

HALIFAX REGIONAL COUNCIL  
MINUTES

November 8, 2011

PRESENT:

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

REGRETS:

Councillor Darren Fisher

STAFF:

Mr. Richard Butts, Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Sherryl Murphy, Acting Municipal Clerk  
Ms. Shawnee Gregory, Legislative Assistant  
Ms. Chris Newson, Legislative Assistant

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**1. INVOCATION**

Mayor Kelly called the meeting to order at 3:09 p.m. with the Invocation being led by Councillor Watts.

**SELECTION OF DEPUTY MAYOR**

Mayor Kelly opened the floor to nominations for Deputy Mayor.

**MOVED by Councillor Adams, seconded by Councillor Lund that Councillor Mosher be nominated for the position of Deputy Mayor.**

**MOVED by Councillor Watts, seconded by Councillor Barkhouse that Councillor Karsten be nominated for the position of Deputy Mayor.**

Mayor Kelly called three times for further nominations. There being none, nominations were closed.

The nominees, Councillors Mosher and Karsten, provided remarks regarding why they were seeking the position of Deputy Mayor.

Deputy Mayor Smith provided parting comments; noting that it had been an honour and privilege to represent Council and residents as the Deputy Mayor for 2010 -2011.

Ms. Mary Ellen Donovan, Municipal Solicitor, and Ms. Sherryl Murphy, Acting Municipal Clerk, left the meeting to count the election ballots.

Mayor Kelly announced that Councillor Karsten had been elected Deputy Mayor 2011-2012.

Councillor Mosher rose to make the motion unanimous.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillors noted a number of acknowledgements and community events.

**3. APPROVAL OF MINUTES – September 27 & October 4, 2011**

**MOVED by Councillor McCluskey, seconded by Councillor Nicoll that the minutes of September 27 and October 4, 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 Uteck – Request for staff report re: Policy Change - On Street Parking Permits
- 13.2 Councillor McCluskey – Request for staff report re: Children's Memorial in Sullivans Pond Park
- 13.3 Councillor Streach – Request for Staff report re: Livestock Legislation in HRM

**MOVED by Councillor Blumenthal, seconded by Councillor Walker that the agenda 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. **PUBLIC HEARINGS**

- 9.1 **Case 16570 – Municipal Planning Strategy and Land Use By-Law Amendments for Quonset Huts, Cole Harbour/Westphal**

This item was dealt with later in the meeting. Please see page 10.

10. **CORRESPONDENCE, PETITIONS & DELEGATIONS**

10.1 **Correspondence**

10.1.1 **Request for Fly-Past - Remembrance Day Ceremonies**

An e-mail dated October 28, 2011 from Captain Christopher Semeniuk, A3 Tasks Officer 12 Wing Operations Shearwater, was before Council.

**MOVED by Councillor McCluskey, seconded by Councillor Smith that Halifax Regional Council grant permission to 12 Wing Shearwater to conduct three fly pasts in support of events dealing with Veterans and Remembrance Day on November 4, 2011, November 7, 2011 and November 11, 2011. MOTION PUT AND PASSED.**

10.2 **Petitions**

10.2.1 **Councillor Hendsbee**

Councillor Hendsbee submitted a petition containing 28 signatures on behalf of the residents of Mineville to voice community objections to the planned boat launch in the area of Crooks Bridge, at the head of Lawrencetown Lake, in Mineville.

**10.2.2 Councillor Walker**

Councillor Walker submitted a petition containing 18 signatures on behalf of residents of Sunnybrae Avenue who wish to have a No Parking Zone installed on Sunnybrae Avenue from Alex Street to Hillcrest Avenue on the even number side of the street from Monday to Friday, 8:00 a.m. to 4:00 p.m.

**11. REPORTS**

**11.1 CHIEF ADMINISTRATIVE OFFICER**

**11.1.1 Request for Proposal # 11-040 – Banking Services**

A report dated October 14, 2011 was before Council.

**MOVED by Councillor Walker, seconded by Councillor Nicoll that Halifax Regional Council:**

- 1. Award RFP #11-040, Banking Services, subject to negotiation of satisfactory contract terms, to the highest scoring proponent, Scotiabank and their Merchant Card Services partner Chase Paymentech for a maximum term of five (5) years, renewable annually for an estimated annual cost to HRM of \$298,000 including net HST. Funds are available from operating account M110.8017 Bank Charges; and,**
- 2. Authorize the HRM bank signing officers to execute the Agreements necessary to transition to the new service providers.**

**MOTION PUT AND PASSED.**

**11.1.2 Tender 11-285 – Northwest Arm Seawall Replacement – Phase 1 (West Side of Dingle Tower) – West Region**

A report dated September 22, 2011 was before Council.

**MOVED by Councillor Mosher, seconded by Councillor Sloane that Halifax Regional Council award Tender No. 11-285, Northwest Arm Seawall Replacement – Phase 1 (West Side of Dingle Tower), to the lowest bidder meeting specifications, Humphreys Landscape & Construction Ltd., for a Total Tender Price of \$611,586.81 (net HST included) with funding from Project Nos. CPX01331 – Regional Water Access Beach Upgrades, and CPX01190 – Parks Upgrades 09/10, as outlined in the Budget Implications section of the September 22, 2011 report. MOTION PUT AND PASSED.**

**11.1.3 Case 17272 – Municipal Planning Strategy Amendment – Cushing Hill Commercial Comprehensive Development District (CCDD)**

A report dated October 3, 2011 was before Council.

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

- 1. Initiate the process to consider amending the Bedford Municipal Planning Strategy and Land Use By-Law by amending the policies and regulations related to the Cushing Hill Commercial Comprehensive Development District (CCDD); and,**
- 2. Request staff to follow the public participation program as approved by Council in February 1997.**

**MOTION PUT AND PASSED.**

**11.1.4 Commercial Retail Lease Proposal - Halifax Ferry Terminal**

A report dated October 7, 2011 was before Council.

**MOVED by Councillor Sloane, seconded by Councillor Uteck that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into a Lease Agreement between the Halifax Regional Municipality (Landlord) and Starbucks Coffee Canada, Inc. (Tenant), based upon the terms and conditions as outlined in Table 1 and the Budget Implications section of the October 7, 2011 report. MOTION PUT AND PASSED.**

**11.2 NORTH WEST COMMUNITY COUNCIL**

**11.2.1 Central Water and Sewer Services – Lively Subdivision, Springfield Estates Mobile Park and Springfield Lake Subdivision, Middle Sackville**

A report dated October 21, 2011 was before Council.

Councillor Johns moved the staff recommendation with amendments:

**MOVED by Councillor Johns, seconded by Councillor Hendsbee that Halifax Regional Council:**

- 1. Initiate the process to consider the approval of a Local Improvement Charge (LIC) By-Law for the provision of central sewer and water systems and stormwater improvements for the Lively Road area;**

2. **Initiate the process to consider an amendment to the Regional Subdivision By-Law and the Beaver Bank, Hammonds Plains and Upper Sackville MPS, to extend the Water Service Area Boundary along Highway #1 Springfield Avenue (Springfield Estates Mobile Home Park) as well as those areas around Springfield Lake currently serviced by the Springfield Lake Sewage Treatment Plant;**
3. **Initiate the process to consider the approval of a Local Improvement Charge (LIC) By-Law for the extension of central water services along Highway #1 to and including the Springfield Estates Mobile Home Park;**
4. **Request staff to submit a request for financial contribution from the Province, through the Provincial Capital Assistance Program (PCAP), toward the provision of central water services to the Springfield Estates Mobile Home Park; and**
5. **Request that Halifax Water continue to address short term solutions to the servicing issues in the Springfield Lake subdivision and the Springfield Estates Mobile Home Park, with the intent that this area will be considered for connection to the Bedford-Sackville trunk servicing system.**

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

Regarding the implications of the proposed additions to the motion, Mr. Roger Wells, Supervisor of Regional and Community Planning, advised that generally staff was in support of the proposed wording changes brought forward by Councillor Johns. He indicated that HRM and Halifax Water staff as well as the Springfield Estates property owners would determine the extent of the area to be serviced by central water and sewer; noting this was within the realm of the direction in the recommendation.

Mr. Jamie Hannam, Director of Engineering and Information Services with Halifax Water, advised that there were major downstream improvements to be made in the area; however, the recommendation, as amended, did still address this issue.

Mr. Wells stated that Sackville Estates had been in existence for some time and the community gets their water from Little Springfield Lake via an older water treatment facility. He indicated that there have been weather and construction related issues with water becoming contaminated and the community was currently under a boil water order which was why staff was suggesting the extension of the water treatment pipe.

**MOTION PUT AND PASSED.**

### **11.3 AUDIT AND FINANCE STANDING COMMITTEE**

### **11.3.1 Multi-District and Event Facilities**

A report dated October 20, 2011 was before Council.

**MOVED by Councillor McCluskey, seconded by Councillor Smith that Halifax Regional Council approve:**

- 1. That until accountability and reporting processes are updated (as a result of the work in Phase 1 of the proposed project charter) that no new additional major capital expansion, with the exception of the Dartmouth Sportsplex, would be approved in any HRM owned recreation facility. Further, that no new subsidies or significant changes to existing subsidies be approved with a term of more than one year.**
- 2. The proposed two phased approach, focusing on accountability and reporting work in Phase 1 as the necessary preparation for the alignment work in Phase 2.**
- 3. That HRM staff be directed to complete the Indicators (Appendix 6 of the Consultants Report) for the remaining Category 3 and 4 facilities to determine whether they should be included in the Phase 1 project plan.**
- 4. That as part of Phase 2 (alignment), HRM repayment plans be developed for any outstanding capital or operating amounts owing from Multi-District Facilities (MDF) where no repayment plans exist at that time. Repayment plans should be in place by no later than November 2013, within one year of the proposed start of Phase 2. This does not preclude repayment plans being developed earlier.**

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

Mr. Jim Cook, Director of Finance, stated that the consultants recommendation that no new facilities be constructed until reporting processes are in place was removed from the report, as staff thought this would be a contradiction as work was being undertaken on the new stadium.

Mr. Mike Labrecque, Deputy Chief Administrative Officer, advised that staff's recommendation was, however, based on the consultant's report; noting that, at the time work began on this process, it was focussed on existing multi-district facilities. He advised that the key was to have a sustainable approach moving forward to focus work on existing HRM facilities.

Mr. Labrecque also indicated that HRM has 1.9 million square feet of recreation/community facilities; these facilities provide many excellent services to their communities and HRM generally. However, as the reports points out, there is no specifically stated alignment between the services provided and identified community

needs; noting that all issues have to reconcile against community outcomes via reports on programs which staff intends to carry out over the next six months. He stated that an evaluation of what facilities require support and which ones have excess revenues would also take place during this analysis.

Mr. Labrecque advised that staff would continue to repair facilities, money permitting, and that health and safety issues would be addressed; noting this would help shape the 2012/13 Capital Budget.

**MOTION PUT AND PASSED.**

**11.3.2 Parking Enforcement Initiatives between Halifax Regional Municipality and Waterfront Development Corporation Limited (WDCL) – Waterfront Development Reserve Q142**

A report dated October 20, 2011 was before Council.

**MOVED by Councillor McCluskey, seconded by Councillor Sloane that Halifax Regional Council approve the attached Reserve Business Case (Waterfront Development Reserve, Q142), the purpose of which is to allow HRM to administer the parking enforcement revenues generated by the Waterfront Development Corporation Limited (WDCL) – HRM Parking enforcement partnership. The funds generated through this partnership are to be expended as re-investment in HRM owned waterfront assets through projects co-sponsored and planned with the Waterfront Development Corporation Limited.**

A discussion ensued with staff responding to questions.

Mr. Jerry Blackwood, Manager of Revenue, advised that the WDCL would be using their own employees for ticketing and HRM would be providing the electronic ticketing devices; noting the cost would probably be less than \$1000 a month.

**MOTION PUT AND PASSED.**

The meeting recessed at 4:56 p.m.

The meeting reconvened at 6:00 p.m. with the following Councillors not in attendance: Streach, Fisher, Sloane and Johns.

Council dealt with Item 9, Public Hearing, at this time.

**9.1 Case 16570 – Municipal Planning Strategy and Land Use By-Law Amendments for Quonset Huts, Cole Harbour/Westphal**

The following documents were before Council:

- Harbour East Community Council Report dated September 16, 2011

- Marine Drive, Valley and Canal Community Council Report dated September 29, 2011
- Staff report dated July 29, 2011

Ms. Jillian McLellan, Planner, presented the report. She then responded to questions of clarification from Members of Council.

Councillor Barkhouse entered the meeting at 6:02 p.m.

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

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

**MOVED by Councillor Nicoll, seconded by Councillor Hendsbee that Halifax Regional Council approve the proposed amendments to the Cole Harbour / Westphal Municipal Planning Strategy and Land Use By-Law as set out in Attachment A and B of the July 29, 2011 staff report in order to restrict Quonset huts in serviced residential zones. MOTION PUT AND PASSED.**

Council dealt with Item 11.4 at this time.

#### **11.4 MEMBERS OF COUNCIL**

##### **11.4.1 Mayor Kelly - 2012 Halifax Regional Council Schedule**

A report dated October 25, 2011 was before Council.

**MOVED by Deputy Mayor Karsten, seconded by Councillor Barkhouse that Halifax Regional Council approve the 2012 Regional Council Meeting Schedule as outlined in the attachment to the October 25, 2011 report.**

Without a vote being taken on the motion on the floor, it was **MOVED by Councillor Watts, seconded by Councillor Adams that all Regional Council meetings commence at 6:00 p.m. to facilitate broader public participation. MOTION PUT AND DEFEATED.**

In response to a question by Councillor McCluskey, Mayor Kelly noted that there may be one change to the 2012 schedule following the 2012 municipal election, however; the current Council would remain in place until the new Council is sworn in.

**MOVED by Councillor Hum, seconded by Councillor Outhit that a July 31, 2012 Council meeting be held and that there be no Council meeting on October 16,**

**2012 to facilitate the municipal election process for incumbents. MOTION PUT AND DEFEATED.**

A vote was then taken on the main motion as follows:

**MOVED by Deputy Mayor Karsten, seconded by Councillor Barkhouse that Halifax Regional Council approve the 2012 Regional Council Meeting Schedule as outlined in the attachment to the October 25, 2011 report. MOTION PUT AND PASSED.**

**11.4.2 Councillor Dalrymple – Addition of Information Item 3 from October 25, 2011 Regional Council Agenda re: Alderney 5 Energy Project for Staff Presentation**

An Information Report dated October 11, 2011 was before Council.

Councillor Dalrymple requested that staff provide a presentation on the Alderney 5 Energy Project as HRM is now a world industry leader in this issue. The savings generated by this project were greater than anticipated due to the higher cost of electricity.

Mr. Julian Boyle, Planning and Infrastructure, presented a brief verbal update to Regional Council on the Alderney 5 Energy Project. He noted that \$2.7 million was spent on the project and the return to HRM taxpayers to date has been 15% as well as the significant environmental returns.

In response to a question by Councillor McCluskey, Mr. Boyle explained that plans for the excess capacity resulting from this technology is another project as the plan has been to ensure the technology worked on municipal properties and HRM is just heading into year two.

In response to a question by Councillor Hendsbee, Ms. Mary Ellen Donovan, Municipal Solicitor, explained that the Nova Scotia Utility and Review Board have advised that HRM would not have to set up a public utility to move forward with selling off excess capacity as it would not constitute a sale to the public under the Public Utilities Act.

**12. MOTIONS - NONE**

**13. ADDED ITEMS**

**13.1 Councillor Uteck – Request for staff report re: Policy Change - On Street Parking Permits**

**MOVED by Councillor Uteck, seconded by Councillor Watts that Halifax Regional Council request staff provide a report regarding the possibility of amending the On Street Parking Policy to state that if a residential street is “No Parking” on both sides, that the abutting property owner(s)/renter(s) may apply for Permit**

**Parking for a surrounding street pending availability and confirmation by staff.  
MOTION PUT AND PASSED.**

**13.2 Councillor McCluskey – Request for staff report re: Children’s Memorial  
in Sullivans Pond Park**

Whereas a group of parents and families who have suffered the loss of a child have developed a concept for a children's memorial garden in one corner of Sullivan's Pond Park, and;

Whereas such a garden is congruent with the Lake Banook/Sullivans Pond Master Plan passed by this Council, and;

Whereas the group is looking to engage partnership with HRM and in fund raising in the community,

It was **MOVED by Councillor McCluskey, seconded by Councillor Hendsbee that Halifax Regional Council request that staff examine their proposal and bring back a recommendation on how the project might proceed. MOTION PUT AND PASSED.**

**13.3 Councillor Streach – Request for Staff report re: Livestock Legislation in  
HRM**

**MOVED by Councillor Hendsbee, seconded by Councillor Walker that Halifax Regional Council, given that currently HRM does not have any regulations or bylaws in place to regulate the keeping and care of livestock, fowl and poultry in the rural areas of the Municipality, direct HRM Staff to review the Province of Nova Scotia’s "Fences and Detention of Stray Livestock Act" (Chapter 166 of the Revised Statutes, 1989, AMENDED 2002, c. 1, ss. 9-18) and begin the process of developing similar regulations to be adopted and enforced by HRM to deal with the keeping and care of all livestock, fowl and poultry within our Municipality. MOTION PUT AND PASSED.**

**14. NOTICES OF MOTION - NONE**

**15. ADJOURNMENT**

The meeting was adjourned at 6:29 p.m.

Cathy J. Mellett  
Municipal Clerk

**INFORMATION ITEMS**

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1. Proclamation – Restorative Justice Week – November 13-20, 2011
2. Memorandum from Chair, Audit and Finance Standing Committee dated October 20, 2011 re: Work Plan for the Implementation of Recommendations Resulting from the Auditor General's Report on Concerts on the North Common
3. Memorandum from Director, Finance dated October 3, 2011 re: Award of Contracts – CAO Approval
4. Memorandum from the Municipal Clerk dated October 28, 2011 re: Requests for Presentation to Council - None