

HALIFAX REGIONAL COUNCIL
MINUTES

October 6, 2009

PRESENT: Mayor Peter Kelly
Deputy Mayor David Hendsbee
Councillors: Barry Dalrymple
Lorelei Nicoll
Gloria McCluskey
Darren Fisher
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
Robert Harvey
Tim Outhit
Peter Lund
Reg Rankin

REGRETS: Councillors: Steve Streach

STAFF: Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Christen MacDonald, Acting Municipal Clerk
Ms. Melody Campbell, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Mosher.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Blumenthal, on behalf of Council, expressed his condolences on the passing of Mr. Paul Calda of Halifax. He was a former City Manager with the former City of Halifax. Council observed a moment of silence in honour of Mr. Calda.

Councillor Blumenthal advised that the Annual Ward 5 Thanksgiving Turkey Dinner will be held Friday, October 9th at the Ward 5 Community Centre at noon.

Councillor Sloane advised that Mr. Willard Boyle, of Halifax, won the Nobel Prize in Physics. Mr. Boyle and his colleague invented a light sensitive chip used in digital imaging and worked in fibre optics. The Councillor expressed her congratulations to Mr. Boyle on the many awards to his credit and the winning of the Nobel Prize.

Deputy Mayor Hendsbee wished residents of HRM a Happy Thanksgiving. He noted that the Orenda Canoe Club Annual General Meeting will be held on Sunday, October 18th at 2:00 p.m. On Monday, October 19, 2009 the Eastern Shore Job Centre will be holding a job fair at the Chezzetcook Lions Hall from 1:00 p.m to 3:00 p.m.

Councillor Dalrymple expressed his regrets on the loss of the Beaverbank-Kinsac Community Centre. He stated that the community resolves to rebuild. The Councillor expressed his appreciation to Councillor Johns, the Mayor, Mr. Townsend, the Community and surrounding communities, a number of HRM staff, the firefighters and a number of organizations for their assistance during the loss. He noted an email from Councillor Hum and expressed his appreciation for her sentiment.

Councillor Adams advised that a meeting will be held on October 14th from 7:00 p.m. to 9:00 p.m. at the William King Elementary School to discuss the new fire hall and receive an update on the recreation centre.

Councillor Harvey noted that Wednesday, October 7th is National Safe Communities Day with a ceremony planned for the Grand Parade at noon. He expressed his congratulations to Ms. Mary Walker of Sackville, on behalf of Council, on the receipt of the Jenn Hamilton Award. He sent congratulations to Mr. & Mrs. David Morgan on their 70th wedding anniversary.

Councillor Mosher expressed her sympathies on the passing of Mr. Paul Calda and noted his many contributions to the Community including his works with Friends of Sir Sandford

Fleming Park. She noted that the Tower received National Historic Site Status in July of 2009. A monument will be erected at the site designating the Memorial Tower.

Councillor Fisher sent congratulations to the Nova Scotia Senior Baseball Team, the Dartmouth Moosehead Dry, on winning the 2009 Nova Scotia Senior Baseball title.

Councillor Karsten advised of the Annual General Meeting of the Portland Estates/Portland Hills Residents Association to be held on Thursday, October 8th at 7:00 p.m. at the Portland Elementary School.

Councillor Barkhouse noted the Seaside Harvest Festival to be held in Eastern Passage on Saturday, October 24th. She advised that many events will be taking place and a number of artists will be in attendance.

Councillor Lund expressed his appreciation to the volunteers who raised \$2400 for the food bank at an event at the Tantallon Superstore. He expressed his thanks to former Councillor Meade who organized the event. The Councillor advised that the Hubbards Annual Dinner Theatre will be held on October 16th at the Shore Club. The St. Lukes United Church will be holding a fundraiser auction on October 17th from 1:00 p.m. to 3:00 p.m. On October 23rd the Ninth Annual Girls Night Out will be taking place in Hubbards with funds raised going toward community projects.

Councillor Watts noted that HRM is launching the Sustainable Transportation Survey. She urged residents to complete the survey online at www.halifax.ca by October 16, 2009.

Councillor Sloane advised that on October 17th a public art event will be held with forty venues. She stated that many artworks would be provided by local artists. She noted that two shuttle buses will be made available, free of charge, for those to take in the event from 6:00 p.m. to midnight.

Councillor McCluskey advised residents of the winter safety operations information meeting to take place on Monday, October 19th from 6:30 p.m. to 8:30 p.m. at the Nantucket Room at the Dartmouth Sportsplex.

Councillor Outhit noted that the sod turning and sign unveiling will be taking place on Wednesday, October 14 at 10:30 a.m. at the four pad arena in Bedford.

Councillor Dalrymple stated that on Saturday, October 17th from 10:00 a.m. to 3:00 p.m. the Beaverbank Keeners are having a craft sale at the LWF Community Centre. He noted that the Sidney Steven High School Reunion will be holding its registration for next years high school reunion online until October 15th.

Councillor Smith noted that the 10th Annual Walk Against Violence will take place on October 21st starting at 6:30 p.m. at the Dartmouth Boys and Girls Club.

Deputy Mayor Hendsbee stated that the Capital Health District will be holding meetings, at Dartmouth North Community Centre on October 6th, Cole Harbour Library on October 8th and another in the Eastern Shore on October 14th on the review of the results of the health services survey.

3. APPROVAL OF MINUTES - September 22, 2009

MOVED BY Councillor McCluskey, seconded by Councillor Karsten, that the minutes of September 22, 2009, as presented, be approved. MOTION PUT AND PASSED.

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

Addition:

12.1 Tobacco Usage Restrictions at Outdoor Recreation Facilities

MOVED BY Councillor McCluskey, seconded by Councillor Smith, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

8. CONSIDERATION OF DEFERRED BUSINESS

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

Deputy Mayor Hendsbee submitted a petition containing 236 names of HRM residents strongly opposing the City's decision to euthanize Brindi, the dog, who was seized from her owner, Francesca Rogier, on July 24, 2009.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Provincial Capital Assistance Program (PCAP)

- A staff report dated September 16, 2009 was before Council.

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

- 1. Authorize staff to provide letters of support to the Province for consideration of PCAP funding in circumstances where:**
 - a) Council has initiated the process to consider amending the Regional Subdivision By-law to extend/create a Water Service Area Boundary or Urban Service Area Boundary, to service existing development, as per the applicable policies of the Regional Municipal Planning Strategy and Secondary Planning Strategies, according to the Process Chart attached as Appendix A of the report dated, September 16, 2009, and/or;**
 - b) Council has initiated the process to consider a Local Improvement Charge (LIC) By-law for the purpose of financing central services infrastructure by recipient property owners, to service existing development, according to the Process Chart attached as Appendix A of the report dated September 16, 2009.**
- 2. Authorize staff to prepare a letter to the Province to request consideration for PCAP funding for the installation of central services for the following:**
 - a) Monarch/Rivendale Subdivision, Beaver Bank;**
 - b) Giles Drive, Bedford**
 - c) Bedford Highway (Millview Avenue to Fern Avenue)**

Councillor Rankin requested that staff provide an update regarding the Pinecrest Subdivision. Mr. Wells advised he would provide the Councillor with further information and advised that more technical studies need to be done.

Councillor Johns requested an update on the progress for Springfield Lake, noting that the this area is in urgent need. He expressed his concern that Springfield Lake did not make the list as part of the requested funding. He advised that there is increased development in the area and is concerned over the lack of resolve when addressing these issues.

In response to a question by Councillor Hum, staff advised that the extension of central services is to the bottom of Fern Avenue. The Councillor raised concern regarding the Kearney Lake area, advising that with increased development the lake must be monitored.

In response to a question by Councillor Watts, Mr. Wells advised that HRM is moving forward with sustainable efforts. HRM continues to work with the Province's Department of the Environment and the Department of Natural Resources to find solutions to existing problems and continue to do hydrological assessments. Mr. Wells advised that HRM continues to work on ground water issues.

MOTION PUT AND PASSED.

10.1.2 Laurie Lively Park - Parkland Reserve Withdrawal

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

MOVED BY Councillor Johns, seconded by Councillor Rankin, that Halifax Regional Council approve an increase to Capital Account CPX01023 Park Upgrades by \$21,000 to be dedicated to improvements to Laurie Lively Park with funding from the Parkland Reserve Q107 as per the budget implications of the report dated September, 11, 2009. MOTION PUT AND PASSED.

10.1.3 Road Maintenance Fee for Shag End Lot Owner's Association - Proposed Amendment to Administrative Order 45, Respecting Private Road Maintenance

- A staff report dated September 16, 2009 was before Council.

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

- 1. Approve an annual uniform charge of \$600.00 per property to be applied against all properties abutting the private roads within the Shag End Sub-division as depicted in the map shown in Appendix A of the report dated September 16, 2009 effective with the 2010-11 fiscal year for the purpose of funding the road maintenance activities of the Shag End Lot Owner's Association.**
- 2. Approve in principle amending Administrative Order 45, respecting Private Road Maintenance, by adding Schedule 3, respecting a uniform charge for the Shag End Lot Owner's Association, attached hereto as Appendix B of the report dated September 16, 2009.**
- 3. Subject to the approval of Schedule 3 of Administrative Order 45, authorize the Mayor to sign on behalf of HRM, the Management and Operating Agreement between HRM and the Association included as Appendix C of the report dated September 16, 2009.**

In response to a question by Deputy Mayor Hendsbee, Mr. Roussel, Financial Consultant, Finance, advised that the properties included are residential only, including only those who paid fees to the road owners association. Staff advised that if cottages or residences are built on resource properties, the policy will come back to Council to be amended.

Councillor Sloane questioned the flat rate and lineage and its implications of the Regional Plan. Staff advised that this is a charge in service to the road owners association to assist with collection of fees. The Councillor requested clarification of this issue's implications on the Regional Plan.

Councillor Uteck questioned the difference between the Marlborough Woods lots and the lots in Shag End. Mr. Roussel advised that the residents of Marlborough Woods wanted to upgrade the road. He noted the Shag End charge only applies to road maintenance not capital improvements.

In response to queries by Council, Mayor Kelly advised that this item is before Council as determined by a policy approved in 2007 by Regional Council.

MOTION PUT AND PASSED.

10.1.4 First Reading By-Law T-225, An Amendment to By-Law T-200, Respecting Tax Exemption for Non-Profit Organizations - 2009 / 2010

- A staff report dated August 12, 2009 was before Council.

MOVED BY Councillor Walker, seconded by Councillor Johns, that Regional Council give First Reading to By-Law T-225, An Amendment to By-Law T-200, Respecting Tax Exemptions for Non-Profit Organizations 2009 - 2010, as outlined in the Recommendation Section of the staff report dated August 12, 2009 and set a public hearing date.

In response to a query by Councillor McCluskey, Ms. Temple, Team Leader, Tax, Grants & Special Projects, advised that some recreation centres in the former County receive exemption as they typically do not receive core operating funding and she noted that this information is based on financial statements.

Councillor Mosher expressed concern that some housing co-ops are actively being investigated by By-law Enforcement on minimum standards. Ms. Temple advised that the applicant must be in compliance to receive funding. She stated that this will be looked into further.

Councillor Sloane noted that some housing co-operatives have amalgamated and may now have different names. Staff advised that this would be addressed.

MOTION PUT AND PASSED.

10.2 DISTRICT 12 PLANNING ADVISORY COMMITTEE

10.2.1 Case 01301 - Non-Substantive Development Agreement Amendments - 1445-1467 South Park Street, Halifax

- A staff Supplementary Report dated September 21, 2009 was before Council.
- A District 12 Planning Advisory Committee report dated September 1, 2009 was before Council.
- A staff report dated July 13, 2009 was before Council.

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

- 1. Approve by resolution the non-substantive amendments to the existing development agreement for 1445-1467 South Park Street, Halifax, as detailed in the amending agreement as shown in Attachment "A" of the staff report dated July 13, 2009, with an amendment to Schedules C,D,X and Y as outlined in the September 21, 2009 staff supplementary report.**
- 2. Require that the amending agreement be signed and returned within 120 days, or any extension thereof granted by Regional Council on request from the applicant, from the date of final approval by Regional Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

10.3 MEMBERS OF COUNCIL

10.3.1 Councillor Johns - HRM Seniors and Persons with Disabilities Snow Removal Assistance Program

MOVED BY Councillor Johns, seconded by Councillor Sloane, that Halifax Regional Council request a staff report to review the winter works budget 2009-2010 with the objective to examine if there is the capacity of increasing the Seniors and Persons with Disabilities Snow Removal Program's budget to meet this year's demand of approximately 650 clients or \$500,000 whichever is less.

Council advised that the request be added as a supplementary report as part of the winter works program that will be presented to Council in three weeks.

Upon discussion by Council, the following items were brought forward and it was requested that they be addressed in the staff report:

- HRM's capacity and manpower available to supply the service
- note any additional options available

It was noted that, in the past, it was requested by Council that staff consider requesting the Courts that those serving community service time be considered for this type of work, an update was requested on this matter.

MOTION PUT AND PASSED.

10.3.2 Councillor Dalrymple - Request for letter to the Province re: Crosswalk Flag Programs - Bill 21

MOVED BY Councillor Dalrymple, seconded by Councillor Fisher, that Regional Council request that the Mayor write a further letter to the Premier supporting Bill 21 that was introduced in the Provincial House on September 28, 2009 by former Councillor Younger.

Councillor Dalrymple stated that this initiative has the support of the Community. The Councillor noted that there is an issue of liability and questioned how this issue could be resolved.

In response to a question by Councillor Hum, Mr. Reashor, Manager, Traffic Authority, advised that the flag is not a traffic control device. He advised Council that the flags were used as a pilot project. He stated that he would not support the flag control program as it is not an official traffic control device.

Councillor Mosher stated that the pedestrian countdown signals were not approved at one time and now we have them and they have become very beneficial. In response to a question by the Councillor Mr. Reashor advised that there is a liability issue as pedestrians may rely on the flags for safety. Mr. Reashor advised that he did not recommend the pedestrian countdown signals, but noted that they were an approved traffic control device. He added that he agreed that if council provided the funding that the countdown signals would be installed. Councillor Mosher questioned that if the Minister approves the flags as a traffic control device, would they be considered. Mr. Reashor advised that if Minister makes the flags an official control device, and if council wishes to proceed with the program by providing funds and staff resources that, yes, he would proceed.

Councillor Karsten noted that the Transportation Association of Canada does not recognize the flags as a traffic control device. He noted that small municipalities are using the using this method. He suggested that Council wait to determine what the Province will do on this issue.

Councillor Harvey expressed concern that HRM would be obligated to supply and maintain the flags at all crosswalks in HRM.

Councillor Walker advised that Bill 21 does not give direction to HRM stating that it *may* install and maintain the flags.

Councillor Sloane noted that the flags will give pedestrians a false sense of security and she added that they may be a distraction to drivers passing by on the roadway.

Councillor Fisher stated the flag program started as a grass roots program and that it worked. He advised that every crosswalk does not have to have flags.

Councillor Smith expressed concern that the flags will lead to a false sense of security and he stated there is a possibility that flags may run out at various crosswalks.

In response to a question by Councillor Watts, Mr. Reashor advised that the overhead flashing lights were implemented as budgets permitted. He added that all multi-lane road's crosswalks have overhead lights as is the standard.

Councillor Barkhouse advised that consistency in crosswalk measures must be considered.

Councillor Outhit suggested that if the Province would like to have pedestrians use the flags that they issue them.

Councillor Rankin retired from the meeting at 7:35 p.m.

Councillor Dalrymple stated there are numerous persons hit in crosswalks and advised that all of the issues can be worked out. He noted that not every crosswalk would need flags. The Councillor advised that this program would work well in the rural/suburban areas.

A recorded vote was taken on the motion:

MOTION DEFEATED. (5 in favour, 16 against)

Those voting in favour were Mayor Kelly, Deputy Mayor Hendsbee, Councillors Dalrymple, Fisher, Mosher.

Those voting against were Councillors Barkhouse, Blumenthal, Harvey, Hum, Johns, Karsten, Lund, McCluskey, Nicoll, Outhit, Sloane, Smith, Uteck, Walker, Watts, Wile.

Councillors Streach, Rankin and Adams were absent for the vote.

11. MOTIONS

12. ADDED ITEMS

Added Items were addressed as the last item of the meeting. See Page 13.

13. NOTICES OF MOTION

13.1 Councillor Rankin

Councillor Harvey presented the Notice of Motion on behalf of Councillor Rankin.

Take notice that at the next regular Regional Council meeting to be held on Tuesday, the 20th day of October, 2009, I intend to move approval of an amendment to Administrative Order 45, Respecting Private Road Maintenance, to add Schedule 3 to permit the implementation of a Private Road Maintenance Fee in the Shag End Sub-Division in the community of Blind Bay.

Councillor Johns rose on a point of personal privilege and questioned why the Committee of the Whole was moved to the evening.

Councillor Adams expressed concern that the meeting schedule was not approved by Council. He questioned who made the determination to change the meeting schedule.

Discussion ensued among Council on the setting of the schedule of Council.

Council recessed at 8:02 p.m.

Council reconvened at 9:35 P.M.

12. ADDED ITEMS

12.1 Tobacco Usage Restrictions at Outdoor Recreation Facilities

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

MOVED BY Councillor Mosher, seconded by Councillor Hum that Halifax Regional Council:

- 1. Approve the proposed policy requiring that all HRM owned and administered outdoor recreation facilities where children are participating in activities, such as sport fields, courts, beaches, playgrounds, outdoor rinks, swimming pools, spray parks, skateboarding parks, BMX parks, onsite canteens and public washrooms, *Point Pleasant Park, and *Hemlock Ravine Park (* where restrictions are already in place) be free of smoking and tobacco product uses, as outlined in Attachment 1 of the report dated September 23, 2009; and**
- 2. Establish an interim period of two months following policy approval during which time staff will work with members of Council to identify the official list of sites to be covered by the proposed policy.**

MOTION PUT AND PASSED UNANIMOUSLY.

14. ADJOURNMENT

The meeting adjourned at 9:37 p.m.

Christen MacDonald
Acting Municipal Clerk

INFORMATION ITEMS
October 6, 2009

1. Proclamation - National Safe Communities Day - October 7, 2009
2. Proclamation - Home Support Worker Week - October 11 - 17, 2009
3. Memorandum from the Acting Clerk Manager dated October 2, 2009
re: Requests for Presentation to Council - None