

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES June 22, 2010

PRESENT: Mayor Peter Kelly
Councillors: Steve Streach
Barry Dalrymple
David Hendsbee
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 D. Adams
Robert Harvey
Tim Outhit
Reg Rankin
Peter Lund

REGRETS: Deputy Mayor Brad Johns

STAFF: Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Sherryll Murphy, Acting Municipal Clerk
Ms. Krista Tidgwell, Legislative Assistant

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1. INVOCATION

Mayor Kelly called the meeting to order at 6:03 p.m. with the Invocation being lead by Councillor Nicoll.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane announced the following:

- Membertou 400 will be hosting a Pow Wow on the Commons from June 24th - 28th; this event is free and will showcase displays of Membertou's culture, food and heritage
- there will be two Canada Day pancake breakfasts at Grand Parade and Alderney Landing, as well as, a Canada Day Kickoff on Citadel Hill
- she and Councillor Barkhouse will also be hosting two small events on Canada Day at the Public Gardens and Sullivan's Pond
- there will be a concert at Alderney Landing with Joel Plaskett on Canada Day
- the RBC Multicultural Festival will be held from July 2nd - 4th at a new location at the Halifax Sea Port; the theme is taste, see, hear and touch the world; residents can go to www.multifest.ca to obtain additional information

Councillor Karsten reminded residents that on June 27th there will be an open house at the Abenaki Aquatic Club in Dartmouth and all are welcome to attend.

Councillor Blumenthal requested Mayor Kelly write a letter to Chris Camp and the Executives of the Halifax Professional Fire Fighters Union to express appreciation for their quick response regarding an accident involving a 14 year old boy at the intersection of Lady Hammond Road and Robie Street on June 21st.

Councillor Wile provided a friendly reminder to all HRM residents to keep their hedges trimmed that grow near sidewalks. She expressed concern regarding visually impaired persons being struck in the face by protruding branches and noted that it would be appreciated by all pedestrians walking down the sidewalks.

Councillor Outhit advised that the Bedford Days Kick-Off will be held from June 25th - July 1st and all are welcome to attend. Information regarding Bedford Days can be found at www.bedforddays.com. Appreciation was extended to the volunteers and HRM staff for their efforts with this event.

Councillor Mosher thanked Mary Lou Buckle and teachers at Cunard Junior High School for providing her the opportunity to participate in the School's sports awards.

The School has an active sports participation program with an active student body. Best wishes were provided to Rick Crooks, Principal of Cunard Junior High, who is retiring after ten years with the School. Congratulations were provided to the graduates of Cunard Junior High School and J. L. Ilsley High School.

Councillor Adams announced that the third annual flower bed planting at North West Arm Drive will be held June 26th, all are welcome to attend. He invited residents to attend a follow up meeting on June 30th at the St. Paul's Church Hall to review the architectural plans for the new fire hall in Herring Cove.

Councillor Dalrymple invited residents to attend the Beaverbank Kinsac Community Centre's Annual General Meeting at the Harold T. Barrett Junior High School on June 24th. The Cobequid Health Foundation will be hosting its first Grand Day fundraiser on June 26th. The event will be held on Grand Lake and all are welcome to attend. The Councillor congratulated the graduates of Lockview High School.

Councillor Watts advised that HRM will be celebrating National Arbour Day in District 14 on June 23rd, with two trees being planted at the Oxford School. There will be a Public Information Meeting on July 7th at the Bloomfield Centre, respecting a development proposal for the corner of Almond Street and Gladstone. Congratulations were provided to the graduates of 2010 and their families.

Councillor Lund announced the following:

- the Hubbards Business Association will be hosting their annual Casino Night fundraiser at the Shore Club in Hubbards on June 26th; funds raised will go towards the Hubbards' streetscape beautification project
- the Hammonds Plains Fire Hall is hosting a Night Out At Home fundraising event on June 26th; proceeds will go towards repairs/upgrades to the Fire Hall; all are welcome to attend
- the Hubbards Community will celebrate Canada Day celebrations on June 27th with Ceileidh on the Cove followed by fireworks at the Dauphinee Inn; celebrations will include a variety of bands, family barbecue, flag raising ceremony, free parking; all are welcome to attend
- there will be a parade in Upper Hammonds Plains along Pockwock Road on July 1st
- a Fun Day for Kids will be held at the Madeline Symonds Middle School and on Westwood Hill
- there will be a grand opening of the Fox Hallow multi-use facility on July 1st
- July 3rd is the annual Fun Days event at the Allen Heights ball field
- extended congratulations to the grade six students of Tantallon Elementary School who are receiving certificates for their efforts with the

Bear Program

Councillor Hendsbee thanked the fire fighters and crews that responded to the fire in West Porters Lake on June 15th. Over 70 fire personnel from the surrounding communities, the Department of Natural Resources and three helicopter fire crews were able to divert what could have been a loss to the community. Councillor Hendsbee congratulated all graduates of District 3. He further announced that the Porters Lake Community Service Association will be holding a road toll at the Superstore parking lot on June 26th, funds will go towards purchasing fireworks for the Lake and Shore Days. The East Preston Gives Back Community Baseball Tournament will be held on June 26th. As well, on July 1st the Lake Echo Lions Club will be hosting their annual Barbeque for the community.

Councillor McCluskey advised that the Medavie Blue Cross Dragon Boat Challenge will take place on Lake Banook June 26th, all are welcome to attend. She encouraged residents to attend the Trade Centre's Open House on June 23rd. She extended congratulations to the graduates of Dartmouth High School.

Councillor Barkhouse invited residents to attend the Woodside Visioning Kickoff on June 26th at the NSCC Waterfront Campus. Residents are invited to attend the Canada Day Kickoff events at the village shops at Dartmouth Crossing June 26th - 27th. There will be Canada Day events taking place at Fishermen's Cove and in Eastern Passage. As well, there will also be a pancake breakfast at Alderney Landing with a free concert at Sullivan's Pond and the Canada Rocks concert at Alderney Landing.

Councillor Uteck thanked her colleagues on behalf of the ALS Society, noting that the annual walk raised \$80,000. She further noted that she and Mayor Kelly will be attending the Bosom Buddies event at the Fall River Inn on June 26th.

Councillor Nicoll encouraged all residents to attend Cole Harbour's Canada Day Kickoff celebrations on June 30th at the Cole Harbour Fire Hall. She congratulated the graduates of Auburn Drive High School and Cole Harbour High School.

Councillor Harvey invited residents to attend Patriot Days events in Sackville from June 26th - July 1st. He extended congratulations to the graduates of Millwood High School and Sackville High School.

Councillor Hum recognized Mr. Stickings' grade five class at École Grosvenor Wentworth Park School. The class is recognized both nationally and internationally as part of the Panasonic Kid Witness News Program.

Councillor Hum extended congratulations to the graduates of Halifax West High School and all HRM graduates of 2010.

3. APPROVAL OF MINUTES - None

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

Deferral:

11.4.1 Phase 1 Recommendation - District Boundary Review

Deferred to Regional Council's August 3, 2010 session.

Additions:

13.1 Correspondence - Halifax-Dartmouth Canada Day Committee re: Request for Fly-past

IN CAMERA RECOMMENDATIONS:

13.2 Contractual Matter - Harbour Solutions

13.3 Legal Matter - Alderney 5 Completion

COMMITTEE OF THE WHOLE RECOMMENDATIONS:

13.4 4 Pad Arena - Community Access Plan

13.5 Capital Ideas - Leveraging Urban Investment for Regional Prosperity

Item 13.5 - Capital Ideas - Leveraging Urban Investment proposed to be added to the agenda was deferred to Regional Council's July 6, 2010 session.

MOVED by Councillor Blumenthal, seconded by Councillor Nicoll, that the Order of Business 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 - June 8, 2010

8.1 Proposed Amendment to Administrative Order 23, Respecting Pesticides, Herbicides and Insecticides Excluded from the Pesticide

By-Law - Add FeHEDTA (for lawn use) to the Permitted Pesticides List

(i) Staff Report

(ii) Supplementary Report

This matter was discussed later in the meeting, see page 14.

9. PUBLIC HEARINGS - 6:00 P.M.

9.1 By-Law N-200, Respecting Noise - Exemption Application - The Country Rockfest and Halifax Rocks 2010 Concerts

- A staff report dated June 22, 2010 was before Council.
- Emails received from Bevery Miller, Molly DeShong, Cath Bray, John Reynolds expressing their opposition towards staff's recommendation re: By-Law N-200 was circulated to Council.

Mike Gillett, Coordinator, Civic Events & Festivals, Community Development, provided an overview of the staff report dated June 22, 2010, noting that the concerts' end times will be 10:30 p.m., which is earlier than previous years.

Mayor Kelly reviewed the procedures for public hearings then opened the public hearing calling for any speakers for or against the proposal.

Lukas Pearce, Halifax, noted that he is a professional musician and trained sound engineer. He commented that he has experienced the concerts over the past years, noting that he is happy with the proposed end time of 10:30 p.m. He expressed concern regarding exemptions to By-law N-200 and commented that the exemptions are wildly subjective. He further commented that the By-law does not include a standards for what constitutes an unacceptable noise level. During the 2009 Summer concerts he used a sound pressure level device to measure the noise level from 1½ blocks away. The average sound level during the music was measured between 85 and 90 decibels. He noted that the American Acoustical Engineering Society recommends that no person be exposed to more than 85 decibels for more than an hour in the course of a day. The volume level during the concerts is ongoing throughout the day. Residents within the neighbourhood are not able to avoid hearing the music and are being subjected to those noise levels. He suggested this would be like asking baggage handlers at the airports to forego using their ear protection. He reiterated that the application does not reference noise level, decibel level or distance.

Mr. Pearce further indicated that there is a notation within the application that there is no private property within 100 feet of the site; however, the application does not take into account how volume of sound travels and at what distance. He commented that

the information respecting directional speakers is being presented to make the proposal seem more acceptable to members of Council; however, technically directional speakers do not exist. He noted that he does support cultural events and concerts; however, he does not support events and concerts being presented where there is no regulation of hearing safety for the public. He expressed concern that if this matter is not addressed by HRM, the safety of the public's hearing could become a liability issue. He advised that concerts are affecting him personally. He is a composer/musician and works from home. He is losing income during the concerts due to his inability to teach, compose or mix during those times. He further noted that many other residents within the area also work from home. There are also many businesses within the neighbourhood that close down during concerts/events due to the crowds. He questioned whether HRM staff have sound pressure level metres, commenting that there is no indication that this is the case, which leads him to believe that staff's recommendation is entirely subjective.

Jill Ceccolini, Halifax, indicated that this is her third time addressing Council regarding an application for an exemption of the By-law N-200. She indicated that the neighbourhood affected by the exemption is made up of a diverse population of citizens. Residents that make up the neighbourhood include: families with babies and young children, people with serious illnesses who receive medical treatment and require rest, elderly people, people who work from home, as well as, those that are on shift work. There are also people who have jobs that require sleep for decision making that affects the lives of others, including doctors, nurses and pilots. She commented that the disruption of rest and sleep is an unfair burden to place on people who have made lifestyle decisions to live in the downtown core, many of which have been verbally encouraged by Council in an effort to have more residents live downtown. She asked that Council consider the question of the benefit of altering Council's responsibility to ensure the protection of peace for residents, in order to support economic gain for private interest without proof of economic benefits to HRM's citizens.

Michael Hackett, Halifax, requested clarification regarding a reference in the application respecting generators, commenting that his understanding is that the electrical station on the Commons is to replace the need for generators. He expressed concern regarding Council's confusion during the approval for the 2009 concerts. Many Councillors were under the impression that they were only approving exemptions for the two nights of the concerts. Staff's recommendation was that the exemption be for the entire three weeks during the concerts. He noted that staff's recommendations are unclear for this application. He expressed concern that promoters took full advantage in previous years regarding the three week exemption period.

From the first day, trucks arrived onsite at 5:30 a.m. to unload equipment and generators ran continuously over the three week period. He indicated that the 2009

application specified that generators would only run during the time of the concerts and sound checks. When he measured the sound admitted from the generators, it was at 96 decibels. He further took a reading from the across the street near the houses and apartments, which measured 88 decibels.

Mr. Hackett referenced Mr. Pearce's comment and noted that 85 decibels over eight hours is considered the level for hearing loss. He expressed concern that residents who live across the street from the Commons were subjected to potential hearing loss just from the generators in 2009. He further expressed concern with the promotional company and crew's behaviour and lack of supervision by HRM staff. Mr. Hackett noted that during previous years, crews have torn up grass, sound equipment trucks arrived at 2 a.m. one night and kept their engines running until he went out to ask that the engines be turned off. He commented that he finds it unreasonable that HRM would subject residents to those types of conditions for the promoter's economic benefit. He indicated that he is pleased with the change in the end time of 10:30 p.m., commenting that the end time is reasonable for an outdoor concert. However, he does not want noisy work being done at all hours of the night for the entire three/four weeks. He asked that Council grant the exemption only for the nights of the concerts and requested further explanation regarding the reasons why an exemption for any other time would be required.

Beverly Miller, Inglis Street, posed the question "why" grant an exemption, noting that the only explanation she could find within the June 22nd staff report, references the tremendous economic benefit. She indicated that during the Peninsula Community Council's December 2009 meeting, the Community Council had requested a cost benefit analysis on the concerts, as well as, information regarding who makes the decisions on the concerts. Staff provided a report to the Community Council in March 2010, stating that they had requested this information from the promoter. As well, during the Community Council's May 2010 meeting, Councillor Watts had further requested additional information regarding Moncton's statistics. Ms. Miller expressed concern regarding staff's responses respecting the requests for information, noting that staff have indicated that they are not able to advise the number of attendees or tickets sold due to the competitive aspect.

Ms. Miller further questioned staff's reasoning for their recommendation, commenting that the report repeats what the promoter has advised. She expressed concern regarding the disruption/inconvenience to residents in the neighbourhood and potential loss of hearing. She further expressed concern regarding the lack of information respecting the social/commercial benefit of the proposed activity to the Municipality. She indicated that during a public information meeting in February 2009 regarding improvements to the Commons, one person out of seventy-five people spoke in favour of concerts on the Common. Ms. Miller expressed concern regarding the lack of

specifications regarding the proposed hours within the June 22nd staff report. In closing, she asked Council to consider the reasons why they would approve an exemption.

Cath Bray, Halifax, commented that she is about to live through the Membertou 400 Pow Wow this weekend, which is going to be three late nights. She noted that she had written to Council on January 14th detailing the month long activities, noise infractions and concerts during the Summer of 2009. She asked that HRM staff write a "Being Neighbourly" sheet, to be given to all event planners as they are planning events on the Commons and on other public lands. She commented that her experience with small event planners has been very positive. She expressed concern with the promotional company's lack of concern for being neighbourly. In comparison, she had never received a response to her complaints from the 2009 concert organizers, even when she phoned them at 2 a.m. in the morning. She asked Council to set defined exemption parameters for Power Promotional Events for the Summer of 2010. She further commented that it is unacceptable to give promoters an exemption for the full month. Further, it is unreasonable to allow the continuous volume of noise in a heavily populated area. She indicated that partially due to her experience in 2009 with the concerts, she is not able to live through it again for 2010 and has placed her house for sale. She commented that she has given up on Council's interest to protect the residents that live in the area.

Mayor Kelly gave the third call for speakers, hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor Sloane, that the public hearing be closed. MOTION PUT AND PASSED.**

In response to a question raised by Councillor Sloane, Mr. Andrew Whittemore, Manager, Community Development, advised that staff address By-law N-200 and the conditions around it; however, the Halifax Regional Police enforce By-law N-200. He noted that Council can direct staff to implement testing of decibel levels. Councillor Sloane suggested that staff test the decibel levels in the same manner as the neighbours have done in previous years.

During the discussion, staff noted the following points in response to questions raised by Council:

- when the permanent power is up and running on the Commons, it will feed the stage, sound, lights and other features of the site during a concert; smaller generators will still be required for such items as ATM machines; crews can also access permanent power from the central fountain area and the washroom facility on Cunard Street

- HRM is always trying to improve the events that are delivered through coordination; the 2010 contract includes a number of measures to improve the overall event; however, it does not address truck idling; staff could explore this with the promoter

Councillor Sloane suggested that the trucks could be diverted to Cogswell Street instead of Cunard Street where idling would be less intrusive to residents. She further expressed the importance of defining exemption parameters in conjunction with the “Being Neighbourly” sheet, as suggested by Ms. Bray.

- the proposed plan is to have power installed on the Commons for the concerts
- the letter from Power Promotions Events, along with the June 22nd staff report, outlines that Power Promotions Events will do all the possible builds and removal of the equipment/infrastructure within the allowable By-law timing; occasionally in the build/removal of equipment, crews are unable to work within the time lines due to unforeseeable circumstances (ie. late trucks, weather, etc.); Council has been asked to give an exemption based on those circumstances
- on the nights of the concerts (July 23rd - 24th and August 6th - 7th) following the 10:30 p.m. end time, there will be a removal of sound and light equipment, which will exceed the noise By-law hours; estimated time for those evening will be 2 a.m.
- unloading begins July 19th; the first three days are stage build; sound and light equipment will be brought in July 21st - 22nd; the removal of sound and light will take place July 24th - 26th; there will be minimal activity on site until August 4th; the stage will stay in place until both concerts are over but everything else will be removed from the site; the removal of the stage and all equipment will be done August 7th -10th

Councillor Lund asked whether the promotional crew actually broke any of the By-law exemptions in 2009. If so, he asked why HRM is not better policing the crews and monitoring their activities during the night. He suggested that if staff and By-law enforcement are not monitoring on a regular basis, then they should do so. He suggested that staff meet with key stakeholders and the promotional company in advance of the concerts to outline what is expected.

MOVED by Councillor Lund, seconded by Councillor Karsten, that Halifax Regional Council approve an exemption from the provisions of the Noise By-law pursuant to the contents of the June 16, 2010 staff report.

In response to questions raised by Councillor Lund, Wayne Anstey, Deputy Chief

Administrative Officer, indicated the following:

- meetings are held leading up to the concerts
- if an exemption is granted to the noise By-law, Council has to accept that crews will act reasonably
- staff were not aware of the decibel levels as referenced earlier in the meeting or where they were taken from; however, staff are aware of this concern and will review more closely
- the placement of the stage in 2009 was at the corner of Cunard and Robie Street; the stage for the 2010 concerts has been moved back to the original location at the corner of Cogswell Street; the number of residents that are immediately adjacent to the site is less than in 2009
- staff will review maximum noise levels with the promoters
- staff puts parameters on when crews can do certain work
- the last night of tear down, crews are working hard to get out as soon as they can; therefore, longer hours are allotted

Further points noted by staff in response to questions raised by Council:

- there is a contract between HRM and the promoter, which articulates various criteria regarding onsite matters
- Civic Events staff, along with the various service providers, regulate aspects of each component of the concert through the contract and ensure that the promoter abides by the criteria
- there are conditions under the contract which allow staff to address issues including penalties to the promoters

Councillor Watts expressed concern regarding the lack of policy in place for hosting an event on the Commons. She referenced an event that was held on the Commons previously that only attracted 25,000 attendees. She further asked how staff will develop parameters around sound levels and what actions will HRM take for 2010 regarding measurement of decibel levels and responding to citizens concerns.

Mr. Anstey advised that concerns raised by Council will be referred to the Special Events staff for consideration in managing this event.

In response to a question raised by Councillor Uteck, Mr. Gillett noted the possibility of posting information regarding a concert hotline number for residents on HRM's website. He indicated that he would have to confirm this option with communications staff before any information could be posted.

Mr. Whittemore confirmed that staff are on site well into night while crews are working

and not just during day time hours.

MOTION PUT AND PASSED.

8.1 Proposed Amendment to Administrative Order 23, Respecting Pesticides, Herbicides and Insecticides Excluded from the Pesticide By-Law - Add FeHEDTA (for lawn use) to the Permitted Pesticides List

(i) Staff Report

(ii) Supplementary Report

- A staff report dated May 18, 2010 was before Council.
- A staff supplementary report dated June 15, 2010 was before Council.

MOVED by Councillor Lund, seconded by Councillor Wile, that Halifax Regional Council approve in principle the addition of FeHEDTA, for lawn use, to the Permitted Pesticides List in Administrative Order #23 and direct staff to initiate the formal legislative process.

Councillor Lund indicated that based on the responses from the manufacturer and the Nova Scotia Agricultural College, FeHEDTA contains less iron than other products that are currently approved. He expressed concern regarding legislation recently passed by the Province of Nova Scotia that will mirror the Ontario Pesticide Regulations, which will become effective in 2011. He requested that HRM's Sustainable Environmental Management Office (SEMO) work with the Province to confirm that any products they approve will be safe for use in Nova Scotia. He commented that soils in Nova Scotia are acidic as compared to alkaline soils in Ontario. Further, that Nova Scotia's natural environment is more sensitive to chemicals and chemical reactions. FeHEDTA's testing indicates that the lower the PH, the more persistent the product stays within the environment. He suggested that based on the Province's response, the Mayor consider forwarding these concerns to the Ministers.

In response to a question raised by Councillor McCluskey, Mr. Richard MacLellan, Manager of SEMO, advised that FeHEDTA is presently being heavily promoted by all retailers. Commercial lawn and pesticide applicators that are regulated under the Province of Nova Scotia and comply with HRM's pesticide By-law are not able to use this product. Residents are able to purchase this product for home use and could potentially use an incorrect dose.

Councillor McCluskey expressed concern regarding increases of cancer and its relation to the use of pesticides.

In response to a question of clarification from Councillor Watts, Mr. MacLellan

confirmed that FeHEDTA is being sold in stores and has been in the past. HRM residents who purchase this product and use it are not complying with HRM's Pesticide By-law.

Councillor Watts expressed concern with who is permitted to use FeHEDTA, commenting that HRM should be moving in a direction of further restrictions around pesticides. She further expressed concern with HRM addressing this issue where the Province will be implementing regulations in 2011.

MOVED by Councillor Uteck, seconded by Councillor McCluskey, that Halifax Regional Council refer staff's recommendation to the Province of Nova Scotia for review and to be added to their 2011 recommendation.

Councillor Hum expressed concern regarding Council's direction respecting pesticide use and that retail stores are endorsing FeHEDTA.

In response to a question raised by Councillor Fisher, Mr. MacLellan advised that the Province of Nova Scotia passed legislation that there will be Provincial Regulations by Spring of 2011. This is HRM's last season administering Pesticide By-law P800. He noted that HRM is involved with drafting the Provincial Regulations. Regional Council approved a UNSM resolution in the Winter of 2009/10 advocating for a Provincial Pesticide By-law. FeHEDTA has been approved in Ontario, which is the reason SEMO brought this matter forward for review.

In response to a question raised by Councilor Lund, Mr. MacLellan advised that FeHEDTA is being promoted as a less toxic option for consumers.

Councillor Adams expressed concern regarding the matter being deferred the previous week to allow for further safety review. He asked whether Council could obtain the Canadian Cancer Society's position respecting the percentage of cancers caused by pesticides.

In response to a question of clarification raised by Councillor Hendsbee, Mr. MacLellan indicated that the Province does not have regulations in place. FeHEDTA will be addressed within the new Provincial Regulations in 2011.

Mr. MacLellan clarified that within the next few months the Province will be conducting public consultation respecting the development of the Provincial regulations. Whether FeHEDTA is included or not will determine how the regulations are set. He noted that he could provide assistance respecting the wording of the regulations.

Councillor Karsten commented that staff's recommendation does not have to be

referred to the Province, that staff could address Council's concerns during HRM's discussion with the Province.

MOTION TO DEFER PUT AND DEFEATED.

Councillor Wile reminded Council that many residents have severe allergies to dandelions, which makes the use of pesticides/herbicides beneficial.

During the ensuing discussion, the following points were noted by staff:

- the new Provincial regulations will create consistency across the Province regarding what pesticides are sold in retail stores
- over the past 10 years HRM has worked with retailers through various education contracts regarding HRM's Pesticide By-law
- there are a number of products on retail shelves that do not comply with HRM's By-law
- HRM's By-law is complaint driven; there were approximately 50 enforcement complaints in 2009 respecting applications
- HRM corporately does not use pesticides/herbicides to remove dandelions from Municipal land
- HRM's Pesticide By-law refers to an allowable list of pesticides/herbicides/insecticides; staff does not believe that FeHEDTA would supercede other items on HRM's list

Councillor McCluskey advised that Dr. Rob Rutledge, Radiation Oncologist, Nova Scotia Cancer Centre, indicates that cancer is not the only health risk linked to pesticides, there are numerous affects: allergy, neurological development, respiratory (including asthma), dermatologic and reproductive. Pesticides likely increase the risk of cancer; however, it is difficult to isolate one factor.

Councillor Adams requested the Clerk provide to Council a copy of correspondence from Dr. Rutledge regarding the proposed pesticide by-law submitted to Council during their March 21, 2000 session.

MOTION PUT AND DEFEATED.

Council recessed at 7:51 p.m.

Council reconvened at 8:06 p.m. with Councillor Mosher not in attendance.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - None

10.2 Petitions

10.2.1 Councillor Hendsbee

Councillor Hendsbee submitted a copy of a Petition that was submitted to the Marine Drive, Valley and Canal Community Council during their June 9, 2010 session. The Petition contains 944 signatures in support of Case 01278: MPS Amendments to permit a mobile home development.

10.2.2 Councillor Uteck

Councillor Uteck submitted a Petition on behalf of the Quinpool Road Mainstreet District Association containing 195 signatures in support of amendments to the Halifax Regional Planning Strategy (MPS) and the Halifax Peninsula Land Use By-Law (LUB) to permit lounges, in association with but subordinate to restaurants, through the development agreement process in the Commercial Designation of the Quinpool Road Commercial Area Plan.

10.2.3 Councillor Uteck

Councillor Uteck submitted a Petition on behalf of the residents of the BARTIS region containing 67 signatures in support of the proposed Land Use By-Law amendments for the BARTIS region, as described in the attached letter to Councillor Sue Uteck dated Friday, June 18, 2010.

Council agreed to address Item 13.1 at this time.

13.1 Correspondence - Halifax-Dartmouth Canada Day Committee re: Request for Fly-past

- Correspondence from Jeff Wall, Chair of the Halifax-Dartmouth Canada Committee dated June 15, 2010 was before Council.

MOVED by Councillor Barkhouse, seconded by Councillor Sloane, that Halifax Regional Council grant the request for a “Fly-past” of Canadian Air Force aircraft over the Halifax Regional Municipality on Wednesday, July 1, 2010 in connection with Canada Day celebrations. MOTION PUT AND PASSED.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

MOVED by Councillor Harvey, seconded by Councillor Outhit, that Halifax Regional Council address Items 11.1.1 through to 11.1.7, as well as, Items 11.1.11, 11.1.12 and 11.1.13 in one motion.

Following a brief discussion and without having 2/3 support of Council for the motion, Council proceeded to Item 11.1.1.

11.1.1 Request for Proposal 10-035 - Supply of Para-Transit Buses

- A staff report dated June 3, 2010 was before Council.

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

- 1. Authorize the award of RFP No. 10-035, to the highest ranking proponent, Crestline Coach Ltd., Aerotech Model, at a cost of \$1,186,910.96 (net HST included) for fourteen (14) Para-Transit Buses with funding from Capital Accounts CVD00429 and CVD00430 as outlined in the Budget Implications section of the June 3, 2010 staff report; and**
- 2. Authorize staff to enter into negotiations with Crestline Coach Ltd. to secure an additional three (3) Para-Transit Buses at a cost of \$268,494.90 (net HST included) with funding from Capital Account CVD00430, as outlined in the Budget Implications section of the June 3, 2010 staff report.**

During a brief discussion, staff noted the following points:

- the vehicles are being purchased through two different accounts (replacement & additional) but in one purchase
- there are two different prices for the buses; the lowest bid gave HRM an option of purchasing existing buses that were on site at a lower price; the remaining buses were purchased at a higher price for 2010-2011
- all of the buses came with different testing results; staff reviewed the report from Altoona testing and it was used by HRM's scoring team; the buses are comparable to one another
- the buses purchased are expected to last approximately five years; the buses have a cut-away chaisey
- the Metro X bus is built to a slightly higher standard and has a life expectancy of approximately seven years

Councillor Walker expressed concern regarding the durability of the Metro X buses, noting that many are presently experiencing mechanical issues. He questioned whether HRM is receiving quality buses for the money being spent.

Councillor Rankin requested that staff include the fuel savings criteria within the cost considerations for future purchases.

Further points noted by staff:

- in HRM's current service plan and operating budget for 2010-2011, as approved by Council, is a provision for 13,080 hours of additional service annually for Access-A-Bus, which accounts for a 20% increase
- additional buses will allow HRM to circulate them throughout the fleet and ensure reliability of the service; there is no intension of going beyond the approved service level standard
- the proposed buses are similar to HRM's present fleet
- the service standards for Access-A-Bus are overlaid with HRM's service areas for its conventional fleet; when HRM expands its conventional service reach, Access-A-Bus will also be expanded to that same reach

In response to a concern raised by Councillor Dalrymple, Ms. Patricia Soanes, General Manager, Metro Transit, indicated that because the Beaver Bank service route was based upon the old community transit model, the service standard does not presently match HRM's conventional service routes. HRM is going through an Access-A-Bus review, and one of the key deliverables will be a review of the service areas and standards for Access-A-Bus. She anticipates that there would be some changes at that time. There will be an extensive public consultation in conjunction with this review. She commented that it is reasonable to assume that there will be changes to the Access-A-Bus boundaries as a result of the service review. She further noted that Access-A-Bus for other community transit routes are on hold pending the service review.

MOTION PUT AND PASSED.

Councillors Sloane and Uteck left the meeting at 8:30 p.m.

11.1.2 Tender 10-212 - Gateway Road, Pavement and Watermain Renewal - West Region

- A staff report dated June 4, 2010 was before Council.

MOVED by Councillor Hum, seconded by Councillor Walker, that Halifax Regional Council:

1. Approve an increase in the Gross Capital Budget of Capital Account

CYU01081 - Pavement Renewal Program in the amount of \$67,000, funded from HROP GL2314 - Natural Gas Future Settlement Charges as per the budget implication section of the June 4, 2010 staff report.

2. **Approve a budget increase of \$455,078.03 (net HST included) to Capital Account No. CYU01081- Pavement Renewal Program, funded through cost sharing with Halifax Water.**
3. **Award Tender No.10-212, Gateway Road (Lacewood Drive to Bayview Road), Pavement and Watermain Renewal - West Region to Brycon Construction Limited for a Total Tender Price of \$964,645.50 (net HST included) with funding from Capital Account No's. CYU01081 - Pavement Renewal Program, CYU01076 - Curb Renewal & HROP GL2314 Natural Gas Future Settlement Charges as outlined in the budget implications section of the June 4, 2010 staff report.**

Council entered into a brief discussion with staff responding to questions.

MOTION PUT AND PASSED.

11.1.3 Proposed By-Law S-309, An Amendment to By-Law S-300, Respecting Streets, and Proposed Amendments to Administrative Order 15, Respecting License, Permit, & Processing Fees

- A presentation entitled By-Law S-309 was before Council.
- A staff report dated June 7, 2010 was before Council.

MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Halifax Regional Council approve in principle By-law S-309, An Amendment to By-law S-300, Respecting Streets and associated amendments to Administrative Order 15, Respecting License Permit and Processing Fees, with the exception of a fee for street closures for the purpose of block parties, as set out in Attachments "A" and "B" of the June 7, 2010 staff report.

Councillor Karsten expressed concern regarding residents paying a deposit for a small curb cut and the time frame to recoup this cost.

In response to a concern raised by Councillor Nicoll regarding a landscaping company dumping mulch onto the street, Ken Reashor, Acting Director, Traffic Authority, Transportation and Public Works, indicated that permits are required and staff would have to go to the site and investigate. He further indicated that materials are not

permitted to be dumped into the street, which is often an enforcement issue. Mr. Reashor advised that she could forward her concern to him and he would review it.

Rod MacIntyre, Transportation Engineer, Traffic & Right of Way, noted that there is no specific permit for dumping. Dumping would typically fall under encroachment or partial street closure. He indicated that large construction containers that are placed in a driveway or on a right-of-way are for temporary use.

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the motion be amended to further include that the \$100 fee for rickshaws not be increased to \$200.

Following a brief discussion, the **MOTION TO AMEND WAS PUT AND DEFEATED.**

In response to a concern raised by Councillor Hendsbee, Mr. Reashor advised that overhead banner locations are pre-approved locations and do not require staff's review and approval. Upon a new location request, staff would review the new location and installation to ensure that the banner is properly installed.

Councillor Hendsbee asked whether the fees for curb cuts are accumulative. Mr. Reashor indicated that there are pavement impact charges, as well as, charges for repairs to the sidewalk over and above the permit fees. He confirmed that the fees are not accumulative and that it is one permit fee per activity. He further confirmed that these fees apply to Municipal roads within the service boundary of HRM and not Provincial roads.

Councillor Hum expressed concern that during the budget process, Council was not provided a detailed list of the various fee increases.

Mr. Reashor indicated that the \$1,000 permit fee for a curb cut is a deposit. If the permit is for an excavation in the roadway, HRM retains the deposit for a two year period in case there is settlement. For a minor curb replacement, HRM staff uses discretion regarding the time frame of the deposit refund. He noted that Council has the option to review how HRM manages the permit deposits; however, this matter would be addressed through the Streets By-law.

Council ensued further discussion with staff responding to questions of clarification.

Councillor Karsten reiterated his concern regarding the deposit fee for curb cuts. Ms. Mary Ellen Donovan, Municipal Solicitor advised that the deposit is for the Municipality's protection against unsatisfactory workmanship that would otherwise be expensive to undertake and repair. She noted that Council can request further staff input respecting this matter. Councillor Karsten advised that he would provide a Notice

of Motion later in the meeting.

The motion before Council is:

MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Halifax Regional Council approve in principle By-law S-309, An Amendment to By-law S-300, Respecting Streets and associated amendments to Administrative Order 15, Respecting License Permit and Processing Fees, with the exception of a fee for street closures for the purpose of block parties, as set out in Attachments “A” and “B” of the June 7, 2010 staff report.

MOTION PUT AND PASSED.

11.1.4 Proposed By-Law S-430, An Amendment to By-Law S-400, Respecting Charges for Local Improvements - New Paving Projects Outside the Core Area - 2009

- A staff report dated May 21, 2010 was before Council.

MOVED by Councillor Hendsbee, seconded by Councillor Adams, that Halifax Regional Council:

- 1. Approve in principle the adoption of By-Law S-430, an amendment to By-Law S-400, Respecting Charges for Street Improvements relating to New Paving of Subdivision Streets Outside the Core Area - 2009 providing the funding necessary to recover HRM’s share of the Aid-to-Municipalities Program with the Nova Scotia Department of Transportation and Infrastructure Renewal, in the amount of \$2,199,333.65 (net HST included); and**
- 2. Direct staff to arrange for the formal adoption of this By-law.**

Councillor Hendsbee expressed concern regarding the following:

- constructions costs have increased to \$30.92 per foot from \$27 per foot in 2009
- lack of competition in the market place; there should be a broader tender process

In response to a question of clarification raised by Councillor Hendsbee, Mr. Dave Hubley, Manager, Design & Construction Services, confirmed that the Local

Improvement Charge (LIC) rate is based on \$30.92 per foot; however, some LIC's will be based on lot charges and others by frontage charges.

Further discussion ensued with staff responding to questions.

MOTION PUT AND PASSED.

Due to time constraints, Councillor Streach requested that Items 11.1.12 and 11.1.13 be addressed at this time, which Council agreed.

11.1.12 New Area Rate for Sheet Harbour Streetscape Phase 1

- A staff report dated June 3, 2010 was before Council.

MOVED by Councillor Streach, seconded by Councillor McCluskey, that Halifax Regional Council:

- 1. Implement an Area Rate of no more than \$11.84 per property effective within the 2010-11 fiscal year, to be applied to all taxable Residential and Commercial properties within the catchment area as defined in the map attached to the staff report dated June 3, 2010 as Appendix "A";**
- 2. Approve the use of the Area Rate to provide capital funding of \$136,680 for Phase 1 of the streetscape project, plus interest costs to debt finance this amount, and operating and maintenance funding of \$208,000 to be disbursed to the Sheet Harbour and Area Development Corporation over a period not to exceed 8 years;**
- 3. Prior to the 2017/18 fiscal year, review the area rate to determine the level at which it should be set to provide funding for ongoing operating and maintenance costs; and**
- 4. Approve a funding swap in the amount of \$136,680 for Capital Account No. CDX01145 - Sheet Harbour Streetscape by decreasing the LIC Charges Budget and increasing the Area Rate Budget with no net change to the budget for this project, as outlined in the Budget Implications section of the staff report dated June 3, 2010.**

MOTION PUT AND PASSED.

11.1.13 Sheet Harbour Streetscape Provincial Repayment

- A staff supplementary report dated June 22, 2010 was before Council.

MOVED by Councillor Streach, seconded by Councillor McCluskey, that Halifax Regional Council approve a budget increase to Capital Project No. CDX01145, Sheet Harbour Streetscapes in the amount of \$450,000 for the cost of the storm drainage with funding from the Province as per Attachment B of the staff report dated June 16, 2010.

MOTION PUT AND PASSED.

Councillor Streach left the meeting at 9:07 p.m.

11.1.5 Case 16104 - Bedford West Sub-Areas 5 and 9 Boundary Change and Land Use Plan

- A staff report dated June 4, 2010 was before Council.

MOVED by Councillor Outhit, seconded by Councillor Hum, that Halifax Regional Council:

- 1. Authorize staff to initiate the process to consider amending the Bedford West Secondary Planning Strategy (MPS), the Wentworth Secondary Planning Strategy, and the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy to amend the Sub Area Boundaries for Bedford West Sub Areas 5 and 9 and to establish a new land use plan and policy; and**
- 2. Direct staff to follow the public participation program as approved by Council in February 1997.**

Council entered into a brief discussion with staff responding to questions.

The following points were noted by staff:

- a detailed analysis has not been done to date
- initial consultations have been had with Infrastructure and Asset Management staff and Halifax Water; HRM staff identified that there could be infrastructure charge implications
- there are capital costs charges for the Bedford West area; those charges deal with Regional transportation and water and sewer
- the process includes a community consultation to determine a land use plan; the land use plan could have density ramifications, which could

affect the capital costs charges

In response to a concern raised by Councillor McCluskey, Ms. Thea Langille, Supervisor of Planning Applications - Central Region, advised that tax payers will not have to pay the capital cost. She further noted that the developers are responsible for the servicing within the Bedford West area. The basic development charge is done by the developer, over sizing of any infrastructure such as transportation is built into the capital cost program.

Councillor Hum reinforced the importance of having public consultations regarding the capital cost charges.

MOTION PUT AND PASSED.

11.1.6 Case 16106 - Bedford West Sub-Areas 9 & 10 Boundary Change and Land Use Plan

- A staff report dated June 4, 2010 was before Council.

MOVED by Councillor Hum, seconded by Councillor Outhit, that Halifax Regional Council:

- 1. Authorize staff to initiate the process to consider amending the Bedford West Secondary Planning Strategy (MPS), the Wentworth Secondary Planning Strategy, and the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy to amend the Sub Area Boundaries for Bedford West Sub Areas 9 and 10 and to establish a new land use plan and policy; and**
- 2. Direct staff to follow the public participation program as approved by Council in February 1997 and required by Policy BW-39 of the Bedford West Secondary Planning Strategy.**

MOTION PUT AND PASSED.

11.1.7 2010-2011 Budgets and Business Plans for Area-Rated Services

- A staff report dated June 10, 2010 was before Council.

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

- a) **The Operating Budget in the amount of \$726,573,824 gross expenditures (which includes \$595,747,985 in municipal expenditures), \$589,762,318 non-departmental revenues, and \$136,811,506 departmental revenues be approved;**
- b) **the Provincial Area Rate for Metro Regional Housing Authority and Other on residential and resource property be set at the rate of \$0.003; and at a rate of \$0.004 for all commercial and business occupancy assessment;**
- c) **area rates shall be set on taxable residential, resource, commercial and business occupancy assessment, as per the Schedule of Area Tax Rates attached as Appendix B to the June 10, 2010 staff report.**

Council entered into a brief discussion with staff responding to questions.

MOTION PUT AND PASSED.

11.1.8 Guarantee of Halifax Water Debt

- A staff report dated June 2, 2010 was before Council.

MOVED by Councillor Karsten, seconded by Councillor Blumenthal, that Halifax Regional Council approve the Municipality's guarantee of the Halifax Water (HW) debt related to their 2010 Spring Municipal Finance Corporation Debenture Issue in the amount of \$3,400,000. MOTION PUT AND PASSED.

11.1.9 Write-off of Uncollectible Accounts

- A staff report dated May 10, 2010 was before Council.
- A copy of the presentation dated June 22, 2010 entitled: 2010/11 Write-Off of Uncollectible Accounts was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that Halifax Regional Council:

1. **The general revenue accounts in the amount of \$93,654.19 comprised of \$87,173.89 principal and \$6,480.30 interest as detailed in Schedule 2 of the May 10, 2010 staff report, be formally written out of the books of account;**

2. **The real property tax and lienable charges in the amount of \$34,506.86 comprised of \$33,013.94 principal and \$1,492.92 interest as detailed in Schedule 3 of the May 10, 2010 staff report, be formally written out of the books of account;**
3. **The business occupancy tax accounts in the amount of \$689,798.51 comprised of \$593,620.86 principal and \$96,177.65 interest as detailed in Schedule 4 of the May 10, 2010 staff report, be formally written out of the books of account; and**
4. **The recreation accounts in the amount of \$18,641.03 comprised of \$18,641.03 principal and \$0 interest as detailed in Schedule 5 of the May 10, 2010 staff report, be formally written out of the books of account.**

Council entered into a brief discussion with staff responding to questions.

MOTION PUT AND PASSED.

11.1.10 Proposed Amendment to Administrative Order 20, Respecting Fees for Cemetery Services

- A staff report dated June 15, 2010 was before Council.
- Correspondence from Mr. Stan Johns to Councillor McCluskey, Councillor Karsten and Mayor Kelly dated June 21, 2010 was before Council.

MOVED by Councillor Harvey, seconded by Councillor Lund, that Halifax Regional Council approve in principle amendments to Administrative Order 20, Respecting Fees for Cemetery Services as set out in Appendix 1 of the staff report dated June 15, 2010.

Councillor Hendsbee asked the following questions:

- why HRM is subsidizing the funeral industry
- why is HRM charging less than other funeral facilities within HRM; HRM should be on par with the market rate and not below it

Brian Phelan, Superintendent - Parks & Open Spaces, Municipal Operations, advised that HRM is trying to achieve a balance between the private sector and other Municipal cemeteries across Canada. He noted that HRM is moving closer to the market value.

During a brief discussion, the following concern was raised by Council:

- HRM should not be making a profit on burials; additional revenues should be directed to maintenance and repairs of HRM cemeteries and not into general revenues

Catherine Sanderson, Senior Manager, Financial Services, clarified that the reason the operating costs will now be in a positive cost revenue is because staff has changed the allocation of the percentage of the sales of the lot that go into the trust fund from 90% to 15%. Over the last 11 years the general rate from tax payers has subsidized the build up in the trust fund by approximately \$4 million. Therefore, staff is trying to rectify this situation over time through a recovery.

Additional points raised by Council were:

- cemeteries owned/operated by HRM are lacking in attention; standard should be similar to private industry cemeteries
- HRM should not be discounting its prices

Councillor Hendsbee requested an amendment to the motion that HRM set its single grave lots to \$1,675 versus the proposed \$1,400. There being no seconder for the proposed amendment, the question was called for on the motion.

MOTION PUT AND PASSED.

Councillor Blumenthal left the meeting at 9:30 p.m.

Upon further discussion respecting Item 11.1.10, it was **MOVED BY Councillor Walker, seconded by Councillor Karsten, that Halifax Regional Council direct staff to omit the old prices referenced within Appendix 1 of the staff report dated June 15, 2010. MOTION PUT AND PASSED.**

11.1.11 Proposed Amendments to Administrative Order 14, Respecting the Application of Interest Charges on Overdue Accounts and Administrative Order 18 - Respecting Revenue Collections Motion - Deputy Mayor Johns - Approve Admin. Orders 14 & 18

- A staff report dated May 26, 2010 was before Council.

Following a brief discussion, Council agreed to split the motion as follows:

MOVED by Councillor Harvey, seconded by Councillor Karsten, that Halifax

Regional Council approve amendments to:

1. **Administrative Order 14, Respecting Application of Interest Charges on Outstanding Accounts, to provide for an increase in the interest charges on outstanding accounts from 4% above the prime lending rate of the Halifax Municipality's Banker to 1.25% monthly (15.00 % annually) effective July 1, 2010.**

MOTION PUT AND PASSED.

2. **Administrative Order 18, Respecting Revenue Collection Policy, to increase the charge for cheques returned Non-Sufficient Funds (NSF) from \$20.00 to \$40.00 effective July 1, 2010.**

MOTION PUT AND PASSED.

3. **Housekeeping amendments to Administrative Order 18, Respecting Revenue Collection Policy, with respect to tax bill due dates, HRM Charter references and elimination of schedules 1 - 5, per Appendix C of the staff report dated May 26, 2010.**

MOTION PUT AND PASSED.

11.1.12 New Area Rate for Sheet Harbour Streetscape Phase 1

This matter was discussed earlier in the meeting, see page 23.

11.1.13 Sheet Harbour Streetscape Provincial Repayment

This matter was discussed earlier in the meeting, see page 24.

11.2 CHEBUCTO COMMUNITY COUNCIL

- 11.2.1 **Case 01302 - Municipal Planning Strategy and Land Use By-Law Amendment for a Development Agreement - 3473 Dutch Village Road, Halifax**
 - (i) **Chebucto Community Council Report**
 - (ii) **Peninsula Community Council Information Report**

- A report from the Chebucto Community Council dated June 14, 2010 was before Council.

- An Information Report from the Peninsula Community Council dated June 15, 2010 was before Council.

MOVED by Councillor Walker, seconded by Councillor Wile, that Halifax Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law as contained in Attachment "A" of the May 13, 2010 staff report and schedule a joint public hearing with Chebucto Community Council. MOTION PUT AND PASSED.

11.3 HRM GRANT COMMITTEE

11.3.1 HRM Community Grants Program 2010-2011: Recommended Awards

- A staff report dated June 14, 2010 was before Council.

MOVED by Councillor Walker, seconded by Councillor Lund, that Halifax Regional Council approve the *HRM Community Grants Program* awards as detailed in the Discussion section of the May 17, 2010 staff report for a total of 73 grants with a combined value of \$464,948 from operating account M311-8004 (Grants & Concessions).

In response to a question raised by Councillor McCluskey, Ms. Peta-Jane Temple, Team Leader, Tax, Grants & Special Projects, clarified that a \$500,000 capital grant was given to the Citadel Theatre Society for the fiscal year 2009-2010. She confirmed that the Neptune Theatre Society has not received a grant for fiscal year 2010-2011. Ms. Temple further indicated that members of Council could forward any additional questions regarding the HRM Community Grants Program to her.

Following a brief discussion, it was **MOVED by Councillor Dalrymple, second by Councillor Karsten, that Halifax Regional Council refer the application submitted by the Friends of Ivy Meadows - Beaver Bank (\$25,000) as outlined in Attachment 2 - Applications Not Recommended for Funding 2010-2011 of the staff report dated June 14, 2010, back to the HRM Grants Committee for further review and discussion. MOTION to refer PUT AND PASSED.**

Further discussion ensued with staff responding to questions.

MOTION PUT AND PASSED.

11.4 GOVERNANCE & DISTRICT BOUNDARY REVIEW COMMITTEE

11.4.1 Phase 1 Recommendation - District Boundary Review

- A staff report dated June 11, 2010 was before Council.

This item was deferred to Regional Council's August 3, 2010 session.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Correspondence - Halifax-Dartmouth Canada Day Committee re: Request for Fly-past

This matter was discussed earlier in the meeting see page 18.

13.2 Contractual Matter - Harbour Solutions

MOVED by Councillor Karsten, seconded by Councillor Smith, that Halifax Regional Council:

- 1. Approve the transfer of Harbour Solutions assets and project management to Halifax Water (HW) as detailed in the attached draft Memorandum of Agreement ("MOA") substantially in the form attached to the June 9, 2010 Private and Confidential staff report:**
- 2. Request HW to accept the transfer of the Harbour Solutions assets and project management in accordance with the MOA and compile an application to the Nova Scotia Utility and Review Board (NSUARB) for approve of the MOA; and**
- 3. It is further recommended that the June 9, 2010 Private and Confidential staff report not be released to the public until HW Board agrees to accept the terms of the attached MOA and an application is made to the NSUARB.**

A Recorded Vote was taken. MOTION PUT AND PASSED.

Members of Council voting **in favour** of the motion: Councillors: Adams, Barkhouse, Dalrymple, Fisher, Harvey, Hendsbee, Hum, Karsten, Lund, McCluskey, Nicoll, Outhit, Smith and Wile.

Members of Council voting **against** the motion: Mayor Kelly, Councillors: Rankin, Walker and Watts.

(Deputy Mayor Johns and Councillors: Blumenthal, Mosher, Sloane, Streach and Uteck were absent for the vote).

13.3 Legal Matter - Alderney 5 Completion

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that Halifax Regional Council approve the following amounts for work completed by contractors as follows:

- C Connors Diving Services - \$67,014.08 (Net HST Incl);**
- C Bond and Coolen - \$58,926.28 (Net HST incl); and**
- Prospect Plumbing and Heating - \$189, 315.46 (Net HST Incl)**

with funding from Capital Account No. CB300881, Alderney 5 Energy Project, as outlined in the Budget Implications section of the May 21, 2010 Private and Confidential staff report.

It is further recommended that the report not be released to the public until the matter is settled.

MOTION PUT AND PASSED.

13.4 4 Pad Arena - Community Access Plan

MOVED by Councillor Outhit, seconded by Councillor Harvey, that Halifax Regional Council adopt the Community Access Plan for the 4 Pad Arena as outlined in the staff report of May 28, 2010.

MOTION PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor Harvey

Councillor Harvey gave notice that at the next regular meeting of Halifax Regional Council, to be held on Tuesday, the 6th day of July, 2010, I propose to move an amendment to Administrative Order # 20, the purpose of which is to reflect changes in percent contributions to reserves and trusts already approved by Council, to provide clarity in application of fees and for fee increases as per the staff report dated June 15, 2010.

14.2 Councillor Walker

Councillor Walker gave notice that at the next regular meeting of Halifax Regional Council, to be held on Tuesday, the 6th day of July, 2010, I propose to move First Reading of By-Law S-309 and proposed amendments to section 19 of Administrative Order 15, the purpose of which are to:

1. Amend the Streets By-Law, S-300, in order to implement a proposed fee structure for permits related to activities within the public right-of-way;
2. Amend the Streets By-Law, S-300, and Administrative Order 15, in order to remove references to fees from the By-law and place them in the administrative order; and
3. Facilitate housekeeping amendments required to clarify responsibilities related to permitting water services connections and time-frame constrains for roadway cuts on newly paved streets.

14.3 Councillor Karsten

Councillor Karsten gave notice that at the next regular meeting of Halifax Regional Council, to be held on Tuesday, the 6th day of July, 2010, I propose to request a staff report regarding the implications of amending By-Law S-309, Respecting Streets, to reflect the elimination of the \$1,000 deposit for a residential curb cut as identified in the staff report dated June 7, 2010.

15. ADJOURNMENT

The meeting adjourned at 9:50 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS
June 22, 2010

1. Memorandum from Director, Community Development dated June 3, 2010
re: Municipality of East Hants Source Water Protection Plan

2. Memorandum from the Clerk Manager dated June 18, 2010
re: Requests for Presentation to Council - None