

HALIFAX REGIONAL COUNCIL
MINUTES

October 30, 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:

Councillor Mosher

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Mr. Martin Ward, Municipal Solicitor
Ms. Sherryll Murphy, Acting Municipal Clerk
Mr. Quentin Hill, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 1:07 p.m. with the Invocation being led by Deputy Mayor Karsten.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of community announcements and acknowledgements.

3. APPROVAL OF MINUTES – October 9, 2012

MOVED by Councillor McCluskey, seconded by Councillor Wile that the minutes of October 9, 2012 be approved as presented.

MOTION PUT AND PASSED.

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

MOVED by Councillor Watts, seconded by Councillor Walker that item 14.1, In Camera be dealt with prior to item 11.1.

MOTION PUT AND PASSED.

MOVED by Councillor Walker, seconded by Councillor Wile that item 10.3.1, First Reading Case 17446 be deferred to the November 20, 2012 meeting of Halifax Regional Council.

Mayor Kelly advised that if Council wished to send the matter to a public hearing, the matter should be forwarded to the new Council.

Mr. Martin Ward, Municipal Solicitor instructed Council that there were two options. He advised that Council could remove the item from the agenda and the item would be dealt with by the new Council or they could approve the Design Review Committee recommendation to not give First Reading.

A brief discussion followed with Councillor Sloane requesting a recorded vote.

MOTION TO DEFER WAS PUT AND PASSED. (16 in favour, 7 against)

Those voting in favor were: Mayor Kelly, Deputy Mayor Karsten, Councillors Streach, Dalrymple, Hendsbee, McCluskey, Fisher, Barkhouse, Smith, Wile, Blumenthal, Walker, Adams, Outhit, Rankin, and Lund.

Those voting against were: Councillors Nicoll, Sloane, Uteck, Watts, Hum, Johns and Harvey.

Councillor Mosher was not present for the vote.

Additions:

- 12.1 Councillor Fisher – Request for Staff Report re: Initiating a Pool Needs Assessment – East Region
- 12.2 Councillor Sloane - Request for Staff Report Painting of the Morse Tea Building Band.

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

5. BUSINESS ARISING OUT OF THE MINUTES – NONE

6. MOTIONS OF RECONSIDERATION – Councillor Rankin - Motion of October 23, 2012 Item 11.1.1

Councillor Rankin gave Notice of Motion of Reconsideration at the October 23, 2012 meeting of Halifax Regional Council.

MOVED by Councillor Rankin, seconded by Councillor Adams that Halifax Regional Council reconsider its motion of October 23, 2012 (Item 11.1) to extend the existing residential curbside solid waste collection contracts with the existing contractors for a one year period (July 1, 2013 to June 30, 2014), and if any further extension is required, the matter comes back to Regional Council for decision. Funding is from the annual Solid Waste Resources Operating Budget (Account R322 6399) as outlined in the Budget Implications section of the October 4, 2012 staff report.

Councillor Rankin detailed his reasons for his Motion of Reconsideration as legal, financial and process implications.

A vote was taken on the Motion of Reconsideration.

MOTION PUT AND PASSED. (12 in favour, 11 against.)

Those voting in favour were: Councillors Dalrymple, Fisher, Blumenthal, Sloane, Uteck, Watts, Walker, Hum, Adams, Johns, Rankin and Lund.

Those voting against were: Mayor Kelly, Deputy Mayor Karsten, Councillors Streach, Hendsbee, Nicoll, McCluskey, Barkhouse, Smith, Wile, Harvey and Outhit.

Councillor Mosher was not present for the vote.

The following motion was now before Council:

MOVED by Councillor Hendsbee seconded by Councillor Nicoll that Halifax Regional Council extend the existing residential curbside solid waste collection contracts with the existing contractors for a one year period (July 1, 2013 to June 30, 2014), and if any further extension is required, the matter comes back to Regional Council for decision. Funding is from the annual Solid Waste Resources Operating Budget (Account R322 6399) as outlined in the Budget Implications section of the October 4, 2012 staff report.

Mr. Martin Ward, Solicitor, advised that the question raised was if Council had the legal authority to address the matter. He stated that Council has the legal authority under section 8 of the Procurement Policy to extend a contract with one or more contractors or suppliers when it would be more cost effective or when it would be beneficial to the municipality.

Councillor Hendsbee stated that Council should extend the contract for an additional year. He noted that the Solid Waste Strategy review would take some time to complete. He informed Council that current contractors supplying the service need the extra time to obtain new equipment in order to comply with whatever comes out of the Solid Waste Strategy review.

Deputy Mayor Karsten pointed out that the one year extension was requested by staff so that the Solid Waste Strategy review findings could be implemented properly. He questioned staff if the contracts were not extended, how long it would tie the municipality into a new contract and also questioned how competitive is the waste disposal business.

Mr. Richard Butts, Chief Administrative Officer responded that a competitive situation for one or two year contracts are handled differently than five or six year contracts. He indicated that in a one year contract, staff would put out a tender for the existing collector system and that would delay any implementation of any new waste strategy for at least a year or two. He advised that if Council wanted to go for a five or six year deal, staff would have to draw up dozens of options for the tender to cover any direction that may result from the Solid Waste Strategy review report. Mr. Butts suggested that there would be more interest in a five or six year contract than a one year tender.

Councillor Uteck inquired when the Stantec report on the Solid Waste Strategy would be completed and the cost involved.

The CAO reported that the Stantec report on the Solid Waste Strategy would cost the Municipality \$285,000. He advised that the report would be completed soon.

Councillor Uteck questioned why Council is being asked to extend the parameters of a contract without first having the Solid Waste Strategy review findings before Council.

The CAO indicated that it is a business transaction to allow for the Solid Waste review report to come forward while still having service in place until the full review is complete.

He noted that the one year extension gives the municipality the time to tie in the findings of the report to a new strategy for the municipality.

Mayor Kelly advised that the options coming from the Stantec Solid Waste report will have public input and it will then be up to Council to accept or reject the plan.

Councillor McCluskey questioned if HRM was saving money by fulfilling a one year extension.

Mr. Ken Reashor, Director of Transportation and Public Works indicated that HRM would save \$260,000 by continuing with the current contract. He stated that history shows that going out and getting a new contract raises the cost of the tender.

A further debate ensued with Councillor Dalrymple requesting staff provide an estimated time when the Stantec report on Solid Waste Strategy would be coming forward to Council.

Mr. Reashor advised that the report would be before Council in December 2012. He indicated that the staff recommendation was brought forward to protect Council from being bound into a long term contract until it was known what would come out of the Solid Waste Strategy review.

The question on the motion was put. **MOTION PUT AND PASSED (17 in favour, 5 against.)**

Those voting in favour were: Mayor Kelly, Deputy Mayor Karsten, Councillors Streach, Hendsbee, Nicoll, McCluskey Smith, Wile, Blumenthal, Sloane, Watts, Walker, Hum, Johns, Harvey, Outhit and Lund.

Those opposed were: Councillors Dalrymple, Fisher, Uteck, Adams and Rankin.

Those not present for the vote were: Councillors Barkhouse and Mosher.

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence – None

9.2 Petitions

9.2.1 Municipal Clerk - Skye Halifax Project

The Clerk presented a petition containing 1441 signatures supporting the Skye Halifax Project at 1591 Granville Street, Halifax and the projects required amendment to the Halifax Peninsula Municipal Planning Strategy and Land Use By-Law (MPS/LUB) and the Downtown Halifax MPS/LUB to create site specific policy and a site specific zone for the land parcel known as “Tex – Park” located between Granville Street, Sackville Street and Hollis Street in downtown Halifax. The purpose of this amendment is to allow for a new landmark development project to replace the “twisted sisters” project that is currently approved for the site.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Oval Sponsorship – Canadian Tire

A report dated October 17, 2012 was before Council.

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

- 1. Approve the Program Funding Agreement with Canadian Tire and the Letter Agreement with Canadian Tire Jumpstart Charities Agreement as provided in Attachments 1 and 2, and authorize the Mayor and Municipal Clerk to execute them with both parties; and**
- 2. Authorize an increase in the amount of \$39,000 to Project Account No. CBX01344 – Outdoor Arena Legacy Project, to reflect additional funding to be provided by Canadian Tire.**

Councillor Sloane acknowledged the presence of Charles Woodworth, President of Jumpstart Canadian Tire at the October 30, 2012 Regional Council meeting.

In response to a question from Councillor McCluskey, Ms. Karen MacTavish, Manager, Community Recreation and Culture, indicated that Jumpstart Canadian Tire had donated over \$40,000 in 2012 and \$50,000 in 2013. She informed Council that the money is used to help children in need to participate in recreation sport and physical activity throughout the municipality to offset the registration costs, travel and other associated costs.

MOTION PUT AND PASSED (21 in favour, 1 against)

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

Councillor Uteck voted against the motion.

Those not present for the vote were: Councillors Barkhouse and Mosher.

10.1.2 Bank Signing Officers

A report dated October 19, 2012 was before Council.

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

- 1. Appoint the Chief Administrative Officer, the Deputy Chief Administrative Officer, the Director of Finance and the Treasurer as bank signing officers;**
- 2. Remove the Mayor and Deputy Mayor as bank signing officers; and**
- 3. Replace the requirement for an elected and appointed official to sign each cheque with two appointed officials.**

Following a brief discussion the **MOTION WAS PUT AND PASSED. (19 in favour, 3 against)**

Those voting in favour were: Mayor Kelly, Deputy Mayor Karsten, Councillors Streach, Dalrymple, Nicoll, McCluskey, Fisher, Smith, Wile, Blumenthal, Sloane, Watts, Walker, Hum, Adams, Johns, Harvey, Outhit and Lund.

Those voting against were: Councillors Hendsbee, Uteck and Rankin.

Those not present for the vote were: Councillors Barkhouse and Mosher.

10.1.3 University Transit Pass Refund

A staff report dated October 10, 2012 was before Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane that Halifax Regional Council approve reimbursement payments to UPass partners as outlined in the budget implications section of the October 10, 2012 staff report.

MOTION PUT AND PASSED. (22 in favour, 0 against)

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

Those not present for the vote were: Councillors Barkhouse and Mosher.

10.2 AUDIT AND FINANCE STANDING COMMITTEE

10.2.1 Status of Grants and Special Events Advisory Committees

A staff report dated October 22, 2012 was before Council.

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

- 1. Extend the terms of the current citizen and sector representatives on the Grants and Special Events Advisory Committee to a date no later than November 13, 2013.**
- 2. Approve the specific administrative amendments, as set out in Attachment A, to the Terms of Reference for the Grants and Special Events Advisory Committee to better reflect the new Council.**

A brief discussion ensued.

MOTION PUT AND PASSED. (22 in favour, 0 against)

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

Those not present for the vote were: Councillors Barkhouse and Mosher.

10.3 DESIGN REVIEW COMMITTEE

10.3.1 Case 17446 – 1591 Granville St. Report

This item was deferred to the November 20, 2012 meeting of Halifax Regional Council during the Approval of the Order of Business, see page 3.

Councillor Barkhouse left the meeting.

Council agreed to deal with item 14.1 prior to item 11.1 during the Approval of the Order of Business.

14. IN CAMERA

14.1 Legal Matter

14.1.1 St. Patrick's Alexandra School – Private and Confidential Report

Mayor Kelly directed Council that if it accepted the staff recommendation of 14.1.1, item 14.2.1 could be dealt with in the public forum.

Mr. Martin Ward, Solicitor advised that Council could move to In Camera and debate the staff recommendation. Mr. Ward advised that the risk in not going into In Camera is that, the legal advice contained in the report would compromise Council's position if Council wished to move forward in a different direction. He indicated there was no legal issue with Council simply approving the staff recommendation.

MOVED by Councillor Sloane, seconded by Councillor Wile that Halifax Regional Council move to In Camera to deal with item 14.1.

MOTION PUT AND PASSED. (20 in favour, 2 against.)

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

Those voting against were: Councillors Sloane and Watts.

Those not present for the vote were: Councillors Barkhouse and Mosher.

At 2:55 p.m. Council convened to an In Camera session.

Council reconvened at 4:02 p.m.

The following motion was dealt with during the In Camera session and was now before Regional Council for ratification:

MOVED by Councillor Sloane, seconded by Councillor Wile that Halifax Regional Municipality:

- 1. Not appeal the decision of the Supreme Court of September 24, 2012 quashing the Council decision to sell the former St. Patrick's Alexandra School property to Jono Developments Ltd. and the deposit be returned to Jono Developments Ltd;**
- 2 Not release the September 24, 2012 Private and Confidential staff report to the public.**
- 3. Pending the decision of Council in regard to this motion, deal with item 14.2.1 St. Pat's Alexandra School and Gordon Bell Building in open Council.**

MOTION PUT AND PASSED. (19 in favour, 2 against)

Those voting in favour were Mayor Kelly, Deputy Mayor Karsten, Councillors Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Wile, Sloane, Uteck, Watts, Hum, Adams, Johns, Harvey, Outhit, Rankin and Lund.

Those voting against were: Councillors Blumenthal and Walker.

Those not present for the vote were: Councillors Barkhouse, Smith and Mosher.

14.2 Property Matter

14.2.1 St. Pat's Alexander School and Bell Annex

A declassified Private and Confidential staff report dated October 23, 2012 was before Council.

MOVED by Councillor Sloane seconded by Councillor Watts that;

- 1. Halifax Regional Council repeal the current practice of selling surplus school properties passed as policy on January 31, 2012.**
- 2. Declare the Gordon Bell Building and property in Cole Harbour surplus, and adopt by resolution a process to dispose of the surplus school properties known as St. Patrick's Alexandra, Halifax, and the Gordon Bell Building and property, Cole Harbour, as outlined in Appendix "A". It is recommended that this process be used for the disposal of these two properties in consideration of the Court Decision and pending adoption of a new policy by Council for the disposal of all surplus municipal properties.**
- 3. And further that if HRM decides not to appeal the Supreme Court decision, this report be released to the public and this item be moved to the regular agenda.**

MOVED by Councillor Watts, seconded by Councillor Johns that Appendix "A" be amended to allow for community public consultation prior to the initiation of a process requesting proposal submission from non-profit groups so that the local community has the opportunity to discuss and comment on options for the property, with minutes from this meeting being included in the staff report to Council.

Councillor Rankin requested clarification as to whether the new policy would supersede the motion before Council.

Solicitor Marion Tyson, Acting Director Legal Services, advised that the motion was that a process be adopted for disposal of one or two of the properties. She stated that it was being adopted in order to not further delay resolution of these matters and in order to give some recognition of the court's decision on fairness. Ms. Tyson indicated that the process would only relate to the two properties currently before Council and the new policy would apply to future surplus properties.

Councillor Blumenthal asked what form the community public consultation would take.

Mayor Kelly noted that it would be similar to the process undertaken by Councillor Walker and requested that Councillor Walker inform Council.

Councillor Walker indicated he had sent out notices to 400 residents in the area and held a meeting with groups interested in the property. He informed Council that presentations were made by interested parties to indicate their intentions for the property.

Mr. Ward clarified questions from Council regarding the motion put forward from Councillor Watts. He indicated that the motion provided for a consultation with all community groups in advance of any proposals for the property.

Further discussion ensued.

The motion to amend was now before council. **MOTION PUT AND PASSED. (17 in favour, 4 against).**

Those voting in favour were: Mayor Kelly, Deputy Mayor Karsten, Councillors Streach, Dalrymple, Nicoll, McCluskey, Fisher, Wile, Sloane, Uteck, Watts, Walker, Hum, Harvey Outhit, Rankin and Lund.

Those voting against were: Councillors Hendsbee, Barkhouse, Blumenthal and Adams.

Those not present for the vote were: Councillors Smith, Mosher and Johns.

Councillor Nicoll moved a further amendment to the motion noting that a needs assessment is being done in Cole Harbour/Westphal area resulting from a previous motion of Council.

MOVED by Councillor Nicoll, seconded by Councillor Hendsbee that any deposit made on the Gordon Bell building be returned and that reference to the Gordon Bell building be removed from the motion.

MOTION PUT AND PASSED. (21 in favour, 0 against)

Those voting in favour were: Mayor Kelly, Deputy Mayor Karsten, Councillors Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Barkhouse, Wile, Blumenthal, Sloane, Uteck, Watts, Walker, Hum, Adams, Harvey, Outhit, Rankin and Lund.

Those not present for the vote were: Councillors Smith, Mosher and Johns.

The amended motion was now before Council.

MOVED by Councillor Sloane, seconded by Councillor Watts that;

- 1. Halifax Regional Council repeal the current practice of selling surplus school properties passed as policy on January 31, 2012;**
- 2. Adopt by resolution a process to dispose of the surplus school property known as St. Patrick's Alexandra, Halifax, as outlined in Appendix "A" and that this process be used for the disposal of this property in consideration of the Court Decision with an amendment to allow for community public consultation prior to the initiation of a process requesting proposal submissions from non-profit groups so that the local community has the opportunity to discuss and comment on options for the property, with minutes from the public consultation being included in the staff report to Council.**
- 3. Any deposit received in connection with the Gordon Bell building be returned.**

Further discussion ensued with staff responding to questions of clarification.

MOTION PUT AND PASSED. (17 in favour, 2 against)

Those voting in favour were: Mayor Kelly, Deputy Mayor Karsten, Councillors Streach, Dalrymple, Nicoll, McCluskey, Fisher, Barkhouse, Sloane, Uteck, Watts, Walker, Hum, Harvey, Outhit, Rankin and Lund.

Those voting against were: Councillors Hendsbee and Adams.

Those not present for the vote were: Councillors Smith, Wile, Blumenthal, Mosher and Johns.

11. MOTIONS

11.1 Councillor Watts

- (i) "To request that Council repeal the current practice of disposal of surplus school properties passed as policy by council on January 31, 2012."

Councillor Watts withdrew the motion as it was dealt with under item 14.2.1

- (ii) "To request that Council request the Province of Nova Scotia for enabling Legislation to consider such proposals as a Medallion Program, which involves transferability of taxi owner licenses."

MOVED by Councillor Watts, seconded by Councillor Walker that staff prepare a report regarding the possibility of enabling legislation to consider the transferability of taxi owner licenses.

MOTION PUT AND PASSED. (14 in favour, 4 against)

Those voting in favour were: Mayor Kelly, Deputy Mayor Karsten, Councillors Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Barkhouse, Watts, Walker, Hum, Rankin, and Lund.

Those voting against were: Councillors Uteck, Adams, Harvey, and Outhit.

Those not present for the vote were: Councillors Smith, Wile, Blumenthal, Sloane, Mosher and Johns.

12. ADDED ITEMS

12.1 Councillor Fisher – Request for Staff report re: Pool needs assessment for East Region

A Request for Council's Consideration form from Councillor Fisher was before Council.

MOVED by Councillor Fisher seconded by Councillor Lund that Regional Council request a staff report for a pool needs assessment for the East Region.

MOTION PUT AND PASSED. (18 in favour, 0 against)

Those voting in favour were: Mayor Kelly, Deputy Mayor Karsten, Councillors Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Barkhouse, Uteck, Watts, Walker, Hum, Adams, Harvey, Outhit, Rankin, and Lund.

Those who were not present for the vote were: Councillors Smith, Wile, Blumenthal, Sloane, Mosher and Johns.

12.2 Councillor Sloane – Request for Staff Report re: Staff and Legal Report on Morse Tea Building Re: Painting of the Morse Tea band

This matter was added during the Approval of the Order of Business.

MOVED by Councillor Uteck, seconded by Councillor Watts that Halifax Regional Council request a staff report regarding the painting of the Morse Tea Band and what, if any, financial penalties are there in place for HRM to deliver for altering a designated heritage building.

MOTION PUT AND PASSED. (17 in favour, 1 against).

Those voting in favour were: Mayor Kelly, Deputy Mayor Karsten, Councillors Streach, Dalrymple, Hendsbee, Nicoll, Fisher, Barkhouse, Uteck, Watts, Walker, Hum, Adams, Harvey, Outhit, Rankin, and Lund.

Those voting against were: Councillor McCluskey.

Those not present for the vote were: Councillors Smith, Wile, Blumenthal, Sloane, Mosher and Johns.

13. NOTICES OF MOTION:

13.1 Councillor McCluskey

“Take notice that, at the next regular meeting of Halifax Regional Council, to be held Tuesday, November 13, 2012, I will be asking Council to support the reopening in the afternoon hours of the Bowles rink in Dartmouth.”

15. ADJOURNMENT

The meeting was adjourned at 5:40 p.m.

Cathy Mellett
Municipal Clerk

INFORMATION ITEMS

1. Memorandum from the Municipal Clerk October 23, 2012
Re: Requests for Presentation to Council – Board of Directors – Condominium
Owners of Nova Scotia re: Provincial Assesments