

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL MINUTES

April 22, 2008

- PRESENT:** Mayor Peter Kelly, Chair  
Deputy Mayor Stephen D. Adams  
Councillors: Krista Snow  
David Hendsbee  
Harry McInroy  
Andrew Younger  
Bill Karsten  
Jackie Barkhouse  
Jim Smith  
Mary Wile  
Patrick Murphy  
Dawn M. Sloane  
Sheila Fougere  
Russell Walker  
Linda Mosher  
Brad Johns  
Robert P. Harvey  
Reg Rankin  
Gary G. Meade
- REGRETS:** Councillors: Steve Streach  
Gloria McCluskey  
Sue Uteck  
Debbie Hum
- STAFF:** Mr. Dan English, Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Julia Horncastle, Acting Municipal Clerk  
Ms. Sheilagh Edmonds, Legislative Assistant

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**1. INVOCATION**

The meeting was called to order at 5:05 p.m. with Councillor Hendsbee leading the Invocation.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor Sloane noted that today is Earth Day and to mark the occasion she participated in the Q104 radio station's recycling campaign. She also noted that the staff of the RONA Hardware Store held a garbage-pickup event which spanned from the waterfront to the Mainland Common. She asked that the Mayor forward a letter to the staff of the RONA Store expressing appreciation for marking Earth Day in the Municipality in such a great way.

Councillor Sloane also pointed out that Rachel Mendelson, a local journalist, won an award a few weeks ago in regard to an article she did on the HRM By Design project when she was with The Daily News. Councillor Sloane asked the Mayor to send a letter of congratulations on behalf of Council to Ms. Mendelson. Council recognized Ms. Mendelson in the media gallery and congratulated her through a round of applause.

Councillor Rankin rose to recognize the tragic and untimely death of Mr. Gary Field, a Metro Transit bus driver who died on the job April 21, 2008. Councillor Rankin noted that Mr. Field was a 30-year employee and, on behalf of Council and the Community, Councillor Rankin expressed condolences to Mr. Field's family and colleagues at Metro Transit.

Mayor Kelly asked members of Council to rise, and a moment of silence was held in remembrance of Mr. Gary Field.

Councillor Smith advised that Wednesday, April 23, 2008 beginning at 7:00 p.m. he would be hosting a community meeting at the Sunlife Community Hall at the corner of Dawson and Windmill Road, and the purpose of the meeting is to get feedback on possible changes to the Victoria Park area. He extended an invitation to anyone in District 9 to attend.

Councillor Smith advised that Saturday, April 26, 2008 from 10:00 a.m. to 12:00 p.m. at the Northbrook Community Centre a breakfast will be held in support of the Spay and Neuter/Trap and Release program for cats.

Councillor Wile advised that the students of the Environmental Club at Halifax West High School, in conjunction with Sobeys, held a clean-up in their area of the Mainland Common to mark Earth Day. In addition, they held a barbeque to raise money to plant trees. She thanked Sobeys and the students for their contribution to Earth Day. Councillor Wile also noted the RONA store's cleanup in the Mainland Common area and expressed appreciation for their efforts as well.

Councillor Karsten noted that this morning, HRM through it's Sustainable Environmental Management Office, and various partners marked the occasion of Earth Day by planting 10 trees at Sullivan's Pond to replace trees that had been damaged by Hurricane Juan.

Deputy Mayor Adams noted that on Saturday, April 26, 2008, 9:00 a.m. at the Gospel Light Church a community clean-up will be held; and on Sunday, April 27, 2008, 8:45 a.m., at St. Paul's Church a clean-up will be held from Rockingstone Road to Fish Brook.

Councillor Mosher advised that Thursday, April 24, 2008 a Public Information Meeting will be held in regard to Case 01003, an application for a multi-unit dwelling in front of Regatta Point. She added that the meeting will be held at St. James Anglican Church, 2668 Joseph Howe Drive, at 7:00 p.m.

Councillor Murphy noted that on Wednesday, April 23, 2008 a public consultation/information meeting will be held regarding Case 00930 (development of Bayers Road) at St. Andrew's Centre from 7:00 p.m. to 9:00 p.m.

**3. APPROVAL OF MINUTES**

**MOVED by Councillor Wile, seconded by Councillor Meade that the minutes of April 8, 2008 be approved. MOTION PUT AND PASSED.**

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

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Additions:

- 12.1 Regional Trails Program
- 12.2 Contractual Matter - Temporary Construction Easements - Phase I -  
Hammonds Plains Road Improvements
- 12.3 Legal Matter - 1870 Upper Water Street, Halifax

**MOVED by Councillor Rankin, seconded by Councillor Meade that the agenda, 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. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence**

**9.1.1 Rear-Admiral McFadden, Commander, Maritime Forces Atlantic re: Request for Battle of the Atlantic Fly-past**

A letter dated April 1, 2008 was submitted by P. D. McFadden, Rear-Admiral, Commander, Maritime Forces Atlantic, Halifax.

**MOVED by Councillor Wile, seconded by Councillor Murphy that Regional Council grant permission for the Canadian Forces to fly an Aurora long-range patrol aircraft over Point Pleasant Park on Sunday, May 4, 2008 as per the diagram attached to the April 1, 2008 letter. MOTION PUT AND PASSED.**

**9.2 Petitions: None**

**10. REPORTS:**

**10.1 CHIEF ADMINISTRATIVE OFFICER:**

**10.1.1 Tender 08-039 - Six 2008 4-Door Sedan Police Patrol Vehicles**

A staff report dated April 4, 2008 was submitted.

**MOVED by Councillor Younger, seconded by Councillor Walker that Regional Council award Tender No. 08-039, for Six (6) 2008 4-Door Sedan Police Patrol Vehicles to Chebucto Ford for a Tender Price of \$177,143.00 (net HST included) with funding from Capital Account No. CVK01090 as outlined in the Budget Implications section of the April 4, 2008 staff report. MOTION PUT AND PASSED.**

**10.1.2 Tender 08-016 - Five 2008 Tandem Truck Chassis with Combination Dump Body, Reversible Plow and Wing Plow**

A staff report dated April 2, 2008 was submitted.

Mr. Paul Beauchamp, General Manager, Fleet Services responded to questions.

**MOVED by Councillor Rankin, seconded by Councillor Walker that Regional Council award Tender No. 08-016 for Five (5) 2009 Tandem Truck Chassis with Combination Dump Body, Reversible and Wing Plow to MacKay's Truck & Trailer Center Ltd. for a Tender Price of \$916,640.00 (net HST included) with funding from Capital Account No. CVD00413 and CVD01087as outlined in the Budget Implications section of the April 2, 2008 staff report. MOTION PUT AND PASSED.**

**10.1.3 Wright Avenue / Highway 118 Interchange - Budget Increase**

A staff report dated April 7, 2008 was submitted.

**MOVED by Councillor Smith, seconded by Councillor Snow that Regional Council increase capital account CTU00705 Wright Avenue/Highway 118 in the amount of \$725,255 with funding as per the Budget Implications section of the April 7, 2008 staff report.**

Ms. Debbie McCaig, Manager, Accounting Operations and Mr. Ken Reashor, Manager, Traffic & Right of Way Services responded to questions.

**MOTION PUT AND PASSED.**

#### **10.1.4 Water Quality Notification (Supplementary Report)**

A Supplementary Staff Report dated April 10, 2008 was submitted.

**MOVED by Councillor Karsten, seconded by Councillor Younger that Regional Council adopt Option 1 as outlined in the April 10, 2008 supplementary staff report, as follows: maintain the current sampling program schedule, issue public advisories for any lakes detected with FC values above 400, and re-sample the lake after three months during the next scheduled sampling period. Withdraw the advisory if the lake has returned below 400, or reaffirm the advisory if it remains above 400.**

Mr. Tony Blouin, Manager of Environmental Performance and Ms. Cathie O'Toole, Director, Infrastructure and Asset Management responded to questions.

Councillor Karsten referred to page 3 of the supplementary staff report and quoted for the record, "Under Option #1, HRM will advise the NS Departments of Environment and Health of any result in excess of the guidelines, should the Province wish to take any further action under their mandates".

At 5:40 p.m. Councillor Meade retired from the meeting.

#### **MOTION PUT AND PASSED.**

#### **10.1.5 First Reading Proposed By-Law P-1100, and Proposed Administrative Order 45, Respecting Charges for Private Road Maintenance - Area Rate for Petpeswick Drive Improvement Society Motion - Councillor Streach - Move First Reading**

A staff report dated March 28, 2008, originally submitted at the April 15, 2008 Regional Council meeting was before Council for consideration.

Councillor Hendsbee declared a Conflict of Interest and vacated his seat for the discussion on this item.

**MOVED by Councillor Snow seconded by Councillor Karsten that Regional Council move First Reading of By-Law P-1100 and Administrative Order 45, respecting charges for Private Road Maintenance - Area Rate for Petpeswick Drive Improvement Society as recommended in the March 28, 2008 staff report and schedule a public hearing.**

The Municipal Solicitor advised that there were minor typographical issues in the by-law appendix attached to the report which will be corrected prior to the newspaper advertisement.

#### **MOTION PUT AND PASSED.**

**10.2 MEMBERS OF COUNCIL:**

**10.2.1 Councillor Younger - Request for Report re: Street Gravel / Sand Recycling**

Councillor Younger noted that, although he initially was going to request an information report, in speaking with the Deputy Chief Administrative Officer, she advised that a memo from staff would be the best route to start with, as it is less expensive to produce.

Councillor Younger advised that the City of Calgary and other cities carry out sand and gravel recycling, and where HRM used 25,000 tons of crusher dust on its roads last year, it may be something for this Municipality to consider.

**MOVED by Councillor Younger, seconded by Councillor Karsten that staff provide a memo outlining the possible opportunities for street sand and gravel recycling, including:**

- 1. Potential environmental benefits**
- 2. Cost savings associated with avoidance of purchasing the same quantities of new raw materials**
- 3. Delivery options (private, internal HRM operated, partnerships with other municipalities or the Province to partner on the service).**

Councillor Walker pointed out that this Municipality's climate is much different from Calgary's and a lot of sand is washed away from significant rain events following a snow storm. He asked that, in the memo, staff note the amount of sand/gravel that left following the kind of rain events that occurs in this Municipality.

**MOTION PUT AND PASSED.**

**11. MOTIONS: None**

**12. ADDED ITEMS:**

**12.1 Regional Trails Program**

This matter had been dealt with at a Committee of the Whole session held earlier, and was now before Council for ratification.

**MOVED by Councillor Rankin, seconded by Councillor Fougere that Regional Council:**

- 1. Recognize the Halifax Regional Trails Association (HTRA) as the principle partner to plan, develop and operate HRM's regional trail system;**
- 2. Approve funding criteria and disbursement process for trails maintenance funds.**

**MOTION PUT AND PASSED.**



## **12.2 Contractual Matter - Temporary Construction Easements - Phase 1 - Hammonds Plains Road Improvements**

This matter had been dealt with at an In Camera session held earlier, and was now before Council for ratification.

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

- 1. Approve the attached resolutions, pursuant to the provisions of the Expropriation Act and Municipal Government Act to enable the expropriation of the require Temporary Construction Easements for the purpose of constructing the infrastructure improvements to Hammonds Plains Road, should ongoing negotiations fail;**
- 2. Approve statutory offers for the temporary construction easements in an amount to be determined subject to appraisal for affected private property, with funding as per the Budget Implications Section of this report;**
- 3. Authorize staff to request written permission from the Attorney General for immediate possession of the Temporary Construction Easements; and**
- 4. That the Private and Confidential report dated April 16, 2008, not be released.**

## **12.3 Legal Matter - 1870 Upper Water Street, Halifax**

This matter had been dealt with at an In Camera session held earlier, and was now before Council for ratification.

**MOVED by Councillor McInroy, seconded by Councillor Karsten that Halifax Regional Council not appeal the decision of the Nova Scotia Supreme Court in The Armour Group Ltd. v. HRM, 2008 NSSC 81. MOTION PUT AND PASSED.**

**MOVED by Councillor McInroy, seconded by Councillor Karsten that Halifax Regional Council seek curative amendments from the Province to the Heritage Property Act, R.S.N.S. 1989, c. 199 that would:**

- a) Provide that no registration could be overturned because of a matter of form or procedural irregularity;**
- b) Provide that an application to quash a registration be made within three months of the registration; and**
- c) Provide that all heritage properties listed on the Provincial Registry of Heritage Property or on a municipal registry of heritage properties as of the date of the amendments are, and are deemed to be, registered heritage properties.**

**And that these amendments be retroactive, with the exception of 1870 Upper Water Street.**

**The Private and Confidential report dated April 16, 2008, not be released to the**

**public.**

**MOTION PUT AND PASSED.**

**13. NOTICES OF MOTION:** None

**14. ADJOURNMENT:**

The meeting adjourned at 5:52 p.m.

Julia Horncastle  
Acting Municipal Clerk

The following information items were submitted:

1. Proclamation - World Malaria Day - April 25, 2008
2. Memorandum from Director, Infrastructure & Asset Management dated April 4, 2008  
re: Brown Spruce Long Horn Beetle Mating Interruption Trials
3. Memorandum from Co-Chairs, Investment Policy Advisory Committee dated April 8, 2008 re: Quarter Ending December 31, 2007
4. Memorandum from Director, Finance dated April 8, 2008  
re: Investment Activities - Quarter Ending December 31, 2007
5. Memorandum from Director, Finance dated March 27, 2008  
re: Residential Tax Exemption: Revised Rebate Values for 2008 - 2009
6. Memorandum from Chief Executive Officer, HRM Pension Plan Committee dated April 17, 2008 re: Status Update - Pensioner Increase
7. Memorandum from the Acting Municipal Clerk dated April 18, 2008  
re: Requests for Presentation to Council - None