

HALIFAX REGIONAL COUNCIL
MINUTES

September 8, 2009

PRESENT: Mayor Peter Kelly
Deputy Mayor David Hendsbee
Councillors: Steve Streach
Barry Dalrymple
Lorelei Nicoll
Gloria McCluskey
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
Peter Lund
Reg Rankin

REGRETS: Councillors: Robert Harvey

STAFF: Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Sheilagh Edmonds, Acting Municipal Clerk
Ms. Chris Newson, Legislative Assistant

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1. INVOCATION

Mayor Kelly called the meeting to order at 6:15 p.m. with the Invocation being led by Councillor Sloane.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane announced that local musician Charlie A'Court had donated over \$4,000 to the non profit group Halifax Housing Help. The funds were raised through busking shows Mr. A'Court recently held in Dartmouth and Halifax.

Councillor Johns announced the third annual Weir Rockin' event. The event was sold out with over 3000 people in attendance. He thanked all volunteers and HRM for their support.

Councillor McCluskey extended congratulations to all metro paddlers, and coaches, who brought home medals from the National Canoe Kayak Championships held in Sherbrooke, Quebec.

Councillor Nicoll invited everyone to the upcoming Cole Harbour Harvest Festival.

Councillor Streach entered the meeting at 6:22 p.m.

Councillor Dalrymple thanked volunteers in Fall River/Windsor Junction for the recent events including a dance and fireworks. He announced the following upcoming events: Waverley Klondike Day and Goldrush events to be held in Waverley; the Keeners Group will host a fair and fundraiser at the Beaver Bank Kinsac Rec Centre for community gardens and compost area; free BBQ hosted by the Woodbine Family Association; emergency preparation kits will be handed out at Brown Hall on the Beaver Bank Road; Bike Safety information event to be held at the Rocky Lake Wal-Mart in conjunction with Community Health, Halifax Regional Police and Fire services.

Councillor Lund thanked all supporters and participants of the recent Laser Boat races noting that it was one of the largest sailing regattas held in Canada with over 460 athletes from 56 countries. Photos of the event may be viewed on the St. Margaret's Sailing Club website. He announced the upcoming Hammonds Plains Fun Days to be held on Saturday, September 12th. He thanked Council and Metro Transit staff for the new Metro X transit service from Tantallon that commenced on August 31st.

Councillor Outhit announced the upcoming Bicycle Safety event to be held at the Rocky Lake Wal-Mart. He encouraged all youth to attend a meeting on Wednesday, September 9th at 6:00 p.m. at the Lebrun Centre in Bedford to participate in discussions on a possible Skateboard Park for Bedford.

Councillor Barkhouse announced the first Seaside Harvest Festival to be held at Fishermen's Cove on October 24th. She also recognized organizers of the first Labour Day March and picnic held on the Halifax Commons.

Deputy Mayor Hendsbee invited residents of Lawrencetown to the Marine Drive Valley and Canal Community Council meeting to be held on Wednesday, September 9th at the Community Centre. Following the Community Council meeting, there would be a public information meeting on pet care facilities. He announced an upcoming auction to be hosted by the Canoe Club at the Lake Echo Community Centre on Thursday, September 10th at 6:30 p.m.

Councillor Wile thanked and congratulated all Halifax Regional athletes who participated in the Canada Summer Games.

Councillor Blumenthal announced the upcoming Italian Weekend to be held at the Italian Centre on Agricola Street. He also noted the GO NORTH event to be held on Saturday, September 12th.

Councillor Watts announced the upcoming Great Canadian Shoreline Cleanup to commence on September 19th and encouraged everyone to check the website for more detail.

Councillor Smith announced the upcoming Dartmouth District 9 Summer Carnival to be held on Saturday, September 12th at the Dartmouth North Community Centre.

Councillor Nicoll announced the upcoming Ecumenical Service for First Responders to be held at Cole Harbour Place on Sunday, September 13th.

Councillor Adams announced the Ryan Kidston Memorial Ball Tournament to be held at the Greys Oakley Ball Field from Friday, September 11th to Sunday, September 13th. He also thanked all organizers and participants of the recent Sou'wester Days in Sambro. He thanked Council and Metro Transit on behalf of the residents of District 18 for the recently commenced Sambro Loop transit service.

3. APPROVAL OF MINUTES - August 4 & 11, 2009

MOVED BY Councillor McCluskey, seconded by Councillor Sloane, that the minutes of August 4 & 11, 2009 be approved. MOTION PUT AND PASSED.

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

Additions:

- 13.1 Councillor Hum - Highway 102 / Larry Uteck Boulevard Interchange Blasting
- 13.2 Legal Matter - Legal Instructions
- 13.3 Contractual Matter - Infrastructure Program
- 13.4 Legal Matter - Settlement of Claim
- 13.5 Legal Matter - Settlement of Claim
- 13.6 Personnel Matter - Citizen & Councillor Appointments to Boards, Committees & Commissions
- 13.7 Personnel Matter - Appointments to FCM 2011 Conference Advisory Committee

13.8 Councillor Rankin - Defer Tax Reform matter to September 22, 2009.

MOVED BY Councillor Rankin, seconded by Councillor Blumenthal, that the Order of Business, as amended, be approved. MOTION PUT PASSED.

Council agreed to deal with Item 9.1 Public Hearing - Case 01053 at this time.

9.1 Case 01053 - Dartmouth Municipal Planning Strategy / Land Use By-Law Amendments - Waverley Road

- A copy of the PowerPoint presentation was before Council.
- An extract of the July 7, 2009 Regional Council minutes was before Council.
- A Harbour East Community Council Report dated June 15, 2009 with attached Supplementary Staff Report dated May 29, 2009 was before Council.
- A Supplementary Staff Report dated June 18, 2009 was before Council.

The following persons submitted written submissions in regard to Case 01053: Peter J. E. McDonough, William D. McKee, Kelly A. Peck.

Ms. MacKenzie Stonehocker, Planner, presented the report. Ms. Stonehocker provided the following comments in response to points of clarification from Council:

- The proposed zoning change would extend past two small properties beyond the Montebello boundary.
- The study area was expanded beyond the original complaint area based on public feedback received at the Public Information Meetings. Residents of the area were interested in a zoning review for a larger portion of the Waverley Road.
- The rezoning to C-1A from R-1 would allow for some commercial development through a development agreement process.

Mayor Kelly explained the Rules of Procedure for public hearings then opened the public hearing calling for anyone wishing to speak for or against the proposal to come forward.

Mr. Glenn Conrad, Dartmouth, advised that the land use conflict was the genesis for the rezoning. He explained that he had lived in the area for 22 years and the land use had been compatible until 2004 when a transport operation commenced near his property leading to complaints in regard to noise from diesel engines and the odour of diesel fumes. Mr. Conrad noted that he had met several times with the operator of the business, HRM staff and elected officials which led to some of the issues being resolved. A Supreme Court injunction had also been obtained to restrict usage at certain times. He advised that he was opposed to the proposed rezoning due to health and safety concerns for his family. Mr. Conrad noted that he was in support of mixed use commercial/residential along the Waverley Road although he had concern with compatibility issues. He requested that Council take action to remove the health hazard from the neighbourhood and referenced a document, referred to as Ordinance 51 - Respecting the Abatement of Smoke and Other Atmospheric Pollutants, that he believed provided sufficient provision to eliminate the problem due to the fumes and the operation of transport vehicles. Mr. Conrad added that he did not want to be forced from his property.

Mr. Whebby, Dartmouth, (Transport Company Owner) explained that there had been a commercial industrial operation on the property in question prior to his operation and that upon purchasing the land, he continued with the same usage. He noted Mr. Conrad's concerns and explained that Mr. Conrad was aware of the land use prior to building. Mr. Whebby advised that he had not received complaints from any other residents in the area. He advised that he would prefer to have things remain the same.

Mr. Bosch Toulany, Dartmouth, explained that he had purchased a lot on the Waverley Road four years ago and that the proposed amendments would restrict the usage of that land. Mr. Toulany noted that the front portion of his property was a Car Wash and his plans to revise the back portion of the property have been placed on hold due to the proposed rezoning. He noted that if the proposed By-Law were passed, he would be deprived of the intended use of his property.

The Mayor called three times for additional speakers; there being none, it was **MOVED by Councillor Sloane, seconded by Councillor Johns that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED BY Councillor Karsten, seconded by Councillor McCluskey that Halifax Regional Council approve the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law as shown in Attachment A and B of the staff report dated May 29, 2009.

Councillor Karsten explained that a happy balance had been reached and he was in support of the proposal as it was what the majority of residents wanted for the Waverley Road area. He noted that Ordinance 51 was an old city of Halifax ordinance and may not have validity in Dartmouth today.

Councillor Uteck advised that she was not in support of the proposal due to the public comments expressed and that the original issue would not be resolved. She noted that she was in support of grandfathering-in the present land uses although that would not resolve the issue. She explained that there was a similar issue in her district in regard to the grain elevator.

Councillor Wile noted that she was in support of the proposal as many of the businesses were in existence prior to the residential areas.

Mr. Kurt Pyle, Acting Supervisor, Planning Applications, responded to questions of clarification from Council explaining that if an existing land use were to move from the area, the proposal would allow a time frame of twelve months to find a new tenant. If the proposal were approved, Mr. Whebby would be permitted to continue business as usual, however; Mr. Toulany would have a reduction in the number of uses for his property.

Councillor Adams commented that if the proposal would not resolve Mr. Conrad's issue and would not change Mr. Whebby's land use but would restrict Mr. Toulany's land use, why go forward with the proposal.

In response to Councillor Johns' concern with the continued existence of the established landscape buffer and fence near Mr. Conrad's property, Ms. Stonehocker advised that they would be grandfathered-in and remain if the proposal were approved.

Councillor Karsten clarified that the public hearing was not in regard to the Conrad property. The public hearing was in regard to mixed used commercial/residential zoning along the identified portion of the Waverley Road. The process engaged the public and the staff report meets the objective. He noted that he was in support of the proposal.

MOTION PUT AND PASSED.

Council agreed to deal with Item 8.1 at this time.

8.1 Short-Term Loan for St. Margaret's Centre (REVISED)

- A revised report dated August 26, 2009 was before Council.

MOVED BY Councillor Lund, seconded by Councillor Johns that Halifax Regional Council approve a loan of \$130,000 to the St. Margaret's Centre to be fully paid over 5 years commencing in 2010/11 according to the repayment schedule in Table 1 of the report dated August 25, 2009. MOTION PUT AND PASSED.

Council agreed to deal with Item 5 at this time.

5. BUSINESS ARISING OUT OF THE MINUTES

5.1 Item 12.10 Request for Report - Metro Transit - August 11, 2009

Councillor Lund provided further clarification to a motion he moved at the August 11th Regional Council meeting. Referencing Page 16, Item 12.10 Request for Report - Metro Transit of the August 11, 2009 Council minutes, he noted that his intent was for the motion to read as follows and to include the underlined wording:

"Moved By Councillor Lund, seconded by Councillor Rankin that Regional Council request a report, as part of the five year transit plan report to Council, on a cost benefit analysis on shuttle services to the proposed Bedford Fast Ferry and from there to downtown compared with express bus services from the Hammonds Plains Park and Ride to the Mumford Road Terminal and the Halifax downtown. In addition, it was requested the report include, District 16, whether buses will be using Kearney Lake Road, the 102 or the Bedford Highway, including a review of a bus stop for pickups."

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS - August 11/09

8.1 Short-Term Loan for St. Margaret's Centre (REVISED)

This item was dealt with earlier in the meeting. See page 8.

8.2 Bloomfield Master Plan (deferred at Committee of the Whole, Aug 11/09)

- A copy of the PowerPoint presentation was before Council.

Ms. Holly Richardson, Coordinator, Infrastructure & Asset Management, Real Property Planning, and Mr. Peter Bigelow, Manager, Real Property Planning, presented the report.

Council recessed at 8:10 p.m.

Council reconvened at 8:24 p.m. with Deputy Mayor Hendsbee in the Chair.

Council agreed to deal with Item 10.3.1 at this time.

10.3.1 Canoe 09 World Championships

Mr. Chris Keevill, Chair, of the Canoe 09 World Championships, provided a verbal update to Council in regard to the World Championships recently held at Lake Banook. He thanked all who participated in and supported the event including HRM staff and elected officials, organizers, volunteers and the athletes. Mr. Keevil noted the number of improvements to the Lake Banook area completed for the event and advised that there would be a cash legacy in excess of \$500,000 dollars for sports development.

Council returned to Item 8.2 at this time.

8.2 Bloomfield Master Plan (continued)

MOVED BY Councillor Blumenthal, seconded by Councillor Sloane that Halifax Regional Council approve in principle the Bloomfield Master Plan as the guideline and framework for the future planning and development of the Bloomfield property; and achieve the objective within one year.

Members of Council expressed their support for the project commenting that it would benefit residents living on and off the peninsula by enabling programming for arts and culture and the pursuit of affordable housing options. The project would achieve HRM's goal to have sustainable and liveable communities.

Mayor Kelly resumed the Chair at 8:34 p.m.

Councillor Sloane requested that staff work with stakeholders to ensure programs such as floor hockey were accommodated.

Councillor McCluskey requested that affordable housing be within reach of the people currently residing in the area.

In response to Councillor Lund, Mr. Bigelow and Mr. Ross Cantwell, Colliers International, advised that the next step for the project would be to work on the funding forum with a report back to Council at a later date in regard to funding options that would include any possibility of potential partnerships with other levels of government.

Councillor Rankin advised that he was in support of the project and acknowledged that it would be a stimulant for the revitalization of the area. The proposed project satisfied all categories of the economic plan and addressed important quality of life issues for the peninsular area.

Councillor Watts noted that the capacity of the non profit sector to partner on projects was one of HRM's greatest gifts as they have shown great creativity, continued leadership and perseverance with previous initiatives. She requested that staff consider the greater capacity, closer to 30%, for the provision of affordable housing to best support the community.

MOTION PUT AND PASSED.

9. PUBLIC HEARINGS

9.1 Case 01053 - Dartmouth Municipal Planning Strategy / Land Use By-Law Amendments - Waverley Road

This item was dealt with earlier in the meeting. See page 6.

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Correspondence - None

10.2 Petitions

10.2.1 Councillor McCluskey - St. George's Lane

Councillor McCluskey submitted a petition signed by 14 residents of St. George's Lane area, Dartmouth requesting that the historic two-way traffic flow be maintained on St. George's Lane.

10.2.2 Councillor Blumenthal - Beresford Road Sidewalk Replacement

Councillor Blumenthal submitted a petition signed by 15 residents requesting that replacement of the Beresford Road sidewalk be placed on the high priority list for sidewalk replacement.

10.3 Delegations

This item was dealt with earlier in the meeting. See page 9.

Council agreed to deal with Item 13.8 at this time

13.8 Councillor Rankin - Tax Reform Committee Report

MOVED BY Councillor Rankin, seconded by Councillor Mosher that Halifax Regional Council refer the Tax Reform Committee Report and staff presentation from the September 15th Council agenda to the September 22, 2009 Council agenda. MOTION PUT AND PASSED.

Council agreed to deal with Item 11. Reports at this time.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Case 01287 - Burnside Expansion - Regional Municipal Planning Strategy and Municipal Planning Strategy Amendments

- A report dated August 14, 2009 was before Council.

MOVED BY Councillor Dalrymple, seconded by Councillor Karsten that Halifax Regional Council:

- 1. Authorize staff to initiate the process to consider amending the Regional Municipal Planning Strategy, the Regional Subdivision By-Law, and the Municipal Planning Strategies for Dartmouth and Planning Districts 14 & 17 (Shubenacadie Lakes) to allow for amendments to enable the continuation of the Burnside Business Park on HRM owned lands; and**
- 2. Direct staff to follow the public participation program approved by Council in February 1997.**

MOTION PUT AND PASSED.

11.1.2 Proposed By-Law T-139, an Amendment to By-Law T-108, Respecting the Regulation of Taxis & Limousines

- A report dated July 29, 2009 was before Council.

MOVED BY Councillor Adams, seconded by Councillor Walker that Halifax Regional Council approve in principle By-Law T-139, amending By-Law T-108 Respecting the Regulations of Taxi and Limousines (attached as Appendix A) to extend the current open taxi zone hours 7 days per week from 11:00 p.m. to 6:00 a.m. and direct staff to arrange for its formal introduction for First Reading.

Councillor Adams requested that the Public Hearing on this matter be held in conjunction with the public hearing for other proposed amendments to By-Law T-108 such as the introduction of smaller size/hybrid vehicles to the taxi industry.

MOTION PUT AND PASSED.

11.1.3 Project Substitutions - Municipal Rural Infrastructure Fund (MRIF)

- A report dated August 14, 2009 was before Council.

MOVED BY Councillor Streach, seconded by Councillor Blumenthal that Halifax Regional Council:

- 1. Approve reallocating \$257,000 Municipal Rural Infrastructure Fund monies planned for the Shubenacadie Corridor trail section between Conrad Bridge to Mic Mac Boulevard, Capital Account CDG00984, to the Prospect Community Centre, Capital Account CBG00720;**
- 2. Approve reallocating \$149,190 Municipal Rural Infrastructure Fund monies planned for the Potable Water - Rural Fire Stations, Capital Account CHJ00882, to the Prospect Community Centre, Capital Account CBG00720;**
- 3. Transfer \$406,190 debt funding from CBG00720 - Prospect Community Centre to CRESPOOL; and**
- 4. Transfer \$257,000 debt funding from CRESPOOL to CDG00984 - Regional Trails Active Transportation.**

MOTION PUT AND PASSED.

11.1.4 Halifax Water Cost Sharing - Capital Budget Increase

- A report dated August 4, 2009 was before Council.

MOVED BY Councillor Wile, seconded by Councillor Johns that Halifax Regional Council approve an increase to Capital Account No. CZU01082 - Resurfacing Program in the amount of \$213,200.40 (net HST included) and Capital Account No. CYU01081 - Paving Renewal Program in the amount of \$275,000.00 (net HST included) funded through cost sharing with Halifax Water. MOTION PUT AND PASSED.

11.1.5 Capital Budget Increase, Energy Efficiency Projects

- A report dated July 24, 2009 was before Council.

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

1. **An increase of \$1,473,765 to Capital Account # CBX01161, Energy Efficiency Projects with no change to the Net Budget, to reflect secured additional cost sharing funding, as outlined in the Budget Implications section of the report dated July 24, 2009.**
2. **An additional increase of \$534,900 to Capital Account CBX01161, Energy Efficiency Projects with no net increase to HRM by transferring \$245,000 from Reserve Account Q127, Sustainable Community Reserve and \$289,000 from Operating Account D948, as outlined in the Budget Implications section of the report dated July 24, 2009.**

MOTION PUT AND PASSED.

11.1.6 Government Wharf Road, Eastern Passage, District 8

- A report dated July 30, 2009 was before Council.

MOVED BY Councillor Barkhouse, seconded by Councillor McCluskey that Halifax Regional Council approve the acceptance of ownership of Government Wharf Road, Eastern Passage as shown as Parcel XA on the attached Plan No. 07033002 conditional upon the following:

1. **The Province of Nova Scotia provides a letter of intent or quit claim deed to HRM releasing any responsibility of ownership;**
2. **HRM to obtain an encroachment agreement from property owners(s) who have known infrastructure elements or interests located within the proposed boundaries; and,**
3. **Halifax Water to obtain relevant easements from the Province for the purpose of maintaining the existing water system.**

Mr. Dave Hubley, Manager, Design and Construction Services, responded to concerns raised by members of Council as follows;

- The intent was for HRM to take over only those boundaries identified as Parcel XA, therefore, wharfage fees or obligations for maintenance of the wharf were not anticipated.
- Due to the uncertainty in ownership of Government Wharf Road there was not an opportunity to work with an Association in regard to ownership and maintenance of Government Wharf Road.

Councillor McCluskey noted that Government Wharf Road was lined with businesses that pay commercial tax and that HRM could improve the road conditions. Improved road conditions would assist in attracting tourists to the Fishermen's Cove area.

Councillor Barkhouse advised that businesses along Government Wharf Road and in Fishermen's Cove, a vital link to the community, have been negatively affected by the poor road conditions. She clarified that HRM was not trying to access the wharf.

MOTION PUT AND PASSED.

11.1.7 Closure of June Street to Vehicular Traffic at West Street

- A report dated August 14, 2009 was before Council.

MOVED BY Councillor Sloane, seconded by Councillor McCluskey that Halifax Regional Council approve the closure of June Street at West Street to vehicular traffic for a total amount of \$3,000.00 (net HST included). Funding is available in Capital Account No. CTR00423 - Traffic Calming (Consultant Support & Hardware) as outlined in the Budget Implications section of the report dated August 14, 2009.

MOTION PUT AND PASSED.

11.1.8 Reinstatement of the Community Name Bayers Settlement, East Petpeswick

- A report dated July 30, 2009 was before Council.

MOVED BY Councillor Streach, seconded by Councillor Karsten that Halifax Regional Council support the reinstatement of Bayers Settlement as a “locality” in the Nova Scotia Provincial Gazetteer. MOTION PUT AND PASSED.

11.1.9 First Reading By-Law E-101, An Amendment to By-Law E-100 - Respecting a Prompt and Coordinated Response to an Emergency - Change in Provincial Legislation from Municipal “Emergency Measures Organization” to “Emergency Management Organization”

- A report dated August 6, 2009 was before Council.

MOVED BY Councillor Blumenthal, seconded by Councillor Lund, that Halifax Regional Council approve First Reading of By-Law E-101, An amendment to By-Law E-100, the purpose of which is to replace all references to “emergency measures” with “emergency management” in keeping with the Provincial practice. MOTION PUT AND PASSED.

11.1.10 Second Reading By-Law C-701, An Amendment to By-Law C-700, Respecting Cemeteries

- A report dated June 24, 2009 was before Council.
- An extract of the August 11, 2009 Regional Council minutes was before Council.
- A correspondence dated July 3, 2008 from LT. Col. R. G. (Pete) Buell, was before Council.

MOVED BY Councillor Mosher, seconded by Councillor Adams that Halifax Regional Council approve By-Law C-701, an amendment to By-Law C-700 (the Cemeteries By-Law), as outlined in the report dated June 24, 2009. MOTION PUT AND PASSED.

11.2 MEMBERS OF COUNCIL

11.2.1 Councillor Dalrymple - Request for Letter to the Province re: Crosswalk Flag Program

Councillor Dalrymple requested that Mayor Kelly follow-up on the motion of February 10, 2009 and advise whether a letter had been sent to the Provincial Minister of Transportation and Infrastructure Renewal in regard to the Crosswalk Flag Program.

11.2.2 Councillor Smith - Public Transit Resolution

MOVED BY Councillor Smith, seconded by Councillor Walker that Halifax Regional Council endorse the resolution for consideration by the Union of Nova Scotia Municipalities as follows:

- 1. That the Union of Nova Scotia Municipalities and municipalities operating transit systems enter into discussions with the Province of Nova Scotia concerning the possibility of increased operating funding for public transit within the Province; and**
- 2. That the Union of Nova Scotia Municipalities urge the Provincial Government to re-engage in the provision of public transit in the Province of Nova Scotia and work with the municipalities to develop a public transit strategy for the Province.**

MOTION PUT AND PASSED.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Councillor Hum - Highway 102 / Larry Uteck Boulevard Interchange Blasting

MOVED BY Councillor Hum, seconded by Councillor Walker that Halifax Regional Council request a staff report in regard to blasting concerns on Highway 102 and Larry Uteck Boulevard.

Councillor Hum requested that appropriate HRM and Provincial staff have seismographic equipment placed on specific properties in the Kearney Lake Road area that were outside the pre blast survey area (those properties facing Kearney Lake and those properties on Hamshaw Drive and in Kearney Lake Estates) to monitor the blasts; analyze the results and to take appropriate action.

Councillor Outhit requested that random sampling be done in areas with wells and septic systems outside the pre blast survey area as he has received complaints of strong

vibrations from the blasting work from residents in areas a long way from the interchange site.

Councillor Hum also requested that staff explore the potential impact of future blasting in relation to the Bedford West Development.

MOTION PUT AND PASSED.

Councillor Hum submitted a correspondence from the Nova Scotia Department of Transportation and Infrastructure Renewal entitled "Highway 102 - Larry Uteck Interchange Project - Blasting Overview" and requested that it be circulated to staff and Council.

MOTION PUT AND PASSED.

13.2 LEGAL MATTER - Legal Instructions

This item was dealt with at an earlier In Camera session and was before Council for ratification.

Councillor Sloane requested that the recommendations be split and that a separate vote be taken on each.

MOVED BY Deputy Mayor Hendsbee, seconded by Councillor Walker that Halifax Regional Council approve that an appeal of the decision of the Nova Scotia Supreme Court in Allison Willis V. Halifax Regional Municipality, 2009 NSSC 244 be filed. MOTION PUT AND PASSED.

MOVED BY Deputy Mayor Hendsbee, seconded by Councillor Walker that the Halifax Regional Municipality not apply for a stay on the Judge's order pending an appeal. MOTION PUT AND PASSED.

MOVED BY Deputy Mayor Hendsbee, seconded by Councillor Walker that Halifax Regional Council not release to the public the private and confidential report dated September 1, 2009. MOTION PUT AND PASSED.

13.3 CONTRACTUAL MATTER - INFRASTRUCTURE PROGRAM

This item was dealt with at an earlier In Camera session and was before Council for ratification.

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

- 1. Approve the projects listed in Option A, as provided in the staff presentation of September 8, 2009, for economic stimulus funding consideration; and that \$4 million be included in Option A (\$1.5 from Bridge Repairs; and an additional \$2.5 million) for water projects.**

2. That staff return upon funding confirmation with a revised five year capital plan.

MOTION PUT AND PASSED.

13.4 LEGAL MATTER - SETTLEMENT OF CLAIM

This item was dealt with at an earlier In Camera session and was before Council for ratification.

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

1. Settle this claim brought by the plaintiff in the amount of \$15,000.00 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, 2007, and
2. It is further recommended that the private and confidential report dated August 14, 2009 not be released to the public.

MOTION PUT AND PASSED.

13.5 LEGAL MATTER - SETTLEMENT OF CLAIM

This item was dealt with at an earlier In Camera session and was before Council for ratification.

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

1. Settle this claim brought by the Plaintiff in the amount of approximately \$32,350.00 for damages and \$58,650.00 for expenses, for a total of 91,000.00, 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 April 4, 2006.
2. It is further recommended that this private and confidential report dated August 12, 2009 not be released to the public.

MOTION PUT AND PASSED.

13.6 PERSONNEL MATTER - CITIZEN & COUNCILLOR APPOINTMENTS TO BOARDS, COMMITTEES & COMMISSIONS

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

Councillor Streach declared a conflict of interest and removed himself from the vote.

Councillor Sloane requested that the recommendations be split with a separate vote taken on each.

MOVED BY Councillor Karsten, seconded by Councillor Wile that Halifax Regional Council extend the current terms of Mr. Ken Streach and Mr. Robert Scott to the Halifax International Airport Authority Board until March 31, 2010. MOTION PUT AND PASSED.

MOVED BY Councillor Karsten, seconded by Councillor Wile that Halifax Regional Council approve the appointment of Councillor Barry Dalrymple for a three month interim term to the Shubenacadie Canal Commission. MOTION PUT AND PASSED.

13.7 PERSONNEL MATTER - APPOINTMENTS TO FCM 2011 CONFERENCE ADVISORY COMMITTEE

This item was dealt with at an earlier In Camera session and was before Council for ratification.

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

- 1. Extend the membership of Halifax Regional Council from four (4) to six (6) members for FCM 2011 Conference Council Advisory Board.**
- 2. Approve the appointment of Councillors Nicoll, Rankin, Smith, Walker Karsten, and Deputy Mayor Hendsbee to the FCM 2011 Conference Council Advisory Committee for a term of September 2009 to July 2011.**

MOTION PUT AND PASSED.

13.8 Councillor Rankin - Tax Reform Committee Report

This item was dealt with earlier in the meeting. See page 11.

14. NOTICES OF MOTION

14.1 Councillor Sloane

“Take Notice that at the regular meeting of Halifax Regional Council to be held on September 22nd, I intend to introduce a motion to re-examine the placement of the Fallen Police Officers Memorial to another location within Grand Parade Park.”

15. ADJOURNMENT

The meeting was adjourned at 9:49 p.m.

Sheilagh Edmonds
Acting Municipal Clerk

INFORMATION ITEMS
September 8, 2009

1. Proclamation - Shinerama Day - September 8, 2009
2. Proclamation - Shinerama Shine Day - September 12, 2009
3. Memorandum from Chief of Police dated July 29, 2009 re: General Taxi Rate Increase
4. Memorandum from Director, Infrastructure & Asset Management dated August 13, 2009 re: Licensing of Bicycles
5. Memorandum from Director, Legal Services & Risk Management dated August 27, 2009 re: Status of By-Law Prosecutions - June 1 - 30, 2009
6. Memorandum from Director, Finance dated August 24, 2009 re: Review of HRM Debt Issue Options
7. Memorandum from Directors, Community Development & Finance dated July 14, 2009 re: Financial Performance of HRM's Major Facilities 2008/2009
8. Memorandum from Director, Community Development dated August 5, 2009 re: Physical Activity Strategy for the Halifax Region
9. Memorandum from Chief Administrative Officer dated August 26, 2009 re: Update on Good Neighbours... Great Neighbourhoods Brand
10. Memorandum from Director, Transportation & Public Works dated August 5, 2009 re: Streetlight Service Level Improvement Options - Update
11. Memorandum from the Acting Manager, Municipal Clerks Office dated September 4, 2009 re: Requests for Presentation to Council - Canoe 09 World Championships