HALIFAX REGIONAL COUNCIL **MINUTES**

March 24, 2009

Mayor Peter Kelly PRESENT:

Deputy Mayor David Hendsbee

Councillors: Steve Streatch

Barry Dalrymple Lorelei Nicoll Andrew Younger Bill Karsten

Jackie Barkhouse

Jim Smith Mary Wile Sue Uteck Jennifer Watts Russell Walker Debbie Hum Linda Mosher Stephen D. Adams

Brad Johns

Robert P. Harvey

Tim Outhit Reg Rankin Peter Lund

REGRETS: Councillors: Gloria McCluskey

> Jerry Blumenthal Dawn M. Sloane

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**

Mayor Kelly called the meeting to order at 6:03 p. m. with the Invocation being led by Councillor Watts.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Deputy Mayor Hendsbee advised that Peter Cox, HRM's Town Crier passed away recently and a funeral was held March 14, 2009. At the funeral the Town Criers of Nova Scotia held a special Bell Ceremony in recognition of Mr. Cox. In tribute, Deputy Mayor Hendsbee read the proclamation that was read at Mr. Cox's funeral.

Mayor Kelly asked members of Council to stand for a moment of silence in remembrance of Mr. Cox.

Councillor Rankin introduced Ms. Cassidy McCarthy to Council, and advised of her efforts to increase awareness of Epilepsy, noting that she is the founder of Purple Day. Councillor Rankin explained that Ms. McCarthy is a 9 year old student from Shad Bay, attending Atlantic Memorial School and she founded Purple Day in 2008 as a way to increase awareness about her disorder and her goal is to get people to talk about Epilepsy to dispel myths and inform those with seizures that they are not alone. He added that on March 26th everyone is asked to wear purple as a way to show support.

MOVED by Councillor Rankin, seconded by Councillor Adams that the Mayor write a letter of commendation to Ms. Cassidy McCarthy for her efforts in bringing public awareness to Epilepsy. MOTION PUT AND PASSED.

Councillor Dalrymple advised that Sunday March 29, 2009 will be the first Trek for Tourettes and will take place at 2:00 p.m. at Point Pleasant Park.

On behalf of Councillor Blumenthal, Councillor Wile advised that Friday, March 27, 2009 St. Stephen School was hosting a 60th anniversary dance, and an invitation was extended to any former students, staff, or friends of the school.

Councillor Watts thanked the community organizers involved in the International Day for the Elimination of Racial Discrimination, and advised that the day-long workshop was a very worthwhile event. Councillor Watts also advised that April 1, 2009, 7:00 p.m., Holiday Inn, there will be a presentation by the team of consultants in regard to the preferred option of the Quinpool Road Streetscape project.

Councillor Barkhouse advised that on Saturday, March 28, 2009 the North Woodside Community Centre will be holding a merchandise bingo at 7:00 p.m. as a fundraiser for the

facility.

Councillor Adams advised that Saturday, March 28, 2009 1:00 p.m. - 4:00 p.m. at the Captain William Spry Centre, the Spryfield Liaison Group will be holding a public workshop with regard to the Community Visioning project.

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Councillor Hum advised that last night the public information meeting regarding Case 01205: 50 Bedford Highway was cancelled due to inclement weather and was rescheduled to April 2, 2009, 7:00 p.m., Halifax West High School.

Councillor Harvey invited residents to a public meeting March 25, 2009, Sackville High School, 6:00 p.m - 9:00 p.m. regarding the 107 Highway Extension–Burnside Sackville Expressway Project.

Councillor Younger advised that Monday, April 6, 7:00 p.m., a public meeting will be held to discuss the future of the Woodlawn Library, and the meeting will be held at the Woodlawn Library.

Deputy Mayor Hendsbee advised that Saturday March 28, 2009 St. David's Annual Flea Market and Bake Sale will be held, beginning at 9:00 a.m.; and also on March 28, 2009 St. Ann's Church will be holding a door to door community food bank drive, beginning at 9:30 a.m. In the evening of March 28, 2009 St. Augustine's Church will be holding a variety show, beginning at 7:00 p.m.

Councillor Lund advised that this weekend, beginning Friday evening, the Second Annual Workshop put on by the St. Margaret's Bay Stewardship Association, the local Chamber of Commerce, and the St. Margaret's Bay Tourism Association is being held.

Councillor Barkhouse advised that Seaside FM 105.9 is holding a radio-thon in support of the station, beginning Friday, March 27, 2009, 4:00 p.m.

Councillor Outhit advised that on April 2, 2009, 7:00 p.m., at Basinview School there will be a Town Hall meeting where he will be joined by staff to discuss initiatives such as the new rinks, fast ferry, PACE car program, waterfront development program, and any other issues or questions residents may have.

Councillor Smith advised that last evening a meeting was held at the Dartmouth North Community Centre, and the purpose of the meeting was to provide an update to the Community on the Service Review Committee and the Service Review Lease Agreement at the one year mark. The Councillor added that they are not ready with the lease agreement at this time, and that consultants have been hired and a review will be carried out and this will take approximately two months. Councillor Smith advised that if any residents of District 9 want to have input on the Dartmouth North Community Centre, they could call him, the local MLA, members of the Dartmouth North Community Centre Board, or members of staff at the Dartmouth North Community Centre.

Councillor Younger advised that Thursday, March 26, 2009, 5:00 p.m. - 8:00 p.m.,

Alderney Landing marketplace, the Waterfront Development Corporation will be holding an open house to discuss the future projects for the Dartmouth Waterfront.

Councillor Karsten advised that Thursday, March 26, 2009, 4:00 p.m. - 6:00 p.m., Park Place Ramada Hotel, a Public Information Meeting will be held concerning the Burnside Expressway.

3. APPROVAL OF MINUTES

MOVED by Councillor Hum, seconded by Councillor Walker that the minutes of March 3, 2009 and March 10, 2009 be approved. MOTION PUT AND PASSED.

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

Deletion:

10.1.1 Larry Uteck Interchange Design Fees Construction Agreement 2008-021

Additions:

12.1 Councillor Younger - Request for Report re: Municipal Ombudsperson

MOVED by Councillor Outhit, seconded by Councillor Wile 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 Request for Ceremonial Flypast Battle of the Atlantic

Correspondence dated March 13, 2009 was submitted from P.A. Maddison, Rear-Admiral, Commander, Maritime Forces Atlantic.

MOVED by Councillor Rankin, seconded by Councillor Walker that Regional Council grant permission for the Canadian Forces to fly a long-range patrol aircraft over Point Pleasant Park as per the enclosed diagram, attached to the March 13, 2009 letter.

MOTION PUT AND PASSED.

- **9.2 Petitions**: None
- 10. REPORTS
- 10.1 CHIEF ADMINISTRATIVE OFFICER
- 10.1.1 <u>Larry Uteck Interchange Design Fees Construction Agreement 2008-021</u>

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This item was deleted during the approval of the order of business.

10.1.2 Proposed Administrative Order SC-55, Respecting Closure of a Portion of Main Avenue, Halifax (Parcels M-1 & M-2)

A staff report dated February 23, 2009 was submitted.

MOVED by Councillor Walker, seconded by Councillor Wile that Regional Council approve in principle Administrative Order SC-55 respecting closure of portions of Main Avenue, Parcels M-1 and M-2 as indicated in Attachment "A" of the staff report dated March 24, 2009 and set a public hearing date. MOTION PUT AND PASSED.

10.1.3 Proposed By-Law S-427, An Amendment to By-Law S-400, Respecting Charges for Street Improvements

A staff report dated March 11, 2009 was submitted.

MOVED by Deputy Mayor Hendsbee, seconded by Councillor Wile that Regional Council:

- 1. Approve the 2008 Local Improvement Charges as outlined on the attached Schedule 'A' of the March 11, 2009 staff report.
- 2. Approve in principle the adoption of By-Law S-427, respecting charges for Street Improvements as attached to the March 11, 2009 staff report, and also give notice of motion to begin the formal adoption process; and
- 3. Apply the new charges to all completed 2008 Capital Projects where such apply.

MOTION PUT AND PASSED.

10.1.4 Case 01230: Dartmouth Municipal Planning Strategy Amendment - 249
Windmill Road

A staff report dated March 10, 2009 was submitted

Councillor Smith advised that there have already been two public meetings on this matter previously and even with an enlarged notification area for the second hearing, the turnout was minimal. Councillor Smith added, therefore, he was prepared to move the staff recommendation, but with the provision that there be no further public meetings on the matter.

MOVED by Councillor Smith, seconded by Councillor Karsten that Halifax Regional Council initiate the process to consider amending the Dartmouth MPS to re-designate the lands located at 249 Windmill Road (PIDs 40811085 & 41086818) from Industrial to Residential to permit an apartment building by development agreement; and that staff waive holding a public meeting. MOTION PUT AND PASSED.

At 6:27 p.m. Councillor Uteck entered the meeting.

10.1.5 First Reading Proposed By-Law L-130, An Amendment to By-Law L-100, Respecting Charges for Local Improvements - Amendments to Herring Cove Water & Sewer Services Motion - Councillor Adams - Move First Reading

A staff report dated February 20, 2009 was submitted.

MOVED by Councillor Adams, seconded by Councillor Lund that Regional Council:

Approve in principle and begin the process for the adoption of Local Improvement Charge By-Law L-130, attached hereto as Attachment 1, to:

- (a) set the amount for future connection charges for the Herring Cove Water and Sewer Servicing project, and
- (b) permit the inclusion of the properties located at civic 74 and 78 Ketch Harbour Road within the servicing boundary for this project and to apply the Local Improvement Charges to these properties as provided for in By-Law L-124.

MOTION PUT AND PASSED.

10.2 PENINSULA COMMUNITY COUNCIL:

10.2.1 Case 01095 - Municipal Planning Strategy / Land Use By-law Amendments - Pet Care Facilities

A report dated March 13, 2009 from the Chair of Peninsula Community Council was submitted with an attached report dated February 27, 2009 from the Chair of the District 12 Planning Advisory Committee and a staff report dated December 15, 2008.

MOVED by Councillor Watts, seconded by Councillor Uteck that Peninsula Community Council recommend that Halifax Regional Council approve a site-specific

amendment to the MPS/LUB and the proposed development agreement, as outlined in Attachment B of the December 15, 2008 staff report.

Mr. Paul Sampson, Planner 1, responded to questions.

In response to a question by Councillor Wile concerning the affect this would have on the noise bylaw, Mr. Sampson explained that if Council approves a pet care facility as a home occupation then, essentially, Council is approving a commercial use on residential property. This would cancel out any provisions of the noise bylaw which would allow enforcement provisions because it is commercial use.

Ms. Mary Ellen Donovan, Municipal Solicitor clarified that, in this case, if approved, there would probably be a higher allowable level of noise than would otherwise be the case if this were strictly a residential neighbourhood. She noted though, as with any commercial use there would be an upper limit with respect to noise.

Councillor Uteck pointed out that the property in question has not had a complaint in 13 years.

MOTION PUT AND PASSED.

Later on in the meeting, the Solicitor provided clarification on the motion and Councillor Watts restated her motion, as follows:

MOVED by Councillor Watts, seconded by Councillor Uteck that Regional Council recommend that First Reading be given to the approval of a site specific amendment to the MPS/LUB and the proposed development agreement as outlined in Attachment B of the December 15, 2008 staff report, and a public hearing be scheduled.

Mayor Kelly clarified that this would replace the previous motion.

MOTION PUT AND PASSED.

10.3 AUDIT COMMITTEE:

10.3.1 Audited Financial Statements - Miscellaneous Trust Funds, Year Ended March 31, 2008

A report dated March 16, 2009 was submitted from the Chair of the Audit Committee.

MOVED by Councillor Walker, seconded by Councillor Karsten that Regional Council approve the Audited Financial Statements of the Halifax Regional Municipality - Miscellaneous Trust Funds for the year ended March 31, 2008. MOTION PUT AND PASSED.

10.3.2 Consolidated Audited Financial Statements, Year Ended March 31, 2008

A report dated March 16, 2009 was submitted from the Chair of the Audit Committee.

MOVED by Councillor Walker, seconded by Councillor Karsten that Regional Council approve the Halifax Regional Municipality's Consolidated Audited Financial Statements for the year ended March 31, 2009. MOTION PUT AND PASSED.

10.4 MEMBERS OF COUNCIL:

10.4.1 Councillor Barkhouse

(i) Request for Report re: Trail Maintenance

MOVED by Councillor Barkhouse, seconded by Councillor Younger that staff provide a report to determine what can be done to address the issue of trail maintenance, particularly those trails that have sections not maintained by HRM, in order to provide consistent maintenance along the length of the trail during all seasons.

Councillor Barkhouse asked that the report discuss how or if trail maintenance standards related to issues such as litter, winter maintenance, and repair work can be harmonized, recognizing that many groups and other organizations including HRM have responsibility for different sections of trails.

MOTION PUT AND PASSED.

(ii) Devil's Island Light Society

MOVED by Councillor Barkhouse, seconded by Councillor Wile that, on behalf of Regional Council, the Mayor provide a letter of support for the Devil's Island Light Society; and, letters of concern in regard to this matter to the appropriate Provincial and Federal Ministers. MOTION PUT AND PASSED.

(iii) Request for Report re: Emergency Exit, South Woodside

MOVED by Councillor Barkhouse, seconded by Councillor Karsten that staff provide a report regarding the feasibility of creating an emergency exit out of South Woodside, particularly focussing on population and concerns about the refinery. MOTION PUT AND PASSED.

10.4.2 Councillor Dalrymple - Request for Report re: Municipal Water for Gordon R. Snow Recreation Centre

MOVED by Councillor Dalrymple, seconded by Councillor Streatch that staff provide a report addressing the following:

 Estimated cost and feasibility of bringing municipal water to the Gordon R. Snow Recreation Centre from two potential locations: a) Ingram Drive in Fall River Village or b) from where Fall River Road ends at Windsor Junction. 2. Funding options available, including private/public partnerships with P3 school (Lockview High School) and the proposed seniors' centre and the Province of Nova Scotia (two provincial schools), and HRM (Gordon R. Snow Recreation Centre) and the federal government for matching infrastructure funding.

Councillor Hum advised that it was her understanding staff were already preparing a report on the overall issue of the construction of community centre, and she questioned if this report should be also considered in the report Councillor Dalrymple was requesting.

The Mayor advised that Councillor Dalrymple's request was very specific but staff will be requested to refer to any other reports pertaining to this matter.

MOTION PUT AND PASSED.

10.4.3 Councillor Mosher - Request for Report re: Processing Contractor Liability Claims

Councillor Mosher advised of two issues she dealt with over the past couple of weeks concerning individuals seeking liability claims from companies that HRM has contracts with and the difficulty they encountered dealing with those companies versus dealing with HRM staff. She indicated that she would like to have a policy developed to ensure that the contractors HRM deal with, address such claims in a timely manner.

MOVED by Councillor Mosher, seconded by Councillor Hendsbee that staff provide a report to formulate an enhanced policy ensuring that HRM's hired contractors address liability claims in an effective and timely manner.

Councillor Watts noted that there was a safety concern to this issue as well, as she had a resident slip and fall on a sidewalk that had not been maintained by a contractor, and resulted in serious injury which affected the individual from doing their work.

Deputy Mayor Hendsbee asked that the report also address the question of whether there is a requirement for any disclosure of claims or awards given on any contracts the contractors provided services for. He also asked if contractors are required, as a condition of contract renewal, to provide disclosure of any claims or work or damages caused by the work they've done to any of the municipal assets.

Councillor Smith asked that the report look into the idea of HRM having a retention policy of the data of the incidents, and a policy of whether HRM will use the same contractors in future.

Councillor Outhit asked that the report include ways in which HRM could reduce the amount of damage to property, noting that there have numerous complaints about lawn damage. He also asked whether HRM has a fund, from holdback fees from contractors that is used to repair damage caused by contractors.

Councillor Hum asked that the report provide information on data collection and how staff keep track of the claims or complaints filed against a contractor. Also, she questioned what recourse the Municipality takes against a contractor when a number of claims have been filed against that contractor.

MOTION PUT AND PASSED.

10.4.4 Deputy Mayor Hendsbee - Request for Report re: Tribute to the Late Peter Cox, Town Crier

MOVED by Deputy Mayor Hendsbee, seconded by Councillor Walker that staff provide a report exploring the opportunities to commemorate the 35 years of town crier service of the late Peter Cox and it include the following:

- C the renaming of a courtyard or square in the Historic Properties/Waterfront area
- the renaming a street or park after Peter Cox

Councillor Younger advised that Peter Cox had lived in the mobile home park located off Woodlawn Road. He added that staff is about to go to tender for a pocket park on Woodlawn Road and Main Street and suggested this as an option for staff to explore, as it has not yet been named.

MOTION PUT AND PASSED.

11. MOTIONS:

11.1 (i) Councillor Mosher

MOVED by Councillor Mosher, seconded by Councillor Smith that a report be provided on the adoption of the new UNSM Code of Ethics for elected officials.

Councillor Karsten requested that the report also look into the Best Practices that are used in other municipalities; and coordinate Administrative Order 40 (Illegal and Irregular Conduct Policy) with the report, and that the report look at the opportunity to have sanctions or repercussions for noncompliance to the code of ethics (final version).

MOTION PUT AND PASSED.

(ii) Councillor Mosher

Councillor Mosher advised that she was aware staff were working on a commemorative name policy through the Civic Addressing Department. She indicated that she was putting forward her motion as a final agreement by Council on the policy.

MOVED by Councillor Mosher, seconded by Deputy Mayor Hendsbee that all parks and public spaces that are named, renamed or dedicated come to the respective Community Council for final approval; and further, that the area councillor be

consulted prior to the recommendation coming forward.

Councillor Mosher pointed that she felt it was appropriate that the final approval come through the Community Council rather than Regional Council.

MOTION PUT AND PASSED.

12. ADDED ITEMS:

12.1 <u>Councillor Younger - Request for Report re: Municipal Ombudsperson</u>

MOVED by Councillor Younger, seconded by Councillor Lund that staff provide an Information Report on the possibility of establishing a Municipal Ombudsperson.

Councillor Younger asked that the report address any legislative hurdles and the costs associated with having this position.

Councillor Smith asked that the report address whether an ombudsperson would look into complaints against elected officials and how they treat their constituents.

MOTION PUT AND PASSED.

12.2 <u>Councillor Johns - Composition of Special Events Advisory Committee</u>

Councillor Johns advised that he had previously submitted to the Membership Selection Committee a revision to the composition of the Special Events Advisory Committee, with the hope that Membership Selection Committee would meet prior to the next Special Events Advisory Committee and deal with it. He added that Membership Selection Committee did not meet, therefore, he would like to put the matter before Council at this time, because, if approved, it will then enable the Special Events Advisory Committee to have a quorum for its next scheduled meeting.

MOVED by Councillor Johns, seconded by Councillor Nicoll that Section 1 of the Terms of Reference of the Special Events Advisory Committee be amended to delete the requirement for two members from the Cultural Advisory Committee and expand the requirement for Members at Large from two to four. MOTION PUT AND PASSED.

13. NOTICES OF MOTION:

13.1 Councillor Russell Walker

Take Notice that at the regular meeting of Halifax Regional Council, to be held on April 14, 2009 I propose to introduce, as a Policy pursuant to Section 315 of the Municipal Government Act, Administrative Order SC-55. The purpose of which is to effect closure of a portion of Main Avenue, Halifax.

13.2 Councillor Watts

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Take Notice that at the regular meeting of Halifax Regional Council, to be held on March 31, 2009 I propose to introduce a motion recommending that HRM encourage environmentally sustainable water choices by:

- continue to phase out the sale or distribution of bottled water from City Hall
- phase out the sale and distribution of bottled water at all HRM owned and operated facilities, including vending machines, where there is appropriate water safety and availability
- increasing the availability of tap water in HRM facilities, where required
- Committing to providing water-dispensing units at HRM organized and sponsored special events.
- C Launching a public awareness campaign to promote the consumption of public water as a safe, high quality and convenient alternative to bottled water.

13.3 Councillor Lund

Take Notice that at the next regular Regional Council meeting, to be held on Tuesday, March 31, 2009 I propose to move First Reading of By-law S-427, Respecting Charges for Street Improvements, the purpose of which is to amend By-law S-400, The Street Improvement By-law.

14. <u>ADJOURNMENT</u>

The meeting adjourned at 7:08 p.m.

Julia Horncastle Acting Municipal Clerk

INFORMATION ITEMS March 24, 2009

- Memorandum from Director, Transportation & Public Works dated March 10, 2009 re: Resident Accessibility to Electronic Waste and Hazardous Waste Recycling Programs
- 2. Memorandum from Chief Director, Fire & Emergency dated March 4, 2009 re: Fire Service Rural Management Committee Update
- 3. Memorandum from Director, Community Development dated March 4, 2009 re: Real Property Tax Status of Theatre Organizations and Venues in HRM
- 4. Memorandum from Acting Director, Infrastructure & Asset Management dated March 16, 2009 re: Earth Hour Event 2009
- 5. Memorandum from Director, Community Development dated March 13, 2009 re: HRM by Design: Demand, Capacity & Baseline Indicators Study
- 6. Memorandum from the Acting Municipal Clerk dated March 24, 2009 re: Requests for Presentation to Council Monarch -Rivendale Community Association