

HALIFAX REGIONAL COUNCIL
MINUTES

September 22, 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
Sue Uteck
Jennifer Watts
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Tim Outhit
Peter Lund
Reg Rankin

REGRETS: Councillor: Dawn Sloane

STAFF: Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Cathy Mellett, 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 2:50 p.m. with the Invocation being led by Councillor Walker.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

This item was addressed during the evening session of Regional Council. See Page 11.

3. APPROVAL OF MINUTES - September 8, 2009

MOVED BY Councillor McCluskey, seconded by Councillor Nicoll, that the minutes of September 8, 2009, as presented, be approved. MOTION PUT AND PASSED.

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

Additions:

- 12.1 Correspondence - Request for Fly-Past - Saint Mary's University
- 12.2 Proposed Amendment to Administrative Order 35, Procurement Policy
- 12.3 Councillor Hum - Lafarge, Kearney Lake Road - Request for staff report

MOVED BY Councillor Blumenthal, 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 - None

9.2 Petitions

Deputy Mayor Hendsbee submitted a petition of thirteen names from the residents of Carter Road, Porters Lake regarding paving of Carter Road.

9.3 Presentation

9.3.1 Greater Halifax Partnership

- A Power Point presentation was before Council.

Mr. Colin Dodds, Vice Chair, Board of Directors, and Mr. Stephen Dempsey, President & CEO, of the Greater Halifax Partnership, provided the presentation to Council.

Mr. Dempsey announced that he is stepping down as President and Chief Administrative Officer of the Greater Halifax Partnership. Mayor Kelly, on behalf of Council, expressed his appreciation to Mr. Dempsey for his years of dedication and he wished him all the best on his future endeavours.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 09-169 - Halifax Urban Greenway (HUGA) Trail - Phase 1 - Beaufort Avenue

- A report dated September 11, 2009 was before Council.

MOVED BY Councillor Uteck, seconded by Councillor Watts, that Halifax Regional Council award Tender No. 09-169-Halifax Urban Greenway [HUGA] Trail-Phase I-Beaufort Avenue to Ocean Contractors Limited for a Total Tender Price of \$ 636,231.08 (net HST included) with funding from Capital Account # CDG00984 as outlined in the Budget Implications section of the report dated September 11, 2009. MOTION PUT AND PASSED.

10.1.2 Capital Health Cost Shared Funding - Tender 08-211 Robie Street Improvements

- A report dated September 2, 2009 was before Council.

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

1. **Accept the cost shared funding from Capital Health in the amount of \$166,826 (HST included) and allocate these funds as indicated under the Budget Implications section of the report dated September 2, 2009, and,**
2. **Approve an increase to the Gross Capital Budget to Capital Account No. CTU01086, Intersection Improvement Projects, in the amount of \$147,634 (net of HST) with no change to the Net Budget, to reflect cost sharing as per the Budget Implications section of the report dated September 2, 2009.**

MOTION PUT AND PASSED.

10.1.3 Halifax Wastewater Treatment Facility Recovery Update

MOVED BY Councillor Karsten, seconded by Councillor McCluskey that the Halifax Wastewater Treatment Facility Recovery Update be presented at the evening session of Regional Council. MOTION PUT AND PASSED.

The presentation, Halifax Wastewater Treatment Facility Recovery Update was presented during the evening session of Regional Council. See Page 12.

10.1.4 Recognition of Newcomb Corner as an official HRM Community (District 1)

- A report dated September 9, 2009 was before Council.

MOVED BY Councillor Streach, seconded by Councillor McCluskey that Halifax Regional Council recognize Newcomb Corner as an official HRM Community and authorize staff to install community signs at its boundaries as outlined on the map in Appendix A of the staff report dated September 9, 2009. MOTION PUT AND PASSED.

10.1.5 Halifax Regional Municipality Pension Plan Amendments

- A report dated August 11, 2009 was before Council.

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

1. **The provisions of the Halifax Regional Municipality Pension Plan be amended to change the date that a terminated employee can access an unreduced pension from Age 60 to their Normal Retirement Date of Age 65; and**

2. That terminated employee is defined as an employee who terminates their employment voluntarily or through employer action prior to attaining their Rule of 75/80 or Age 60.

MOTION PUT AND PASSED.

10.1.6 Defined Contribution Pension Plan for Certain Employees of Halifax Regional Municipality

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

MOVED BY Councillor Uteck, seconded by Councillor Rankin that Halifax Regional Council continue the Defined Contribution Plan (“DC Plan”) as a closed Plan for those employees who have chosen to remain in it. MOTION PUT AND PASSED.

10.2 MARINE DRIVE, VALLEY & CANAL COMMUNITY COUNCIL

10.2.1 Case 01263 - Water Service Area Expansion, Middle Musquodoboit

- A report dated September 10, 2009 was before Council.

MOVED BY Councillor Streach, seconded by Deputy Mayor Hendsbee that Halifax Regional Council give First Reading and schedule a public hearing to consider amendments to the Regional Sub-division By-law and the Musquodoboit Valley/Dutch Settlement Municipal Planning Strategy and Land Use By-law as set out in Attachments “A”, “B” and “C” of the June 22, 2009 staff report. MOTION PUT AND PASSED.

11. MOTIONS

11.1 Councillor Sloane

“To re-examine the placement of the Fallen Police Officers Memorial to another location within Grand Parade Park.”

This item was deferred to September 29, 2009 Regional Council.

11.2 Councillor Watts

- A memo dated August 25, 2009 from Mr. Andy Fillmore, Manager of the Sustainable Environment Management Office was before Council.

“To request a staff report on the implications of securing changes to the provincial legislation banning the sale and use of cosmetic pesticides in Nova Scotia.”

Councillor Watts advised that she plans to change the wording of the motion as there is a resolution being forwarded to UNSM requesting that the UNSM write to the Provincial Minister of Health requesting that the Province institute a province-wide ban on the use and sale of non-essential pesticides and that the Province use the legislation prepared by the Provinces of New Brunswick, Ontario and Quebec as a guide in preparing a made-in-Nova Scotia approach to this issue.

The motion now reads:

MOVED BY Councillor Watts, seconded by Councillor Hum that Regional Council endorse the UNSM Resolution 1C - Province-Wide Ban on the use and sale of Non-Essential Pesticides.

Councillor Rankin advised that he does not support the motion as the financial and health issues have not been determined.

Councillor Wile expressed concern that the banned list is continually expanding and may, in the future, include naturally organic products. She noted that if naturally organic products are included on the list, residents will not have any products available to maintain their property.

Councillor Streach advised that this issue should remain with the Province and UNSM.

Councillor Adams advised that he has been in contact with medical personnel regarding health issues related to pesticides and added that he has not received any evidence that pesticides, when used properly, cause health issues. All of the feedback he has received has supported a reduction not a ban in pesticide use.

Councillor Hum stated that she believes pesticides contribute to environmental and health issues and she added that Council can speak on behalf of HRM.

A recorded vote was taken on the motion:

MOTION PUT AND PASSED. (13 in favour, 9 against)

Those voting in favour were Deputy Mayor Hendsbee, Councillors Nicoll, Barkhouse, Smith, Uteck, Watts, Walker, Hum, Mosher, Johns, Harvey, Outhit, Lund.

Those voting against were Mayor Kelly, Councillors Streach, Dalrymple, McCluskey, Karsten, Wile, Blumenthal, Adams, Rankin.

Councillor Sloane was absent for the vote.

11.3 Councillor Mosher

MOVED BY Councillor Mosher, seconded by Councillor Adams, that Halifax Regional Municipality cease providing all bottled beverages, including but not limited to pop and juice.

Councillor Mosher provided the following clarifications to statements of the September 22, 2009 Council meeting regarding bottled water:

- When \$20,000 was presented as the cost for bottled water used by City Hall, this included all of HRM except for Fire and outside workers, not only City Hall.
- This dollar figure included bottled water provided by Halifax Water at no charge.

Costs of water, pop and juice for City Hall:

- Last year, the Councillor's Office spent approximately \$1600 on bottled water and \$1836 on pop and juice. Plastic juice bottles were switched to canned juice to save waste and reduce plastics.
- So far this year, the Councillors Office spent approximately \$400 on water, and \$766 on juice and water (approximately half the cost to this time last year)

It was noted that the Mayor's Office use of water is for meetings and receptions and may include no charge water from Halifax Water.

Councillor Mosher advised for clarification that the motion pertains only to City Hall.

MOTION DEFEATED.

11.4 Councillor Lund

1. That any wastewater treatment design that has environmental implications shall have an independent third party review; and
2. The Terms of Reference for the scope of this review can be negotiated with the proponent at the outset of the project, and is to be paid by the proponent, or as negotiated.

This item was deferred to September 29, 2009 Regional Council.

11.5 Councillor Smith

Councillor Smith requested a staff report on the process to initiate a Trap, Neuter, and Release program, including the costs associated, and information on the RFP process. He advised it would be beneficial to have a vet on site to assist with the program.

MOVED BY Councillor Smith, seconded by Councillor Johns, that Halifax Regional Council request a staff report to be provided to Regional Council in time for the next

year's budget deliberations on the TNR (Trap, Neuter, Release) program for HRM's feral cat population. **MOTION PUT AND PASSED.**

12. ADDED ITEMS

12.1 Correspondence - Request for Fly-Past - Saint Mary's University

- A letter from St. Mary's University requesting a fly pass by an Aurora was before Council.

MOVED BY Councillor Uteck, seconded by Councillor Blumenthal, that Halifax Regional Council grant the request for a fly pass over Huskies Stadium on Saturday, September 26th at 2:00 p.m. MOTION PUT AND PASSED.

12.2 Proposed Amendment to Administrative Order 35, Procurement Policy

This item was dealt with at an earlier Committee of the Whole and was now before Council for ratification.

MOVED BY Councillor Rankin, seconded by Councillor Outhit, that Halifax Regional Council approve the proposed amendments to Administrative Order 35 as shown in Attachment "A" of the May 24, 2009 staff report with the current policies to remain in place:

1. Sole source purchasing
2. The threshold for Directors approval for quotations to remain at \$50,000.

MOTION PUT AND PASSED.

12.3 Councillor Hum - Lafarge, Kearney Lake Road

Councillor Hum advised that this land was once owned by Lafarge and she is under the understanding that the property is now owned by the Municipal Group. She noted that the owners may use the property as a storage facility for Royal Flush and green bins. The Councillor stated that when the land was owned by Lafarge it was nonconforming, but its land use had been grandfathered in. She stated she would like information on land use and the environmental issues.

MOVED BY Councillor Hum, seconded by Councillor Wile, that Halifax Regional Council request a staff report regarding the land use of the former Lafarge property located on Kearney Lake Road including information on permitted and potential land use and the investigation of environmental concerns. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

The following motion was placed:

MOVED BY Councillor Johns, seconded by Councillor Outhit that Item 10.1.3, Halifax Wastewater Treatment Facility Recovery Update be deferred to September 29, 2009. MOTION DEFEATED.

Council recessed at 4:28 p.m.

The meeting reconvened at 6:00 p.m.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Blumenthal indicated that a special meeting will be held for residents concerned with problems in the North End at St. Margaret's of Scotland Church on September 25, 2009 at 7:00 p.m. He also advised that Raise a Reader Day would be taking place on September 23, 2009 starting at 6:30 a.m. and that 100% of funds would be donated to various literacy groups.

Councillor Mosher invited residents to a community barbeque on September 23, 2009 from 5:00 to 6:30 p.m. at Springvale Elementary School and thanked Ms. Mary Angela Munro, Area Coordinator for Community Recreation and HRM Recreation staff for their help. Councillor Mosher requested that Mayor Kelly write a letter to congratulate Ms. Marion Marriot; an outstanding community volunteer who had recently received a Medal of Merit from the Archdiocese of Halifax.

Deputy Mayor Hendsbee indicated that the third annual bike tour in support of Craig's Cause would be taking place on September 26, 2009 to raise money for pancreatic cancer research. He also advised that the 50th anniversary of Camp Harris in Mineville would be celebrated on September 26, 2009 from 4:00 p.m. to 5:00 p.m. with a hotdog social.

Councillor Hum stood to congratulate Mr. Andrew Stickings and his class at Grosvenor Wentworth Park School for their outstanding achievement in producing short films. She advised that the class' film, Titanic Halifax, would be screened at the Los Angeles Children's Film Festival.

Councillor Outhit wished to recognize the social activist, Ms. Muriel Duckworth, who had passed away; advising that a memorial service would be taking place on September 27, 2009 at Mount Saint Vincent University. Council observed a moment of silence in Ms. Duckworth's honour.

Councillor Watts indicated that an information session with HRM staff regarding winter safety operations would be taking place on September 30, 2009 from 6:30 to 8:30 p.m. in the multi purpose room at the Halifax Forum. She advised that an anti racism walk would be commencing at Cornwallis Street Baptist Church at 2:00 p.m. on September 27, 2009. In closing, Councillor Watts wished to thank the first Armdale Beaver Cubs for cleaning up 40 pounds of garbage at Horseshoe Island Park.

Councillor Harvey indicated that October 7, 2009 was National Safe Communities Day; noting that the theme this year was Be Visible. He issued a challenge to Councillors, staff and community groups to see how they would encourage their communities to be visible on October 7, 2009. Councillor Harvey advised that HRM Safe Communities believed that all injuries were predictable, and therefore preventable, and that more information was available at <http://halifax.safecommunities.ca/>.

Councillor McCluskey wished to thank Ms. Maureen Cullen, Supervisor of Horticulture, for doing a wonderful job in the Capital District and making it look great.

On behalf of Councillor Sloane, who had sent her regrets, Councillor Uteck, advised that Word on the Street would be taking place on September 27, 2009 from 11:00 a.m. to 5:00 p.m. at the Cunard Centre.

Councillor Karsten indicated that HRM staff would be discussing the off leash strategy as it relates to Robert Drive Ball Park on September 23, 2009 at the Dartmouth East Community Centre. Councillor Karsten also congratulated Mr. Darren Fisher, the newly elected Councillor for District 6 and all candidates who had run. (Robin Allen, Phil Brown, Shane Dafoe, Tracey Deveraux, John McMillan and Brian Warshick)

Councillor Dalrymple invited all residents of Brookville Estates in Grand Lake to attend a meeting on September 28, 2009 at Grand Lake Hall regarding solutions for paving projects.

Councillor Barkhouse thanked all those involved in the search and rescue effort to locate a missing fisherman in her District.

Councillor Smith congratulated a group of five residents who had applied for a United Way grant to put equipment in Jason McCullough Park. He advised that a barbeque would be taking place in the park on September 27, 2009 from 1:00 p.m. to 2:30 p.m. to celebrate that the equipment was almost fully installed.

10.1.3 Halifax Wastewater Treatment Facility Recovery Update

- A Power Point presentation was submitted.

Mr. Carl Yates, General Manager of Halifax Water, provided the Halifax Wastewater Treatment Facility Recovery Update. He advised that all control panels and junction boxes had been moved out of the wet well at the plant. He stated that all equipment would be checked and the pumps wet commissioned using water prior to having sewage pumped through to ensure that all systems were working properly. Mr. Yates also indicated that since the generators were overloaded during the power failure they would now be configured to handle more power and load shedding would be incorporated.

A discussion ensued with Mr. Yates and Mr. Brad Anguish, Director of Business Planning and Information Management, responding to questions.

In response to a question regarding insurance coverage for renovations and design changes; Mr. Yates advised that the majority of charges would be covered. He noted that staff would claim what they could from insurance and then possibly proceed under contractual obligations that staff believed should go to arbitration. He noted that some of these issues would have to come back to Council and the Halifax Water Board once identified by staff.

With regards to the Herring Cove Plant; Mr. Anguish advised that, in consultation with the contractor, the plant was essentially complete, however full focus was currently being put on the Dartmouth Plant. He indicated that additional requisite care was being taken for both plants and that staff was on standby for a firm date, however, it would be in the coming weeks.

Mr. Yates advised that full treatment at the Halifax Wastewater Treatment Facility would be starting up again in the spring of 2010; noting that the plant was currently not conducting the settlement process, extra solid removal or ultra violet disinfectant.

At Council's request, Mr. Anguish provided a brief update on the Dartmouth Plant. He advised that the Dartmouth Plant had been in operation since August of 2008, however, it had not reached substantial completion as there had been odor problems as well as additional fine tuning required with regards to effluent and performance. He stated that there had been a foam related odor issue stemming from the vents on the collection system; noting that the contractor had put an interim solution in place by piping the vents back into the plant which reduced the foaming. He indicated that this was only a temporary solution, however, it did show promise and, as a result, staff did expect to start the substantial completion application process soon.

15. ADJOURNMENT

The meeting was adjourned at 7:13 p.m.

Cathy Mellett
Acting Municipal Clerk

The following items were distributed as information:

1. Proclamation - Maple Leaf Day - September 23, 2009
2. Memorandum from Chair, Audit Committee dated June 25, 2009 re: Overview of Findings and Recommendations - Procurement and Accounts Payable Compliance and Operational Review
3. Memorandum from Director, Transportation & Public Works dated September 1, 2009 re: Winter Season Access - Public Gardens
4. Memorandum from Director, Finance dated September 9, 2009 re: Supplier Development Opportunity - Reverse Trade Show
5. Memorandum from Director, Finance dated September 9, 2009 re: Halifax Metro Centre 2009 / 2010 Capital Budget
6. Memorandum from Director, Finance dated September 14, 2009 re: Investment Activities - Quarter Ending June 30, 2009
7. Memorandum from Co-Chairs, Investment Policy Advisory Committee dated September 11, 2009 re: Quarter Ending June 30, 2009
8. Memorandum from Director, Legal Services & Risk Management dated September 8, 2009 re: Status of By-Law Prosecutions - July 1 - 31, 2009
9. Memorandum from Director, Business Planning & Information Management dated September 15, 2009 re: Harbour Solutions Project - First Quarter Report - April 1, 2009 - June 30, 2009
10. Memorandum from the Acting Clerk Manager dated September 18, 2009 re: Requests for Presentation to Council - Chebucto Net

