

HALIFAX REGIONAL COUNCIL
MINUTES

August 2, 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
Linda Mosher
Brad Johns
Robert Harvey
Tim Outhit
Reg Rankin
Peter Lund

REGRETS:

Councillor Stephen Adams

STAFF:

Mr. Richard Butts, Acting Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Shawnee Gregory, Legislative Assistant

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1. INVOCATION

Mayor Kelly called the meeting to order at 6:01p.m. with the Invocation being led by Councillor Hendsbee.

Mayor Kelly advised that the Committee of the Whole debate regarding the HRM Stadium Analysis – Phase 1 Final Report would continue on August 9, 2011.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

On behalf of Council, Councillor McCluskey thanked the Natal Day Committee as well as all volunteers and sponsors for the event.

Councillor Watts requested a moment of silence in honour of Ms. Gai Thomas, a resident of District 14 and member of the Active Transportation Advisory Committee who passed away the week prior. Councillor Watts indicated that Ms. Thomas made contributions to her community as an author, fundraiser and as an advocate for seniors as well as mobility and was a woman who took the time to talk to children. She stated that Ms. Thomas took on a project during Bike Week to mobilize the opportunity for adults to try bicycling and tricycling even though she could not use one herself as a result of cancer. Councillor Watts advised that Ms. Thomas would be remembered as someone who took on the Traffic Authority and won by getting a crosswalk changed and for all the significant work she did in her community. In closing, Councillor Watts requested that Mayor Kelly write a letter of condolence to Ms. Thomas' family.

Councillor Sloane thanked Mr. John Wesley Chisholm and his Jubilee Swing Orchestra who performed at the Public Gardens. She advised that she and Jessie Jollimore had been invited to speak at the Women's Institute in East Hants on August 3, 2011 about the North End Community Garden and how it could relate to their Institution's Hope Blooms program. Councillor Sloane stated that the Black Business Initiative had mentioned the Garden's success to the people of New Orleans and they had adopted a community garden as well; noting that the North End Community Garden was gaining international attention.

Councillor Blumenthal thanked HRM and the federal and provincial governments as well as all involved with the Africville Heritage Society for creating a place for the Africville descendants and for building a replica of the church; noting that the Seaview Park sign had been taken down as the park would now be called Africville. Councillor Blumenthal announced that on August 6, 2011, the first Music in the Park concert at the Hydrostone Park would be held and that the Northern Lights Festival would take place at the Merv Sullivan Field.

Councillor Barkhouse announced the Eastern Passage Cow Bay Summer Carnival that was currently taking place and would run until August 7, 2011.

Councillor Mosher stated that she attended the Marblehead reception and prize ceremony and requested that the Mayor send a letter of congratulations to the Royal Nova Scotia Yacht Squadron for hosting another successful Marblehead Halifax Ocean Race as well as skipper Mr. Will Apold who won the race with the Halifax yacht, the Valkyrie. Councillor Mosher advised that the fourth annual Dingle Natal Day Party was held on July 31, 2011 and thanked the following sponsors: Spryfield Animal Hospital, Osbourne Street Tim Horton's, Herring Cove Road Sobey's, SNC Insurance, Polycorp: Ravencrag, Living Hope Community Church and RBC Spryfield. She also thanked Halifax Water and HRM recreation staff.

Councillor Dalrymple announced that a Marine Drive Valley and Canal Community Council meeting would be held on August 4, 2011 and that the RCMP Veterans Association would be bringing the Musical Ride to Exhibition Park on August 13 and 14; noting that all money from the gate would be used to rebuild the Beaverbank Kinsac Community Centre.

Councillor Lund announced that the Hubbards Community Waterfront Association would be hosting its 50th Race Week this week and that on August 6, 2011 the Bay Road Community Association would be holding a flea market and barbeque to raise money to revitalize the former fire station in Lewis Lake as a community hall.

Councillor Hum congratulated the two HRM soccer teams who won gold at the international soccer tournament in Broussard, Quebec; the Halifax Dunbrack under 14 girls and the Halifax Dunbrack under 16 girls.

Councillor Fisher congratulated all the young paddlers from the HRM paddling clubs for three excellent regattas at Maskwa, Sack-a-wa and Lake Banook; especially the Mic Mac AAC who won the Atom Bomb Regatta.

Councillor Wile indicated that she represented Council at the Blessing of the Boats in Terence Bay on July 31, 2011.

Councillor Hendsbee congratulated Ms. Emily Riddle from Orenda Canoe Club and Ms. Mariah Godin from Senobe Canoe Club who won gold at the C2 Women's World Junior Championships in Germany.

3. APPROVAL OF MINUTES – June 21 & 28, 2011

Amendment:

June 21, 2011, Item 2, page 5 – *East* rather than *North* Dartmouth Community Centre

MOVED by Councillor Sloane, seconded by Councillor Nicoll that the minutes of June 21, 2011 be approved as amended and the minutes of June 28, 2011 be approved as presented. MOTION PUT AND PASSED.

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

Additions:

- 13.1 Councillor Blumenthal - Request for a Report on the Feasibility of Free Transit Trips for Seniors
- 13.2 Decision of Nova Scotia Utility and Review Board – 16 Districts in HRM
- 13.3 Contractual Matter – Concert Update
- 13.4 Property Matter – Charles Road, Timberlea
- 13.5 Property Matter – Young Street, Halifax
- 13.6 Information Item 1- Memorandum from Director, Finance dated July 5, 2011 re: Award of Contracts – CAO Approval – Councillor Walker
- 13.7 Information Item 3 – Memorandum from Chair, Federation of Canadian Municipalities (FCM) Council Advisory Committee dated July 14, 2011 re: 2011 FCM Annual Conference & Municipal Expo Report - Councillor Walker

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the agenda be accepted as amended. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. PUBLIC HEARINGS

9.1 By-Law N-200, Respecting Noise - Exemption Application – 721 Windmill Road, Dartmouth

A report dated July 12, 2011 was before Council.

Superintendent Colleen Kelly, HRP, was present to answer questions of clarification; noting that the work was to commence on August 8, 2011 and, to reduce the construction timeframe, work would be done over three nights rather than six days. She also stated that businesses within 100 feet of 721 Windmill Road would be notified of the upcoming work.

Mayor Kelly reviewed the Rules of Procedure for Public Hearings and called three times for those wishing to speak for or against By-Law N-200, Respecting Noise - Exemption Application – 721 Windmill Road, Dartmouth. As there was no one wishing to speak, the following motion was passed:

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

MOVED by Deputy Mayor Smith, seconded by Councillor Karsten that Halifax Regional Council approve Dexter Construction Company Limited's application for an exemption from the provisions of the Noise By-Law pursuant to the contents of the staff report dated July 12, 2011 and any matters raised at the hearing. MOTION PUT AND PASSED.

9.2 Parkland Disposal Portion of Lot P-9 and Parkland Acquisition - Portions of Lot X-A, Civic Number 1182 Cole Harbour Road, Cole Harbour

A report dated May 30, 2011 was before Council.

Mayor Kelly reviewed the Rules of Procedure for Public Hearings and called three times for those wishing to speak for or against Parkland Disposal Portion of Lot P-9 and Parkland Acquisition - Portions of Lot X-A, Civic Number 1182 Cole Harbour Road, Cole Harbour. As there was no one wishing to speak, the following motion was passed:

MOVED BY Councillor McCluskey, seconded by Councillor Fisher that the public hearing be closed. MOTION PUT AND PASSED.

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

- 1. Authorize the closure and disposal of a 1000 square foot portion of HRM Park property Lot P-9, Cole Harbour as shown in Attachment "A" of the May 30, 2011 staff report;**
- 2. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale between HRM and 3028712 Nova Scotia Limited for the acquisition of two portions of Lot X-A (PID# 40691586) and the disposal of Lot P-9 (PID# 40286841), as per the key terms and conditions outlined in Table 1 of the May 30, 2011 staff report, to be funded from Project No. CPX01149 (Parkland Acquisition) as per the Budget Implications section of the May 30, 2011 staff report.**

MOTION PUT AND PASSED.

**9.3 Case 01298 – Extension of Central Water Service to Giles Drive, Bedford and Proposed By-Law L-133, an Amendment to By-Law L-100, Respecting Charges for Local Improvements
(i) Supplementary Report dated June 1, 2011
(ii) Staff Report dated October 28, 2010**

A presentation was before Council.

A supplementary report dated June 1, 2011 was before Council.

A report dated October 28, 2011 was before Council.

Mr. Austin French, Manager of Planning Services, provided the presentation on Case 01298 – Extension of Central Water Service to Giles Drive, Bedford and Proposed By-Law L-133, an Amendment to By-Law L-100, Respecting Charges for Local Improvements.

A discussion ensued with staff responding to questions of clarification.

Mr. French indicated that a consultant was required for this project in order to investigate the geology of the area in question as no one on HRM staff was qualified to complete this work.

Ms. Kenna Mackenzie, Halifax Water, advised that the vacant lands to the east of Giles Drive were part of the Master Plan area for Sandy Lake; therefore, any new developments in that area would only be serviced as part of that project.

Mayor Kelly reviewed the Rules of Procedure for Public Hearings and called three times for those wishing to speak for or against Case 01298 – Extension of Central Water Service to Giles Drive, Bedford and Proposed By-Law L-133, an Amendment to By-Law L-100, Respecting Charges for Local Improvements. As there was no one wishing to speak, the following motion was passed:

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

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

- 1. Approve Local Improvement By-law L-133, as shown in Attachment “A” of the staff report dated June 1, 2011, to set the charges for the installation of central water servicing on a portion of Giles Drive, Bedford;**
- 2. Authorize Halifax Regional Municipality and Halifax Water to be the contracting agencies for the required installation of the water servicing;**
- 3. Approve the project budget for the Giles Drive Water Servicing Project I the amount of \$150,000 including net HST, with \$50,000 to be provided from West Bedford Holdings Ltd., and \$50,000 from Operating Cost Centre M421, with the net residual amount funded from a Local Improvement Charge as per By-law L-133;**

4. **Approve an amendment to the Regional Subdivision By-law to extend the Water Service Area Boundary, as illustrated in Attachment B of the June 1, 2011 staff report.**

MOTION PUT AND PASSED.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

10.1.1 Fly-Past Request – Cole Harbour Festival Society

Correspondence from Mr. Jim Nicoll, Vice Chair of the Cole Harbour Harvest Festival Society was before Council.

MOVED by Councillor Nicoll, seconded by Councillor Karsten that Halifax Regional Council approve the fly-past request from the Cole Harbour Festival Society to take place on September 10, 2011. MOTION PUT AND PASSED.

10.1.2 Fly- Past Request – Nova Scotia Home Builders Association

Correspondence dated July 20, 2011 from Mr. Paul Pettipas, Nova Scotia Homebuilders Association, was before Council.

MOVED by Councillor Dalrymple, seconded by Councillor Blumenthal that Halifax Regional Council approve the fly-past request from the Nova Scotia Home Builders Association to take place between 12:50 and 1:00 p.m. on September 8, 2011. MOTION PUT AND PASSED.

10.2 Petitions

10.2.1 Councillor Walker

Councillor Walker submitted a petition from residents of Morningside Drive containing 10 signatures requesting that the external public address system on the Walmart store on Mumford Road be disconnected and that an alternative method of communicating with employees located outside of the facility be developed.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender 11-264 – Mirco Surfacing Phase 2 – Various Locations

A report dated July 6, 2011 was before Council.

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

- 1. Approve a budget increase of \$124,973.22 to Project No. CYX01345 – Street Recapitalization, funded through cost sharing with Halifax Water, as outlined in the Budget Implications section of the report dated July 6, 2011; and**
- 2. Award Tender No. 11-265, Micro Surfacing – Phase 2 – Various Locations, to the lowest bidder meeting specifications, Industrial Cold Milling, for a Total Tender Price of \$1,256,350.13 (net HST included) from the 2011/12 Project No. CYX01345 – Street Recapitalization, as outlined in the Budget Implications section of the report dated July 6, 2011.**

Councillor Karsten wondered if some of these locations had already been completed on an approved budget basis or if the amount rather represented the entire total.

Mr. Phil Townsend, Director of Infrastructure and Asset Management, advised that staff would follow up on this matter.

MOTION PUT AND PASSED.

11.1.2 2011 Aid to Municipality Cost Sharing Paving Program

A report dated July 12, 2011 was before Council.

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

- 1. Approve the list of streets identified on page one of the April 12, 2011, letter from Minister Estabrooks for paving in 2011, with 50% of the estimated \$1,427,040 cost funded from the Province's Aid to Municipalities Program, and the remaining cost funded from Project No. CXU00585, New Paving Subdivision Streets Outside Core, and to be recovered via the Local Improvement Process; and**
- 2. Approve the list of streets identified on page two of the April 12, 2011, letter from Minister Estabrooks for paving in 2011, with 50% of the estimated \$480,600 cost funded from Project No. CZU01080, New Paving Streets - Core Area, and the remaining 50% cost recovered via the Local Improvement Process.**

MOTION PUT AND PASSED.

11.1.3 Encroachment Agreement – City Centre Atlantic

A report dated June 22, 2011 was before Council.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Halifax Regional Council approve the attached Encroachment Agreement to allow two separate building features to project into the HRM right-of-way; one on Birmingham Street and the other on Dresden Row.

A discussion on the motion ensued.

Ms. Denise Schofield, Manager of Development Engineering, advised that staff have been working to find a solution to make it easier for residents and businesses to access the parking areas on Birmingham Street and Dresden Row.

Ms. Schofield also advised that the annual encroachment fee was set out via a formula included in the By-law and was an area charge rather than being based on land value.

MOTION PUT AND PASSED.

11.1.4 First Reading Proposed By-Law L-134, An Amendment to By-Law L-100, Respecting Charges for Local Improvements - Mount Hope Avenue Extension – Formal Street Acceptance

A report dated May 5, 2011 was before Council.

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

- 1. Accept ownership of the new Mount Hope Avenue Extension as described in Attachment “C” of the staff report dated May 5, 2011, subject to acceptance of the municipal service systems by the Municipal Engineer, Halifax Water, Heritage Gas, and the Province of Nova Scotia;**
- 2. Give First Reading of Local Improvement By-Law L-134, Respecting Charges for Local Improvement Projects, as outlined in Attachment “A” of the May 5, 2011 staff report to set charges for the recovery of a portion of the capital cost of the Mount Hope Avenue/Highway 111 Interchange, to be recovered from the owners of properties depicted in Attachment “B” of the May 5, 2011 staff report.**
- 3. Approve a change in the funding source for Project No. CTU00530 – Highway 111/Mount Hope Interchange in the amount of \$483,328 from Capital Cost Contribution revenue to Local Improvement Charge revenue.**

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

Mr. Phil Townsend, Director of Infrastructure and Asset Management, advised that, in the absence of any future development that would help to support this development, funds have been paid and the interchange has been built so this project is basically an outstanding recoverable that HRM will to recoupe over the next 10 years.

MOTION PUT AND PASSED.

11.1.5 First Reading Proposed By-Law S-431, An Amendment to By-Law S-400, Respecting Charges for Street Improvements

A report dated June 16, 2011 was before Council.

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

- 1. Approve the 2011 Local Improvement Charges as outlined in Schedule “A” of the June 16, 2011 staff report and;**
- 2. Give First Reading of By-Law S-431, an Amendment to By-Law S-400, Respecting Charges for Street Improvements, as attached to the June 16, 2011 staff report; and**
- 3. Upon approval of By-Law S-431, apply the new charges to all completed 2010/11 projects where such charges apply;**
- 4. Direct staff to review the current Local Improvement Charges (LIC) By-Law and Policy requirements for possible improvement to the process, and to present to Council varying options for discussion.**

MOTION PUT AND PASSED.

11.1.6 First Reading Proposed By-Law S-432, An Amendment to By-Law S-400, Respecting Local Improvement Charges - New Paving Projects Outside The Core Area – 2010

A report dated May 30, 2011 was before Council.

Correspondence from Mr. Patrick J. McGrath, Robert & Leigh Wild, and David Horne was before Council.

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

1. **Give First Reading of By-Law S-432, an amendment to By-Law S-400, Respecting Charges for Street Improvements, relating to new paving of Subdivision Streets Outside the Core Area – 2010; excluding the following three streets: Joan Elizabeth Way, Sandy Point Road, and Mannette Court.**
2. **To bring forward a separate By-law in regard to Joan Elizabeth Way, Sandy Point Road, and Mannette Court for First Reading and to set a date for a public hearing.**

MOTION PUT AND PASSED.

11.2 NORTH WEST COMMUNITY COUNCIL

11.2.1 Case 16423 – Plan Amendment for Monarch and Rivendale Subdivision, Beaver Bank

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

MOVED by Councillor Dalrymple, seconded by Councillor Fisher that Halifax Regional Council give First Reading to consider amendments to the Municipal Planning Strategy and Land Use By-Law for Beaver Bank, Hammonds Plains and Upper Sackville, as identified in Attachments “A”, “B” and “C” of the April 5, 2011 staff report and schedule a joint public hearing with North West Community Council. MOTION PUT AND PASSED.

11.3 PENINSULA COMMUNITY COUNCIL

11.3.1 Case 16376 – Municipal Planning Strategy and Land Use By-Law Amendments for the Area Bounded by Oakland Road, Bellevue Avenue, Inglis Street, and Beaufort Avenue

A report dated July 12, 2011 from Peninsula Community Council was before Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane that Halifax Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law as provided in Attachment A and B of the June 8, 2011 staff report and schedule a public hearing. MOTION PUT AND PASSED.

11.3.2 Case 01325 – Municipal Planning Strategy and Land Use By-Law Amendments and Development Agreement for the former St. Joseph’s Church Site on Gottingen Street, Halifax

A report dated July 12, 2011 from Peninsula Community Council was before Council.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that Halifax Regional Council give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as contained in Attachments A and B of the June 15, 2011 staff report and schedule a joint public hearing. MOTION PUT AND PASSED.

11.4 EXECUTIVE STANDING COMMITTEE

11.4.1 Proposed Civic Events Working Group

A report dated July 4, 2011 from the Executive Standing Committee was before Council.

MOVED by Councillor Karsten, seconded by Deputy Mayor Smith that Halifax Regional Council endorse the governance model, outlined in the January 18, 2010 Memorandum from staff, which provides that the Canada Day Committee, the Bedford Days Committee, the Natal Day Committee and other similar committees operate as working groups rather than Committees of Council.

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

Ms. Peta Jane Temple, Team Leader of Tax, Grants and Special Projects, advised that the development and revision of policies would continue to go through the Standing Committees.

MOTION PUT AND PASSED.

11.4.2 Amendment to Administrative Order One, Respecting the Procedures of Council

A report dated June 28, 2011 from the Executive Standing Committee was before Council.

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

- 1. Adopt the proposed changes to Administrative Order # I Respecting the Procedures of Council as outlined in Attachment A of this report and,**
- 2. Give notice that the current Administrative Order #1 is to be repealed at the August 9,2011 meeting of Regional Council and,**
- 3. At the August 9, 2011 meeting of Regional Council adopt the new Administrative Order # 1 - Respecting the Procedures of Council, incorporating the changes as outlined in the Attachment A of the report dated June 28, 2011.**

A discussion on the motion ensued.

Regarding the removal of item 3.3 from the proposed new Administrative Order #1, Ms. Mary Ellen Donovan, Municipal Solicitor, advised that it is rare for the default to item 3.3 to be required as there was not normally any absence of rules for the procedures of Council via Administrative Order 1. She indicated that if this item is removed, there may be an absence of rule at times however, then Council may determine its own procedure; therefore, the gap would not be unresolvable. Ms. Donovan stated that it was Council's choice as to what the procedural default rule should be and they were not bound by what the rules of provincial legislation.

Councillor Hendsbee suggested the following three amendments:

1. Regional Council should have the authority to approve Committee of the Whole minutes
2. There should be no debate for motions being ratified; and
3. Tie votes should automatically be sent for reconsideration at the following meeting

Councillor Watts put forward the following amendments:

MOVED by Councillor Watts, seconded by Councillor Sloane that every and at the hour of 6:00 p.m. not be removed from item 8.2 of the new Administrative Order #1. MOTION DEFEATED.

MOVED by Councillor Watts, seconded by Councillor Sloane that item 3.3 that states *The rules of the Nova Scotia Legislature shall be followed in all cases not provided for in this Administrative Order* not be removed from the new Administrative Order #1. MOTION DEFEATED.

MOVED by Councillor Walker, seconded by Councillor Sloane that Section 76. (1) be amended to read 'Unless it is an In Camera meeting, pursuant to Section 19 of the HRM Charter, all committee meetings shall be open to the public.'

It was noted that this amendment was for the purpose of clarity.

Ms. Donovan advised that the limited criteria for In Camera meetings was set out in Section 19 of the Charter and that the same rules applied to all committees of Council.

MOTION PUT AND PASSED.

The amended motion now reads:

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

1. **Adopt the proposed changes to Administrative Order # I Respecting the Procedures of Council as outlined in Attachment A of this report and,**
2. **Give notice that the current Administrative Order #1 is to be repealed at the August 9,2011 meeting of Regional Council and,**
3. **At the August 9, 2011 meeting of Regional Council adopt the new Administrative Order # 1 - Respecting the Procedures of Council, incorporating the changes as outlined in the Attachment A of the report dated June 28, 2011 with an amendment to Section 76. (1) to read 'Unless it is an In Camera meeting, pursuant to Section 19 of the HRM Charter, all committee meetings shall be open to the public.'**

MOTION PUT AND PASSED.

Councillor Uteck requested a motion of reconsideration that item 3. (3) not be deleted from Administrative Order #1.

11.4.3 Public Appointment Policy – Governing Citizen Appointments to Agencies, Boards, and Committees

A report dated July 7, 2011 from the Executive Standing Committee was before Council.

MOVED by Deputy Mayor Smith, seconded by Councillor Sloane that Halifax Regional Council adopt the Public Appointments Policy – Governing Citizens Appointments to Agencies, Boards and Committees to standardize and provide transparency to the process regarding Council appointments of citizens to the Halifax Regional Municipality’s Agencies, Boards and Committees and external agencies for which HRM is requested to make appointments. MOTION PUT AND PASSED.

11.5 MEMBERS OF COUNCIL

11.5.1 Councillor Nicoll – Request for report re: MacLaughlin Road & Lake Loon Road Truck Traffic

Correspondence from the following residents was before Council: Kevin & Grace Skeir, Ms. Tammy Davis, Mike & Kathy Monaghan, Kim & Ron Henderson, Rev. Phillip Kennedy & Rev. Valerie Kennedy, Lynn & Howard MacDonald, Ms. Karyn Heider, Mr. Gary Casavechia, Bill & Cheryl Hecimovich, Mr. Sheldon Sampson, Ms. Natalie Fancy, Ms. Wendy Conrad, Ms. Audrey Burch and Phil & Pauline Billington.

MOVED by Councillor Nicoll, seconded by Councillor Hendsbee that Halifax Regional Council request a staff report on MacLaughlin Road/Lake Loon Road truck traffic. MOTION PUT AND PASSED.

Councillor Streach left the meeting at 7:41 p.m.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Councillor Blumenthal - Request for a Report on the Feasibility of Free Transit Trips for Seniors

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that Halifax Regional Council request a report from Metro Transit staff to investigate the feasibility of having a Senior's Day on Metro Transit buses one day per week by allowing seniors to ride the bus for free during non peak hours.

Councillor Blumenthal clarified that it does not matter what day of the week the service is provided.

MOVED by Councillor Walker, seconded by Councillor Sloane that this matter be referred to the Transportation Standing Committee for review and recommendation. MOTION PUT AND PASSED.

13.2 Decision of Nova Scotia Utility and Review Board – 16 Districts in HRM

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

- 1. Not appeal the July 27, 2011 decision of the Nova Scotia Utility and Review Board.**
- 2. In order to bring the recommendation to Regional Council on the 16 polling district boundaries to be forwarded to the NSUARB that:**
 - a) The task be assigned to HRM staff to determine the boundaries.**
 - b) The report be brought back to Council to be received without amendment or debate to be forwarded to the NSUARB.**

Discussion on the motion ensued.

Mayor Kelly advised that the motion required two thirds Council majority in order to pass.

Regarding why HRM was not appealing, Ms. Donovan stated that the applicable provisions allow for an appeal in very limited circumstances of a decision of the NSUARB which are limited to errors of law committed by the Board or errors in respective jurisdiction and, in a review of the decision, neither of the circumstances arguably apply in this case. She stated that there was therefore, no basis for an appeal.

Councillor Hum stated, for the record, that the fact this matter would be going directly to the NSUARB without Council debate, did not negate the fact that there would be public consultation undertaken by the NSUARB as the public would have the opportunity to provide input on the proposed boundaries before the Board during the third week of October.

Councillor Walker agreed to an amendment that Council support a request for an extension at staff's discretion.

The motion now reads:

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

1. **Not appeal the July 27, 2011 decision of the Nova Scotia Utility and Review Board.**
2. **In order to bring the recommendation to Regional Council on the 16 polling district boundaries to be forwarded to the NSUARB that:**
 - a) **The task be assigned to HRM staff to determine the boundaries.**
 - b) **The report be brought back to Council to be received without amendment or debate to be forwarded to the NSUARB.**
 - c) **Council supports a staff request to the NSUARB for an extension, if required.**

MOVED by Councillor Rankin, seconded by Councillor Uteck that the question now be put. MOTION PUT AND PASSED.

A split vote was requested.

MOVED by Councillor Walker, seconded by Councillor Johns that Halifax Regional Council not appeal the July 27, 2011 decision of the Nova Scotia Utility and Review Board. MOTION PUT AND PASSED.

Councillors Blumenthal and Sloane voted against the motion.

MOVED by Councillor Walker, seconded by Councillor Johns that, in order to bring the recommendation to Regional Council on the 16 polling district boundaries to be forwarded to the NSUARB, the task be assigned to HRM staff to determine the boundaries. MOTION PUT AND PASSED.

Councillor Blumenthal voted against the motion.

MOVED by Councillor Walker, seconded by Councillor Johns that, in order to bring the recommendation to Regional Council on the 16 polling district

boundaries to be forwarded to the NSUARB, the report be brought back to Council to be received without amendment or debate to be forwarded to the NSUARB. MOTION PUT AND PASSED.

Councillors Barkhouse and Sloane voted against the motion.

MOVED by Councillor Walker, seconded by Councillor Johns that Council supports a staff request to the NSUARB for an extension, if required. MOTION PUT AND PASSED.

Councillor Johns voted against the motion.

Councillors Streach and Adams were absent from all votes.

13.3 Contractual Matter – Concert Update

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

MOVED by Councillor Johns, seconded by Councillor Fisher that Halifax Regional Council approve the settlement with Harold MacKay and any related companies which provides for:

- (a) the payment of \$38,000.00 in satisfaction of the Municipality's claim for recovery of funds advanced in respect to concerts on the Common; and in addition**
- (b) the payment of the cost of police services provided for the Metallica concert on the Garrison Grounds.**

It is further recommended that this report be released to the public following Council's ratification of the recommendation.

MOTION PUT AND PASSED.

13.4 Property Matter – Charles Road, Timberlea

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

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

- 1. Authorize the Mayor and Municipal Clerk to enter into a conditional Agreement of Purchase and Sale for the disposal of 30 Charles Road,**

Timberlea, as per the terms and conditions outlined in Table 1 of the private and confidential staff report dated July 8, 2011; and

2. It is further recommended that this report not be released to the public until the property transaction has closed.
3. To request a staff report on condition and costs related to improvement of the adjacent parkland/playground to come back to Council in September 2011, within context of other similar locations.

13.5 Property Matter – Young Street, Halifax

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

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

- 1) Authorize the assignment of the Agreement of Purchase and Sale and the Land Lease for 6100 Young Street, Halifax to Webcom Inc., as per Attachment A of the June 16, 2011 Private and Confidential Staff Report; and
- 2) That the report not be released to the public until the conveyance has been completed.

Councillor Uteck, having declared a potential conflict of interest, left the Council Chamber for the vote.

MOTION PUT AND PASSED.

13.6 Information Item 1- Memorandum from Director, Finance dated July 5, 2011 re: Award of Contracts – CAO Approval – Councillor Walker

An information report dated July 5, 2011 was before Council.

MOVED by Councillor Walker, seconded by Councillor McCluskey, that Halifax Regional Council request that the amount that is in the budget also be put in the Award of Contracts - CAO Approval report. MOTION PUT AND PASSED.

13.7 Information Item 3 – Memorandum from Chair, Federation of Canadian Municipalities (FCM) Council Advisory Committee dated July 14, 2011 re: 2011 FCM Annual Conference & Municipal Expo Report - Councillor Walker

An information report dated July 14, 2011 was before Council.

Councillor Walker, Chair of the 2011 FCM Council Advisory Committee provided highlights from the information report dated July 14, 2011 on the 2011 FCM Annual Conference & Municipal Expo. He noted that with all revenues and costs accounted for, they were actually able to turn money back to HRM. He congratulated all involved with the Conference on a job well done.

14. NOTICES OF MOTION

14.1 Councillor McCluskey

Take notice that at the next regular meeting of the Halifax Regional Council to be held on August 9, 2011, I intend to introduce a motion to amend the Encroachment By-law E-200 to have encroachment fees based on market value of the encroachment area.

14.2 Deputy Mayor Smith

Take notice that at the next regular meeting of the Halifax Regional Council to be held on August 9, 2011, I propose to move the repeal of the existing Administrative Order One, Respecting the Procedures of Council, as adopted on April 2, 1996, the purpose of which is to adopt the new Administrative Order One, as outlined in Attachment "A" of the June 21, 2011 staff report with an amendment to Section 76. (1) to read 'Unless it is an In Camera meeting, pursuant to Section 19 of the HRM Charter, all committee meetings shall be open to the public.'

15. ADJOURNMENT

The meeting was adjourned at 8:18 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS
August 2, 2011

1. Memorandum from Director, Finance dated July 5, 2011 re: Award of Contracts – CAO Approval
2. Memorandum from General Manager, Halifax Water dated July 19, 2011 re: Halifax Harbour Solutions Project (HHSP) Activity Report – January 1, 2011 to April 30, 2011
3. Memorandum from Chair, Federation of Canadian Municipalities (FCM) Council Advisory Committee dated July 14, 2011 re: 2011 FCM Annual Conference & Municipal Expo Report
4. Memorandum from the Municipal Clerk July 26, 2011 re: Requests for Presentation to Council – None