

HALIFAX REGIONAL COUNCIL
MINUTES

March 29, 2011

PRESENT:

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

REGRETS:

Councillors: Lorelei Nicoll
Sue Uteck
Linda Mosher

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Mr. Martin Ward, Acting Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Shawnee Gregory, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 4:17 p.m. with the Invocation being led by Councillor Wile.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor McCluskey wished Councillor Karsten a happy birthday. She also stated that the 34th annual SEDMHA International Hockey Tournament would begin on March 31, 2011.

Councillor Wile congratulated Mr. Laughie Rutt, Diversity Consultant, and the Nova Scotia Wheelchair Curling Team for winning a bronze medal at the 2011 Canadian Wheelchair Curling Championships.

Councillor Adams indicated that the Provincial Hockey Championship had occurred over the past weekend; noting that the Chebucto Pee-Wee A team was the Provincial champion, the Bantam C team beat Shelburne, the Bantam Rec team won the gold division in the Metro Minor Hockey League (MMHL), the Midget Rec team won silver and the Minor Juniors beat Bedford to be the MMHL champions.

Councillor Rankin stated that Peggy's Cove would be turning 200 this summer and a press conference would be held on April 1, 2011 at Peggy's Cove. He noted that a full list of events could be found at www.peggyscove.org.

Councillor Hendsbee provided the following announcements:

- A Marine Drive Valley and Canal Community Council meeting would be held on March 30, 2011
- He wished Mayor Kelly luck on his State of the Municipality Address to be held on March 31, 2011
- The Bank of Nova Scotia would be holding its 179th annual general meeting on April 4, 2011
- He congratulated Ms. Ruth McCulloch, Council Assistant, on her retirement

Councillor Fisher congratulated the Atom A and AAA Dartmouth Whalers teams for winning the 2011 Provincial Hockey Championship the weekend prior.

Councillor Watts indicated that a meeting regarding the Westmount Playground would be held on April 6, 2011 at 7:00 p.m.

Councillor Dalrymple provided the following announcements:

- A meeting of the Fall River and District Business Association would be held on March 30, 2011

- On April 4, 2011 a public meeting would be held regarding a development agreement request to build 14 single dwelling homes on Wingate Drive in Windsor Junction
- A fundraising auction would take place at Lockview High School on April 9, 2011 to raise money for their upcoming production of Phantom of the Opera

Councillor Barkhouse indicated that a community rink meeting would be held on April 4, 2011.

Councillor Lund stated that the St. Margaret's Sailing Club was the successful bidder on two international youth sailing regattas to take place in August and September 2011. He indicated that Hubbards had also won a bid to host a large schooner event from July 30 to August 15, 2011.

3. APPROVAL OF MINUTES – March 15, 2011

MOVED by Councillor McCluskey, seconded by Councillor Fisher that the minutes of March 15, 2011 be approved as presented. MOTION PUT AND PASSED.

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

Additions:

- 12.1 Long Term Arena Strategy – Oval Recommendation
- 12.2 Community Centre & Artificial Turf Enhancements – Bedford High School

MOVED by Councillor Sloane, seconded by Councillor Blumenthal 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 – NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

9.1.1 Request for Fly-Past – Battle of Britain – 12 Wing Shearwater

Correspondence dated March 14, 2011 from Mr. Paul MacDonald, Parade Co-ordinator was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that Halifax Regional Council authorize a Fly-past by military aircraft in honour of the Battle of Britain Parade and Ceremony, as outlined in the letter of request dated March 14, 2011. MOTION PUT AND PASSED.

9.2 Petitions - None

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Case 16773 - First Annual Review – Amendments to Downtown Halifax Secondary Municipal Planning Strategy and Land Use By-Law

A staff report dated March 4, 2011 was before Council.

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

- 1. Authorize staff to initiate a process to consider amending the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-law to correct identified errors and omissions, clarify certain policies and land use provisions, and introduce additional flexibility; and**
- 2. Request that staff follow the public participation program approved by Council on February 25, 1997.**

A discussion on the motion ensued with staff responding to questions.

Mr. Luc Ouellett, Planner, advised that, as these were area wide amendments, Public Information Meeting (PIM) ads would be posted in the local papers and potential draft amendments would be posted to the HRM website prior to these meetings. He indicated that staff would not go ahead with the PIM until the draft amendments were prepared.

MOTION PUT AND PASSED.

10.1.2 Case 16029 – Halifax Municipal Planning Strategy / Halifax Mainland Land Use By-Law Amendments – Metro Transit Facilities

A staff report dated March 1, 2011 was before Council.

Correspondence was submitted from the following residents: Mr. Robert Candy, Ms. Maureen Manuge, Mr. Bruce Smith and Mr. Huntley Blair.

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

1. **Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law to create a new zone to regulate the development of transit facilities; and**
2. **Request that staff follow the public participation program approved by Council on February 25, 1997.**

A discussion on the motion ensued with staff responding to questions.

Councillor Walker indicated that Council had received a number of emails regarding this process. He clarified that the current motion was not related to potential terminal sites but rather to set zoning in the Mainland North area as no such zoning was permitted there at present. He stated that the motion was to initiate a process to set boundaries, requirements and buffer areas for a potential terminal site somewhere in the Mainland North area and that the process would include Public Information Meetings where residents could provide feedback as well as a Public Hearing.

Councillor Wile expressed concern that this would set a precedence to allow Metro Transit to place terminals on parkland and this would affect the entire Halifax mainland.

Ms. Mackenzie Stonehocker, Planner, stated that the proposed initiation did encompass the entire Mainland Land Use By-law area. She advised that, currently, only the Industrial Zone allows for a bus terminal in this area and that, while staff have been looking at parkland sites, commercial zones also do not permit terminals and the amendments were necessary to allow for future transit facilities.

Councillor Hendsbee suggested that this could be looked at across HRM for plan amendments to all transit planned areas.

Regarding Chebucto Community Council's involvement in this process, Mr. Dave Reage, Supervisor of Service Design & Projects with Metro Transit, stated that these were two related yet separate parallel processes; noting that Chebucto Community Council had moved approval in principle for the site which allowed staff to conduct further due diligence.

It was noted that the recommended changes to the Land Use By-law would be brought back to Council.

Regarding why staff were not conducting public consultation on both the zoning and site at the same time, Ms. Stonehocker stated that staff would like to conduct public consultation that was not site specific in order to obtain comments on the new zone that were not limited to the Willett Street site as other future facilities would be considered under the same zoning.

Councillor Walker stated that, this way, if the Willett Street site was turned down, there would be more sites for staff to recommend without having to return to Council to initiate another process first.

MOTION PUT AND PASSED.

10.1.3 CPX01190 – Budget Increase – Nova Scotia Department of Seniors Grants

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

MOVED by Councillor Barkhouse, seconded by Councillor Sloane that Halifax Regional Council approve an increase to Project No. CPX01190 – Park Upgrades, in the amount of \$10,000 with funding from Reserve Q127 – Sustainable Communities Reserve, in the amount of \$9,000 and D948 – SEMO Sustainable Communities Project, in the amount of \$1,000, to fund the enhancement of the outdoor gym at Findlay Park and the garden area at Tallahassee Recreation Centre.

A discussion on the motion ensued with staff responding to questions.

It was noted that the reference to District 2 on page 11 of the staff report was an error.

MOTION PUT AND PASSED.

10.1.4 Increase to Contract - Tender 10-158 Stone Masonry Restoration Halifax City Hall

A staff report dated March 22, 2011 was before Council.

MOVED by Councillor Sloane, seconded by Councillor Wile that Halifax Regional Council authorize an increase to the contract with Coastal Restoration (Tender 10-158) at Halifax City Hall by \$553,074.09 (net HST included) with funding from Project No. CBX01046 – Stone Masonry Restoration, Halifax City Hall, as outlined in the Budget Implications section of the staff report dated March 22, 2011.

A discussion on the motion ensued with staff responding to questions.

Mr. Terry Gallagher, Manager of Facility Development, stated that the \$1,500,000 originally estimated for this phase of the project was based upon the scope of work defined by the project architect; noting that due diligence had been done. He indicated that when the contractors started removing stone blocks they found things they could not see from the outside and that the 124 year old technology they were working with was the most challenging aspect of this restoration.

MOTION PUT AND PASSED.

10.1.5 Impact of Provincial Policy Change on Mandatory Payments

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

MOVED by Councillor Walker, seconded by Councillor Hendsbee, that the Mayor write the Minister of Service Nova Scotia expressing Council's disappointment at the recent changes in mandatory payments and suggesting that Municipal and Provincial staff meet to discuss possible alternatives to the Provincial announcement.

A discussion on the motion ensued with staff responding to questions.

Mr. Bruce Fisher, Manager of Fiscal and Tax Policy, indicated that the Property Valuation Services Corporation (PVSC) was not covered by the Memorandum of Understanding (MOU) signed by the Province and Union of Nova Scotia Municipalities (UNSM) and this could be clarified in the report.

Mr. Fisher also clarified that the Province levies the education rate which was not truly a tax but a uniform assessment at a rate; noting that the Province has said they would use the 2010/2011 rate on HRM's assessment so the bill would grow as much as the assessment grows. Mr. Fisher stated that this should be a reasonable number for next year; however, it may rise further in the following years.

Councillor Walker stated that this should go on the tax bill as an area rate so HRM does not have to decrease services; noting that HRM should tell residents that it was the Province's tax money they were collecting.

Councillor Blumenthal left the meeting at 5:06 p.m.

Councillor Rankin stated that HRM could show rates as a surcharge to the Province for breaching their agreement in the UNSM MOU as using the out clause was not in the spirit of the agreement; noting that HRM needed to engage that it maintain its clauses as much as possible.

Several Councillors stated that advising the Province of their disappointment would be an understatement.

Deputy Mayor Smith stated that he had been a member of UNSM for the past four years and that HRM should take the lead on this issue as the largest municipality in the Province.

Councillor Walker proposed the following amendment to the motion:

MOVED by Councillor Walker, seconded by Councillor Sloane that the motion be amended to state that HRM include as a 2011/2012 Business Plan Objective, development of collaborative strategies with other Nova Scotia municipalities to approach fiscal imbalance or service exchange discussions with the Province of Nova Scotia.

The motion now reads:

MOVED by Councillor Walker, seconded by Councillor Hendsbee, that:

- 1. The Mayor write the Minister of Service Nova Scotia expressing Council's disappointment at the recent changes in mandatory payments and suggesting that Municipal and Provincial staff meet to discuss possible alternatives to the Provincial announcement.**
- 2. That HRM include as a 2011/2012 Business Plan Objective, development of collaborative strategies with other Nova Scotia municipalities to approach fiscal imbalance or service exchange discussions with the Province of Nova Scotia.**

Councillor Walker stated that while he knew they had a year to do this, this would be a step in between; noting that Bill 157 was not an MOU but a bill passed by the former Conservative government. He suggested that all members of Council appear before Law Amendments to express their concerns.

MOTION PUT AND PASSED.

11. MOTIONS

11.1 Councillor Johns

A statement from Councillor Johns was submitted.

Councillor Johns stated that the goal of his motion was not to accuse any colleagues or businesses but to provide more transparency to local government.

MOVED by Councillor Johns, seconded by Councillor Hendsbee that Halifax Regional Council direct the Mayor to contact the Province of Nova Scotia requesting amendments to the Municipal Elections Act, to prohibit campaign contributions to candidates during municipal elections by political parties, corporations, and unions, and that an official, non-tax deductible municipal receipt be provided for all campaign contributions made.

A discussion on the motion ensued.

Councillor Johns read from his submitted statement.

MOVED by Councillor Karsten, seconded by Councillor Streach that Halifax Regional Council refer this matter to the Administrative Standing Committee for further review and possible inclusion in the Code of Ethics or otherwise.

A discussion ensued on the referral.

Councillor Johns advised that he would not support the referral; noting that if Council dealt with this matter today, it could be referred to the Province for a legislation charge that would affect all areas of Nova Scotia under the Municipal Government Act. He stated that it was his understanding that HRM did not have the ability to initiate this without Provincial review and that it was good timing to do so during the boundary review process.

Councillor Streach stated that this matter did relate to the Administrative Standing Committee's discussion on March 28, 2011 regarding an Integrity Commissioner.

Councillor Hum stated that HRM should be investigating the dollar amount of contributions rather than the group and requested that her comment be provided to the Standing Committee.

Councillor Johns stated that HRM currently did not have a data base or disclosure forms for voters to find out about campaign contributions.

Deputy Mayor Smith noted that there was currently that transparency in HRM via the Office of the Municipal Clerk; noting that non-transparency would be receiving smaller claims without having to disclose.

A recorded vote was requested.

MOTION PUT AND PASSED. (11 in favour, 9 against)

Those voting in favour were Deputy Mayor Smith and Councillors Dalrymple, Hendsbee, Hum, Karsten, Lund, McCluskey, Rankin, Streach, Walker and Wile.

Those voting against were Mayor Kelly and Councillors Adams, Barkhouse, Fisher, Harvey, Johns, Outhit, Sloane and Watts.

Councillors Blumenthal, Mosher, Nicoll and Uteck were absent for the vote.

12. ADDED ITEMS

12.1 Long Term Arena Strategy – Oval Recommendation

This item was addressed at a Committee of the Whole session held earlier in the day and was now before Regional Council for ratification:

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

- 1. Make the Canada Games Oval permanent on the Halifax North Common;**
- 2. Direct staff to include the required capital and operating funds for the Canada Games Oval in the proposed 2011/12 Project and Operating Budget as outlined in the budget implications section of this report;**
- 3. Direct staff to immediately engage consulting services as outlined in the discussion and budget implications sections of the March 25, 2011 staff report, funded from the advanced project account CBX01268 Consulting – Buildings, until a full funding strategy is approved by Council as part of the 2011/12 budget;**
- 4. Authorize staff to accept donations to put toward the capital costs of making the Canada Games Oval permanent; and**
- 5. Provide direction to staff as to whether or not to entertain proposals for corporate naming rights and other commercial advertising at the Canada Games Oval.**

A recorded vote was requested.

MOTION PUT AND PASSED. (17 in favour, 3 against)

Those voting in favour were Mayor Kelly, Deputy Mayor Smith and Councillors Adams, Barkhouse, Dalrymple, Hendsbee, Hum, Johns, Karsten, Lund, Outhit, Rankin, Sloane, Streach, Walker, Watts and Wile.

Those voting against were Councillors Fisher and McCluskey.

Councillor Harvey was recorded as a no vote counted, which under the Rules of Order is a negative vote.

Councillors Blumenthal, Mosher, Nicoll and Uteck were absent for the vote.

12.2 Community Centre & Artificial Turf Enhancements – Bedford High School

This item was addressed at a Committee of the Whole session held earlier in the day and was now before Regional Council for ratification:

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

- 1. Approve entering into a joint partnership with the Province to add a community centre and regulation size artificial turf sport field to the new high school in Bedford-Hammonds Plains at an estimated price of \$10.7 million and include the appropriate funding in the 2011-12 and future budgets as outlined in the budget implications section of the March 23, 2011 staff report; and**
- 2. Direct staff to return with the final details of the Bedford-Hammonds Plains Area Rate during 2011-2012 Budget.**

MOTION PUT AND PASSED.

13. NOTICES OF MOTION

13.1 Councillor Johns

Take notice that at the next Halifax Regional Council meeting on April 5, 2011, I propose to bring forward a motion to request that Halifax Regional Council contact the Minister of Service Nova Scotia and Municipal Relations to request amendments to the Municipal Elections Act that would allow staff to create a database of campaign financial contributions to candidates from the 2004 and 2008 elections and on a go forward basis and to post this database on the Municipality's website on a permanent basis.

13.2 Deputy Mayor Smith

Take notice that at the next Halifax Regional Council meeting on April 5, 2011, I propose to bring forward a motion to request staff to bring forward funding options to add \$950,000 in the 2011/2012 Capital Budget to initiate the detailed planning of Phase 1 for the Dartmouth Sportsplex Revitalization Plan.

14. ADJOURNMENT

The meeting was adjourned at 5:52 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS
March 29, 2011

1. Memorandum from Director, Community Development dated February 24, 2011
re: Service Review – Community Recreation Services

2. Memorandum from the Municipal Clerk dated March 25, 2011
re: Requests for Presentation to Council – Mr. Richard Riley re: Festival Street
Closure