

HALIFAX REGIONAL COUNCIL
MINUTES

September 13, 2011

REVISED

PRESENT:

Mayor Peter Kelly
Deputy Mayor Jim Smith
Councillors: 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
Stephen Adams
Brad Johns
Tim Outhit
Reg Rankin
Peter Lund

REGRETS:

Councillors: Steve Streach
Robert Harvey

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Sherrill Murphy, Acting Municipal Clerk
Ms. Cathy Mellett, Municipal Clerk
Ms. Krista Vining, Legislative Assistant
Ms. Chris Newson, Legislative Assistant

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1. INVOCATION

The meeting was called to order at 1:07 p.m. with the Invocation being led by Councillor Fisher.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of acknowledgements and community events.

3. APPROVAL OF MINUTES – August 2, 9 & 16, 2011

MOVED by Councillor McCluskey, seconded by Councillor Sloane that the minutes of August 2, 9 & 16, 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 Adams - Amendments to By-Law N-200

13.2 Councillor Rankin

(i) Request for staff report re: Public Passageway to Terence Bay Lighthouse

(ii) Request for staff report re: Future Use of Bay Road Community Hall

13.3 Deputy Mayor Smith – Request for letter to the Province re: Improvements to Pedestrian Safety Highway 111

13.4 Councillor Johns - Request for Leave of Absence for Councillor Harvey

MOVED by Councillor Uteck, seconded by Councillor Sloane to refer Item 11.3.1 - Regional Plan Review Scope and Workplan to a future Committee of the Whole session. MOTION TO REFER PUT AND PASSED.

Councillor Mosher requested Item 11.4.1 be deferred pending a report from the Municipal Auditor General to address concerns raised. She noted that this matter would be reviewed at the Executive Standing Committee's September 26, 2011 meeting and would come back to Regional Council on October 4, 2011.

MOVED by Councillor Mosher, seconded by Councillor Sloane to defer Item 11.4.1 - Implementation – Code of Conduct for Municipal Elected Officials to October 4, 2011 Regional Council session.

Following a brief discussion, the **MOTION TO DEFER WAS PUT AND PASSED**. Council agreed to move into In Camera respecting a personnel matter immediately following the afternoon session.

MOVED by Councillor Blumenthal, seconded by Councillor Johns that the Order of Business be approved, as amended. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – August 9, 2011

7.1 Councillor Rankin

Motion - To rescind the motion passed at the August 9, 2011 Regional Council meeting as follows:

1. Approve in principle the recommended directions outlined in the Final Report – Phase 1 Stadium Analysis: Halifax Stadium – Business Plan (Attachment 2);
2. Direct staff to proceed to Phase 2 Stadium Analysis: Site Selection and Preliminary Design; and
3. Approve an increase to project CBX01363 in the amount of \$275,000 (net HST included) for Phase 2, with funding from the Strategic Growth Reserve, Q126, as outlined in the Budget Implications section of the staff report dated July 18, 2011, and continue to seek out other funding partners;
4. Return to Regional Council by the end of September for capital affordability and financing options discussion.

Councillor Rankin indicated that he is not against a stadium, but that the current proposal goes beyond the needs to host a one time national soccer event.

MOVED by Councillor Rankin, seconded by Councillor Watts that Halifax Regional Council rescind the motion passed at the August 9, 2011 Regional Council meeting as follows:

- 1. Approve in principle the recommended directions outlined in the Final Report – Phase 1 Stadium Analysis: Halifax Stadium – Business Plan (Attachment 2);**
- 2. Direct staff to proceed to Phase 2 Stadium Analysis: Site Selection and Preliminary Design; and**
- 3. Approve an increase to project CBX01363 in the amount of \$275,000 (net HST included) for Phase 2, with funding from the Strategic Growth Reserve,**

Q126, as outlined in the Budget Implications section of the staff report dated July 18, 2011, and continue to seek out other funding partners:

4. Return to Regional Council by the end of September for capital affordability and financing options discussion.

In response to a question raised, the Municipal Solicitor confirmed that motions of rescission are debatable.

Discussed was held on the motion of rescission with Councillors noting whether they were in favour or against a rescission.

Councillor Adams entered the meeting at 1:42 p.m.

Councillor Johns suggested this matter be forwarded to the Executive Committee to review the process.

MOVED by Councillor Sloane, seconded by Councillor Karsten that the motion be put. MOTION TO PUT THE QUESTION DEFEATED.

Councillor Wile left the meeting at 2:00 p.m.

In response to a concern raised respecting awarding the Request for Proposal, the Chief Administrative Officer indicated that Council gave direction on August 9, 2011 and he signed the award contract as directed.

Further discussion was held respecting the award of the contract.

Councillor Karsten requested a recorded vote.

Following further discussion, His Worship called for a recorded vote.

A recorded vote was taken.

MOTION TO RESCIND PUT AND DEFEATED. (16 against, 3 in favour)

Those voting in favour where: Councillors Barkhouse, Rankin and Watts.

Those voting against: Mayor Kelly, Deputy Mayor Smith, Councillors Adams, Blumenthal, Dalrymple, Fisher, Hendsbee, Hum, Johns, Karsten, McCluskey, Mosher, Nicoll, Outhit, Sloane and Walker.

Councillors Harvey, Lund, Streach, Uteck and Wile were absent for the vote.

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. PUBLIC HEARINGS – 6:00 P.M.

**9.1 Administrative Order SC-66, Respecting Closure of a Portion of University Avenue, Halifax
Motion – Councillor Uteck – Approve Administrative Order SC-66**

Public Hearing addressed later in the meeting. See page 16.

9.2 Case 16423 – Plan Amendment for Monarch and Rivendale Subdivision, Beaver Bank (Joint Public Hearing with North West Community Council)

Public Hearing addressed later in the meeting. See page 17.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

10.1.1 Fly-Past Request – Rick Hansen’s 25th Anniversary Man in Motion Tour

Correspondence from B.W.N. Santarpia, Captain (N) Base Commander, Canadian Forces Base Halifax, dated September 1, 2011 was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Sloane that Halifax Regional Municipality grant permission for a Sea King to fly over Halifax Harbour at an altitude of no less than 500 feet above the highest obstacles, as Mr. Hansen crosses the Harbour, for a duration of approximately two (2) minutes in connection with the Rick Hansen 25th Anniversary Tour on September 16 and 17, 2011. MOTION PUT AND PASSED.

10.2 Petitions – None

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Request for Proposal #11-121 – Supply of Para-Transit Buses

A staff report dated July 28, 2011 was before Council.

MOVED by Councillor Blumenthal, seconded by Councillor Nicoll that Halifax Regional Council award RFP#11-121, for a three (3) year contract to the highest scoring proponent, Overland Custom Coach, for a total price of \$1,448,248.91 (net HST included) for sixteen (16) Para-Transit Buses with funding from Project Accounts CVD00429 Access-A-Bus Replacement as outlined in the Budget Implications section of the staff report dated July 28, 2011. Funding for the 2012-

13 and 2013-14 budget years will be contingent upon approval of the Capital Budget by Halifax Regional Council in those years.

In response to a question raised by Councillor McCluskey, Mr. Eddie Robar, Director of Metro Transit, advised that HRM has dealt with both Overland Custom Coach and Crestline Coach for Access-A-Buses, as well as Overland Custom Coach for Metro X vehicles.

Councillor Uteck commented that there is a demand for Access-A-Bus; however, in the past there have been problems with over booking. She requested that staff provide an update via email to Council on what Metro Transit has done to alleviate over booking.

MOTION PUT AND PASSED.

11.1.2 2011 Fall Debenture and Temporary Borrowing Resolution

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

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

- 1. Authorize the Mayor and Municipal Clerk to sign the Resolution for Pre-Approval of Debenture Issuance, subject to interest rate confirming not to exceed 6.5%, to enable the Halifax Regional Municipality to issue a 10-year debenture of \$11,016,000; and**
- 2. Approve a temporary Borrowing Resolution of \$99,138,700 for financing of the debt funded portion of 2011/12 and previous years' capital projects.**

Staff responded to a question of clarification respecting the estimated 6.5% interest rate. It was noted that interest rates higher than 6.5% would come back to Council for review and approval. Further clarification was provided respecting amounts allocated for Protective Services identified under land and building and equipment and fleet.

MOTION PUT AND PASSED.

11.1.3 Settlement Policy for Legal Actions and Proceedings

A staff report dated August 9, 2011 was before Council.

MOVED by Councillor Karsten, seconded by Councillor Walker that Halifax Regional Council adopt the Settlement Policy for Legal Actions and Proceedings attached as Appendix "A" to the staff report dated August 9, 2011.

Councillor Karsten suggested that staff prepare a quarterly information report twice a year, to be addressed In Camera.

MOTION PUT AND PASSED.

11.1.4 First Reading Proposed By-Law S-433, An Amendment to By-Law S-400, Respecting Local Improvements Charges – New Paving Projects Outside the Core Area – Joan Elizabeth Way, Sandy Point Road, Mannette Court Motion – Councillor Hendsbee – Move First Reading

The following was before Council:

- An extract of draft Regional Council minutes – August 16, 2011
- Submissions from Robert & Leigh Wild, Teresa & Partick McGrath,
- A staff report dated August 4, 2011

Councillor Hendsbee noted a change in the recommendation, indicating that the amendment to By-Law S-400 is outlined in *Appendix “B” of the August 4, 2011 staff report* rather than Appendix “A”.

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey that Halifax Regional Council give First Reading of By-Law S-433, an amendment to By-Law S-400 as outlined in Appendix “B” of the August 4, 2011 staff report, Respecting Charges for Street Improvements, relating to new paving of Subdivision Streets Outside the Core Area – 2010 for Joan Elizabeth Way, Mannette Court and Sandy Point Road and set a date for a public hearing.

MOTION PUT AND PASSED.

The Public Hearing is scheduled for October 4, 2011.

11.1.5 Second 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

The following was before Council:

- An extract of draft Regional Council minutes – August 2, 2011
- A staff report dated May 30, 2011

MOVED by Councillor Rankin, seconded by Councillor Hendsbee that Halifax Regional Council approve 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 as attached to the May 30, 2011 staff report. MOTION PUT AND PASSED.

Councillor Barkhouse exited the meeting at 2:21 p.m.

11.1.6 Second 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

The following was before Council:

- An extract of draft Regional Council minutes – August 2, 2011
- A staff report dated May 5, 2011

MOVED by Councillor Karsten, seconded by Councillor Nicoll 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. Approve 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.**

MOTION PUT AND PASSED.

Councillor Barkhouse entered the meeting at 2:23 p.m.

11.2 AUDIT AND FINANCE STANDING COMMITTEE

11.2.1 Capital Cost Contribution Program (i) Audit and Finance Standing Committee Report (ii) Staff Information Report

The following was before Council:

- A report from the Audit and Finance Standing Committee dated August 23, 2011
- A staff information report dated August 29, 2011

MOVED by Councillor McCluskey, seconded by Councillor Nicoll that Halifax Regional Council formally request the necessary amendment to the HRM Charter to allow Capital Cost Contributions to be collected from developers for the growth related portion of capital costs related to Fire Services, Recreation Facilities, Libraries and growth related studies.

Councillor McCluskey noted that she had heard from the Business Improvement Districts. When the capital cost contributions were discussed, it was thought that the BIDs should be exempt as this will bring more development to the downtown districts and people who choose to live outside of the area would pay the CCCs.

Councillor Sloane commented that the areas exempted should be portions that have been reviewed by the HRMbyDesign. She expressed concern with individuals looking

outside of the core for affordable land. She commented that Council had indicated that they want people to move their businesses back into the downtown core, as well as have residential components come back to the area. Councillor Sloane asked that Council exempt the area proposed in the Centre Plan from capital cost contributions.

Mr. Phil Townsend, Director, Infrastructure and Asset Management, clarified that the motion is to request an amendment to the Charter. Once those amendments are in place, Council can choose whether or how to implement them. He further clarified that it is the purview of Council to choose whether to exempt some areas from implementation. The Charter amendment would give Council the full flexibility in terms of future decision making.

Councillor Uteck raised the following points of concerns:

- Why would Council move forward with amendment changes when the Audit and Finance Standing Committee has requested staff to *provide a comparison of the capital revenues realized through the proposed charges versus the existing charges*
- Council does not know how much HRM is currently charging residents in CCCs
- Concern with the lack of consultation with the business community, builders and those affected prior to requesting changes

Mayor Kelly clarified that responses to her points raised are identified in the June 2, 2011 staff report. He went on to clarify that the intent is to put the cost of development on the new areas of development and not be absorbed by the current tax payer.

Councillor Uteck questioned whether a burden was placed on residents for the Metro X, Mayor Kelly clarified that HRM did increase the tax rate (general rate and partial area rates) in those areas.

Councillor Uteck further asked if there is an urgency to make this decision prior to all the facts being provided.

Staff responded to questions of clarification respecting Capital Cost Contributions. The following points were noted:

- Charges would be implemented on all development throughout the entire region but not on existing homes
- Capital Cost Contributions are typically not facility specific; citizens in new developments have access to recreation services throughout the Municipality; HRM is not obligated to build a recreation centre or library under a CCC; recreation centres sometimes fall under specific area rates

Council recessed at 2:40 p.m.

Council reconvened at 3:00 p.m.

Council resumed its discussion on Capital Cost Contributions.

Mayor Kelly clarified that if the Province does not approve the legislative change, then Council would not move forward with the new Capital Cost Contribution approach. If approved, this matter would come back to Council for discussion as how to implement some of these options.

In response to a question raised as to how HRM will deliver this approach, Ms. Mary Ellen Donovan, Municipal Solicitor, advised that enabling the legislation gives Council the ability to work with and design how they will fund some of these new projects. All that is being asked at this present time is for the Province to enable this provision. If approved, it will be Council's decision as to whether it wants to use this power. Council does not have to use this tool just because it is available to them.

Mr. Peter Duncan, Manager, Infrastructure and Asset Management, advised that Council approved a Capital Cost Contribution study in 2006, which was the basis for future policy. The report contained recommendations of the kinds of services that HRM should act on for CCCs. Council has approved regional CCCs for both wastewater and solid waste and the next round of CCCs will address libraries, recreation and fire for which HRM does not currently have the authority.

Councillor Johns commented on the desire and need to develop affordable housing and questioned whether this could be incorporated into the Capital Cost Contributions. He suggested that as new development comes forward there should be a percentage allocation that would go specifically to affordable housing. The allocation could be reinvested into the development as affordable housing or held in trust. Mr. Richard Butts, Chief Administrative Officer, clarified that the Regional Plan Chapter 3 references affordable housing and the development of tools that will support affordable housing. He has spoken with the Province's housing department to discuss ways HRM can move this approach forward. Staff has direction from Council under the Regional Plan to find new ways to work with developers but have not yet acted on this direction. Mr. Butts noted that staff would review these suggestions as he is unsure if they would align under this approach, as the report speaks to recouping costs incurred by development.

In response to a question of clarification, Mr. Duncan clarified the capital cost charges do not recoup maintenance, providing services or operations.

Councillor Johns requested a recorded vote.

Staff responded to further questions of clarification, the following points were noted:

- HRM currently has the authority from the Province to collect charges for public transit systems, which was received three years ago; staff were awaiting the outcome of the Capital Cost Contribution study and once completed they would bring the Capital Cost charges forward for transit
- HRM has an area based CCC program; Council approved capital cost charges in Bedford West, Bedford South, Russell Lake West and Portland Hills Estates phases one to three; this program funds the infrastructure for water, wastewater and roads

- HRM currently has the authority to implement CCCs for road systems; this will be part of the package that staff will be bringing forward

A recorded vote was taken.

MOTION PUT AND PASSED (18 in favour, 1 against).

Those voting in favour were: Mayor Kelly, Deputy Mayor Smith, Councillors Adams, Barkhouse, Blumenthal, Dalrymple, Fisher, Hendsbee, Hum, Johns, Karsten, McCluskey, Mosher, Nicoll, Outhit, Sloane, Walker and Watts.

Those voting against were: Councillor Uteck.

Councillors Harvey, Lund, Rankin, Streach, Wile were absent for the vote.

11.3 COMMUNITY PLANNING & ECONOMIC DEVELOPMENT STANDING COMMITTEE

11.3.1 Regional Plan Review Scope and Workplan

Matter referred to a future Committee of the Whole session during approval of the Order of Business.

11.4 EXECUTIVE STANDING COMMITTEE

11.4.1 Implementation – Code of Conduct for Municipal Elected Officials

Matter deferred to October 4, 2011 Regional Council session during the approval of the Order of Business.

11.5 TRANSPORTATION STANDING COMMITTEE

11.5.1 Burnside Drive Active Transportation Corridor – Transfer of Funds

A report from the Transportation Standing Committee dated August 11, 2011 was before Council.

MOVED by Deputy Mayor Smith, seconded by Councillor McCluskey that Halifax Regional Council approve the transfer of \$400,000 from Project CTU01286 (Joseph Howe Drive Turn Lanes) to Project CTU00420 (Active Transportation Plan Implementation) in the 2011-12 budget year and transfer \$400,000 from Project CTU00420 to Project CTU01286 in the 2012-13 budget year, according to the Budget Implications section of the August 9, 2011 staff report.

Deputy Mayor Smith indicated that due to the short timeframe HRM was not able to hold any meetings with the Greater Burnside Business Association; however, they are aware and are in support of the project.

Councillor Walker expressed concern with the lack of communication respecting the Joseph Howe Drive Turn Lanes project being deferred after he and staff advised residents that HRM had purchased the Chester Spur Line, as well as reserved the lands to install turning lanes this fall. He questioned the project's priority and asked whether it would be completed. Councillor Walker further expressed concern that the widening of the Fairview Overpass project has been deferred for four years and asked when it would be completed. Mr. Mike Labrecque, Deputy Chief Administrative Officer, advised that he would follow up with staff to determine what had transpired respecting the communication and the completion of the turning lanes as it relates to this potential adjustment.

Councillor Watts indicated that the Greater Burnside Business Association has been reviewing active transportation options which are needed in this area. With the commitment of the multiuse corridor across the highway, this will offer an option for people to connect and move safely through the area.

MOTION PUT AND PASSED.

11.5.2 Provincial Agreement – Burnside Drive Extension

A report from the Transportation Standing Committee dated August 11, 2011 was before Council.

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

- 1. Authorize the Mayor and Clerk to enter into an agreement with the Province to fund the construction of an active transportation corridor within the Highway 107 corridor parallel to the Burnside Drive Extension according to the terms described in the August 5, 2011 report; and**
- 2. Commit \$1,000,000 in funding from the 2013-14 Active Transportation Capital Program to the Burnside Drive Extension Action Transportation Corridor according to the Budget Implications section of the August 5, 2011 report.**

Discussion was held on the Burnside Drive Extension.

Councillor Rankin indicated that staff had confirmed that the Burnside Drive Extension would not have any impact on the projects addressed in the 11.5.1, which should be reflected in the 2012-13 budget.

Councillor Wile entered the meeting at 3:47 p.m.

It was noted that there is currently no way for Bedford, Sackville and Fall River area residents to access Dartmouth by active transportation. The extension is a great opportunity for HRM to provide alternate transportation for the residents.

In response to a question raised by Councillor Dalrymple as to when the work on the Burnside Drive Extension would commence as it relates to the trail component, Mr. Mike Labrecque, Deputy Chief Administrative Officer, advised that he would provide Council with information on the schedule.

MOTION PUT AND PASSED.

11.6 SPECIAL EVENTS ADVISORY COMMITTEE

11.6.1 Ballsy 2011 Event Grant Application

A report from the Special Events Advisory Committee dated August 10, 2011 was before Council.

MOVED by Councillor Uteck, seconded by Councillor Johns that Halifax Regional Council decline the Ballsy 2011 application for support from HRM. MOTION PUT AND PASSED.

11.6.2 Non-Annual and Festival Events Grant Funding Requests Second Intake (Titanic 100)

A report from the Special Events Advisory Committee dated August 29, 2011 was before Council.

MOVED by Councillor Uteck, seconded by Councillor Hendsbee that Halifax Regional Council approve, in principle, a commitment for a Non-Annual grant award for Titanic 100 in the amount of \$57,500 (for 2011/12) to be funded from the Marketing Levy Special Events Reserve (Q315) with conditions of funding as identified on page 5 of the staff report dated November 30, 2010, and that the grant award is contingent upon confirmation that the provincial and federal governments have committed to financially supporting the Titanic 100 by November 30, 2011.

In response to a question raised, Councillor Uteck advised that the Special Events Advisory Committee has not heard back from Titanic 100 since the announcement was made but they are moving forward with the plan. She reminded Council that the funding is contingent upon other levels of government.

MOTION PUT AND PASSED.

11.7 MEMBERS OF COUNCIL

**11.7.1 Councillor McCluskey
(i) Official Municipality Name Change**

The following was before Council:

- A written request from Councillor Gloria McCluskey dated September 13, 2011 re: Official Municipality Name Change
- Submission from Ray Carman and response from Councillor Debbie Hum

Councillor McCluskey referenced past motions of Council to review a name change from Halifax Regional Municipality to Greater Halifax, Halifax Region or Halifax. She indicated that this has been an ongoing matter, and Council had agreed in November 2010 to wait until the Boundary review was complete.

MOVED by Councillor McCluskey, seconded by Councillor Sloane that Halifax Regional Council direct staff to explore alternatives to the name Halifax Regional Municipality including Greater Halifax.

Council entered into discussion respecting the name change.

It was noted by members of Council that residents' view this discussion as a poor use of time, as HRM is already referred to as Halifax in the media, as a vacation spot, and when residents are travelling outside of the Municipality.

In response to a question raised, Mayor Kelly clarified that the motion of Council to defer a review of the name change pending the completion of the Boundary Review would be resolved with this discussion.

MOTION PUT AND DEFEATED.

Council recessed at 4:24 p.m.

Council reconvened at 6:02 p.m. with Councillor Lund in attendance.

9.1 Administrative Order SC-66, Respecting Closure of a Portion of University Avenue, Halifax

The following was before Council:

- An extract of draft Regional Council minutes – August 16, 2011
- A staff report dated July 25, 2011
- An e-mail dated September 12, 2011 from Mr. Blair Beed

Mr. Peter Bigelow, Manager, Real Property Planning, presented an overview of Administrative Order SC-66 Respecting Closure of a portion of University Avenue, Halifax. He then responded to questions of clarification from Members of Council.

Mayor Kelly opened the public hearing calling for any speakers for or against the proposal and explained the rules of procedure for public hearings.

Alan Ruffman, Fergusons Cove, expressed concern with the proposed plan, outlined in Attachment B, as it does not show the property boundaries nor details of the land except for the section located in the middle of the two roads. He questioned whether:

- the road would be closed once the Administrative Order was approved by Council
- HRM is intending to swap sidewalks, as well as parking meters and travelling road surface, with Dalhousie
- Dalhousie will inherit the drainage issue near the (Dalhousie) chemistry building.

Mr. Ruffman suggested that the plan be redone and the public hearing recalled. Staff tabled an official copy of the plan with the Clerk and indicated the survey plan was available as part of the official record.

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

MOVED by Councillor Uteck, seconded by Councillor Hendsbee that Halifax Regional Council approve Administrative Order SC-66, Respecting the closure of a portion of University Avenue right-of-way, Halifax, as outlined in Attachment "A" of the July 25, 2011 staff report.

In response to concerns raised by Councillor Hendsbee, Mr. Bigelow explained that, as outlined in a previous presentation by the President of Dalhousie on the parking strategy, Regional Council may comment on the strategy as it is implemented.

MOTION PUT AND PASSED.

9.2 Case 16423 – Plan Amendment for Monarch and Rivendale Subdivision, Beaver Bank (Joint Public Hearing with North West Community Council)

The following was before Council:

- A copy of the presentation dated September 13, 2011 entitled: Case 16423: Monarch and Rivendale
- An extract of draft Regional Council minutes – August 2, 2011
- A staff report dated June 28, 2011

Ms. Jennifer Chapman, Planner, Regional Planning, presented an overview of Case 16423. She then responded to questions of clarification from Members of Council.

Mayor Kelly opened the public hearing calling for any speakers for or against the proposal and explained the rules of procedure for public hearings.

Thomas Best, Wyndgate Drive, requested clarification on whether or not Wyndgate Drive would be included in the proposed plan amendment for the Monarch and Rivendale subdivision. He explained that he did not want to lose the multi-use option and questioned whether a family sawmill, in existence for forty years, and the ability to maintain livestock, would be impacted by the proposed amendments.

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

Ms. Chapman noted that Map 3 of the staff report outlines the lands proposed for rezoning and confirmed that the lands on Wyndgate Drive were not part of the rezoning proposal.

MOVED by Councillor Dalrymple, seconded by Councillor Fisher that Halifax Regional Council approve the proposed 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.

In response to a request for clarification from Councillor Johns, Ms. Chapman noted that home businesses would be permitted in the R1B zone as outlined in the existing Land Use By-Law (LUB), however; trucking or landscaping operations would not be permitted uses as they would be deemed “obnoxious uses” under the LUB.

MOTION PUT AND PASSED.

11.7 MEMBERS OF COUNCIL

11.7.1 Councillor McCluskey (ii) Request for Review of By-Law A-300, Respecting Animals and Responsible Pet Ownership

The following was before Council:

- A written request from Councillor Gloria McCluskey dated September 13, 2011 re: Proposed Amendment to By-Law A-300 Respecting Animals and Responsible Pet Ownerships
- Submissions from Kim Thomson, Special Projects, Dalhousie University and Cheryl Huerta, the Portland Pit Bull Project
- An e-mail dated September 12, 2011 from J. Steeves was before Council.

Councillor McCluskey requested that pictures she submitted be shown at this time.

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

1. **Request staff to review By-Law A-300 Respecting Animals and Responsible Pet Ownership, giving consideration to increasing fines for owners of dogs, who while running at large, attack another dog or person, to a minimum of \$1,000 and also hold owners responsible for expenses incurred as a result of the attack; and**
2. **Further, that staff review By-Law A-300 and give consideration to providing stricter enforcement of the muzzle order within the existing by-law, as well as the provision of stipulations that an owner of a vicious dog which attacked an animal or person be prevented from owning another dog, and that leashes for dogs be restricted to 2 metres in length and that no extendible leashes be used.**

Without a vote being taken on the motion on the floor, it was **MOVED by Councillor Wile, seconded by Councillor McCluskey** that the motion be amended to include a request for staff to consider rewording of Section 12 (1) and (2) of the By-law in regard to noise and barking.

Councillor Wile submitted the proposed re-wording.

MOTION TO AMEND PUT AND PASSED.

The motion now reads as follows:

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

1. **Request staff to review By-Law A-300 Respecting Animals and Responsible Pet Ownership, giving consideration to increasing fines for owners of dogs, who while running at large, attack another dog or person, to a minimum of \$1,000 and also hold owners responsible for expenses incurred as a result of the attack; and**
2. **Further, that staff review By-Law A-300 and give consideration to providing stricter enforcement of the muzzle order within the existing by-law, as well as the provision of stipulations that an owner of a vicious dog which attacked an animal or person be prevented from owning another dog, and; that leashes for dogs be restricted to 2 metres in length and that no retractable/extendible leashes be used.**
3. **Review wording of Clauses 12 (1) and (2) of By-Law A-300 in regard to unreasonable disturbance by noise under the By-Law and consider the following wording for Subsection (2): *“Any owner of a dog that makes noise that unreasonably disturbs the peace and tranquility of a neighbourhood is guilty of an offence.”***

Deputy Mayor Smith requested that staff report also include comment on whether or not seven (7) By-Law Enforcement Officers was sufficient for all of HRM. He noted that most By-Laws do not take effect until 9:00 a.m. and many dogs are off leash before that time.

Councillor Hendsbee commented that citizen consultation was needed on the dog issue in regard to what is enforceable/reasonable. He requested that the staff report include consideration of mandatory registration, a one time lifetime registration, whether or not HRM Trail Wardens should be deputized to enable them to issue tickets, and; whether or not more By-Law Enforcement Officers were needed in HRM.

Councillor Watts expressed concern with the 2 meter leash proposal and advised that she would forward further comments to staff for review. She concurred with Councillor Hendsbee that citizen input into the changes would be appreciated.

Councillor Johns noted that although he was in support of the staff report he expressed concern with the retractable leash issue.

Councillor Nicoll suggested that staff work with the SPCA and any other humane society in regard to the proposed review of By-Law A-300.

Councillor Fisher commented that it was difficult to obtain the resources to police the Shubenacadie Park off leash dog area as it is a large park. He expressed concern with only seven (7) By-Law Enforcement Officers for the entire HRM.

Mayor Kelly clarified that the issue before Council at this time was the request for a staff report.

MOTION PUT AND PASSED.

12.1 Councillor Nicoll

MOVED by Councillor Nicoll, seconded by Councillor Blumethal that Halifax Regional Council approve a motion requesting a staff report to direct staff to research potential naming rights and sponsorship policies and to return to Regional Council with various options for Council's consideration respecting public assets and events. MOTION PUT AND PASSED.

13. ADDED ITEMS

13.1 Councillor Adams - Amendments to By-Law N-200

MOVED by Councillor Adams, seconded by Councillor Sloane that Halifax Regional Council request a staff report considering options in regard to By-Law N-200 Respecting Noise – Construction Hours, in that the time permitted for

commencement of rock crushing/breaking on site be changed from 7:00 a.m. to 8:00 a.m. on weekdays.

Councillor Adams explained that he has received numerous complaints in regard to rock crushing/breaking activity commencing at 7:00 a.m. which is not conducive to a reasonable standard of living.

MOTION PUT AND PASSED.

13.2 Councillor Rankin

(i) Request for staff report re: Public Passageway to Terrence Bay Lighthouse

MOVED by Councillor Rankin, seconded by Councillor Adams that Halifax Regional Council request a staff report in regard to securing public passageway/easement to the Terrence Bay Lighthouse and beach as well as public access to all lighthouses in HRM. MOTION PUT AND PASSED.

(ii) Request for staff report re: Future Use of Bay Road Community Hall

MOVED by Councillor Rankin, seconded by Councillor Walker that Halifax Regional Council request a staff report on options for future use of the Bay Road Community Hall. MOTION PUT AND PASSED.

13.3 Deputy Mayor Smith – Request for letter to the Province re: Improvements to Pedestrian Safety Highway 111

MOVED by Deputy Mayor Smith, seconded by Councillor McCluskey that Halifax Regional Council request that Mayor Kelly write to the Minister of Transportation and Infrastructure Renewal, with a copy to the local MLA, asking that improved barriers or other measures be provided for greater pedestrian safety along Highway 111, and; that an additional overpass(es) be considered to improve pedestrian access across Highway 111 from Highfield Park Drive to Burnside Park.

Deputy Mayor Smith requested that the matter also be referred to the Transportation Standing Committee.

MOTION PUT AND PASSED.

13.4 Councillor Johns – Request for Leave of Absence for Councillor Harvey

MOVED by Councillor Johns, seconded by Councillor Sloane that Halifax Regional Council grant a medical leave of absence to Councillor Harvey. MOTION PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor Fisher

“Take notice that at the next meeting of Halifax Regional Council to be held on Tuesday, September 20, 2011, I intend to forward a motion requesting that staff include a short description on all staff reports to provide clarity to citizens on what action is taking place and what stage of the process has been achieved.”

14.2 Councillor Rankin

On a point of personal privilege Councillor Rankin noted, in regard to the earlier matter dealing with the motion of rescission, that he had exercised the rules available to him under Section 50 of Administrative Order 1. He explained that a motion of rescission provides an opportunity for Council to reconsider a decision and his position was that the recent situation to award the contract pre-empted Council's opportunity for discussion and reconsideration.

Mayor Kelly clarified that the matter had been addressed earlier in the meeting. Council is aware that a motion of rescission does not stop any actions flowing from a decision of Council. Council did have an earlier opportunity, on August 17th, to deal with the motion of reconsideration, however; Council voted against hearing the motion of reconsideration at that time.

Mayor Kelly noted that staff is required to proceed based on the direction of Council. If they wish, Council may review Section 50 of Administrative Order 1 in regard to when matters are to be held in abeyance.

15. ADJOURNMENT

The meeting adjourned at 6:59 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS
September 13, 2011

1. Proclamation – Arthritis Awareness Month – September 2011
2. Memorandum from Traffic Authority dated August 23, 2011 re: Signals and Crosswalk Request: Glendale Drive at Smokey Drive
3. Memorandum from Director, Legal Services and Risk Management dated August 2, 2011 re: Status of By-Law Prosecutions – February 1, 2011 - February 28, 2011
4. Memorandum from the Municipal Clerk dated September 2, 2011 re: Requests for Presentation to Council
 - (i) John Wesley Chisholm re: Noise By-Law Amendment related to Heat Pumps
 - (ii) Nova Scotia Boat Builders Association re: Industry Capabilities