

HALIFAX REGIONAL COUNCIL  
MINUTES

December 13, 2011

PRESENT:

Mayor Peter Kelly  
Deputy Mayor Bill Karsten  
Councillors: Steve Streach  
Barry Dalrymple  
David Hendsbee  
Lorelei Nicoll  
Darren Fisher  
Jackie Barkhouse  
Jim Smith  
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:

Councillors: Gloria McCluskey  
Stephen Adams

STAFF:

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

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**1. INVOCATION**

The Mayor called the meeting to order at 1:03 p.m. with the Invocation being led by Councillor Harvey.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillors noted a number of community announcements and acknowledgements.

**3. APPROVAL OF MINUTES – November 15 & 22, 2011**

Amendment:

November 22, 2011 – Councillor Hendsbee requested his Notice of Motion, which was ruled out of order, be written out for the record

**MOVED by Councillor Nicoll, seconded by Councillor Wile that the minutes of November 15, 2011 be approved as presented and the minutes of November 22, 2011 be approved as amended. MOTION PUT AND PASSED.**

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

Additions:

- 12.1 Councillor Hum – Request to Add Information Item # 1 “Bayers Lake Business Park and Blue Mountain Birch Cove Lakes Regional Park” to the Agenda for Discussion

**MOVED by Councillor Sloane, seconded by Councillor Blumenthal 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 – October 18, 2011**

- 8.1 Decision re: Case 16466 – First Annual Review – Amendments to the Downtown Halifax Secondary Municipal Planning Strategy and Land Use By-Law (supplementary report) (Public Hearing held & closed October 18, 2011)**

A supplementary report dated November 15, 2011 was before Council.

**MOVED by Councillor Sloane, seconded by Councillor Wile that Halifax Regional Council approve the proposed amendments to the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-law, as contained in Attachments A-2 and B-2 of the November 15, 2011 Supplementary staff report.**

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

Clarification was requested regarding the amendment to items 3 and 4 to which Ms. Kelly Denty, Acting Manager of Development Approvals, advised that both pertain to landscape open space in the Spring Garden Road Precinct and that staff had been asked to have this apply to sidestreets as well. She indicated that staff did not support this as it was not in keeping with the character they were trying to achieve in the downtown. She advised the amendment would not reduce greenspace completely and would rather allow it on a rooftop, for example, in a more usable form. Ms. Denty stated that the right to public greenspace downtown was something staff could look at as they continued the Regional Plan Review.

Councillor Harvey advised for the record that he would not be voting as he had sent his regrets for the Public Hearing held on October 18, 2011.

**MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions**

**9.2.1 Councillor Mosher**

On behalf of Councillor Adams, Councillor Mosher submitted a petition containing 12 signatures on behalf of residents of Purcell's Cove Road requesting action to address the neighbourhood's concerns regarding safety hazards and liabilities at the property located at 595 Purcell's Cove Road, Halifax.

**9.2.2 Deputy Mayor Karsten**

Deputy Mayor Karsten submitted a petition containing 527 signatures on behalf of residents in the Baker Drive area requesting that a crosswalk be installed on Baker Drive or near the intersection of Baker and Coldstream Crescent.

**9.2.3 Councillor Sloane**

Councillor Sloane submitted a petition containing 36 signatures on behalf of persons against the sale of Saint Patrick's – Alexandra School to a for – profit proponent.

**10. REPORTS**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Sole Source to Versaterm for Electronic Summary Offence Ticket Configuration**

A report dated November 16, 2011 was before Council.

**MOVED by Councillor Smith, seconded by Deputy Mayor Karsten that Halifax Regional Council, in accordance with the Sole Source Policy (Administrative Order 35, Section 8(11), (sub-sections (a) and (b) attached), award a sole source purchase for Electronic Summary Offence Ticket Configuration, to Versaterm for an Estimated Amount of \$86,703.38 (net HST included) with funding from Project Account No. CIP00763-Computer Aided Dispatch, as outlined in the Budget Implications section of the November 16, 2011 staff report. MOTION PUT AND PASSED.**

**10.1.2 Increase to Contracts – Demolition of the Former Halifax County Rehabilitation Centre**

A report dated November 9, 2011 was before Council.

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

- 1) Approve an increase to Project No. CBX01099, Former Rehab Centre Demolition, in the amount of \$150,000, funded by a transfer from Project No. CBX01162, Environmental Remediation/Building Demolition, as outlined in the Budget Implications section of the November 9, 2011 staff report;**
- 2) Authorize an increase to the contract with Dillon Consulting Limited for risk assessment, monitoring and additional scope of work for the demolition of the former Halifax County Rehabilitation Centre, in the amount of \$56,418.73 (net HST included) with funding from Project No. CBX01099, as outlined in the Budget Implications section of the November 9, 2011 supplementary staff report; and**
- 3) Authorize an increase to the contract with J.W. Lindsay Enterprises Limited for additional scope of work for the demolition of the former Halifax County Rehabilitation Centre, in the amount of \$134,528.94 (net HST included) with funding from Project No. CBX01099, as outlined in the Budget Implications section of the November 9, 2011 staff report.**

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

Mr. Phillip Townsend, Director of Planning and Infrastructure, advised that this was unanticipated as there was a scope of work as per the RFP issued in 2002 that included removing hydrocarbons; however, in conducting environmental assessments, staff do not partially demolish which was why during the actual demolition, hydrocarbons were found under the slab.

Mr. Townsend also advised that a visioning plan for open spaces was being developed for the site and staff would be going to the public for final review of land use suggestions; noting that a portion of the site with existing facilities would probably remain in public ownership.

**MOTION PUT AND PASSED.**

**10.1.3 North End Business Improvement District Clarification (Supplementary Report)**

A supplementary report dated November 28, 2011 was before Council.

**MOVED by Councillor Blumenthal, seconded by Councillor Walker that Halifax Regional Council provide clarity in regards to the motion of July 5, 2011 to “remove the Hydrostone area” from the Business Improvement District for the Agricola and Gottingen Street area by specifically excluding the following sixteen (16) properties, such exclusion to be effective immediately:**

- 5509/5509B/5511/5513 Young Back Lane, Halifax (PID#00126656) / (ANN#00194786)
  - 5515/5517 Young Street, Halifax (PID# 00126649) / (ANN#03440745)
  - 5519/5521 Young Street, Halifax (PID#41214685) / (ANN#09887075)
  - 5523/5525/5527 Young Street, Halifax (PID#41214693) / (ANN#09887083)
  - 5529 Young Street, Halifax (PID#41214701) / (ANN#09887091)
  - 5531/5533 Young Street, Halifax (PID#41214719) / (ANN#09887105)
  - 5535/5537/5539 Young Street, Halifax (PID#41214727) / (ANN#09887113)
  - 5541/5543 Young Street, Halifax (PID#41214735) / (ANN#09887121)
  - 5545/5547 Young Street, Halifax (PID#41214743) / (ANN#09887148)
  - 5555 Young Street, Halifax (PID# 00126631) / (ANN#01835092)
  - 5528/5530 Kaye Street, Halifax (PID#00127126) / (ANN#04208641)
  - 5536 Kaye Street, Halifax (PID#00127118) / (ANN#01235745)
  - 5540 Kaye Street, Halifax (PID#00127100) / (ANN#01991167)
  - 5548 Kaye Street, Halifax (PID#00127092) / (ANN#04734955)
  - 5651 Kaye Street, Halifax (PID#00131805) / (ANN#04243994)
  - 3089 Gottingen, Halifax (PID#00105973) / (ANN#01876759)
2. It is recommended that Halifax Regional Council approve the revised North End Business Improvement District boundary, as shown in Attachment 4 to the November 28, 2011 supplementary staff report.

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

Councillor Blumenthal added that the Hydrostone area had its own informal business group and was not looking for money from HRM for a Business Improvement District (BID).

Several members of Council were concerned that exempting the Hydrostone Business District from the North End BID could set precedence for every other BID in HRM which would cause instability. There was also concern that this would piecemeal the North End BID area.

Regarding concern that additional properties had come forward to request exemption since the original three were brought forward on July 5, 2011, staff advised that the three properties being spoke of originally actually included 10 of the 16 currently before Council as one of the properties had several infant parcels. It was also noted that, in terms of the debate on July 5, 2011, at least 14 of the properties in question were referenced indirectly.

Staff noted that the tax bill for the properties had already been sent out but could be refunded depending on Council's decision.

Regarding the potential of this decision setting precedent for future BIDs, Ms. Mary Ellen Donovan, Municipal Solicitor, advised that it was Council's decision as to the boundaries of any BID.

Staff advised that they were in the process of drafting a BID By-law.

A recorded vote was requested.

**MOTION PUT AND PASSED (14 in favour, 7 against)**

Those voting in favour were Mayor Kelly, Deputy Mayor Karsten and Councillors Blumenthal, Dalrymple, Fisher, Hum, Lund, Mosher, Nicoll, Rankin, Smith, Streach, Walker, and Wile.

Those voting against were Councillors Barkhouse, Harvey, Johns, Outhit, Sloane, Uteck and Watts.

Councillors Adams, Hendsbee, and McCluskey were absent from the vote.

**10.1.4 Ratify Key Terms for Oval Naming Sponsor**

A report dated December 6, 2011 was submitted.

**MOVED by Councillor Sloane, seconded by Councillor Mosher that Halifax Regional Council:**

- 1. Ratify the term sheet with Emera provided as Attachment 1 to the report dated December 6, 2011 and authorize the Mayor and Municipal Clerk to execute the term sheet and any subsequent agreement;**
- 2. Ratify the term sheet with Molson provided as Attachment 2 to the report dated December 6, 2011 and authorize the Mayor and Municipal Clerk to execute the term sheet and any subsequent agreement;**
- 3. Authorize an increase in the amount of \$121,000 to Project Account #CBX01344 – Skating Oval, with funding to be provided by Emera;**
- 4. Authorize an increase in the amount of \$400,000 to Project Account #CBX01344 – Skating Oval, with funding to be provided by Molson;**
- 5. Authorize an increase in the amount of \$12,000 to Project Account #CBX01344 – Skating Oval, with funding to be provided by Molson; and**
- 6. Authorize a decrease in debt funding in the amount of \$400,000 to Project Account #CBX01344 – Skating Oval, and a budget increase funded through debt in the amount of \$400,000 to Project Account #CTU00420 – Active Transportation Project, as per the November 22, 2011 Council report.**

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

For clarification, Mr. Peter Bigelow, Manager of Real Property Planning, advised that all maintenance for the Oval falls to HRM including the gantries which were installed as part of the temporary Oval to hold banners. He indicated that the function of the gantries on a go forward basis would be to identify place and space by creating a sense of gateway and perhaps an information kiosk. He noted that HRM would have future opportunities for additional sponsorship.

Ms. Donovan also clarified that while HRM had no legal ability to support the maintenance and advertising cost for any private business, HRM could support the maintenance of a structure to support municipal infrastructure. She indicated that the banner gantries were HRM infrastructure and separate advertisements were not permitted on the Commons as all infrastructure on the Commons must be for public purposes.

Mr. Bigelow noted that support of the gantries would cost HRM approximately \$3000 per year to maintain and information signage an additional \$1000.

It was requested that the motion be split and that a recorded vote be taken for each separate motion.

**MOVED by Councillor Sloane, seconded by Councillor Mosher that Halifax Regional Council ratify the term sheet with Emera provided as Attachment 1 to the report dated December 6, 2011 and authorize the Mayor and Municipal Clerk to execute the term sheet and any subsequent agreement. MOTION PUT AND PASSED. (19 in favour, 3 against)**

Those voting in favour were Mayor Kelly, Deputy Mayor Karsten and Councillors Blumenthal, Dalrymple, Fisher, Hendsbee, Hum, Johns, Mosher, Nicoll, Outhit, Rankin, Sloane, Smith, Streach, Uteck, Walker, Watts, and Wile.

Those voting against were Councillors Barkhouse, Harvey and Lund.

Councillors Adams and McCluskey were absent from the vote.

**MOVED by Councillor Sloane, seconded by Councillor Mosher that Halifax Regional Council ratify the term sheet with Molson provided as Attachment 2 to the report dated December 6, 2011 and authorize the Mayor and Municipal Clerk to execute the term sheet and any subsequent agreement. MOTION PUT AND PASSED. (17 in favour, 5 against)**

Those voting in favour were Mayor Kelly and Councillors Blumenthal, Dalrymple, Fisher, Hendsbee, Hum, Johns, Mosher, Nicoll, Outhit, Rankin, Sloane, Smith, Streach, Uteck, Walker, and Wile.

Those voting against were Deputy Mayor Karsten and Councillors Barkhouse, Harvey, Lund, and Watts.

Councillors Adams and McCluskey were absent from the vote.

**MOVED by Councillor Sloane, seconded by Councillor Mosher that Halifax Regional Council authorize an increase in the amount of \$121,000 to Project Account #CBX01344 – Skating Oval, with funding to be provided by Emera. MOTION PUT AND PASSED. (19 in favour, 3 against)**

Those voting in favour were Mayor Kelly and Councillors Blumenthal, Dalrymple, Fisher, Hendsbee, Hum, Johns, Lund, Mosher, Nicoll, Outhit, Rankin, Sloane, Smith, Streach, Uteck, Walker, Watts, and Wile.

Those voting against were Deputy Mayor Karsten and Councillors Barkhouse and Harvey.

Councillors Adams and McCluskey were absent from the vote.

**MOVED by Councillor Sloane, seconded by Councillor Mosher that Halifax Regional Council authorize an increase in the amount of \$400,000 to Project**

**Account #CBX01344 – Skating Oval, with funding to be provided by Molson.  
MOTION PUT AND PASSED. (16 in favour, 6 against)**

Those voting in favour were Mayor Kelly and Councillors Blumenthal, Dalrymple, Fisher, Hendsbee, Hum, Johns, Mosher, Outhit, Rankin, Sloane, Smith, Streach, Uteck, Walker, and Wile.

Those voting against were Deputy Mayor Karsten and Councillors Barkhouse, Harvey, Lund, Nicoll, and Watts.

Councillors Adams and McCluskey were absent from the vote.

**MOVED by Councillor Sloane, seconded by Councillor Mosher that Halifax Regional Council authorize an increase in the amount of \$12,000 to Project Account #CBX01344 – Skating Oval, with funding to be provided by Molson.  
MOTION PUT AND PASSED. (17 in favour, 5 against)**

Those voting in favour were Mayor Kelly and Councillors Blumenthal, Dalrymple, Fisher, Hendsbee, Hum, Johns, Mosher, Nicoll, Outhit, Rankin, Sloane, Smith, Streach, Uteck, Walker, and Wile.

Those voting against were Deputy Mayor Karsten and Councillors Barkhouse, Harvey, Lund, and Watts.

Councillors Adams and McCluskey were absent from the vote.

**MOVED by Councillor Sloane, seconded by Councillor Mosher that Halifax Regional Council authorize a decrease in debt funding in the amount of \$400,000 to Project Account #CBX01344 – Skating Oval, and a budget increase funded through debt in the amount of \$400,000 to Project Account #CTU00420 – Active Transportation Project, as per the November 22, 2011 Council report. MOTION PUT AND PASSED. (21 in favour, 1 against)**

Those voting in favour of the motion were Mayor Kelly, Deputy Mayor Karsten, and Councillors Blumenthal, Dalrymple, Fisher, Harvey, Hendsbee, Hum, Johns, Lund, Mosher, Nicoll, Outhit, Rankin, Sloane, Smith, Streach, Uteck, Walker, Watts, and Wile.

Councillor Barkhouse voted against the motion.

Councillors Adams and McCluskey were absent from the vote.

**10.1.5 Request for Proposal No. 11-040 Banking Services**

A report dated December 5, 2011 was before Council.

**MOVED by Councillor Walker, seconded by Councillor Blumenthal that Halifax Regional Council award RFP #11-040, Banking Services, subject to negotiation of satisfactory contract terms, to the lowest cost 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.**

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

Several members of Council expressed concern that they could not support the motion as Scotiabank was not the highest scoring proponent in the RFP process and, out of fairness, the highest scoring proponent, RBC, should have been awarded the RFP.

Councillor Rankin stated for the record that he could not, in good conscience, support the staff recommendation on the basis that:

- A request for proposal does not constitute a tender;
- The other competing bank, which is not being recommended, though now it has received more points after a staff error was discovered; and which total point system was the same one used as the basis for the earlier award to the other bank;
- For staff to assign now more value to cost savings beyond the maximum 15 points out of 100 points on the request for the proposal's scoring matrix is not an acceptable business practice and does constitute unfairness in the conducting of good tendering principles.

Mr. Jim Cook, Director of Finance, advised that staff stood by their recommendation as Scotiabank was offering a lower cost by half a million dollars and had only scored three points lower than RBC.

Several other Councillors countered that half a million dollars in savings could not be overlooked.

Ms. Donovan advised that staff's approach was supported by the terms of the RFP.

Mr. Richard Butts, Chief Administrative Officer, indicated that Council's only choice was to retender if they did not agree with staff's proposal, which he did not recommend as the same issue would occur again.

Councillor Barkhouse advised, for the record, that she could not support the motion on principle.

Mr. Larry Munroe, Auditor General, was asked for his opinion on the matter. He advised that he had not studied how the scoring took place and; therefore, could not provide comment.

Mr. Cook advised that Council was not obliged to take the highest scoring nor the lowest cost proponent as it was ultimately at Council's discretion as to which proponent to choose.

A recorded vote was requested.

**MOTION PUT AND PASSED. (15 in favour, 6 against)**

Those voting in favour were Mayor Kelly and Councillors Blumenthal, Dalrymple, Harvey, Hendsbee, Hum, Lund, Outhit, Sloane, Smith, Streach, Uteck, Walker, Watts, and Wile.

Those voting against were Deputy Mayor Karsten and Councillors Barkhouse, Fisher, Johns, Nicoll, and Rankin.

Councillors Adams, McCluskey and Mosher were absent from the vote.

The meeting recessed at 3:12 p.m.

The meeting reconvened at 3:30 p.m. with the same members present.

**10.1.6 Case 17342 – Wind Energy Initiation**

A report dated November 10, 2011 was before Council.

Councillor Nicoll moved an alternative motion as follows:

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

- 1. Initiate the process to consider amending the Regional Municipal Planning Strategy (RMPS) and Land Use By-Laws (LUB) for Cole Harbour/Westphal to enable wind turbine development on the portion of the urban reserve lands owned by the Nova Scotia Home for Coloured Children and the Knox/Oxner parcel that is immediately adjacent to the transmission power line corridor; and**
- 2. Initiate a Community Consultation process for large scale turbines by amending the MPS and various Land Use Bylaws to require a Development Agreement (DA) process.**

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

Councillor Streach noted that large scale turbines were described as those that were two megawatts or higher and he had concerns that, in an attempt to get around this,

some companies would create 1.99 megawatt turbines. He wondered how HRM would deal with this issue.

Mr. Kurt Pyle, Supervisor of Planning Applications and Heritage, advised that staff were fine with the amended motion. He also indicated that any turbine application greater than 300 kilowatts would require a development agreement which would include public consultation; noting that, by the motion on the floor, any medium or large scale turbine would require a development agreement.

**MOVED by Councillor Watts, seconded by Councillor Sloane that Halifax Regional Council defer consideration of staff recommendation 2 of the report dated November 10, 2011 and request a supplementary report regarding the implications of the recommendation for a development agreement process as well as clarification on the current approach being proposed.**

A discussion on the deferral ensued.

In response to whether the deferral would place a hold on wind turbine development until the supplementary report returns, Mr. Pyle advised that this would not be case as the rules as they exist now would continue and regulations would apply until Council makes its decision. He indicated that it was a six month process for changes to be made and staff would bring the report back on January 17, 2012.

Concern was expressed by Council that after almost a year of consultation the motion as put forward reverses Council's direction.

It was requested that the motion be split.

**MOVED by Councillor Nicoll, seconded by Councillor Streach that Halifax Regional Council initiate the process to consider amending the Regional Municipal Planning Strategy (RMPS) and Land Use By-Laws (LUB) for Cole Harbour/Westphal to enable wind turbine development on the portion of the urban reserve lands owned by the Nova Scotia Home for Coloured Children and the Knox/Oxner parcel that is immediately adjacent to the transmission power line corridor. MOTION PUT AND PASSED.**

**MOVED by Councillor Watts, seconded by Councillor Sloane that Halifax Regional Council defer consideration of staff recommendation 2 of the report dated November 10, 2011 and request a supplementary report regarding the implications of the recommendation for a development agreement process as well as clarification on the current approach being proposed. MOTION TO DEFER PUT AND PASSED.**

**10.1.7 Case 17223 – Municipal Planning Strategy and Land Use By-Law Amendments for Bissett Lake Road**

A report dated November 8, 2011 was before Council.

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

- 1. Initiate the process to consider amending the Cole Harbour/Westphal Municipal Planning Strategy and Land Use By-Law to enable a learning centre at Bissett Lake Road, Cole Harbour; and**
- 2. Request staff to follow the public participation program as approved by Council in February 1997.**

**MOTION PUT AND PASSED.**

#### **10.1.8 Shel Drake Lake Metro X Service**

A report dated December 1, 2011 was before Council.

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

- 1. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the Purchase of a portion of 3284 St. Margaret's Bay Road, Timberlea Nova Scotia, PID # 4103186 as per the key terms and conditions outlined in Table 1 of the December 1, 2011 staff report; and**
- 2. Direct staff to proceed with Option 2 as outlined on page 3 of the December 1, 2011 staff report.**

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

Councillor Rankin advised that he decided to bring Option 2 forward from the staff report dated December 1, 2011 in the spirit of compromise as Option 1 would cost \$200,000 more.

Mr. Eddie Robar, Director of Metro Transit, indicated that the daily ridership of this service currently sits at 71 as a full build out with room for drop offs; noting the service would take some time to develop.

Several members of Council advised that while they could support moving forward with staff recommendation one to move forward with the land acquisition, they could not support proceeding with an option.

Regarding the budget implications of moving forward with Option 2, Mr. Robar indicated that funding was already in the capital account so it would not affect the land acquisition and that the only issue or risk would be in renegotiating the terms with the land owner

as staff had negotiated Option 1. He advised this would also not affect Metro Transit's operational budget as it was a planned for approach.

Mr. Mike Labrecque, Deputy Chief Administrative Officer, stated that choosing an option would help staff go back to the land owner and be clear on what they intended to do with the property. He indicated that there have been concerns that if ridership does not materialize at Exit 4, HRM would be left with surplus lands with no use; noting that Table 1/Option 1 reflects a full build out and Option 2 does not. In closing, he advised that Council could move Option 2 as long as it was understood that the terms and conditions would change.

It was requested that the motion be split and that a recorded vote be taken for each separate motion.

**MOVED by Councillor Rankin, seconded by Councillor Lund that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the Purchase of a portion of 3284 St. Margaret's Bay Road, Timberlea Nova Scotia, PID # 4103186 as per the key terms and conditions outlined in Table 1 of the December 1, 2011 staff report. MOTION PUT AND PASSED. (20 in favour, 2 against)**

Those voting in favour were Mayor Kelly and Councillors Barkhouse, Blumenthal, Dalrymple, Fisher, Harvey, Hendsbee, Hum, Johns, Lund, Mosher, Nicoll, Outhit, Rankin, Smith, Streach, Uteck, Walker, Watts, and Wile.

Deputy Mayor Karsten and Councillor Sloane voted against the motion.

Councillor Adams and McCluskey were absent from the vote.

**MOVED by Councillor Rankin, seconded by Councillor Lund that Halifax Regional Council direct staff to proceed with Option 2 as outlined on page 3 of the December 1, 2011 staff report. MOTION PUT AND PASSED. (16 in favour, 6 against)**

Those voting in favour were Mayor Kelly and Councillors Blumenthal, Dalrymple, Harvey, Hendsbee, Hum, Johns, Lund, Mosher, Nicoll, Outhit, Rankin, Smith, Streach, Walker, and Wile.

Those voting against were Deputy Mayor Karsten and Councillors Barkhouse, Fisher, Sloane, Uteck, and Watts.

Councillor Adams and McCluskey were absent from the vote.

**MOVED by Deputy Mayor Karsten, seconded by Councillor Watts that Halifax Regional Council continue the meeting to finish the agenda. MOTION PUT AND PASSED.**

**10.1.9 Request for Proposal 11- 039 Former St. Patrick's Alexandra School,  
2277 Maitland Street, Halifax**

A report dated November 21, 2011 was before Council.

Correspondence dated December 12, 2011 from Ms. Kathleen Allen was submitted.

Correspondence dated December 13, 2011 from Mr. Joseph Metlege, Vice President of Templeton Properties, was submitted.

Councillor Sloane presented the correspondence dated December 12, 2011 from Ms. Kathleen Harris.

**MOVED by Councillor Sloane, seconded by Councillor Watts that Halifax Regional Council defer decision on this matter until January 17, 2012 to allow for public consultation.**

A discussion on the deferral ensued.

Ms. Cathy Mellett, Municipal Clerk, clarified that there was also an In Camera information report regarding this matter.

Regarding legal implications, Ms. Donovan indicated that one of Council's options was to terminate the RFP process; however, one of the limitations to that decision would be that Council would have to look at a new process carefully as they could not simply redo the original one. She stated that if Council was not going to change the RFP process, she would advise they keep the process that was currently before them.

Councillor Walker suggested that public consultation would still be done during the Public Hearing process for rezoning and the development agreement.

It was noted that the proponent's offer was only in place for a finite amount of time and 90 days was the typical timeline from submission of offer in the RFP terms of reference.

Mr. Peter Stickings, Manager of Real Estate and Facility Management Services, advised that there was a bit of flexibility in this instance; however, the RFP closed in August 2011 so Council's decision was timely as they were already three weeks outside of the 90 days.

Mr. Butts requested clarification from Councillor Sloane regarding what exactly the consultation was intended to achieve.

Councillor Sloane provided clarification and the motion now reads as follows:

**MOVED by Councillor Sloane, seconded by Councillor Watts that Halifax Regional Council defer the decision to January 17, 2012 to allow the community time to work on their future through education/consultation including:**

- 1. Education for the community about how a development agreement process works; and**
- 2. Allow the community to understand what can be developed on the site and how.**

Discussion on the deferral continued.

Several members of Council expressed concern with what could be accomplished in a month by the deferral.

Councillor Smith indicated that there was a policy on how HRM deals with surplus schools which Council should stay within.

Councillor Mosher stated that she understood both sides of the argument; noting that the applicant stated they want to do community consultation and that they had approached the Micmac Friendship Centre who advised they were not interested in submitting a joint bid.

Ms. Peta Jane Temple, Team Leader of Tax, Grants and Special Projects, advised that staff were aware of the condition of the current Micmac Friendship Centre building; noting they have received grants over the past few years including a comprehensive feasibility study on alternate sites and new construction. She indicated that they did not fund a submission to the RFP through the Grants program and it was the Centre's choice to only bid on the school site.

Mr. Butts stated that the former school costs HRM \$200,000 in utilities each year; therefore, the value of the bid is reduced each month Council delays decision.

Councillor Hendsbee requested that, in the future, Public Information Meetings be held regarding surplus schools before they go to the tender process.

In response to suggestions made by Councillor Watts, Ms. Donovan indicated that if there were to be additional restrictions embedded in the agreement Council was looking for; this would not be part of the current RFP process and; therefore, a new RFP process would be required. She also advised that in the event that any new consultation process was to engage any of the current proponents, those kinds of discussions which only involve some of the proponents would not be within the current RFP process and could only be done in advance of a new RFP process.

In closing, Councillor Sloane advised that funding was the reason why the Micmac Friendship Centre could not be part of a joint bid as they may have to actually own property to receive money from the Aboriginal Council and other government bodies.

A recorded vote was taken on the deferral.

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

Those voting in favour were Councillors Barkhouse, Hendsbee, Nicoll, Sloane, Uteck, and Watts.

Those voting against were Mayor Kelly, Deputy Mayor Karsten and Councillors Blumenthal, Dalrymple, Fisher, Harvey, Hum, Johns, Lund, Mosher, Outhit, Rankin, Smith, Streach, Walker, and Wile.

Councillors Adams and McCluskey were absent from the vote.

Councillor Walker moved the staff recommendation.

**MOVED by Councillor Walker, seconded by Councillor Rankin that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the highest scoring proponent of RFP 11-039, Sale of 2277 Mainland Street to Jono Developments Ltd. or assigned company name, subject to the minimum key terms and conditions outlined in Table 1 of the Confidential Information Report dated November 21, 2011.**

Discussion on the motion ensued.

Councillor Sloane presented the process which outlines how HRM is supposed to dispose of surplus properties. She wondered why HRM has a process that gives a for profit proponent bonus points for including a non profit and why profit and not for profit proponents were scored against each other. She also expressed concern that the process of asking the community if they would like the property first was not followed.

Mr. Stickings advised that no bonus points are issued to a private sector proponent; however, the proponent for this RFP brought a proposal forward that included affordable housing and a strong community component which was not mandatory.

Ms. Temple advised that the 'value added' portion of the RFP was not exclusive to for profit proponents and non profits could be included as well. She stated that, in the scoring schedule, the least points are awarded for the financial offer, 20 out of 100 in this case, so the weighting of the scoring was really more to the intent of the proposal and the broader public benefit.

Councillor Sloane wondered how one could weigh a non profit against a for profit proponent as it was not equal.

Councillor Watts advised that three non profit organizations in the community represent groups that have been there for a significant amount of time and she hoped this history was not lost on the proponent.

**MOVED by Councillor Rankin, seconded by Councillor Walker that the question now be put.**

A recorded vote was requested.

**MOTION TO PUT THE QUESTION, PUT AND PASSED. (18 in favour, 4 against)**

Those voting in favour were Mayor Kelly, Deputy Mayor Karsten and Councillors Blumenthal, Dalrymple, Fisher, Harvey, Hum, Johns, Lund, Mosher, Nicoll, Outhit, Rankin, Smith, Streach, Uteck, Walker, and Wile.

Those voting against were Councillors Barkhouse, Hendsbee, Sloane, and Watts.

Councillors Adams and McCluskey were absent from the vote.

A recorded vote was requested on the main motion as follows:

**MOVED by Councillor Walker, seconded by Councillor Rankin that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the highest scoring proponent of RFP 11-039, Sale of 2277 Mainland Street to Jono Developments Ltd. or assigned company name, subject to the minimum key terms and conditions outlined in Table 1 of the Confidential Information Report dated November 21, 2011.**

**MOTION PUT AND PASSED. (17 in favour, 5 against)**

Those voting in favour were Mayor Kelly, Deputy Mayor Karsten and Councillors Blumenthal, Dalrymple, Fisher, Harvey, Hum, Johns, Lund, Mosher, Outhit, Rankin, Smith, Streach, Uteck, Walker, and Wile.

Those voting against were Councillors Barkhouse, Hendsbee, Nicoll, Sloane, and Watts.

Councillors Adams and McCluskey were absent from the vote.

The meeting recessed at 5:58 p.m.

The meeting reconvened at 6:00 p.m.

## **10.2 ENVIRONMENT AND SUSTAINABILITY STANDING COMMITTEE**

### **10.2.1 Solar City – Solicitation Approval**

A report from the Environment and Sustainability Standing Committee was before Council.

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

1. **Direct staff to issue a competitive Request for Proposals (RPF) for the supply and installation of solar hot water panels and consulting services for the Solar City Initiative;**
2. **Direct staff to finalize a contribution agreement with the Province of Nova Scotia to support the Solar City Initiative development and implementation and increase the Sustainability Communities Reserve (Q127) by the corresponding amount (approximately \$50,000); and**
3. **Using the principles approved in the February 8, 2011, recommendation by Regional Council, direct staff to:**
  - 1) **finalize the business case; and**
  - 2) **undertake a full analysis of the financial, technical and contractual risk in parallel to the RFP process.**

Councillor Watts spoke in support of the motion, noting the benefits for environmental sustainability and economic development for the community and industry.

**MOVED by Councillor Watts, seconded by Councillor Hum that the question now be put. MOTION TO PUT THE QUESTION, PUT AND PASSED.**

**MAIN MOTION PUT AND PASSED.**

**11. MOTIONS – NONE**

**12. ADDED ITEMS**

**12.1 Councillor Hum – Request to add Information Item #1 “Bayers Lake Business Park and Blue Mountain Birch Cove Lakes Regional Park” to the Agenda for Discussion**

A submission from Bob MacDonald, Chair of Halifax North West Trails Association with attached letter from the Halifax North West Trails Group in follow up to the Information Report on Bayers Lake Business Park and Blue Mountain Birch Cove Lakes Wilderness Park was before Council.

In response to questions raised by Councillor Hum, Peter Bigelow, Manager, Real Property Planning, Planning and Infrastructure, provided the following clarification:

- Two processes approved by Regional Council:
  - Divesting the lands at the rear of the Bayers Lake Business Park
  - Assembling lands for the proposed Regional Park

- Once a proponent is secured by HRM for those lands, staff would enter into negotiations for certain lands to be conveyed or held by HRM for the proposed Regional Park
- The entrance to the proposed park has shifted in order to better achieve Municipal objectives
- Staff is recommending that the parcel of land where there is a bog/marsh be retained
- In terms of the proposed Regional Park schedule: staff is working on concluding the application process for subdivision; staff is also in discussions with the Department of Environment to detail the proposed park and advance the concept plan to a point where HRM can better refine the necessary lands
- Staff has commenced discussions with other land owners in preparation for negotiations for acquisitions over the summer of 2012
- Regarding community engagement: there is opportunity for public input; feedback received to date will be incorporated into the concept plan and will be brought back to the public for review and additional input

**MOVED by Councillor Hum, seconded by Councillor Smith that Halifax Regional Council reaffirm the process as outlined in the November 22, 2011 staff information report and presentation. MOTION PUT AND PASSED.**

### **13. NOTICES OF MOTION**

#### **13.1 Councillor Watts**

Take Notice that at the next regular meeting of the Halifax Regional Council to be held January 10, 2012, I intend to introduce a motion to ask for a staff report to review the current Surplus Property Disposal Policy, addressing issues of Municipal mandate/requirements and public consultation.

#### **13.2 Councillor Sloane**

Take Notice that at the next regular meeting of the Halifax Regional Council to be held January 10, 2012, I intend to introduce a Motion of Reconsideration on the sale of the former St. Patrick's Alexandra School site.

**MOVED by Councillor Mosher, seconded by Councillor Outhit that Halifax Regional Council suspend the Rules of Order to permit the Motion of Reconsideration on the former St. Patrick's Alexandra School site to be considered at this evening meeting.**

Mayor Kelly advised that the mover, along with 2/3 majority of Council must be in support of suspending the Rules of Order in order to address the Motion of Reconsideration.

Councillor Sloane indicated that she wanted to wait until the January 10, 2012 meeting to put forward a Motion of Reconsideration on the former St. Patrick's Alexandra School site.

In response to questions of clarification raised by Council on the process, the Municipal Solicitor clarified that as Councillor Sloane gave Notice of Motion, the Councillor has the option of delaying putting forward the Motion of Reconsideration until the next meeting of Council. In the event another Councillor puts forward a Notice of Reconsideration on the former St. Patrick's Alexandra School site, there would be an opportunity to deal with it at this meeting should the mover and 2/3 majority of Council agree to suspend the Rules of Order.

On a question raised regarding liability, the Municipal Solicitor advised that there are no liability issues associated with reconsideration of the motion passed this evening.

### **13.3 Councillor Rankin**

Take Notice that at the next regular meeting of the Halifax Regional Council to be held January 10, 2012, I intend to introduce a Motion of Reconsideration on the sale of the former St. Patrick's Alexandra School site.

**MOVED by Councillor Rankin, seconded by Councillor Johns that Halifax Regional Council suspend the Rules of Order to address the Motion of Reconsideration this evening.**

Mayor Kelly clarified that Council needs 2/3 majority to suspend the Rules of Order to deal with a Motion of Reconsideration this evening.

Councillor Sloane requested a recorded vote.

In response to a further question raised on the process, the Municipal Solicitor clarified that motions could only be reconsidered once and if Council agreed to suspend the Rules of Order to address Councillor Rankin's Motion of Reconsideration, Councillor Sloane's Notice of Motion would be void.

A recorded vote was taken.

**MOTION TO SUSPEND THE RULES OF ORDER PUT AND PASSED. (15 in favour, 7 against)**

Those voting in favour were: Mayor Kelly, Deputy Mayor Karsten, Councillors Dalrymple, Fisher, Harvey, Hum, Johns, Mosher, Nicoll, Outhit, Rankin, Smith, Streach, Walker and Wile.

Those voting against were: Councillors Barkhouse, Blumenthal, Hendsbee, Lund, Sloane, Uteck and Watts.

Councillors Adams and McCluskey were absent for the vote.

The Municipal Solicitor clarified having voted to suspend the rules, Council is now in a position to deal with the motion to reconsider the original vote on the former St. Patrick's Alexandra School site. If Council votes no to the reconsideration, the decision on the St. Patrick's Alexandra property would stand. Voting yes to the reconsideration would reopen the debate on the motion.

**MOVED by Councillor Rankin, seconded by Councillor Walker that the Motion of Reconsideration of the decision relative to the former St. Patrick's Alexandra School site be put.**

A recorded vote was taken.

**MOTION OF RECONSIDERATION PUT AND DEFEATED. (6 in favour, 16 against)**

Those voting in favour were: Councillors Barkhouse, Hendsbee, Lund, Nicoll, Sloane and Watts.

Those voting against were: Mayor Kelly, Deputy Mayor Karsten, Councillors Blumenthal, Dalrymple, Fisher, Harvey, Hum, Johns, Mosher, Outhit, Rankin, Smith, Streach, Uteck, Walker and Wile.

Councillors Adams and McCluskey were absent for the vote.

#### **14. IN CAMERA**

Council may rise and go into a private In Camera session, in accordance with Section 19 of the Halifax Regional Municipality Charter, for the purpose of dealing with the following;

##### **14.1 In Camera Minutes – November 22, 2011**

Clarification was provided on the In Camera process.

**MOVED by Councillor Karsten, seconded by Councillor Blumenthal that the In Camera minutes of November 22, 2011 be approved, as circulated.**

It was noted that Councillor Uteck would follow up with the Clerk respecting a typographical error in the November 22<sup>nd</sup> In Camera Minutes.

**MOTION PUT AND PASSED.**

Councillors Outhit and Hendsbee rose on Points of Order regarding the In Camera process as it relates to Administrative Order One.

The Clerk clarified that Council has two choices on the matters before them:

- move and vote on the In Camera motion as it appears on the agenda without debate or amendment; or
- if council wishes to debate an item, move and vote to refer the item to In Camera to seek clarification or to enable debate and/or amendment; the Councillor is required to provide reasoning for moving the item to In Camera

It was noted that no privileges are being taken from Council in regard to this procedure.

## **14.2 Personnel Matter**

Citizen and Councillor appointments to boards and committees in keeping with the Public Appointment Policy adopted by Regional Council in August 2011, to be found at <http://www.halifax.ca/boardscom/documents/Citizenrecruitmentpolicy.pdf>

### **14.2.1 Councillor & Citizen Appointments to Associated Boards & Committees – Private & Confidential Standing Committees Report**

A private and confidential staff report dated November 28, 2011 was before Council.

**MOVED by Councillor Rankin, seconded by Councillor Mosher that Halifax Regional Council:**

- 1. Adopt the recommendations of the Standing Committees regarding the Councillor and Citizen Appointments as outlined in Attachment 1 of the November 28, 2011 private & confidential staff report;**
- 2. By way of this motion, express their appreciation to all residents who have put forth their names to serve on Boards and Committees of Council;**
- 3. It is further recommended that the list of citizen and Councillor appointments be released to the public following Council ratification.**

Councillor Smith rose on a Point of Order respecting the release of the citizen and Councillor appointments to the public. The Clerk confirmed that once approved by Regional Council, the information would be released to the public.

In response to a question raised by Deputy Mayor Karsten, the Municipal Solicitor clarified that with respect to Council appointments, Council has the option to move In Camera to discuss the individual appointments. As outlined in the *Freedom of Information and Protection of Property Act*, personal information submitted to the Clerks Office in support of the application for the appointment is confidential and the processes of that *Act* must be followed before it can be released.

The Municipal Solicitor further clarified that Council can not speak to personal information that may be contained in the application in an open public session but can speak to known public facts in an open session.

Without a vote on the original motion, it was **MOVED by Councillor Karsten, seconded by Councillor Hendsbee to move Item 14.2.1 into In Camera to provide clarification on the Councillor appointments to the Water Commission. MOTION PUT AND PASSED.**

This matter was later addressed in the meeting, see page 26.

### **14.3 Legal Matter**

A matter pertaining to litigation or potential litigation in regard to an identifiable person and information whose disclosure could reasonably be expected to prejudice the interests of the Municipality.

#### **14.3.1 Settlement of Claim against United Dominion Industries Limited -Private & Confidential Report**

A private and confidential staff report dated October 18, 2011 was before Council.

**MOVED by Councillor Walker, seconded by Councillor Wile that Halifax Regional Council ratify the In Camera recommendation set out in the October 18, 2011 private and confidential staff report be approved.**

**MOTION PUT AND PASSED.**

Council rose at 6:46 p.m. to convene In Camera to consider Councillor appointments to the Water Commission.

Council reconvened at 6:54 p.m. with Councillors Blumenthal, Sloane, Mosher, Adams, McCluskey, Johns and Rankin not in attendance.

#### **14.2.1 Councillor & Citizen Appointments to Associated Boards & Committees – Private & Confidential Standing Committees Report**

This matter was considered during an In Camera session held earlier and was now before Council for ratification.

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

- 1. Adopt the recommendations of the Standing Committees regarding the Councillor and Citizen Appointments as outlined in Attachment 1 of the November 28, 2011 private & confidential staff report;**
- 2. By way of this motion, express their appreciation to all residents who have put forth their names to serve on Boards and Committees of Council;**

3. **It is further recommended that the list of citizen and Councillor appointments be released to the public following Council ratification.**

**MOTION PUT AND PASSED.**

**15. ADJOURNMENT**

The meeting was adjourned at 6:55 p.m.

Cathy J. Mellett  
Municipal Clerk

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**INFORMATION ITEMS**  
**December 13, 2011**

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1. Memorandum from Director, Planning and Infrastructure dated November 22, 2011 re: Bayers Lake Business Park and Blue Mountain Birch Cove Lakes Regional Park
2. Memorandum from Director, Planning and Infrastructure dated November 21, 2011 re: HRM Submission – EGSPA (Environmental Goals and Sustainable Prosperity Act) Review
3. Memorandum from the Municipal Clerk dated December 5, 2011 re: Requests for Presentation to Council – Our HRM Alliance re: HRM Regional Plan Review

**Private and Confidential Information Item**

1. Private and Confidential In Camera Information Report - re: Item 10.1.9 – Request for Proposal 11-039 Former St. Patrick's Alexandra School, 2277 Maitland Street, Halifax – Evaluation, Terms and Conditions