extension of Margeson Drive, an authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale containing terms and conditions as detailed in the Business Terms and Discussion section of the October 2, 2007 Private and Confidential staff report.**
- 2. The October 2, 2007 Private and Confidential staff report not be released to the public until the sale has closed.**

MOTION PUT AND PASSED.

8.1 Harmonized By-Law A-300, Respecting Animals

- An extract from the September 11 and October 2, 2007 Regional Council minutes were before Council.
- A supplementary report dated October 12, 2007, on the above noted, was before Council.

Staff Sgt. Robin McNeil presented the report to Council.

MOVED by Councillor Sloane, seconded by Councillor Adams, that Council delete references to cats from the proposed By-Law A-300 and defer the feline component until a working relationship with PACS where as PACS would be eligible for municipal funding to carry out the TNR program on behalf of the municipality.

In response to Councillor Smith as to whether or not the motion was contrary to the public hearing, Ms. Mary Ellen Donovan, Municipal Solicitor, advised the essence of the motion was to essentially not to forward the proposals that are in the draft By-Law that was put forward to the community's consideration and that is certainly well within the purview of Council to decide in the process.

MOVED by Councillor Adams, seconded by Councillor Sloane, that the question now be put. MOTION DEFEATED (9 in favour, 11 against)

Those voting in favour were Mayor Kelly, Deputy Mayor Uteck and Councillors Murphy, Sloane, Hum, Adams, Harvey, Rankin and Meade.

Those voting against were Councillors Snow, Hendsbee, McCluskey, Younger, Karsten, Smith, Wile, Fougere, Walker, Mosher and Johns.

Councillors Streach, McInroy, Kent and Martin were absent.

In response to a point of clarification by Councillor Karsten and in response to Mayor Kelly, Councillor Sloane stated her motion was in reference to the proposed By-Law A-300.

At the request of Mayor Kelly, the Municipal Clerk restated the motion as put forward by Councillor Sloane.

In response to Councillor Murphy, staff advised the proposal did not include a spay and neuter program.

Council recessed at 7:25 p.m.
Council reconvened at 7:40 p.m.

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

MOVED by Councillor McCluskey, seconded by Councillor Sloane, that Regional Council Approve Administrative Order #11 as amended and attached to the October 12, 2007 staff report and to add options 3, 6 and 13 of appendix D.

Councillor Walker noted for the record that staff are trained and qualified.

Councillor Fougere stated service and shelter issues have to be addressed and a plan has to be developed to manage what is being proposed.

Councillor Smith noted that this By-Law will be complaint driven.

Council recessed at 9:00 p.m.
Council reconvened at 9:10 p.m.

MOVED by Councillor Rankin, seconded by Councillor Sloane, that Council suspend the rules to address items 11.1.3, 11.1.5, 11.1.6 and 11.1.9. MOTION PUT AND PASSED.

11.1.3 Tender 07-279 - New Bike Lanes - West/Central Region

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

MOVED by Councillor Fougere, seconded by Councillor Meade, that Council award Tender No. 07-279, New Bike Lanes - St. Margaret's Bay Road and Williams Lake Road - West Region, Kearney Lake Road, Flat Lake Drive and Westwood Blvd. - Central Region to Dexter Construction Company Limited for a Total Tender Price of \$632,778.62 with funding from Capital Accounts Nos. CMU00973 - Rural Express Transit, CTR00908 - Transportation Demand Management Program, CTU00420 - Bikeway Master Plan Implementation and Operating Account R710 Municipal Op Support, as outlined in the Budget Implications section of the October 5, 2007 report.

Councillor Fougere expressed concern at the lateness in the year of the tender coming to Council.

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

MOVED by Councillor Hendsbee, seconded by Councillor Snow, that the budget allocation be from Account CTU00420 and not from Account CMU00973. MOTION DEFEATED

MAIN MOTION PUT AND PASSED.

11.1.5 Request for Proposal - 07-377 - Community Facilities Master Plan Update 2007

- A report dated October 9, 2007, on the above noted, was before Council.

MOVED by Councillor Rankin, seconded by Councillor Johns, that Council award RFP #07-377, Community Facilities Master Plan Update 2007 to Asbell Management Innovations in the amount of \$209,845.02 (net HST included) with funding from Operating Account C705 - 6301 Facility Management - Professional Fees, as outlined in the budget implications section of the October 9, 2007 report. MOTION PUT AND PASSED.

11.1.6 Harbour Solutions Project - Release of Halifax CIF Funding

- A report dated October 9, 2007, on the above noted, was before Council.

MOVED by Councillor Sloane, seconded by Councillor Murphy, that Halifax Regional Council authorize staff to release the \$1Millon allocated for Community Integration of the Halifax Waste Water Treatment Facility to the Greater Halifax Partnership for use as a Community Investment Fund. MOTION PUT AND PASSED.

11.1.9 Renewal of Guarantee of Halifax Regional Water Commission Debt for Lake Major Facility

- A report dated October 2, 2007, on the above noted, was before Council.

MOVED by Councillor Hendsbee, seconded by Councillor Snow, that Halifax Regional Council approve the renewal of the Municipality's guarantee of HRWC's debt related to the Lake Major Facility. MOTION PUT AND PASSED.

The Mayor noted that as it was 9:55 a motion would be required to extend beyond 10:00 p.m.

MOVED by Councillor Hendsbee, seconded by Councillor Snow, that Council defer discussion on the matter to the next Council session. MOTION DEFEATED. (8 in favour, 12 against)

Those voting in favour were Mayor Kelly, Deputy Mayor Uteck and Councillors Hendsbee, Murphy, Sloane, Hum, Rankin and Meade.

Those voting against were Councillors Snow, McCluskey, Younger, Karsten, Smith, Wile, Fougere, Walker, Mosher, Adams, Johns and Harvey,

Councillors Streach, McInroy, Kent and Martin were absent.

MOVED by Councillor Younger, seconded by Councillor Mosher, that Council continue until By-Law discussion is complete. MOTION DEFEATED.

Council adjourned at 10:00 p.m.

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Correspondence

10.1.1 Joint Task Force Atlantic - Request for Ceremonial Fly-Past

This item was deferred to October 23, 2007.

10.2 Petitions - None

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender 06-083 - Two (2) Year Agreement for the Supply of up to Eight (8) new 1500 Gallon Pumpers and Purchase of Vehicles - Reserve Withdrawals

This item was deferred to October 23, 2007.

11.1.2 Tender 07-385 - Seven (7) Model 2008 4x4 Crew Cab and Chassis with Service Body, 13000 GVWR

This item was deferred to October 23, 2007.

11.1.3 Tender 07-279 - New Bike Lanes - West/Central Region

This item was addressed earlier in the meeting. (See page 8)

11.1.4 Request for Proposal 07-139 - Business Parks Functional Plan

This item was deferred to October 23, 2007.

11.1.5 Request for Proposal - 07-377 - Community Facilities Master Plan Update 2007

This item was addressed earlier in the meeting. (See page 9)

11.1.6 Harbour Solutions Project - Release of Halifax CIF Funding

This item was addressed earlier in the meeting. (See page 9)

11.1.7 YouthScape - McConnell Foundation Youth Engagement Initiative

This item was deferred to October 23, 2007.

11.1.8 2011 Canada Winter Games - Board Appointments

This item was deferred to October 23, 2007.

11.1.9 Renewal of Guarantee of Halifax Regional Water Commission Debt for Lake Major Facility

This item was addressed earlier in the meeting. (See page 9)

11.1.10 Proposed Amendments to Administrative Order One, Respecting the Procedures of Council - Section 43(A) - Requirements for Staff Reports

This item was deferred to October 23, 2007.

11.2 PENINSULA COMMUNITY COUNCIL

11.2.1 Case 00870: Municipal Planning Strategy and Land Use By-Law Amendment and Development Agreement - 5784 Charles Street, Halifax

This item was deferred to October 23, 2007.

11.3 GRANT COMMITTEE

11.3.1 Property Matter: Less than Market Value Leases

This item was deferred to October 23, 2007.

11.4 HERITAGE ADVISORY COMMITTEE

11.4.1 Case H00203: Application to Consider 5516 North Street, Halifax as a Municipally Registered Heritage Property (Heritage Hearing)

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

11.5 MEMBERS OF COUNCIL

11.5.1 Councillor Snow - Fall River Highways 118 & 102 Interchange

This item was deferred to October 23, 2007.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Declassified Private and Confidential Information Report dated October 9, 2007 - Legal Advice on Public Hearing Process

This item was deferred to October 23, 2007.

13.2 Contractual Matter - Amalgamated Transit Union

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

13.3 Property Matter - 182 Stonewick Cross, Middle Sackville

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

14. NOTICES OF MOTION - NONE

15. ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council.

1. Proclamation - Conductive Education Nova Scotia Day - October 18, 2007
2. Proclamation - GuluWalk Day - October 20, 2007
3. Memorandum from Director, Legal Services & Risk Management dated October 2, 2007 re: Status of By-Law Prosecutions - August 1 - 31, 2007
4. Memorandum from Acting Director, Transportation and Public Works dated October 2, 2007 re: Annual Report - Municipal Real Property Transactions
5. Memorandum from the Municipal Clerk dated October 12, 2007 re: Requests for Presentation to Council - Downtown Halifax Business Commission