

HALIFAX REGIONAL COUNCIL
MINUTES

August 4, 2009

PRESENT:

Mayor Peter Kelly
Deputy Mayor David Hendsbee
Councillors: Steve Streach
Barry Dalrymple
Lorelei Nicoll
Bill Karsten
Jackie Barkhouse
Jim Smith
Mary Wile
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Jennifer Watts
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Tim Outhit
Reg Rankin

REGRETS:

Councillors: Gloria McCluskey
Robert Harvey
Peter Lund

STAFF:

Mr. Wayne Anstey, Deputy Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Melody Campbell, Legislative Assistant
Ms. Shawnee Gregory, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 1:35 p.m. with the Invocation being led by Councillor Wile.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

3. APPROVAL OF MINUTES - June 23, 20 & July 7, 2009

MOVED BY Councillor Blumenthal, seconded by Councillor Johns that the minutes of June 23, 30 and July 7, as presented, be approved. MOTION PUT AND PASSED.

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

- 13.1 Legal Matter - Settlement of Claim
- 13.2 Legal Matter - Settlement of Claim
- 13.3 District Boundary

Council will address all items during the afternoon session of Regional Council, with the exception of the Special Announcements & Acknowledgements and the Public Hearings which will begin at 6:00 p.m.

MOVED BY Councillor Blumenthal, seconded by Councillor Sloane, 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 Property Matter - Market Value Sale 213-217 Bedford Highway, Halifax, Feed Nova Scotia

- A supplementary report dated June 15, 2009 was before Council.
- An extract of the minutes of May 26, 2009 was before Council.

MOVED BY Councillor Walker, seconded by Councillor Sloane, that Halifax Regional Council:

1. **Approve, in principle, the sale by Feed Nova Scotia of the property located at 213-217 Bedford Highway, Halifax, for market value subject to payment in full of the debt outstanding related to the purchase of 213-217 Bedford Highway, Halifax, to HRM from the proceeds from sale;**
2. **Approve, in principle, the two other options as detailed in the discussion section of this report to provide greater flexibility and the option of a re-development initiative at 213-217 Bedford Highway, Halifax.**

MOTION PUT AND PASSED.

8.2 Case H00226 - Application to consider 7910, Highway #7, Musquodoboit Harbour, as a Municipally Registered Heritage Property

- A supplementary report dated July 14, 2009 was before Council.
- An extract of the minutes of May 12, 2009 was before Council.

MOVED BY Councillor Streach, seconded by Councillor Sloane, that Regional Council approve the registration of 7910, Highway #7, Musquodoboit Harbour as a Municipally Registered Heritage Property as shown in Map 1 of the April 7, 2009 staff report, under the Heritage Property Program.

Deputy Mayor Hendsbee requested as part of the report it be noted that if in the future the province wants to realign the road, that deregistration can be done.

MOTION PUT AND PASSED.

9. PUBLIC HEARINGS

9.1 By-Law N-200, Respecting Noise - Exemption Application - 2009 Canadian Senior Baseball Championship - Beazley Field & Mainland Commons

Item 9.1 was addressed following Item 13.3.

9.2 By-Law N-200, Respecting Noise, Exemption Application - Weir Rockin Concert

Item 9.2 was addressed at 6:00 p.m. as the last item on the agenda.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - None

10.2 Petitions - None

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Request for Proposal 09-066 - Recreation Facility Operations and Service Delivery Review

- A staff report dated June 29, 2009 was before Council.

MOVED BY Councillor Johns, seconded by Councillor Wile, that Regional Council:

- 1. Approve a transfer of \$81,109.02 from Major Events Facilities Reserve, Q319 to be recorded to Operating account C705 Facility Management to fund this award;**
- 2. Award RFP #09-066, Recreation Facility Operations and Service Delivery Review to the highest scoring proponent, dmA Planning and Management Services Inc. For a total cost of \$81,109.02 (net HST included) with funding from Operating Account C705 Facility Management, as outlined the Budget Implications section of the report dated June 29, 2009.**

MOTION PUT AND PASSED.

11.1.2 Purchase of Nine (9) Respirator Fit-Devices, Sole Source

- A staff report dated July 22, 2009 was before Council.

MOVED BY Councillor Blumenthal, seconded by Councillor Wile, that Regional Council:

- 1. Authorize an increase in the Capital budget, with funding from EMO Cost Recovery Reserve - Q314 to fund the purchase of respirator fit devices as per the budget implications section of the report dated July 22, 2009;**
- 2. In accordance with the Sole Source Policy (Administrative Order 35, Section 7 (8)), award the purchase of Nine (9) Respirator Fit-Testing Device to Levitt Safety Limited in the amount of \$133,418.96 (net HST included), net of trade in value, with funding from Capital Account No. CEJ01265-Respirator Mask as per the Budget Implications section of the report dated July 22, 2009.**

MOTION PUT AND PASSED.

11.1.3 Metro Transit Energy Performance Contract - Phase 2

- A staff report dated July 20, 2009 was before Council.

MOVED BY Councillor Karsten, seconded by Councillor Nicoll, that Regional Council:

1. **Authorize a reallocation of \$223,541 from Capital Account No. CBX01161, Energy Efficiency Projects to Capital Account No. CBX01057, Transit Facility Upgrades (Bundle).**
2. **Authorize a gross budget increase of \$284,577 to Capital Account No. CBX01057, Transit Facility Upgrades (Bundle), funded through cost sharing with Nova Scotia Eco Trust Program as outlined in the Budget Implications Section of the report dated July 20, 2009.**
3. **Authorize HRM to enter into phase two of an Energy Performance Contract for the Metro Transit facility at 200 Ilsey Avenue with Johnson Controls for an amount of \$837,775 (including net HST).**
4. **Approve assignment of the annual energy savings of \$70,000 to the Energy and Underground Services Reserve Q131 to fund future energy efficiency projects as per the Budget Implications section of the report dated July 20, 2009.**

MOTION PUT AND PASSED.

11.1.4 Proposed By-Law C-701, An Amendment to By-Law C-700, Respecting Cemeteries

- A staff report dated June 24, 2009 was before Council.

MOVED BY Councillor Mosher, seconded by Councillor Wile, that Regional Council approve in principle, the adoption of By-Law C-701, respecting amendments to By-law C-700 (the Cemeteries By-law), and also give notice of motion to begin the formal adoption process.

Councillor Mosher advised that she received a letter from one of a resident of District 17 addressing this issue, and she noted the letter will be distributed to the public and Council.

MOTION PUT AND PASSED.

11.1.5 Case 01298 - Extension of Central Water Services to Giles Drive, Bedford

- A staff report dated July 22, 2009 was before Council.

MOVED BY Councillor Outhit, seconded by Councillor Johns, that Regional Council

- 1. Initiate the process to consider amending the Regional Subdivision By-law to include six properties on Giles Road, illustrated on Map 2, within the Water Service Area; and**
- 2. Direct staff to follow the public participation program approved by Council in February 1997.**

Discussion among Council ensued regarding the number of properties affected by the amendment. It was advised that the number indicating specific properties be taken out of the amendment, that it be inclusive of the properties on Giles Road.

MOVED By Councillor Outhit, seconded by Councillor Johns that the motion be amended to remove the number (six) of properties from the motion. AMENDMENT TO MOTION PUT AND PASSED.

The motion now reads:

MOVED BY Councillor Outhit, seconded by Councillor Johns, that Regional Council

- 1. Initiate the process to consider amending the Regional Subdivision By-law to include properties on Giles Road, illustrated on Map 2, within the Water Service Area; and**
- 2. Direct staff to follow the public participation program approved by Council in February 1997.**

Mr. Wayne Anstey, Deputy Chief Administrative Officer, advised Council that a report on the feasibility of extending water and sewer on Sandy Lake lands, Birch Lake lands and some lands in Dartmouth will be presented to Council in September.

Councillor Dalrymple questioned the process advising that the process in Beaverbank and Fall River has been different. He added that residents paid for their own study.

MOTION PUT AND PASSED.

11.1.6 Case 01307 - Temporary Sign By-Law Amendments

- A staff report dated June 8, 2009 was before Council.

MOVED BY Councillor Adams, seconded by Councillor Smith, that Regional Council:

- 1. Initiate the process to consider amending By-law S-800 Respecting Requirements for the Licencing of Temporary Signs; and**
- 2. Direct staff to follow the public participation resolution as outlined in Attachment A of the report dated June 8, 2009.**

In response to a question by Councillor Adams, Ms. Sharon Bond, Manager of Subdivision & Land Use, advised Council that one public meeting will be held in September. She advised that the Temporary Sign By-law Amendments will be brought back to Council following the public meeting.

Councillor Rankin stressed the need to get a diverse range of opinions in both urban and rural areas.

Ms. Bond advised Council that the review will be looking at municipally-owned land as well.

During the discussion two areas were noted, the Bedford Highway and the Bayers Lake/Lacewood areas, as being challenging areas.

Councillor Karsten raised concern on timelines of signs, noting that many times once signs are put up they are not removed.

Councillor Hum advised of a requirement for flexibility as some businesses have signs as a means to promote their business.

Ms. Bond, in response to a query by Councillor Adams, advised that the issues of set backs and spacing will be addressed.

MOTION PUT AND PASSED.

11.1.7 Second Reading By-Law S-428, An Amendment to By-Law S-400, Respecting Charges for Local Improvements - New Paving Projects Outside the Core Area 2008 Motion - Councillor Rankin - Approve By-Law S-428

- A staff report dated April 30, 2009 was before Council.
- An extract of the June 20, 2009 minutes was before Council.

MOVED BY Deputy Mayor Hendsbee, seconded by Councillor Nicoll, that Regional Council approve By-law S-400, Respecting Local Improvement Charges, New Paving Projects Outside the Core Area - 2008, as attached to the April 30, 2009 staff report.

Deputy Mayor Hendsbee noted that Club Road is in Hatchett Lake, District 22.

MOTION PUT AND PASSED.

11.2 NORTH WEST COMMUNITY COUNCIL

11.2.1 Case 01307 - Bedford Municipal Planning Strategy and Land Use By-Law Amendment - 345 and 343 Kearney Lake Road, Bedford

- A staff report dated June 5, 2009 was before Council.
- A North West Community Council report dated July 14, 2009 was before Council.

MOVED BY Councillor Outhit, seconded by Councillor Johns, that Regional Council

- 1. Initiate the process to consider amending the Bedford Municipal Planning Strategy and Land Use By-law for 345 and 343 Kearney Lake Road to reflect the institutional use at 345 Kearney Lake Road in Bedford; and**
- 2. Request staff to follow the public participation program as approved by Council in February 1997.**

Members of Council requested that Councillor Hum be kept apprised of issues relating to Bedford West.

MOTION PUT AND PASSED.

11.3 MEMBERS OF COUNCIL

11.3.1 Councillor Sloane - Request for Report re: Winter Season Access, Public Gardens

MOVED BY Councillor Sloane, seconded by Councillor Dalrymple, that Regional Council request a staff report on the potential of an earlier operating and/or winter walkway trail testing during the winter season, and the staff requirements, for dedicated paths for the Public Gardens. MOTION PUT AND PASSED.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Legal Matter - Settlement of Claim

This item was addressed during an earlier In Camera meeting and was before Council for ratification.

MOVED BY Councillor Johns, seconded by Councillor Walker that Halifax Regional Council:

- 1. Settle the claim brought by the Plaintiff in the amount of \$45,000.00 to achieve a full and final settlement of the Plaintiff's action, upon obtaining a full Release from the Plaintiff from any further claims arising out of the incident on August 11, 2006 and;**
- 2. That the Private and Confidential report dated July 22, 2009 not be released to the public.**

MOTION PUT AND PASSED.

13.2 Legal Matter - Settlement of Claim

This item was addressed during an earlier In Camera meeting and was before Council for ratification.

MOVED BY Councillor Wile, seconded by Councillor Nicoll that Halifax Regional Council:

- 1. Settle the claim brought by the Plaintiff in the amount of \$18,500.00 to achieve a full and final settlement of the Plaintiff's action, upon obtaining a full Release from the Plaintiff from any further claims arising out of the incident on June 16, 2008, and;**
- 2. That the private and confidential report dated July 22, 2009 not be released to the public.**

MOTION PUT AND PASSED.

13.3 District Boundary

This item was addressed during an earlier Committee of the Whole meeting and was before Council for ratification.

MOVED BY Councillor Rankin, seconded by Councillor Outhit that Halifax Regional Council:

- 1. Recommend that HRM's major District Boundary Review, required to be submitted by December 31, 2010, be conducted in two (2) phases. The first phase to address HRM's Council governance structure and the second phase to set the specific district boundaries.**
- 2. For phase 1, the establishment of HRM's Council governance structure, a Committee of Council be struck to consider appropriate alternatives for HRM and bring forward a recommendation to Regional Council on or before February 24, 2010 with regard to:**
 - i) the size of Regional Council appropriate to decision making of a Regional nature; and**
 - ii) the size of Regional Council to support a Community Council structure appropriate to community decision making.**

And, that the Committee of Council be comprised of:

- i) the Mayor**
- ii) one (1) Councillor nominated from each of the Community Councils**
- iii) one (1) member of HRM's Executive Management Team**

And, that the Committee of Council undertake the public consultation deemed necessary to ensure appropriate public input and consultation on the matter.

- 3. For phase 2, the setting of specific district boundaries based on the direction approved by Regional Council, be undertaken by the same Committee of Council and supported by appropriate staff resources and expertise. The Committee will:**
 - i) ensure the boundaries are set in accordance with the Nova Scotia Utility and Review Board (NSUAR) and legislative requirements to be considered in the setting of district boundaries including but not exclusive to communities of interest, planning areas, and meeting the population/voter equity between districts "plus or minus 10%" - or defended otherwise;**
 - ii) undertake the public consultation deemed necessary to ensure appropriate public input and consultation on the boundaries including Councillors, stakeholders and the broader public; and**
 - iii) bring forward a recommendation for ratification (for or against) on the District Boundaries to Regional Council on or before September 28, 2010.**

MOTION PUT AND PASSED.

9.2 By-Law N-200, Respecting Noise, Exemption Application - Weir Rockin Concert

This item was dealt with in the afternoon session of Regional Council.

Councillor Johns requested clarification on whether HRM property is exempt from the noise by-law. Mr. Paul Dunphy, Director, Community Development, advised that municipal parkland is exempt up to 1:00 a.m.

Council recessed at 2:45 p.m.

Council reconvened at 2:55 p.m.

Ms. Mary Ellen Donovan, Municipal Solicitor, advised Council that if an event is in a municipal park and concludes before 1:00 a.m., the event does not need an exemption from Council. She advised that any events held in a municipal park beyond 1:00 a.m. does require a public hearing.

Councillor Johns advised Council that the Weir Rockin Concert will be over by 12:00 a.m.

MOVED BY Councillor Johns, seconded by Councillor Dalrymple, that due to an exemption in the By-law, Item 9.2. be removed from the agenda and that no public hearing be held. MOTION PUT AND PASSED.

Discussion ensued among Council regarding Item 9.1, By-Law N-200, Respecting Noise - Exemption Application - 2009 Canadian Senior Baseball Championship - Beazley Field & Mainland Commons. Members of Council noted that this is a National Championship and games must be played. It was determined that this item would be addressed by a public hearing being held at the evening session of Regional Council.

14. NOTICES OF MOTION

14.1 Councillor Adams

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 11th day of August, 2009, I propose to move First Reading of By-Law C-701 Respecting Cemeteries, the purpose of which is to amend Section 12 Subsection (7) to read "size of 50 inches x 14 inches" and Section 7 subsection (5) clause (iv) to read "All lots sold back to the Municipality shall be purchased at the current municipal value for a lot less 20%".

Council recessed at 3:20 p.m.

Council reconvened at 6:00 p.m.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane thanked everyone who had participated in the Natal Day events held over the past weekend; particularly the local bands and volunteers from the Lions Club. She requested that the Mayor express Council's gratitude to the Lions Clubs in a letter. Councillor Sloane indicated that the Halifax International Buskers Festival would be taking place from August 6 to 16, 2009 on the Halifax Waterfront. She stated that Mr. Dave Carroll, volunteer firefighter, would be performing at Tunes at Noon on August 5, 2009. In closing, Councillor Sloane stated that Mother Goose who had lived in the Halifax Public Gardens for over 20 years had passed away on August 3, 2009 and hoped everyone would remember her in good spirits.

Councillor Blumenthal congratulated the Halifax Navy; particularly Admiral Madison, for opening a community centre named in honour of Rear Admiral Desmond Pierce. He also congratulated all involved with the first Canadian Forces Rock Fest. Councillor Blumenthal indicated that the Northern Lights Festival would be taking place on August 8, 2009 from 4:00 p.m. to 10:00 p.m. at Merv Sullivan Field. In closing, he congratulated everyone who had attended the Africville Reunion over the past weekend.

Councillor Mosher, on behalf of herself and Councillor Walker, wished Mr. Len Goucher Senior a happy 90th birthday. She stated that she and Councillor Adams wished to thank the following individuals involved with the second annual Dingle Natal Day Party: Mary Angela Munro, Recreation Coordinator, Colleen Connolly, HRM Cultural Affairs, Nico Koeing, HRM Coordinator, Captain William Spry Centre staff including Mary-Jane Martin, Pat Wells, Wade Betts, Sam Wilkie, Jacqui Wells, David Clattenburg, Ellen Henneberry, Eleni Panogoplous, Chocolate Lake Recreation Centre staff including Heidi Doucet, Megan Martin, Hilary Doucet, Elliot Kavanagh, Jacob Dibias, Julie-Anne Harish, resident Colleen Murphy, fundraising coordinator, sponsors including Halifax Regional Municipality, Halifax Regional Water Commission, Bowlerama Spryfield, Sobeys Spryfield, RBC Spryfield, Polycorp, Armco, Pinky's, Glow Parties, Osborne Street Tim Horton's, Gem Health Care and the entertainment; Halifax Parkour, the Korean Drum Band and Spectrum.

Councillor Dalrymple invited everyone to attend the annual Beaverbank Kinsac Community Yard Sale on August 8, 2009 from 8:00 a.m. to 2:00 p.m.

Councillor Nicoll indicated that the parade in honour of Sidney Crosby would be taking place on August 7, 2009 at 2:30 p.m. and would start at the Portland Hills Bus Terminal and go to Cole Harbour Place where fan events would be taking place including a concert with Sam Roberts.

Councillor Watts indicated that a community potluck for newcomers and residents would be taking place on the South Commons on August 8, 2009 at 11:00 a.m.

Deputy Mayor Hendsbee indicated that Lake and Shore Days at Porter's Lake would be taking place from August 7 to 9, 2009 with a parade taking place on Saturday morning.

Councillor Adams indicated that Sambro Southwest Days would be taking place from August 22 to 24, 2009. He thanked the Spryfield Lions Club for the pancake breakfast which had been scheduled for August 3, 2009, however, was cancelled due to rain. Councillor Adams thanked Spryfield Ultramar which was used in a movie scene and had donated \$4000 to the Spryfield Lions Club for a community park. He thanked the Harrietsfield, Williamswood, Sambro Transit Committee for their help with the rural bus service which would be commencing at 5:30 a.m. on August 31, 2009. In closing, Councillor Adams thanked Councillor Mosher for the great deal of work she had done for the Dingle Natal Day Party.

Councillor Barkhouse indicated that the Eastern Passage Cow Bay Summer Carnival would be taking place from August 2 to 9, 2009. She noted that residents could find a total list of events at www.epcbsummercarnival.ca

9. PUBLIC HEARINGS

9.1 By-Law N-200, Respecting Noise - Exemption Application - 2009 Canadian Senior Baseball Championship - Beazley Field & Mainland Commons

- A staff report dated July 17, 2009 was before Council.

Superintendent Bill Moore provided the presentation on By-Law N-200, Respecting Noise - Exemption Application - 2009 Canadian Senior Baseball Championship - Beazley Field & Mainland Commons. He advised that the exemption had been requested after 1:00 a.m. from August 19 to 23, 2009 only in the case of inclement weather.

Mayor Kelly reviewed the Rules of Procedure for Public Hearings and called for those wishing to speak for or against the Exemption Application.

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

MOVED BY Councillor Sloane, seconded by Councillor Blumenthal, that the public hearing be closed. MOTION PUT AND PASSED.

MOVED BY Councillor Dalrymple, seconded by Councillor Sloane, that Regional Council approve the 2009 Canadian Senior Baseball Championship noise curfew exemption application, and permit the emitting of noise including yelling, shouting, hooting, whistling and the use of a public address system past one o'clock in the morning if deemed necessary to delay a game due to inclement weather, beginning

August 19th and each day until the end of the tournament on August 23rd. Council should also take into consideration any matters raised at the hearing and pursuant to the contents of the report dated July 17, 2009. MOTION PUT AND PASSED.

9.2 By-Law N-200, Respecting Noise, Exemption Application - Weir Rockin Concert

This item was deleted from the agenda as per the motion of Council in the afternoon session of Regional Council.

15. ADJOURNMENT

The meeting adjourned at 6:16 p.m.

Julia Horncastle
Acting Municipal Clerk

INFORMATION ITEMS
August 4, 2009

1. Memorandum from Chair, Solid Waste Resource Advisory Committee dated June 24, 2009
re: 2006 Composting Facility Guidelines
2. Memorandum from Director, Transportation & Public Works dated June 23, 2009
re: Maintenance of Dunbrack Street Rose Bushes
3. Memorandum from Director, Community Development dated June 26, 2009
re: Benchmarking for Community Relations and Cultural Affairs
4. Memorandum from Director, Legal Services & Risk Management dated July 13, 2009
re: Status of By-Law Prosecutions, May 1-31, 2009
5. Memorandum from Director, Legal Services & Risk Management dated July 13, 2009
re: Land Use By-Law Prosecution
6. Memorandum from the Acting Municipal Clerk dated July 31, 2009
re: Requests for Presentation to Council - None