

HALIFAX REGIONAL COUNCIL
MINUTES

February 8, 2011

PRESENT:

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

REGRETS:

Councillors: Linda Mosher
Brad Johns

STAFF:

Mr. Wayne Anstey, Acting Chief Administrative Officer
Ms. Kirby Grant, Municipal Solicitor
Ms. Sherryll Murphy, Acting Municipal Clerk
Ms. Cathy Mellett, Municipal Clerk
Ms. Melody Campbell, Legislative Assistant
Ms. Krista Tidgwell, Legislative Assistant

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1. INVOCATION

Mayor Kelly called to order at 1:45 p.m. with the Invocation being led by Councillor Dalrymple.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane advised that February 8th is Toque Tuesday and urged everyone to buy their toques to support solutions to homelessness.

Councilor Barkhouse advised that the Eastern Passage Outdoor Skating Rink is open. She added that up to 150 people are using the facility at any given time.

Councillor Harvey expressed his appreciation to Mr. Lee Bagnell, the Acadia Recreation Club and all of the volunteers that have worked to make the outdoor Sackville Rink available to the public.

Councillor Watts stated that a meeting will be held on February 9th regarding urban farming at the Queen Elizabeth site at the Bethune Building at 5:30 p.m. She added that on February 10th a Bike Route Planning meeting will be held at 4:30 p.m. at the Dalhousie University Club. She noted that The Citadel Theatre Society will be showing *Out of Lunenburg* on March 3rd and 4th.

Councillor Hendsbee stated that the Home for Coloured Children will launch the Acoma Family Services Centre Thursday, February 10th at 1:00 p.m. He added that there will be a family gospel concert on Thursday, February 10th at Nelson Whynder Elementary School. He expressed his best wishes and congratulations to Team Nova Scotia as they prepare for the Canada Games.

Councillor McCluskey advised that the Canada Games Opening Ceremonies will be held on Friday evening at the Metro Centre. She invited residents to the Dartmouth Oval on Lake Banook. She added that the Number 8 fairway at Brightwood Golf Course has been a great location for coasting.

Councillor Nicoll stated that the Dr. William P. Oliver Night of Honour will be held on Saturday, February 12th at the Black Cultural Centre. She noted that on Thursday, February 10, Paul Hollingsworth will be hosting a public reading from his book about Sidney Crosby.

Councillor Lund advised that on February 9th at 7:00 p.m., the St. Margaret's Recreation Association will host a public information meeting at the St. Margaret's Recreation Centre regarding uses of the old fire station.

Councillor Blumenthal advised that the Outdoor North End rink is open and that the Merv Sullivan Park is also a great location for coasting.

3. **APPROVAL OF MINUTES – None**
4. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

Change to the Order of Business:

Item 10.1.6 to be addressed prior to Item 10.1.1.

Deletion:

10.5.3 Utility Common Trench Pilot Project – Bedford West

Additions:

- 12.1 PROPERTY MATTER: Sale of Lot 1223 – Burnside Business Park
- 12.2 LEGAL MATTER: Settlement of Claim
- 12.3 PERSONNEL MATTER: Citizen Appointments to Boards, Committees and Commissions

MOVED by Councillor Deputy Mayor Smith, seconded by Councillor Hum, that the agenda be approved, as amended. 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 – NONE**

9. **CORRESPONDENCE, PETITIONS & DELEGATIONS**
 - 9.1 **Correspondence – None**
 - 9.2 **Petitions – None**

- 10.1.6 **Dartmouth Bridge Terminal Proposed Tender Changes**
 - (i) **Supplementary Harbour East Community Council Report**
 - (ii) **Supplementary Staff Report**
 - (iii) **Staff Report**
 - (iv) **Harbour East Community Council Report**

Item 10.1.6 was addressed at this time.

The following was before Council:

- A supplementary report from the Harbour East Community Council dated February 8, 2011
- A supplementary staff report dated February 4, 2011.
- A staff report dated January 20, 2011.
- A report from the Harbour East Community Council dated February 3, 2011.

MOVED by Councillor Deputy Mayor Smith, seconded by Councillor Karsten, that Halifax Regional Council direct staff to proceed with Option 1 for the HRM Nantucket/Thistle Transit Terminal Project and that funding options be brought forward with the tabling of the 2011/12 Capital Budget.

Deputy Mayor Smith advised Council that public information meetings were held in the community and that the community stated that Option 1 is the design that they want. He added that the community was very concerned regarding the loss and compromise of common land. He noted that Regional Council approved moving forward with Option 1. The Deputy Mayor stated that he disputes that Option 2 is safer than Option 1 as there is no wall or protection from the school property. He stated that accessibility may be an issue with Option 2.

Councillor Karsten advised Council that the recommendation from Harbour East Community Council is a unanimous decision.

Councillor Watts commended staff on working on accessibility issues related to the terminal.

Councillor McCluskey stated that Option 1 was put forward to the public at the public information meeting. She added that Option 2 has a steep wheelchair ramp and that Option 2 will create more fumes and noise to Dartmouth High School.

Councillor Wile stated that Option 2 has two stair wells and a ramp. In response to a question regarding the green roof, Mr. David Raege, Supervisor Service Design & Projects, advised Council that Option 2 will have a green roof.

Councillor Barkhouse stated that too many amenities have been eliminated in Option 2 of the terminal. She added that during public consultation, the community advised it was not pleased to give up common land for the project, however, Option 1 was chosen as it was the most agreeable to the community. She added that the terminal will assist in increasing transit users. She advised that Option 1 was designed for the user and commuter and that Option 1 was safer and more comfortable. The Councillor noted that the roof would provide a means of access and would be more accessible for the high school.

Councillor Streach stated the community had spoken and chosen Option 1. He added that this project could be a great benefit for Metro Transit.

Councillor Hum stated that Option 1 was chosen by a public consultation process. She noted that there are budget implications and expressed concern regarding funding commitments in future years which will be discussed during the budget process. Mr. Wayne Anstey, Acting Chief Administrative Officer, advised that estimates were taken before the public consultations were held. He added that Council requested that staff come back with an option that was within the budget.

Councillor Nicoll expressed her appreciation to staff for their work on the project. She stated that Option 1 would grow transit services. She added that Option 1 would make the wilderness area usable.

Councillor Harvey stated the Option 2 will work and advised that Council needs to show fiscal leadership.

Councillor Uteck expressed concern regarding funding the project without knowing what will be cut from the five year Capital transit budget to fund Option 1.

Councillor Sloane suggested that a decision not be made on the project until Council is made aware of funding allocations.

Councillor Hendsbee stated that Option 1 will make the area a destination place not just a transfer station. Councillor Outhit advised that he will support Option 1, however, he added that staff has done their best in coming back to Council with Option 2 to meet the budget.

Councillor Adams expressed concern regarding how funding of the project will impact future transit plans. Mr. Reashor stated that staff will have to find capital money in the transit capital program to fund the project. He added that other bus projects will have to be deferred including buses and other bus terminals.

Deputy Mayor Smith added that the terminal will be good for HRM, Transit and its ridership.

Councillor Karsten requested a recorded vote.

MOTION PUT AND PASSED. (16 in favour, 6 against)

Those voting in favour were Mayor Kelly, Deputy Mayor Smith and Councillors Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Karsten, Barkhouse, Blumenthal, Walker, Hum, Outhit, Rankin, Lund.

Those voting against were Councillors Wile, Sloane, Uteck, Watts, Adams, Harvey

Councillors Johns and Mosher were absent for the vote.

Council recessed at 3:12 p.m.

Council reconvened at 3:22 p.m.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 2011 / 2012 Budget Update (Staff Presentation)

Ms. Cathie O'Toole, Director of Finance, provided a presentation of the 2011/2012 Budget Update to Council.

Mayor Kelly expressed his appreciation to staff for the work they have put into the 2011/2012 Budget Update.

10.1.2 Stadium: Consultation, Business Planning, Site Selection & Design Process

A staff report dated January 5, 2011 was before Council.

Ms. Betty Lou Killen, Coordinator, Client Services, Community Development, provided a presentation of the Stadium project overview to.

MOVED by Councillor Fisher, seconded by Councillor Sloane, that Halifax Regional Council:

- 1. Proceed with Phase 1, the Consultation and Business Planning analysis for a stadium;**
- 2. Fund Phase 1 from the Strategic Growth Reserve Q126, at a total cost \$100K net HST, as outlined in the Budget Implications Section of the January 5, 2011 staff report;**
- 3. Approve the Terms of Reference (Attachment 1 of the January 5, 2011 staff report), for a Council appointed Project Steering Committee; and**
- 4. Authorize the Mayor to sign the attached Letter of Intent (Attachment 2 of the January 5, 2011 staff report), addressed to the Canadian Soccer Association.**

Councillor Rankin stated that negotiations need to take place with the Federal and Provincial levels of Government before Council moves forward on the stadium discussions. Mr. Paul Dunphy, Director, Community Development, advised Council that staff will be working to develop partnerships and begin discussions with other levels of government.

Councillor Uteck stated that if Phase 1 of the project moves forward that staff must monitor consultant fees.

In response to a question by Councillor Hendsbee regarding a stadium location, Ms. Killen advised that the site location has not been determined and will not be part of Phase 1 of the project.

Deputy Mayor Smith advised Council that the timing of the project is important as Halifax is vying to host the FIFA 2015 World Women's Cup.

Councillor Sloane stated that HRM staff have to be involved in getting all stakeholders involved in the process.

Councillor Watts stressed the importance of public consultations if the project moves forward.

Councillor Blumenthal reiterated the requirement to have a multi-use facility. He added that universities need to be involved in the planning process.

Councillor Nicoll suggested that the Steering Committee include be representative of both men and women. Councillor Outhit suggested that the Steering Committee also include business people and university representatives.

Councillor Hum stated that HRM has to be cognizant of potential changes to the leadership of other levels of government and the impact this may have on funding opportunities as the project moves forward.

Councillor Fisher added that Phase 1 will establish the business case for a stadium.

MOTION PUT AND PASSED.

Council recessed at 4:52 p.m.

Council reconvened at 6:00 p.m.

Mr. Jean-Paul (JP) Deveau, Chair of the Halifax 2011 Canada Games Board of Directors, introduced the members of Team Nova Scotia who were in attendance and wished them the best of luck on their athletic accomplishments over the next couple of weeks. He further expressed the Board's appreciation towards the 2011 Canada Games Host Society, noting that there are 6,103 volunteers ready to host the over 2,700 athletes arriving from 800 communities within the 13 Provinces and Territories.

Mayor Kelly provided well wishes to the athletes, their coaches and families, organizers and volunteers on behalf of Council.

10.1.3 Request for Proposal 10-332 – Household Hazardous Waste Services

A staff report dated January 21, 2011 was before Council.

MOVED by Councillor Lund, seconded by Councillor Sloane, that Halifax Regional Council award RFP No. 10-332, Household Hazardous Waste Services, to the highest scoring proponent, Atlantic Industrial Services, at the unit and other pricing as outlined in their response to the RFP for a total estimated cost of \$1,401,318.76 (net HST included) over a four year period commencing May 1, 2011, with funding from Operating Account #R334 6399 as outlined in the Budget Implications section of the January 5, 2011 staff report.

Staff responded to questions of clarification raised by Council. The following points were noted by staff:

- the RFP process is based on HRM's previous contract costs, which was adjusted for CPI for the budget forecast amount; the successful proponent's bid came in lower than what HRM was presently paying
- no changes have been made to the days of operation at the Chain Lake Drive location; staff has chosen Saturdays that do not fall on a holiday weekend
- the drop off programs in Ontario are provincially regulated stewardship programs for product usage; HRM is working with the Province to develop these types of programs in order to incorporate other materials into the enviro depot model, so that HRM does not have to provide funding or support

Councillor Watts noted the importance of integrating with existing facilities, particularly along the Peninsula. She noted that many residents have expressed concern respecting difficulty in traveling to the enviro depots and encouraged staff to build this program to make it more accessible for residents to participate.

MOTION PUT AND PASSED.

10.1.4 Purcell's Cove Road Servicing

A staff report dated January 24, 2011 was before Council.

Correspondence from Barbara B. Pike of the Royal Nova Scotia Yacht Squadron dated February 7, 2011 was circulated to Council.

MOVED by Councillor Adams, seconded by Councillor Walker, that Halifax Regional Council request staff to initiate a Planning and Engineering Study to determine the feasibility and costs associated with extending central sewer and water services along the Purcell's Cove Road up to and including the community of Purcell's Cove, as discussed and as per the Budget Implications section of the January 24, 2011 staff report.

Staff responded to questions of clarification raised by Council. The following points were noted by staff:

- the study is embedded within the Regional Plan through the Harbour Plan Initiative; Council adopted the Regional Plan in 2006; part of the Harbour Plan is

an in depth study of the North West Arm area, including a feasibility study for the extension of services

- the study also responds to a series of petitions submitted to Council in 2007-2008 by property owners along the Purcell's Cove Road
- the project account number is ear marked for the Purcell's Cove study; Council has also approved studies under the Harbour Plan for Wrights Cove, Bedford Basin and the North West Arm Infill

Several members of Council expressed concern with the petition results, noting that a combined 55% of residents of area one and two in are opposed to HRM proceeding with sewer and water.

Councillor Karsten questioned whether the study is being recommended to address the specific concerns of the Royal Nova Scotia Yacht Squadron.

Staff noted that:

- the 55% of residents against the study includes property owners that stated 'no' to the study, as well as those that did not respond or could not be reached; a large number did not respond.
- 65% of property owners in Area 1 (Wenlock Grove to Oceanview) were in favour of the study
- the Purcell's Cove community is an older costal village with a traditional settlement pattern; a large percentage of properties are on small lots with aging septic systems; there is concern that over longer term there may be contamination issues and health risks
- the Regional Plan did not designate the Purcell's Cove Road area as a major growth centre
- there is only one vote per property owner
- The study does not commit Council to proceeding with servicing
- If servicing did proceed property owners would bear 100% of the cost of servicing unless external funding were secured.

MOTION PUT AND PASSED.

10.1.5 Proposed Administrative Order SC-63, Respecting Closure of a Portion of Portland Street Right of Way, Dartmouth

A staff report dated January 18, 2011 was before Council.

MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Halifax Regional Council approve in principle Administrative Order SC-63, respecting the closure of a portion of Portland Street Right of Way, Dartmouth as shown in Attachment "B" of the January 18, 2011 staff report and set a Public Hearing.

Councillor Karsten indicated that the street right-of-way is unclear in Attachment B of the January 18, 2011 staff report and noted that this would be fixed for the public hearing.

MOTION PUT AND PASSED.

Public Hearing scheduled for March 15, 2011.

10.1.6 Dartmouth Bridge Terminal Proposed Tender Changes
(i) Supplementary Harbour East Community Council Report
(ii) Supplementary Staff Report
(iii) Staff Report
(iv) Harbour East Community Council Report

This matter was discussed earlier in the meeting, see page 5.

10.1.7 First Reading Proposed By-Law S-607, An Amendment to By-S-600, Respecting Solid Waste Resource Collection & Disposal - Diversion Opportunities
(i) Supplementary Staff Report
(ii) Solid Waste Resource Advisory Committee Report

The following was before Council:

- Email submissions from Cristina Tollefsen, Tim Simon of General Dynamics Canada, Victor Matthews, Thomas Duffett of Dalhousie University, Anne Cornwall, Bruce Organ, Sue Wyse of Sunshine Personal Home Care, Gail Smith, Gordon Flemming, John R. Casey, Annette Gillbert, Maggie Boniface, Luc Erjavec of Canadian Restaurant and Foodservices Association and Dawn King of Plaza Management Limited, Kevin Marriott, Marriott Container Rentals Ltd., Daniel McEnvoy
- An extract of Regional Council's December 7, 2010 minutes.
- A supplementary staff report dated January 17, 2011.
- A staff report dated December 2, 2010.

Councillor Lund recommended that Halifax Regional Council give First Reading to By-law S-607, An Amendment to By-law S-600, Respecting Solid Waste Collection and Disposal, Diversion Opportunities as outlined in Appendix "A" of the January 17, 2011 staff report, and further asked that the public hearing be held following the Environment and Sustainability Standing Committee's March 3, 2011 meeting.

Councillor Lund noted that during the Standing Committee's February meeting a number of concerns were raised with respect to:

- business case
- cost implications to ICI sector
- enforcement issues
- privacy issues for both residential and institutional

- rural issues (ie. missing garbage days)

Councillor Lund indicated that the Environment and Sustainability Standing Committee would like an opportunity to review additional information before moving forward with the public hearing.

In response to a question of clarification raised by Councillor Walker, Mayor Kelly clarified that Councillor Lund must either move first reading or defer the matter back to the Environment and Sustainability Standing Committee.

MOVED by Councillor Lund, seconded by Councillor Walker, that Halifax Regional Council refer Item 10.1.7 - First Reading Proposed By-Law S-607, An Amendment to By-Law S-600, Respecting Solid Waste Resource Collection & Disposal - Diversion Opportunities back to the Environment and Sustainability Standing Committee for further review.

Councillor Lund noted that the intent of the referral is to review the January 17, 2011 staff report to gain greater clarity on the issues and report back to Council.

Following a brief discussion it was, **MOVED by Councillor Uteck, seconded by Councillor Walker, that the question be put. MOTION to put the question DEFEATED.**

Further discussion ensued respecting the referral.

MOTION to refer PUT AND DEFEATED.

MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Halifax Regional Council Give First Reading to By-Law S-607, An Amendment to By-Law S-600, Respecting Solid Waste Collection and Disposal, Diversion Opportunities as outlined in Appendix "A" of the January 17, 2011 staff report and set a date for a public hearing.

Councillor Karsten asked that consideration be given to setting the public hearing date following the Environment and Sustainability Standing Committee meeting of March 3, 2011.

In response to point of order raised by Councillor Watts, Ms. Kirby Grant, Municipal Solicitor, advised that Administrative Order 1, Section 57(3) indicates that first reading of By-laws shall be decided without amendment or debate.

Upon Council's request, a recorded vote was taken.

MOTION PUT AND PASSED. (12 in favour, 10 against)

Those voting in favour were: Deputy Mayor Smith, Councillors Barkhouse, Fisher, Harvey, Hum, Karsten, Lund, McCluskey, Nicoll, Sloane, Watts and Wile.

Those voting against were: Mayor Kelly, Councillors Adams, Blumenthal, Dalrymple, Hendsbee, Outhit, Rankin, Streach, Uteck and Walker.

Councillors Johns and Mosher were not present for the vote.
Public Hearing scheduled for March 8, 2011.

10.2 HARBOUR EAST COMMUNITY COUNCIL

10.2.1 Project 01367 – Downtown Dartmouth View Planes & Building Height and Form Provisions

A staff report dated January 17, 2011 was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that Halifax Regional Council initiate the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) amendment in order to:

- 1. Revise and expand the designated view planes from the Dartmouth Common;**
- 2. Eliminate the view plane from Brightwood Golf Course; and**
- 3. Review policies and standards pertaining to building height and form in the Downtown Business and Waterfront designations as outlined in the staff report dated December 10, 2010.**

Councillor Hendsbee expressed concern with eliminating the view plane from the Brightwood Golf Course. He suggested seeking alternative arrangements such as acquiring or swapping lands.

Councillor Uteck commented that the Municipality had an opportunity to acquire land during a previous proposal with another development company; however, the public was not willing to consider those lands.

In response to a question raised by Councillor Wile, Mr. Mitch Dickey, Planner, Community Development, clarified that the consensus at the Public Information Meeting was that it is views from the Dartmouth Common that are worthy of protection. The December 10, 2010 staff report highlights technical issues with respect to the existing view plane from Brightwood Golf Course. He further noted that there are errors in the mapping and a close analysis of the view plane indicates that it is not protected. There are some allowable building heights already in place, even with the protected view plane, that if developed would block the view of the harbour. Staff is looking to proceed with community engagement and determine protection of the view plane.

Several members of Council indicated that HRM should not be protecting view planes of private properties.

Mr. Dickey further noted that there would be a public hearing respecting amendments to the Regional Plan and the Dartmouth and Downtown Dartmouth MPS documents. He anticipated that there would be at least two more public consultation sessions. In response to a question raised by Deputy Mayor Smith, Mr. Dickey noted that December 10, 2010 staff report identifies potential view points on Brightwood Golf Course where views are largely blocked by trees; however, this could be discussed through the public process. There is no guarantee of public access to the golf course at any point. The only way HRM could guarantee public access to any designated view point is to acquire the property through a parkland acquisition process if the golf course were to ever be redeveloped.

Deputy Mayor Smith commented that the course is more than just a private piece of property as it is greatly accessed in the winter time by residents for sledding.

In response to a question raised by Councillor Sloane, Mr. Dickey advised that the intent is to not accommodate any particular development. Staff has had a long standing concern with the technical mapping of the view planes. Staff brought this concern forward to Council in 2008 that a process to review the view planes needed to be undertaken. He commented that the review is to ensure the view planes reflect the community goals and provide clarity.

MOTION PUT AND PASSED.

10.3 NORTH WEST COMMUNITY & CHEBUCTO COMMUNITY COUNCILS

10.3.1 Case 16104/16106 – Bedford West Sub Areas 5, 9 & 10

- (i) Northwest Community Council Report**
- (ii) Chebucto Community Council Report**
- (iii) Staff Report**

The following was before Council:

- A report from the North West Community Council dated January 28, 2011.
- A report from the Chebucto Community Council dated February 1, 2011.
- A staff report dated November 18, 2010.

MOVED by Councillor Outhit, seconded by Councillor Hum, that Halifax Regional Council Give First Reading to the proposed amendments to the Bedford Municipal Planning Strategy as set out in Attachment A, the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy as set out in Attachment B, and the Regional Subdivision By-Law as set out in Attachment E of the staff report dated November 18, 2010, and schedule a public hearing.

MOTION PUT AND PASSED.

MOVED by Councillor Outhit, seconded by Councillor Hum, that Halifax Regional Council Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy as set out in Attachment C, the Halifax Mainland Land Use By-law as set out in Attachment D, and the Regional Subdivision By-law as set out in Attachment E of the staff report dated November 18, 2010, and schedule a public hearing. MOTION PUT AND PASSED.

Public Hearing scheduled for March 15, 2011.

10.4 NORTH WEST COMMUNITY COUNCIL

10.4.1 Case 16643 – Municipal Planning Strategy and Land Use By-Law Amendments – 345 Kearney Lake Road, Bedford

A report from the North West Community Council dated January 28, 2011 was before Council.

MOVED by Councillor Outhit, seconded by Councillor Harvey, that Halifax Regional Council Give First Reading to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of the staff report dated December 7, 2010, and schedule a public hearing. MOTION PUT AND PASSED.

Public Hearing scheduled for March 15, 2011.

10.5 ENVIRONMENT & SUSTAINABILITY STANDING COMMITTEE

10.5.1 Underground Utilities Functional Plan for New Residential Subdivisions

A report from the Environment and Sustainability Standing Committee dated February 3, 2011 was before Council.

MOVED by Councillor Lund, seconded by Councillor Nicoll, that Halifax Regional Council initiate a community engagement process to share information and encourage input by consulting both the development community and the general public on issues relating to the implementation of a Functional Plan for undergrounding of overhead utilities in new residential subdivisions.

Staff responded to questions of clarification raised by Council. The following points were noted by staff:

- the Functional Plan is in regard to underground utilities (ie. gas and power) and does not address sewer and water

Councillor Hendsbee commented that the review should include all utilities, including sewer and water.

- the focus is on new residential subdivisions within the service territory of HRM (ie. urban and suburban areas); this will not affect rural cluster systems that HRM is trying to develop

Councillor Sloane reminded Council that they are still awaiting funding and the plans for the capital district.

MOTION PUT AND PASSED.

10.5.2 Community Solar Project

The following was before Council:

- Correspondence from Don Jardine, Environmental Sustainability Development, Valerie Payn, Halifax Chamber of Commerce, Adam Cooney, Environmental Services Association Nova Scotia, Tom Thor, Tom Allen.
- A report from the Environment and Sustainability Standing Committee dated February 3, 2011.
- Extract of HRM Community Solar Project's Industry Meeting of January 27, 2011 submitted by Richard Vinson, Chair of Solar Nova Scotia.
- A copy of the Community Solar Project that was presented to the Environment and Sustainability Standing Committee on February 3, 2011 was before Council.

MOVED by Councillor Lund, seconded by Councillor Sloane, that Halifax Regional Council:

- 1. Accept the results of the community consultation efforts and conclude that: residents support this project and further work on this project requires on-going industry consultation;**
- 2. Direct staff to investigate and apply for the funding, grants, loans, and rebates required to proceed with a financially viable community solar project; and**
- 3. Accept the principles and conditions used to develop a financially viable business model, as outlined on page six of the staff report dated December 29, 2010.**

Councillor Karsten questioned the following:

- who is being consulted within the industry
- whether the project is still revenue neutral; concerned with the proposed administrative impacts (ie. the hiring of a project manager, administrator, accountant and administrative assistant)
- who will assume responsibility if panels are damaged during bad weather; concerned with other liability risks if contracts are not properly in order with the contractors

- whether a reserve will be established for maintenance

- whether the HRM Charter is in the process of being amended to enable security financing of energy conservation environmental improvement on property being lien authority

Mr. Richard MacLellan, Manager, Sustainable Environment Management Office, Infrastructure and Asset Management, confirmed that the project will be revenue neutral as the employee's wages will be recaptured through the participants of the program. He further advised that the Province has passed legislation and HRM has been granted authority. Mr. MacLellan noted that Legal Services will be assisting with the development of the contracts and solicitation process.

Mr. MacLellan further provided an overview of the industry consultation, noting that staff anticipates one to two more meetings between HRM and industry before the solicitation process commences.

In response to a question raised by Councillor McCluskey regarding the payment scheme, Mr. MacLellan indicated that 300 homes will pay upfront and the remaining 700 homes will pay the cost of interest; approximately \$500-700 over a ten year period.

In response to a question raised by Councillor McCluskey regarding the additional personnel, Mr. MacLellan clarified that those positions will be for a one year term contract.

Further discussion ensued.

Deputy Mayor Smith expressed concern with the one year time frame in which to complete all the installations. He commented that the time frame is very ambitious and that learning curves can often create stumbling blocks.

Councillor Dalrymple commented that part of resident's enthusiasm for the project is that HRM is willing to do all the paperwork.

MOTION PUT AND PASSED.

10.5.3 Utility Common Trench Pilot Project – Bedford West
(i) Staff Report
(ii) Committee Report (To be circulated)

Item removed from the agenda during the approval of the Order of Business.

11. MOTIONS

11.1 Councillor Sloane

“That the Mayor and Regional Council send a letter to Minister Estabrooks asking for the transfer of authority pertaining to the Winter Parking Ban to Halifax Regional Council.”

Councillor Sloane requested a change to the motion that a letter be sent to Minister Estabrooks with respect to the Winter Parking Ban asking for:

1. An amendment to the ban regarding this issuance of tickets if no snow has fallen or there are no snow removal operations being performed.
2. An amendment to the ban regarding the adoption of alternative side of the street parking for the older areas of the Municipality where parking is at a premium and off street parking is not a viable option.
3. An amendment to the ban regarding different regulations for the urban, suburban and rural areas of the municipality as each of these areas are unique and cannot be serviced with the same regulations.

MOVED by Councillor Sloane, seconded by Councillor Uteck, that the Rules of Order be suspended to allow a change to the Motion to be addressed at this time.

MOTION PUT AND DEFEATED.

Councillor Sloane gave Notice of Motion later in the meeting encompassing the above changes.

12. ADDED ITEMS

12.1 PROPERTY MATTER: Sale of Lot 1223 – Burnside Business Park

This item was addressed at an In Camera session held earlier in the day and was now before Regional Council for ratification.

MOVED by Deputy Mayor Smith, seconded by Councillor Nicoll, that Halifax Regional Council:

1. **Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Rank Incorporated, subject to the minimum key terms and conditions outlined in the January 24, 2011 report.**
2. **Approve the inventory additions and minimum unit pricing for lots in Burnside Industrial Park and City of Lakes Business Parks as attached to**

the January 24, 2011 report and approve the pricing policy for easements and wetlands as contained within the January 24, 2011 report; and

- 3. That the January 24, 2011 Private and Confidential report not be released to the public until the property transaction has closed.**

MOTION PUT AND PASSED.

12.2 LEGAL MATTER: Settlement of Claim

This item was addressed at an In Camera session held earlier in the day and was now before Regional Council for ratification.

MOVED by Councillor Blumenthal, seconded by Deputy Mayor Smith, that Halifax Regional Council settle the claim brought by the Plaintiff in the amount of \$12,960.74 in full and final settlement of the property damage associated with this accident and that the Private and Confidential report dated January 23, 2011 not be released to the public. MOTION PUT AND PASSED.

12.3 PERSONNEL MATTER: Citizen Appointments to Boards, Committees and Commissions

This item was addressed at an In Camera session held earlier in the day and was now before Regional Council for ratification.

MOVED by Councillor Karsten, seconded by Councillor McCluskey, that Halifax Regional Council adopt the recommendation of the Administrative Standing Committee, as amended, regarding the nominations to the Halifax International Airport Authority Board. MOTION PUT AND PASSED.

13. NOTICES OF MOTION

13.1 Councillor Sloane

Take Notice that at the next regular meeting of the Halifax Regional Council, to be held on the 1st day of March 2011, I intend to introduce a motion requesting the attached motion regarding a letter being sent to Minister Estabrooks with respect to the Winter Parking Ban asking for:

1. An amendment to the ban regarding this issuance of tickets if no snow has fallen or there are no snow removal operations being performed.
2. An amendment to the ban regarding the adoption of alternative side of the street parking for the older areas of the Municipality where parking is at a premium and off street parking is not a viable option.

3. An amendment to the ban regarding different regulations for the urban, suburban and rural areas of the municipality as each of these areas are unique and cannot be serviced with the same regulations.

13.2 Councillor Karsten

Take Notice that at the regular meeting of the Halifax Regional Council, to be held on the 15th day of March 2011, I propose to introduce, for approval as a Policy pursuant to Section 325 of the Halifax Regional Municipality Charter, Administrative Order SC-63. The purpose of which is to effect closure of a portion of Portland Street, Dartmouth, Nova Scotia.

14. ADJOURNMENT

The meeting was adjourned at 7:56 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS

1. Proclamation – Toque Tuesday – February 8, 2011
2. Proclamation – National Flag of Canada Day – February 15, 2011
3. Proclamation – Conductive Education Day – February 24, 2011
4. Memorandum from Director, Transportation & Public Works dated January 10, 2011
re: Highway 2 Speed Limit
5. Memorandum from Director, Finance dated February 4, 2011
re: Third Quarter 2010 / 2011 Financial Report
6. Memorandum from the Municipal Clerk dated February 4, 2011
re: Requests for Presentation to Council - None