

HALIFAX REGIONAL COUNCIL  
MINUTES

October 20, 2009

PRESENT:

Mayor Peter Kelly  
Deputy Mayor David Hendsbee  
Councillors: Steve Streach  
Barry Dalrymple  
Lorelei Nicoll  
Gloria McCluskey  
Darren Fisher  
Bill Karsten  
Jackie Barkhouse  
Mary Wile  
Jerry Blumenthal  
Dawn Sloane  
Jennifer Watts  
Russell Walker  
Debbie Hum  
Linda Mosher  
Stephen Adams  
Brad Johns  
Robert Harvey  
Tim Outhit  
Peter Lund  
Reg Rankin

REGRETS:

Councillors: Jim Smith  
Sue Uteck

STAFF:

Mr. Dan English, Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Sherryll Murphy, Acting Municipal Clerk  
Ms. Shawnee Gregory, Legislative Assistant

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**1. INVOCATION**

The Mayor called the meeting to order at 6:02 p.m. with the Invocation being led by Councillor Johns.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor Sloane indicated that a sock hop and silent auction would be taking place on October 23, 2009 at Citadel High School with all proceeds going towards the Citadel Theatre. Councillor Sloane noted that the conceptual artist, Mr. Gerald Ferguson, had passed away recently. A moment of silence was held in Mr. Ferguson's honour.

Councillor McCluskey indicated that the Fall Festival of Fire would be taking place at Alderney Landing on October 24, 2009. She noted that fire artist, Mr. Charles A. Gaden, would be lighting a fire sculpture and there would also be fireworks and a Halloween costume contest. Councillor McCluskey also advised that there would be a walk on October 21, 2009 to mark the tenth anniversary of the murder of Mr. Jason McCullough. She indicated that the walk would begin at the Dartmouth Boys and Girls Club and continue to the park where the murder had taken place. Councillor McCluskey advised that she hoped somebody would come forward soon with information that would help solve this crime.

Councillor Mosher indicated that the Nova Scotia Tae Kwon Doe Association would be participating in a tournament put on by Mr. Joe Wagner at Halifax West School on October 24, 2009. She advised that Mr. Roger Geller in coordination with the United States Consulate would be in Halifax on October 22, 2009 for the final stop on his speaking tour regarding his work as a Bicycle Coordinator in Portland, Oregon. Councillor Mosher indicated that the Halifax Cycling Coalition would be hosting a public presentation with Mr. Geller at 7:00 p.m. on October 22, 2009 in the Planning and Architecture Building, Auditorium HA 19, 5410 Spring Garden Road. She noted that the HRM Active Transportation Advisory Committee would also be hosting a presentation with Mr. Geller at 3:30 p.m. on October 22, 2009 in Halifax Hall, City Hall and all members of Council, HRM staff and the public were welcome to attend.

Councillor Barkhouse indicated that the Seaside Harvest Festival would be taking place at Fisherman's Cove on October 24, 2009. She also thanked Metro News for making Fisherman's Cove their focus location on October 20, 2009.

Councillor Watts indicated that the sustainability tour she and several other HRM staff members had attended in Sweden had been a great success; noting that they had come back with many ideas. She requested that Mayor Kelly write a letter on behalf of Council to Dr. Sofie Adolfsson Jorby who had worked in HRM for four months and also been a gracious host in arranging the sustainability tour in Sweden.

Councillor Dalrymple thanked the Chair and Board members of the Halifax International Airport Authority for their tour and presentation on October 16, 2009; noting that it was a good news story.

Councillor Wile indicated that the Bella Rosa Arts Centre at Halifax West High School would be presenting Two Tales Dancing - Jemima Puddle Duck and Peter Rabbit on October 30, 2009 at 6:30 p.m. and October 31, 2009 at 1:30 p.m. at a cost of \$15.00.

Deputy Mayor Hendsbee indicated that on October 23 and 30, 2009 Acadie de Chezzetcook in West Chezzetcook would be hosting a haunted village from 7:00 p.m. to 9:00 p.m. He also requested that Mayor Kelly write a letter on behalf of Council to Mr. Steve Snider, General Manager of the Halifax-Dartmouth Bridge Commission, to congratulate him on his recent appointment as president of the International Bridge, Tunnel and Turnpike Association.

Councillor Fisher indicated that an October Fest Dinner would be held on October 22, 2009 from 5:00 p.m. to 8:00 p.m. at the East Dartmouth Community Centre at a cost of \$10.00.

Councillor Lund indicated that there would be a screening and fundraiser for the film, Norm, on November 1, 2009 at 2:00 p.m. at St. Luke's United Church in Upper Tantallon. He advised that the film was going to be used as a teaching tool internationally and donations would be taken at the event.

Councillor Blumenthal indicated that the week of October 26, 2009 was Holocaust Education Week; noting that more information could be found on the Atlantic Jewish Council website at <http://www.theajc.ns.ca/> or by calling 422-7491, extension 226. He also advised that November 9, 2009 marked the anniversary of Kristallnacht, the Night of Broken Glass.

### **3. APPROVAL OF MINUTES - September 29 & October 6, 2009**

**MOVED BY Councillor McCluskey, seconded by Councillor Sloane, that the minutes of September 29 & October 6, 2009 be approved as presented. MOTION PUT AND PASSED.**

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

#### Additions:

- 13.1 Memorandum from Director, Legal Services & Risk Management dated October 16, 2009 re: Amber Contracting v. Halifax Regional Municipality - Court of Appeal Decision

- 13.2 Property Matter - 2190 Barrington Street - Right of First Refusal in Favour of Halifax Water
- 13.3 Contractual Matter - Request for Proposal 96-184 Compost Facilities Second Renewal Term
- 13.4 Personnel Matter - NSUPE Local 13

Councillor Watts requested that Information Item 10: Memorandum from Director, Community Development dated September 14, 2009 re: Community Gardening be added to the regular Council agenda for the October 27, 2009 meeting.

**MOVED BY Councillor Blumenthal , seconded by Councillor Sloane, that the agenda be approved as amended. 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. PUBLIC HEARINGS**

**9.1 Joint Public Hearing with Peninsula Community Council - Case 01240 - Halifax Municipal Planning Strategy and Land Use By-Law Amendment - Gladstone Ridge, Halifax**

- A report from Peninsula Community Council dated September 21, 2009 was before Council.
- A Power Point presentation was submitted.
- Plans from Kassner/Goodspeed Architects were submitted.

Mr. Paul Sampson, Planner, delivered the presentation on Case 01240 - Halifax Municipal Planning Strategy and Land Use By-Law Amendment - Gladstone Ridge, Halifax. He indicated that the Development Agreement did place controls on the exterior appearance of the buildings and landscaping. He clarified the amount of underground parking as outlined in section 2.10, clause b(i) of the report dated September 21, 2009; noting that the intention was to have a minimum of 22 spaces rather than 25. Mr. Sampson stated that in the event that Council approved the recommendation before them, Peninsula Community Council could make this change to the amount of parking spaces during ratification of the Development Agreement.

Regarding potential traffic issues, Mr. Sampson advised that a traffic study had been conducted during the original Development Agreement for Gladstone Ridge and the findings had been acceptable, therefore, staff did not believe that it was necessary to conduct a study this time. He stated that the Development Agreement left the allocation of visitor parking at the developer's discretion.

Mayor Kelly reviewed the Rules of Procedure for Public Hearings. He called for those wishing to speak for or against Case 01240 - Halifax Municipal Planning Strategy and Land Use By-Law Amendment - Gladstone Ridge, Halifax.

**Mr. Danny Chedrawe**, President of Westwood Developments, indicated that he was speaking in favour of the final phase of the Gladstone Ridge Development; noting that the project began in 2006 and now contained a combination of condominiums, rental and assisted living units. He advised that this site would cap off this great development which had already proven to be a positive and successful addition to the neighbourhood. Mr. Chedrawe asked Council to vote in favour of the development as it completed the sidewalk and street scape along the end of Gladstone Street. He noted that the development would provide a neighbourhood commercial area with businesses such as a coffee shop and medical or financial offices; all businesses with early closing hours due to them being located in a residential area. Regarding the traffic impact, Mr. Chedrawe advised that O'Halloran Campbell Consultants had done a traffic study and found that this new development would have no negative or adverse effect on the neighbourhood. In closing, Mr. Chedrawe stated that this development had been in the works for two years and he would like to begin work on the final phase this fall.

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

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

**MOVED BY Councillor Watts, seconded by Councillor Sloane, that Halifax Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law as contained in Appendix A of the staff report dated June 29, 2009. MOTION PUT AND PASSED.**

## **10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

### **10.1 Correspondence - None**

### **10.2 Petitions - None**

### **10.3 Presentations**

### **10.3.1 Chebucto Community Net - Marilyn MacDonald, Vice Chair**

Ms. Marilyn MacDonald, Vice Chair of Chebucto Community Net, delivered the presentation. Highlights were as follows:

- 2009 marks the 15<sup>th</sup> year of Chebucto Community Net (CCN) providing internet to the most vulnerable groups in society who cannot afford commercial internet;
- At the time of the programs inception, Halifax ranked number two in Canada's Smart City rating;
- HRM's status as a Smart City has declined since that time as it only ranked seventh in terms of access to all forms and types of internet and tenth in home internet access in 2007;
- One in five people have no internet access at all;
- Dalhousie University provides space for CCN, however, the program does not receive funding from any level of government and volunteers were reaching their limit of capacity to do this all on their own;
- CCN is currently attempting to provide wireless service;
- CCN is also exploring a service for seniors.

In closing, Ms. MacDonald indicated that a town hall meeting regarding internet issues would be taking place on October 26, 2009 in the McInnis Room in the Dalhousie Student Union Building. She invited everyone to attend and noted that CBC would also be taping the event.

## **11. REPORTS**

### **11.1 CHIEF ADMINISTRATIVE OFFICER**

#### **11.1.1 Request for Additional Funds - Tender 08-160 - Former CA Becket School Soil Remediation**

- A report dated September 23, 2009 was before Council.

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

- 1. Approve an increase to Capital Account No. CBU01004 - Former CA Beckett School - Soil Remediation in the amount of \$270,000.00 due to cost sharing from the Halifax Regional School Board;**
- 2. Approve a transfer of funds in the amount of \$30,000 from Capital Account No. CBU00941 - Environmental Remediation & Building Demolition to CBU01004 - Former CA Beckett School - Soil Remediation; and**

3. **Approve an increase to the contract with Hazco Contracting, in the amount of \$95,000.00 (net HST included). This contract was originally awarded in the amount of \$619,519.02 (net HST included). A contract increase of \$352,970.92 (net HST included) was approved by the CAO on January 11, 2009. The total combined increase recommended is \$447,970.92 or 72% for a total revised contract of \$1,067,489.94 (net HST included).**

Councillor Mosher noted that the report did indicate that the School Board would be paying 90% of the costs. Staff advised that installment payments had been given to HRM from the School Board.

**MOTION PUT AND PASSED.**

**11.1.2 Capital Budget Increase - CPX01185 and Tender 09-190 -CA Beckett Park Development**

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

**MOVED BY Councillor Mosher, seconded by Councilor Walker, that Halifax Regional Council:**

1. **Allocate \$18,421.12 from Capital Account No. CPX01024 - Playground Upgrade and Replacement to Capital Account No. CPX01185 - New Parks & Playgrounds.**
2. **Award Tender No. 09-190 CA Beckett Park Development to Elmsdale Landscaping Ltd. for a Total Tender Price of \$52,887.22 (net HST included) with funding from Capital Account Nos. CPX01185 - New Parks & Playgrounds and CCV01258 - District 17 Capital Funds, as outlined in the Budget Implications section of the report dated September 30, 2009.**

Councillor Mosher advised that she had also put \$24,000 of her District Funds towards this project to avoid having to complete the project in phases.

**MOTION PUT AND PASSED.**

**11.1.3 Capital Budget Increase to CBX01153 - Spencer House Upgrades**

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

**MOVED BY Councillor Sloane, seconded by Councillor Wile, that Halifax Regional Council approve an increase to Capital Account CBX01153 - Facilities Upgrades General in the amount of \$18,773 with funding available from Reserve Account Q112, 5594-96 Morris Street. This amount is required to fund capital repairs as described in the discussion section of the report dated September 30, 2009. MOTION PUT AND PASSED.**

**11.1.4 Case 01311 - Papermill Lake Commercial Comprehensive Development District (CCDD)Municipal Planning Strategy Amendment, Bedford**

- A report dated September 28, 2009 was before Council.

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

1. **Initiate the process to consider amending the Bedford Municipal Planning Strategy and Land Use By-law to consider new site specific policy for the Papermill Lake Commercial Comprehensive Development District; and**
2. **Request staff to follow the public participation program as approved by Council in February 1997.**

**MOTION PUT AND PASSED.**

**11.1.5 Case 01323 - Municipal Planning Strategy Amendments - Sackville / Sackville Drive**

- A report dated September 28, 2009 was before Council.

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

1. **Initiate the process to consider amending the Municipal Planning Strategies and Land Use By-laws for Sackville and Sackville Drive to amend the boundary line between each plan area in the vicinity of Walker Avenue and apply the appropriate zoning to affected properties; and**
2. **Request staff to follow the public participation program as approved by Council in February 1997.**

**MOTION PUT AND PASSED.**

### **11.1.6 Renewal of Halifax Regional Water Commission Dividend Agreement**

- A report dated October 15, 2009 was before Council.

**MOVED BY Councillor Karsten, seconded by Councillor McCluskey, that Halifax Regional Council approve the proposed Dividend Agreement between the HRM and the HRWC, as shown in Attachment 2 of the report dated October 15, 2009, for the five-year period April 1, 2010 to March 31, 2015, subject to approval of the Nova Scotia Utility and Review Board (NSUARB). MOTION PUT AND PASSED.**

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

- An extract of the draft Regional Council minutes dated October 6, 2009 was before Council.
- A report dated September 16, 2009 was before Council.

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

- 1. 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. 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.**

**MOTION PUT AND PASSED.**

## **11.2 GRANTS COMMITTEE**

### **11.2.1 Less Than Market Value Sale - 9 Spring Street, Bedford - Hospice Society of Greater Halifax**

- A report dated October 6, 2009 from the Grants Committee was before Council.

- A report dated August 27, 2009 from the Heritage Advisory Committee was before Council.

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

1. **Approve in principle an Agreement of Purchase and Sale whereby the property located at 9 Spring Street, Bedford, be conveyed to the Hospice Society of Greater Halifax for the sum of \$1.00 and the \$5,000 offered by the society be redirected into the fabrication of an outdoor interpretation panel of a minimum value of \$5,000 to be completed within two years from the date of sale and;**
2. **Should the buy back clause be invoked by HRM, HRM shall compensate the proponent capital less depreciation; and**
3. **Schedule a Public Hearing.**

**MOTION PUT AND PASSED.**

### **11.3 SOLID WASTE RESOURCE ADVISORY COMMITTEE**

#### **11.3.1 Cell 4 B - Gas Collection System and Partial Permanent Cap Installation**

- A report dated October 6, 2009 from the Solid Waste Resource Advisory Committee was before Council.

**MOVED BY Councillor Karsten, seconded by Councillor Lund, that Halifax Regional Council approve spending \$204,341.92 (including net HST) for the Landfill Gas Collection System and \$523,486.13 (including net HST) for the Partial Permanent Cap Installation, a total project cost of \$727,828.05 from Capital Account CWI00966.**

**MOTION PUT AND PASSED.**

#### **11.3.2 Replacement of Roof - Waste Stabilization Facility, Otter Lake - Advanced Approval 2010 / 2011 Capital Budget**

- A report dated October 6, 2009 from the Solid Waste Resource Advisory Committee was before Council.
- Correspondence dated October 13, 2009 from Mr. Jack Mitchell, Chair of the Community Monitoring Committee was submitted.

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

1. **Approve a gross budget increase to Capital Project No. CWU01062 Structural Assessment WSF Otter Lake, Phase I “Reinforcement” in the amount of \$754,310.30 (including net HST). Two-thirds of the funding, \$502,873.53, will come from Federal and Provincial governments as part of the Infrastructure Stimulus funds program. One third, in the amount of \$251,436.76, will be withdrawn from Q137, Regional Capital Cost Contribution Reserve. There will be no net increase to the Capital Budget.**
2. **Approve an unscheduled reserve withdrawal from Q137, Regional Capital Cost Contribution, in the amount of \$251,436.76.**
3. **With respect to options 1 or 2, that a joint meeting of the Solid Waste Resource Advisory Committee and the Community Monitoring Committee be arranged within the next week to come back to Regional Council with a recommendation.**

**MOTION PUT AND PASSED.**

**12. MOTIONS - NONE**

**13. ADDED ITEMS**

**13.1 Memorandum from Director, Legal Services & Risk Management dated October 16, 2009 re: Amber Contracting v. Halifax Regional Municipality - Court of Appeal Decision**

- An information report dated October 16, 2009 was submitted.

The information report dated October 16, 2009 was accepted.

**13.2 Property Matter - 2190 Barrington Street - Right of First Refusal in Favour of Halifax Water**

The following item was dealt with at the In Camera session held earlier and was now before Council for ratification:

**MOVED BY Councillor Johns , seconded by Councillor Walker, that Regional Council not grant the request from Halifax Water for Right of First Refusal on 2190 Barrington Street. MOTION PUT AND PASSED.**

**13.3 Contractual Matter - Request for Proposal 96-184 Compost Facilities  
Second Renewal Term**

The following item was dealt with at the In Camera session held earlier and was now before Council for ratification:

**MOVED BY Councillor Fisher, seconded by Councillor Karsten , that Halifax Regional Council approve:**

- 1. The drafting and signing of a Supplementary Agreement with Miller Composting for the Second Renewal Term (2009-14), containing the terms and conditions as outlined in Attachment A of the October 6, 2009 Private and Confidential report (to be appended to the main SSCF Agreement);**
- 2. Expenditures resulting from operating costs exceeding the funding allocations in the 09/10 approved operating budget, be recovered as detailed in the Budget Implications section of the Private and Confidential report dated October 6, 2009.**
- 3. The Private and Confidential report dated October 6, 2009 not be released to the public until after the signing of the Supplementary Agreement with Miller composting and New Era Technologies Ltd.**

**MOTION PUT AND PASSED.**

**13.4 Personnel Matter - NSUPE Local 13**

The following item was dealt with at the In Camera session held earlier and was now before Council for ratification:

**MOVED BY Councillor Blumenthal, seconded by Councillor Wile, that Halifax Regional Council approve the appeal of the Supreme Court decision dated September 28, 2009; and that the October 2, 2009 Private and Confidential staff report not be released to the public. MOTION PUT AND PASSED.**

**14. NOTICES OF MOTION**

**14.1 Councillor Mosher**

Take notice that at the next meeting of Halifax Regional Council to be held on October 27, 2009 I intend to move a motion that in future all discussions regarding appointments to Boards, Committees and Commissions be held in public.

**15. ADJOURNMENT**

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

Sherryl Murphy  
Acting Municipal Clerk

The following items were added as information:

1. Proclamation - Waste Reduction Week - October 19 - 25, 2009
2. Proclamation - International Epidermolysis Bullosa Awareness Week - October 25 - 31, 2009
3. Memorandum from Director, Infrastructure & Asset Management dated September 22, 2009 re: International Day of Climate Action
4. Memorandum from Director, Infrastructure & Asset Management dated September 22, 2009 re: 2009 Aid-to Municipality - Paving - Submission
5. Memorandum from Director, Infrastructure & Asset Management dated October 6, 2009 re: Petition Regarding the Paving of Carter Road - Porter's Lake
6. Memorandum from Director, Infrastructure & Asset Management dated September 24, 2009 re: Petition for Sidewalk Renewal, Beresford Road, District 11, West Region
7. Memorandum from Director, Community Development dated September 20, 2009  
re: Cultural Spaces & Places Survey
8. Memorandum from Director, Community Development dated September 24, 2009  
re: Blasting Concerns - Highway 102 and Larry Uteck Boulevard
9. Memorandum from Director, Community Development dated September 28, 2009  
re: Wentworth / Bedford South - Development Prior to Interchange at Highway  
102
10. Memorandum from Director, Community Development dated September 14, 2009  
re: Community Gardening
11. Memorandum from Director, Community Development dated September 22, 2009  
re: Youth Advocate Program Update
12. Memorandum from Director, Finance dated September 22, 2009  
re: Award of Contracts - CAO Approval, Interim Award Policy

13. Memorandum from Director, Legal Services & Risk Management dated October 1, 2009 re: Status of By-Law Prosecutions - August 1 -31, 2009
14. Memorandum from Chair, Solid Waste Resource Advisory Committee dated September 28, 2009 re: Resource Recovery Fund Board - Balanced Representation
15. Memorandum from the Acting Clerk Manager dated October 16, 2009 re: Requests for Presentation to Council - None