

HALIFAX REGIONAL COUNCIL
MINUTES

June 12, 2012

PRESENT:

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

REGRETS:

Councillors: Linda Mosher

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Mr. Martin Ward, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sherryl Murphy, Deputy Municipal Clerk
Ms. Krista Vining, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 4:00 p.m. with the Invocation being led by Councillor Johns.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of acknowledgements and community events.

3. APPROVAL OF MINUTES – May 15, 2012

The following corrections were noted:

- Councillor Harvey was absent for the remainder of the meeting following the 2:30 p.m. recess
- The cover page indicates Councillor Watts had given regrets; however, she was in attendance for the 6:00 p.m. Public Hearing
- Typographical error on Page 17; Ms. Mary Walsh of 11 *Faulkner* Street, Dartmouth

MOVED by Councillor McCluskey, seconded by Councillor Blumenthal that the minutes of May 15, 2012 be approved, as amended. MOTION PUT AND PASSED.

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

Councillor Smith requested Information Item 6 - Memorandum from Chair, Board of Police Commissioners dated May 14, 2012 re: Formation of a Citizen Led Committee or Task Force be added to the next Council agenda.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the Order of Business be approved, as presented. 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 – 6:00 P.M.

9.1 Proposed Administrative Order SC-67, Portion of Granite Cove Drive, Parcel RR-2, Hubley

This matter was dealt with at 6:00 p.m.; refer to page 11.

9.2 Case 01298 – Extension of Central Water Service to Giles Drive, Bedford, Proposed By- Law L-136, An Amendment to By-Law L-100, Respecting Charges for Local Improvements

This matter was dealt with at 6:00 p.m.; refer to page 12.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

10.1.1 Request for Ceremonial Fly-Past – Halifax –Dartmouth Canada Day Committee

Correspondence from Jeff Wall, Chair of the Halifax-Dartmouth Canada Day Committee dated June 5, 2012 was before Council.

MOVED by Councillor Sloane, seconded by Councillor Nicoll that Halifax Regional Council approve a flypast over the Citadel National Historic Site on July 1, 2012 at 12:00 p.m. with the aircraft(s) flying at levels of not less than 500 feet in connection with Canada celebrations. MOTION PUT AND PASSED.

10.1.2 DND Helicopter Landing Request – Oceanview Elementary School

Correspondence from Ocean View Elementary was before Council.

MOVED by Councillor Barkhouse, seconded by Councillor McCluskey that Halifax Regional Council approve a landing of a Sea King helicopter on June 27, 2012 at the Oceanview Elementary School, Eastern Passage between 9:00 a.m. and 12:00 p.m. in conjunction with a 12 Wing Family Appreciation event. MOTION PUT AND PASSED.

10.2 Petitions

10.2.1 Councillor Uteck

Councillor Uteck submitted a petition containing 57 signatures petitioning Councillor Sue Uteck and other Members of Halifax Peninsula Community Council to amend the Halifax Peninsula Land Use By-law to prohibit rinks and arena in a U-1, Low Density University Zone.

10.2.2 Councillor Smith

Councillor Smith submitted a petition on behalf of Claire McIlveen of Dartmouth containing 187 signatures petitioning the Community Design Advisory Committee of Halifax Regional Council as follows:

1. Because of traffic, wind, shade and the proximity to residential areas, we request that the maximum building height under HRM by Design be restricted to eight storeys on either side of Wyse Road from the Dartmouth Sportsplex/Holiday Inn to Boland Road – matching what the municipality is proposing in most of the other five Dartmouth corridors – and to six storeys north of Boland Road.
2. Because the Killam-owned Victoria Gardens on Boland Road was once part of the Dartmouth Common and has provided much-needed green space in our neighbourhood for more than 60 years, and because this area is bounded on about 80 percent of its borders by residential and housing areas, we request that it be exempted from the Wyse Road corridor area.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Appointment of Municipal Fire Inspectors

A staff report dated May 15, 2012 was before Council.

MOVED by Councillor Watts, seconded by Councillor Nicoll that Halifax Regional Council appoint Marcheta Fitzgerald, Jason Killen, Stephen Moore and Brian Nelson as Fire Inspectors, pursuant to Section 19(1) of the Nova Scotia Fire Safety Act. These appointments shall be in writing and are effective for the duration of their current conditions of employment as Fire Prevention Officers with Halifax Regional Municipality. MOTION PUT AND PASSED.

11.1.2 First Reading - Proposed Amendment to Administrative Order 45 – Respecting Private Road Maintenance -Road Maintenance Fee for Bald Rock Road

A staff report dated May 28, 2012 was before Council.

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

1. **Set an annual uniform charge of \$385.33 per property to be applied to all properties abutting the private portion of Bald Rock Road, as depicted in the map shown in Appendix “A” of the May 28, 2012 staff report, effective with the 2012-13 fiscal year for the purpose of funding the road maintenance activities of the Sambro Head Lot Owners Association;**
2. **Give First Reading of an amendment to Administrative Order 45, Respecting Private Road Maintenance, by adding schedule 8, respecting a Uniform Charge for the Sambro Head Lot Owners Association, as shown in May 28, 2012 staff report; and**

3. **Subject to the approval of Schedule 8 of Administrative Order 45, authorize the Mayor and Municipal Clerk to sign on behalf of HRM, a Management and Operating Agreement between HRM and the Association.**

MOTION PUT AND PASSED.

11.1.3 Second Reading – Proposed Amendment to Administrative Order 45 – Respecting Private Road Maintenance – Road Maintenance Fee for St. Margaret’s Community Association

A staff report dated May 1, 2012 was before Council.

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

1. **Set an annual uniform charge of \$450.00 per property to be applied to all properties with residential dwellings which are accessed from private roads within the St. Margaret’s Village sub-division as depicted in the map shown as Appendix “A” of the May 1, 2012 staff report effective with the 2012-13 fiscal year for the purpose of funding the road maintenance activities of the St. Margaret’s Community Association;**
2. **Approve an amendment to Administrative Order 45, Respecting Private Road Maintenance, by adding schedule 6, respecting a Uniform Charge for the St. Margaret’s Community Association, as shown in Appendix “B” of the May 1, 2012 staff report; and**
3. **Subject to the approval of Schedule 6 of Administrative Order 45, authorize the Mayor and Municipal Clerk to sign on behalf of HRM, a Management and Operating Agreement between HRM and the Association.**

Staff responded to a question of clarification related to the St. Margaret’s Community Association’s management of the private road maintenance fees.

MOTION PUT AND PASSED.

11.1.4 Second Reading – Proposed Amendment to Administrative Order 45 - Respecting Private Road Maintenance - Road Maintenance Fee for Rutter Court Residents Association

A staff report dated May 16, 2012 was before Council.

Councillor Hendsbee noted an error in the April 1, 2012 – March 31, 2013 Budget for Rutter Court, Seaforth, attached to the May 16th staff report; wherein HRM’s tax collection handling fee should be \$200 not \$100, and that the Contingency be adjusted to \$975 in keeping with a balanced budget of \$4,550.00.

Mr. Gordon Roussel, Senior Financial Consultant indicated that correspondence would be sent to the Rutter Court Residents Association, advising them to correct their budget and resubmit it to HRM. He clarified that although the staff recommendation outlined in the May 16th staff report does not seek Council's approval of the budget details, the budget would be adjusted accordingly.

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

1. **Approve an annual uniform charge of \$350.00 per property, to be applied against all properties abutting Rutter Court, as depicted in the map shown in Appendix "A" of the May 16, 2012 staff report, effective with the 2013-14 fiscal year for the purpose of funding the road maintenance activities of the Rutter Court Residents Association;**
2. **Approve an amendment to Administrative Order 45, Respecting Private Road Maintenance, by adding schedule 7, respecting a Uniform Charge for the Rutter Court Residents Association, as shown in Appendix "B" of the May 16, 2012 staff report; and**
3. **Subject to the approval of Schedule 7 of Administrative Order 45, authorize the Mayor and Municipal Clerk to sign on behalf of HRM, a Management and Operating Agreement between HRM and the Association.**

MOTION PUT AND PASSED.

11.1.5 Oval Legacy Agreement

A staff report June 5, 2012 was before Council.

MOVED by Councillor Wile, seconded by Deputy Mayor Karsten that Halifax Regional Council authorize the Mayor and Municipal Clerk to sign Memorandum of Agreement between the Halifax Regional Municipality, the Halifax 2011 Canada Games Host Society and Sport Nova Scotia attached to the June 5, 2012 staff report.

Councillor Wile requested an amendment to the Agreement; page 4 delete *subject to available funding* so that the bullet reads: HRM agrees to host an annual Canada Games day..., **to which Council agreed.**

The motion now read:

MOVED by Councillor Wile, seconded by Deputy Mayor Karsten that Halifax Regional Council authorize the Mayor and Municipal Clerk to sign Memorandum of Agreement as amended to provide that HRM agrees to host an annual Canada Games Day between the Halifax Regional Municipality, the Halifax 2011 Canada

Games Host Society and Sport Nova Scotia attached to the June 5, 2012 staff report.

MOTION PUT AND PASSED.

11.1.6 Proposed Amendment to Administrative Order One, Respecting Procedures of Council – Recorded Votes and In Camera Procedures

Staff report dated June 6, 2012 was circulated to Council.

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

- 1. Give First Reading of the proposed amendment to Administrative Order One, as outlined in Attachment “1” of the June 6, 2012 staff report, the purpose of which is to provide for recorded votes for all motions of Council.**
- 2. Give First Reading of the proposed amendments to Administrative Order One, as outlined in Attachment “2” of the June 6, 2012 staff report, the purpose of which is to clarify In Camera procedures.**

During the discussion Deputy Mayor Karsten requested an amendment on page 2, second last paragraph of the June 6, 2012 staff report, to insert the word “recommendation” before reports to provide greater clarity. The sentence now reads:

*If, during the approval of the Order of Business, Council moved an In Camera item to the public agenda the associated **recommendation** reports would become public documents.*

The Municipal Clerk and Municipal Solicitor responded to questions of clarification related to the procedure for recorded votes for all motions of Council without distinction; including motions of approval of Order of Business and adjournment, if Council passes the amendments to Administrative Order One.

Mr. Ward clarified that with respect to housekeeping matters, it is the intent that the Clerk would collect those items rather than delay Council, and that those items would be proposed as one general motion and dealt with at one time to simplify the agenda. He further clarified that the Clerk has this discretion when preparing the agenda but that Council would still have to accept the agenda during the approval of the Order of Business, at which time changes could be made.

In response to question raised on the procedures for In Camera, Mr. Ward clarified that this process continues the move towards transparency but in a more orderly fashion. The Clerk would prepare the proposed agenda, which would include the regular agenda items and proposed In Camera items. During the process of approving the agenda,

Council would either accept the agenda as circulated or make amendments by way of motion. Council would adopt matters as In Camera items and knowingly make the decision to send an item In Camera, or leave the item in the open session.

MOTION PUT AND PASSED.

12. MOTIONS – NONE

13. ADDED ITEMS – NONE

14. NOTICES OF MOTION

14.1 Councillor Adams

Take Notice that at the next regular Regional Council meeting to be held on Tuesday, the 19th day of June, 2012, I propose an amendment to By-Law N-300, Respecting Nuisance to include “dust” from, but not limited, to construction sites and ones of in-filling as a Nuisance under the By-Law.

14.2 Councillor Adams

Take Notice that at the next regular Regional Council meeting to be held on Tuesday, the 19th day of June, 2012, I propose to move approval of an amendment to Administrative Order 45, Respecting Private Road Maintenance, the purpose of which is to add Schedule 8 Respecting a Uniform Charge for Bald Rock Road.

14.3 Councillor Sloane

Take Notice that at the next regular Regional Council meeting to be held on Tuesday, the 19th day of June, 2012, I propose to introduce a motion to request a study regarding the amount of films and plastics which are not recycled, whether an outright ban of plastic shopping bags would achieve better diversion and what Halifax Regional Municipality can do to aid in the reduction of packaging of solid items.

Councillor Rankin proposed waiving the requirement to give Notice of Motion and debate the matter this evening.

The Municipal Solicitor confirmed that Council has the option to suspend the Rules of Order and debate this matter this evening, or accept the Notice of Motion and wait to debate until the next Council session. Suspending the rules requires two-thirds support of Council.

Councillor Sloane indicated that she is awaiting additional information from the Retail Council of Canada and the Plastic Council of Canada to be provided to Council as part of the debate.

In response to question raised by Councillor Rankin, Mayor Kelly clarified that there was no request for a staff report at this time, and that the Notice of Motion stood for debate at the next Council session.

14.4 Councillor Fisher

Take Notice that at the next regular Regional Council meeting to be held on Tuesday, the 19th day of June, 2012, I propose to move First Reading of By-Law A-402, an amendment to By-Law A-400, Respecting Alternative Voting, the purpose of which is to incorporate a number of legislative and administrative changes.

14.5 Deputy Mayor Karsten

Take Notice that at the next regular Regional Council meeting to be held on Tuesday, the 19th day of June, 2012, I propose to move approval of the proposed amendments to Administrative Order One, pertaining to Recorded Votes and In Camera Procedures.

MOVED by Deputy Mayor Karsten, seconded by Councillor Rankin to recess at this time and reconvene at 6:00 p.m. to commence with the Public Hearings. MOTION PUT AND PASSED.

Council recessed at 4:46 p.m.

Council reconvened at 6:00 p.m. without Councillors Mosher, Blumenthal, Adams and Johns in attendance.

Items 9.1 and 9.2 were addressed at this time.

9.1 Proposed Administrative Order SC-67, Portion of Granite Cove Drive, Parcel RR-2, Hubley

A staff report dated April 19, 2012 was before Council.

Mr. Tom Crouse, Acquisitions and Disposal Manager, Real Estate, Planning and Infrastructure, delivered a presentation to Council regarding HRM Administrative Order SC-67, concerning the closure of a portion of Granite Cove Drive right-of-way, Parcel RR-2, Hubley.

Mayor Kelly explained the Rules of Procedure for public hearings and called three times for speakers to come forward at this time to speak for or against the matter.

There being no speakers, it was **MOVED by Councillor Sloane, seconded by Deputy Mayor Karsten that the public hearing be closed. MOTION PUT AND PASSED. MOVED by Councillor Rankin, seconded by Councillor Lund that Halifax Regional Council approve Administrative Order SC-67, Street Closure of a portion of Granite Cove Drive, Hubley as outlined in Attachment "A" of the April 19, 2012 staff report. MOTION PUT AND PASSED.**

9.2 Case 01298 – Extension of Central Water Service to Giles Drive, Bedford, Proposed By- Law L-136, An Amendment to By-Law L-100, Respecting Charges for Local Improvements

The following was before Council in relation to Case 01298:

- Staff report dated April 25, 2012
- Revised Attachment A dated June 11, 2012; Halifax Regional Municipality By-Law L-136, Respecting Charges for Local Improvement Projects
- Map of Giles Drive Water Servicing Project; By-Law L-136
- Copy of the presentation

Mr. Austin French, Manager, Planning and Infrastructure delivered a presentation to Council on Case 01298 extension of central water service to Giles Drive, Bedford.

In response to question raised by Mayor Kelly on the four remaining properties along Giles Drive, Mr. French clarified that there was no provision for the four additional lots at this time. Should those property owners want to obtain service in the future, they would have to apply and go through a separate process.

Mr. French responded to questions of clarification related to the roadway oversizing in Bedford West and the affects of the construction on residents' wells. Mr. French referenced the study conducted wherein problems with the wells were identified, but noted that it was difficult to determine if the road construction was the cause of the problems. The consultant's report also identified a particular geological formation called an incline plane in the area. It is thought that with respect to future construction activity expected to occur as Bedford West expands, the problem with the wells would probably be exacerbated.

Further clarification was provided on the developer's contribution towards the project.

Mayor Kelly explained the Rules of Procedure for public hearings and called three times for speakers to come forward at this time to speak for or against the matter.

There being no speakers, it was **MOVED by Councillor McCluskey, seconded by Councillor Wile that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Outhit, seconded by Councillor Lund that Halifax Regional Council approve the repeal of By-Law L-133, an amendment to By-Law L-100, to be replaced with By-Law L-136, as amended, to maintain the interim charge to be levied on each of the five properties at \$10,000, as presented in the Revised Attachment "A" to the April 25, 2012 staff report circulated to Council at the June 12, 2012 meeting, and; decrease the amount indicated in the Budget Implications section of the April 25, 2012 staff report under Local Improvement Charge from \$67,940 to \$50,000 the difference of \$17,940; the difference to be funded from CTU 01006- Roadway Oversizing Bedford West thereby reducing the balance. MOTION PUT AND PASSED.

15. IN CAMERA – NONE

16. ADJOURNMENT

The meeting adjourned at 6:17 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS

1. Proclamation – World Oceans Week – June 8-15, 2012
2. Proclamation – Ride to Work Day – June 18, 2012
3. Memorandum from Director, Transit Services dated May 18, 2012
re: Response – Petition for Full Transportation Services to East Preston
4. Memorandum from Director, Transit Services dated May 18, 2012
re: Response – Petition for a 10:00 A.M. Sambro Community Transit Trip
5. Memorandum from Acting Director, Legal Services and Risk Management dated
May 17, 2012 re: Status of By-Law Prosecutions – February 1, 2012 - February
29, 2012
6. Memorandum from Chair, Board of Police Commissioners dated May 14, 2012
re: Formation of a Citizen Led Committee or Task Force
7. Memorandum from the Municipal Clerk dated June 4, 2012
re: Requests for Presentation to Council - None