

HALIFAX REGIONAL COUNCIL
MINUTES
July 31, 2007

PRESENT:

Mayor Peter Kelly
Deputy Mayor Sue Uteck
Councillors: Stephen Streach
Krista Snow
David Hendsbee
Harry McInroy
Gloria McCluskey
Bill Karsten
Becky Kent
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Steve Adams
Brad Johns
Robert Harvey
Reg Rankin
Gary Meade

REGRETS:

Councillors: Andrew Younger
Gary Martin

STAFF:

Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Jan Gibson, Municipal Clerk
Ms. Jennifer Weagle, Legislative Assistant

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1. INVOCATION

The meeting was called to order at 6:01 p.m. with the Invocation being led by Councillor Harvey.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor McCluskey offered congratulations to the Natal Day Committee, and reviewed Natal Day events planned in Dartmouth over the weekend.

Councillor McCluskey also reviewed a letter signed by the residents of Tulip Street in Dartmouth in praise of street improvements completed by Sackville Trenching, on behalf of HRM.

Councillor Murphy thanked Natal Day event sponsors and the Halifax Dartmouth Bridge Commission for their involvement in Natal Day activities. He reviewed Natal Day events planned in Halifax over the weekend.

Councillor Mosher indicated that she had recently participated in the Marblehead to Halifax Ocean Race 2007, and requested that the Mayor send a letter of thanks to the Royal Nova Scotia Yacht Squadron for their involvement.

Councillor Mosher also praised the success of the recent Z103.5 Summer Rush concert held at Alderney Landing.

Councillor Sloane thanked all the volunteers and sponsors, along with the Waterfront Development Corporation for their work on the Tall Ships 2007 Festival. She requested that the Mayor write a letter to the Waterfront Development Corporation thanking them for their involvement in the Festival.

Councillor Adams indicated that on July 26, 2007, he attended a playground opening in Spryfield, which was sponsored by Home Depot and Kaboom. He also thanked the Boys and Girls Club of Spryfield and Blair Blakney, HRM Coordinator, Capital Projects - Parks.

Councillor Johns offered congratulations to Councillor Adams who was recently married.

Councillor Snow thanked Mayor Kelly and members of Council for their attendance at the Pride Parade.

Councillor Kent arrived at 6:12 p.m.

Councillor Smith advised that this is the last night of the midnight basketball program in North End Dartmouth. He thanked the Halifax Regional School Board for opening the gyms and thanked the Capital District Health Board, which paid for the gym rental. He thanked all that attended and indicated that he looks forward to the program continuing if a location can be found.

Mr. Dan English, Chief Administrative Officer, advised that the Nova Scotia Utility and Review Board has approved the transfer of responsibility for HRM's wastewater and stormwater assets to the Halifax Regional Water Commission. He indicated that this is the first regulated water, wastewater and stormwater utility in Canada. Mr. English thanked staff involved in the transfer for their service, loyalty and dedication. He also thanked Brad Anguish, Director, Environmental Management Services, and Carl Yates, General Manager, Halifax Regional Water Commission, for their hard work and diligence in the transfer.

Mayor Kelly thanked Mr. English for his assistance with the transfer.

3. APPROVAL OF MINUTES - June 26 & July 3, 2007

MOVED by Councillor McCluskey, seconded by Councillor Sloane, that the minutes of June 26 & July 3, 2007 be approved. MOTION PUT AND PASSED .

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

Additions:

- 13.1 Correspondence - 1 Canadian Air Division Headquarters Detachment Halifax
re: Natal Day CP140 Aurora Flypast
- 13.2 Councillor Hum - Request for Report re: Odours By-Law
- 13.3 Graffiti Task Force Terms of Reference
- 13.4 Urban Design Framework Concepts and Strategies
- 13.5 Legal Matter - Settlement of Claim
- 13.6 Legal Matter - Settlement of Claim
- 13.7 Legal Matter - Settlement of Claim
- 13.8 Contractual Matter - Use of North Commons Regarding Outdoor Concerts

MOVED by Councillor Sloane, seconded by Councillor Smith, that the Order of Business, as amended, be approved. 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**

8.1 **Business Improvement District Service Agreement Renewal**

C A staff report dated June 12, 2007 on the above noted was before Council.

MOVED by Councillor Sloane, seconded by Councillor McCluskey, that Council authorize the Mayor and Municipal Clerk to execute the attached Service Agreement on behalf of HRM with the six Business Improvement Districts for a period of two years in order for them to continue to provide services related to the betterment and revitalization of their respective commercial neighbourhoods. MOTION PUT AND PASSED.

9. **PUBLIC HEARINGS**

9.1 **Case H00200: De-registration of 1991B Prince Arthur Street, Halifax (A Municipally Registered Heritage Property)**

- A report from the Heritage Advisory Committee dated June 7, 2007 on the above noted was before Council.
- A staff report dated May 7, 2007 on the above noted was before Council.
- C An extract of the Regional Council minutes of June 26, 2007 was before Council.
- C Correspondence from the owners of 1991 Prince Arthur Street was before Council.

Ms. Maggie Holm, Heritage Planner, presented the report to Council. Ms. Holm responded to questions of clarification from members of Council, noting that there are restrictive covenants in place on this property to protect the view plane of the North West Arm. She further clarified that a change in land use would require a public hearing.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed de-registration.

Mr. Murray Metherall, Prince Arthur Street, indicated that he was pleased to learn of the restrictive covenants on the property. He noted concern with the ramifications of the deregistration, loss of character of the neighbourhood, and density issues. Mr. Metherall further noted concern that the property owner has subdivided the lots, and that the lot frontage may be less than the existing frontage. He noted that he had an expectation of green space in the neighbourhood when he moved into the area and hopes this will be maintained.

Mr. Sandy Leim, 1991A Prince Arthur Street, advised that he is an owner of 1991A Prince Arthur Street (referred to as "Pinehurst"), a Municipally Registered Heritage Property, noting that it was formerly the estate of Sir Robert Borden. He indicated that he submitted correspondence on this matter to Council outlining his concerns. Mr. Leim noted concern that the deregistration will result in the loss of any review mechanism to assess the potential impacts on Pinehurst of future proposals for alteration or development of 1991B Prince Arthur Street.

Mr. Scott Brogan, Quinn Street, advised that he is the owner of 1991B Prince Arthur Street, the subject of this deregistration. He indicated that he understands the concerns of the residents; however, this property does not meet the heritage standards and continued registration is inappropriate. Mr. Brogan noted that the property should have been deregistered in 1991, but was not as a result of an administrative oversight, which has been acknowledged by staff as an error.

MOVED by Councillor McCluskey, seconded by Councillor Sloane, that the public hearing close. MOTION PUT AND PASSED.

MOVED by Deputy Mayor Uteck, seconded by Councillor Walker, that Regional Council approve the de-registration of 1991B Prince Arthur Street (Lot B), Halifax, as shown on Map 1 of the staff report to the Heritage Advisory Committee dated May 7, 2007.

Deputy Mayor Uteck commented that she will be working with the property owner to ensure that any redevelopment of the property is in the best interests of residents.

MOTION PUT AND PASSED.

9.2 Case 01034 - Regional Subdivision By-Law Amendments for Bedford West Business Campus

- A report from the North West Community Council dated June 22, 2007, on the above noted was before Council.
- A staff report dated June 8, 2007, on the above noted, was before Council.
- An extract of the Regional Council minutes of July 3, 2007 was before Council.

Mr. Paul Morgan, Planner, Community & Regional Planning, presented the report to Council. Mr. Morgan responded to questions of clarification from Council.

Councillor Fougere questioned whether the term “interim” should be included in Item 4 of the Amendments to the Regional Subdivision By-law (Attachment A to the June 8, 2007 staff report) to indicate that “The *interim* infrastructure charge for the Bedford West Business Campus Capital Cost Contribution Area shall be \$15,000 per acre”, and whether this amendment should be made before or after the public hearing.

Mr. Paul Dunphy, Director, Community Development, indicated that there will be a public hearing to set the final charges. Ms. Mary Ellen Donovan, Municipal Solicitor, advised against adding “interim”, noting that members of Council understand that it is an interim charge, and that staff will be bringing this matter back to Council later this year to examine in full.

Mayor Kelly called for those wishing to speak in favour of or in opposition to the proposed By-Law.

Mr. Mike Hanusiak, General Manager, West Bedford Holdings Ltd., advised that West Bedford Holdings Ltd. are a partnership with Cresco Developments and Clayton Developments Ltd. He advised that 11 months ago they had acquired the lands from Annapolis Group, as an investment for the Business Campus. He indicated that they wish to coordinate access and services with RIM, and other future projects.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed:

MOVED by Councillor Snow, seconded by Councillor Sloane, that the public hearing close. MOTION PUT AND PASSED .

MOVED by Councillor Johns, seconded by Councillor Rankin, that Regional Council approve the amendments to the Regional Subdivision By-law presented on the revised Attachment “A”, subject to approval of an interim capital cost contribution charge for water and waste water infrastructure by the Nova Scotia Utility and Review Board. MOTION PUT AND PASSED .

9.3 By-Law S-423, An Amendment to By-Law S-400, Respecting Local Improvement Charges - New Paving Projects Outside the Core Area - 2006

- A staff report dated May 9, 2007, on the above noted, was before Council.
- An extract of the Regional Council minutes of June 12, 2007 was before Council.

Mr. Dave Hubley, Manager, Design & Construction Services, presented the report to Council.

Councillor Hendsbee stated for the record that he had waived the right of petition for all the streets in District 3 that were petitioned in the past at a lower rate than the \$30 that is required by Municipal policy, which was done through a public consultation process. Staff confirmed this is true.

Mayor Kelly called three times for anyone wishing to speak either in favour of or in opposition to the proposed By-Law. Hearing none, the following motion was placed:

MOVED by Councillor Snow, seconded by Councillor Sloane, that the public hearing close. MOTION PUT AND PASSED .

MOVED by Councillor Hendsbee, seconded by Councillor Snow, that Regional Council approve in principle and begin the formal process for adoption of By-Law S-423 Respecting Charges for Street Improvements from Capital Account No. CXU00585, New Paving of Subdivision Streets Outside the Core Area.

Staff responded to further questions of clarification at this time.

MOTION PUT AND PASSED .

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Correspondence

13.1 Correspondence - 1 Canadian Air Division Headquarters Detachment Halifax re: Natal Day CP140 Aurora Flypast

MOVED by Councillor McCluskey, seconded by Councillor Wile, that Mayor Kelly write a letter to the Canadian Forces Air Division approving a fly past for Natal Day celebrations. MOTION PUT AND PASSED.

10.2 Petitions - None

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender 07-115 - Collection and Transportation of Source Separated Solid Waste from Condominium Properties

C A staff report dated July 18, 2007 on the above noted was before Council.

MOVED by Councillor Karsten, seconded by Councillor Snow, that Regional Council award Tender No. 07-115 to Enviro Waste Ltd. in Area A and Miller Waste Systems in Areas B and C for a three year period, for the services and at the unit prices specified in the tender, for a Total Tender Price of \$1,447,059.78 (including net HST) with funding from Solid Waste Resources Operating Budget Account R322-6399 Collection as outlined in the Budget Implications section of this report and distributed as follows:

- a) Area A - Halifax/Western County to Enviro Waste Ltd. at a price of \$751,980.24;
- b) Area B - Dartmouth/Cole Harbour to Miller Waste Systems at a price of \$423,603.33; &
- c) Area C - Bedford/Sackville to Miller Waste Systems at a price of \$271,476.21.

Mr. Jim Bauld, Manager, Solid Waste Resources, responded to questions of clarification from members of Council.

MOTION PUT AND PASSED .

11.1.2 Request for Proposal 07-101 - Consulting Services - Policing Resource Study

C A staff report dated July 6, 2007 on the above noted was before Council.

Mr. Dan English, Chief Administrative Officer, advised that this matter was discussed by the Board of Police Commissioners.

MOVED by Councillor McCluskey, seconded by Councillor Snow, that Regional Council:

1. Award RFP No. 07-101, Consulting Services - Policing Resource Study to the highest scoring proponent, Perivale + Taylor Inc at a cost of \$120,598.20 (net HST included), with funding from Account Nos. Q310-Service Improvement Reserve in the amount of \$70,598.20 and P105 - Police Chief in the amount of \$50,000 through Cost Centre E110 CAO Office, as outlined in the Budget Implications section of this report.

- 10. Approve a withdrawal in the amount of \$70,598.20 with funding from the Service Improvement Reserve Q310 as outlined in the Budget Implications section of this report.**

MOTION PUT AND PASSED .

11.1.3 Fire - Purchase of Vehicles / Reserve Withdrawals

C A staff report dated July 13, 2007 on the above noted was before Council.

MOVED by Councillor Streach, seconded by Councillor Karsten, that Regional Council:

- 1. Approve an increase to the 2007/08 Capital Budget (project CVJ00704) in the amount of \$471,000.00 which includes the non-refundable portion of HST, for the purchase of One Superduty Crew Cab Short Box with a Snow Plow package and Six (6) 1 Ton Ford 4X4 Dual rear axle Utility Vehicles with funding in the amount of \$471,000.00 to be provided from Q128 - Rural Fire Reserve.**
- 2. Approve the withdrawal of \$471,000.00 from Q128 - Rural Fire Reserve.**

Staff responded to questions of clarification from members of Council at this time.

MOTION PUT AND PASSED .

11.1.4 Invasive Plant Species, Little Albro Lake

C A staff report dated July 24, 2007 on the above noted was before Council.

MOVED by Councillor Smith, seconded by Councillor Kent, that Regional Council direct staff to undertake public education efforts to alert residents to the problems posed by importation or spread of invasive aquatic plant species, and refer management of the invasive species Yellow Floating Heart at Little Albro Lake to the Province, as a matter of provincial jurisdiction; and that the Mayor write to Provincial Ministers of Environment & Labour, and Natural Resources, indicating HRM's concerns.

Councillor Smith commented on the importance of dealing with this matter quickly, before the plant spreads to other lakes.

At the request of Councillor Snow, Mr. Tony Blouin, Manager of Environmental Performance, clarified the following with regard to herbicide use to control the Yellow Floating Heart:

- C There are two options for the removal of the plant: mechanical removal or chemical treatment with a herbicide;
- C Lakes are under Provincial jurisdiction, and HRM would require Provincial permission to take action;
- C The Province has requested that HRM not undertake action independently;
- C The use of a herbicide would not affect fish and animals in the lake, and may control the plant, but may also affect other plants in the lake;
- C The plant is a serious nuisance, and will expand to fill the lake;
- C The plant will not naturally spread to other lakes, but could propagate with a leaf or root.

Members of Council made the following suggestions:

- C Monitor residents selling water plants;
- C A change in Provincial legislation may be required to allow the use of herbicides in the case of an infestation of an invasive species;
- C Staff contact other municipalities that have dealt with this or a similar species for alternatives;
- C Staff consult with the Nova Scotia Agricultural College or the Ecology Action Centre for alternatives;
- C Staff may consider researching a ban on importing and selling the plant in HRM.

MOTION PUT AND PASSED .

11.1.5 District Capital Fund Policy

- A staff report dated June 19, 2007, on the above noted was before Council.

MOVED by Deputy Mayor Uteck, seconded by Councillor Murphy, that Regional Council:

- 1. Approve the merger of the District Capital Fund and the Building Communities Fund April 1, 2008 into a single fund called District Capital Fund; and**
- 2. Approve the attached policy effective immediately, with sections related to the merging of the funds to become effective with the 2008/09 budget year.**

MOTION PUT AND PASSED.

11.1.6 Proposed Amendments to Administrative Order 11, Respecting Fees for the Registration of Dogs - Animal Licensing Strategy for 2008

- A report dated July 25, 2007, on the above noted, was before Council.

MOVED by Councillor Snow, seconded by Deputy Mayor Uteck, that Council:

- 1. Approve the amendment to Administrative Order #11 (attached to the July 25, 2007 staff report as Appendix A); and**
- 2. Approve the new licensing strategy respecting dogs for 2008.**

At the request of Councillor Murphy, Staff Sergeant Robin McNeil, Halifax Regional Police, clarified that the licensing component of the By-law has been in place since 1998, and staff are now working on the enforcement of licensing. He further clarified that the fees collected for registration and licensing go toward the licensing unit, which is underfunded with only 10% of costs for services now covered. Sgt. McNeil advised that HRM received 11,000 calls for service with regard to dog licensing last year and the majority of municipalities license animals.

Without a vote being taken on the motion on the floor, the following motion was placed:

MOVED by Councillor Hendsbee, seconded by Councillor Snow, that the incentive fee structure be effective as of August 1, 2007.

Stg. McNeil advised that staff are working with various business units for the enforcement of this By-law, which will result in increased calls to the Call Centre and will have an impact on financial services. He commented that it would be a challenge for staff to meet the August 1, 2007 time line proposed.

Councillor Hendsbee, with the agreement of the seconder, placed the following amended motion:

MOVED by Councillor Hendsbee, seconded by Councillor Snow, that the incentive fee structure be effective as of September 1 ,2007. MOTION DEFEATED.

At the request of Councillor Wile, Sgt. McNeil advised that presently fine revenue goes into the general revenue account. Mr. Dan English, Chief Administrative Officer, advised that staff will be looking at including fine revenue with fee revenue in the next budget.

The original motion was voted on at this time, as follows:

MOVED by Councillor Snow, seconded by Deputy Mayor Uteck, that Council:

- 1. Approve the amendment to Administrative Order #11 (attached to the July 25, 2007 staff report as Appendix A); and**

2. Approve the new licensing strategy respecting dogs for 2008.

MOTION PUT AND PASSED.

11.1.7 Proposed Harmonized By-Law A-300, Respecting Animals (Supplementary Report)

- C A Supplementary staff report dated June 28, 2007 on the above noted was before Council.
- C An extract of the Committee of the Whole minutes of June 19, 2007 on the above noted was before Council.
- C A Supplementary staff report dated June 14, 2007 on the above noted was before Council.
- C A staff report dated June 29, 2005 on the above noted was before Council.
- C An extract of the Committee of the Whole minutes of October 25, 2005 on the above noted was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Walker, that Regional Council Give First Reading to By-Law A-300, Responsible Pet Ownership (attached as Appendix A to the June 28, 2007 Supplementary Report), and set a public hearing date to adopt the By-Law and repeal the existing animal related By-Laws to come into effect January 1, 2008.

Councillor Adams commented that residents do not want limits on the number of pets kept by a person, and placed the following amendment to the motion:

MOVED by Councillor Adams, seconded by Councillor Johns, that Regional Council remove the limits on the number of cats and dogs kept by a person.

Members of Council debated limitations on the number of cats and dogs kept by a person at this time.

On a Point of Order, Deputy Mayor Uteck indicated that rule 57(3) respecting By-law Procedure in Administrative Order One states that "The question: "That this By-law be now read a first time" shall be decided without amendment or debate." She noted that the By-law is now in its second reading.

Ms. Mary Ellen Donovan, Municipal Solicitor, clarified that traditionally, at first reading on by-laws of this nature which generate much discussion, changes can be made at first reading, so the public is aware of what Council will be entertaining. She indicated that she would have to further examine how rule 57(3) would fit with how the process is traditionally carried out and

provide Council with an opinion on this subject. She clarified that Council may make amendments to the By-law at this time.

Councillor Karsten indicated he does not believe it is feasible to enforce the prohibition of persons feeding waterfowl or pigeons on all property owned by HRM, as per item 15(1) of the proposed By-law. Councillor Karsten placed the following amendment:

MOVED by Councillor Karsten, seconded by Councillor Kent, that section 15(1) of the proposed By-law A-300 Respecting Animals be amended to read as follows:

No person shall feed waterfowl or pigeons at site specific locations as determined by Council or Community Council on property owned by the Municipality.

MOVED by Councillor Smith, seconded by Councillor Sloane, that the question be now put.

Mayor Kelly clarified that as per Administrative Order One, rule 50(2), a motion to call for the question shall be determined by a vote of two-thirds of members present.

Mayor Kelly asked for a vote by "show of hands" and ruled the **MOTION DEFEATED.**

Councillor Smith requested a recorded vote on the question. **MOTION PASSED. (14 in favour, 7 against)**

Those voting in favour were Deputy Mayor Uteck and Councillors McInroy, McCluskey, Kent, Smith, Wile, Sloane, Fougere, Walker, Hum, Mosher, Johns, Harvey, and Meade. Those voting against were Mayor Kelly and Councillors Streach, Snow, Hendsbee, Karsten, Murphy, and Adams.

Councillors Younger, Martin and Rankin were not in attendance.

The amended motion was voted on at this time, as follows:

MOVED by Councillor McCluskey, seconded by Councillor Walker, that Regional Council:

- 1. Give first reading to By-Law A-300, Respecting Animals (attached as Appendix A to the June 28, 2007 Supplementary Report), and set a public hearing date to adopt the By-Law and repeal the existing animal related By-Laws to come into effect January 1, 2008;**

2. **Remove the limits on the number of cats and dogs kept by a person; and**
3. **Section 15(1) of the proposed A-300 By-Law Respecting Animals be amended to read as follows:**

No person shall feed waterfowl or pigeons at site specific locations as determined by Council or Community Council on property owned by the Municipality.

MOTION PUT AND PASSED. (17 in favour, 4 against)

Those voting in favour were Deputy Mayor Uteck and Councillors Streach, Snow, McInroy, McCluskey, Karsten, Kent, Smith, Wile, Murphy, Sloane, Walker, Hum, Mosher, Johns, Harvey and Meade.

Those voting against were Mayor Kelly and Councillors Hendsbee, Fougere, and Adams.

Members of Council encouraged residents to attend the public hearing for this matter to voice their concerns.

This item was addressed further later in the meeting. See page 22.

11.2 HALIFAX WATERSHED ADVISORY BOARD

11.2.1 Septic Tanks in HRM

- C A report from the Halifax Watershed Advisory Board dated July 20, 2007 on the above noted was before Council.

MOVED by Councillor Johns, seconded by Councillor Harvey, that this matter be referred to staff for a report.

Members of Council discussed issues surrounding septic tanks in HRM, requesting that the following be included in the staff report:

- C Which jurisdiction septic tanks fall under (Provincial or Municipal);
- C Discussion of grants offered to assist with the pumping and maintenance of septic tanks;
- C Discussion on the designation between full time residences and cottages;
- C Examination of the size of nozzles installed on tanks (four inch nozzles on tanks vs. five inch nozzles on pumping trucks).

MOTION PUT AND PASSED.

11.3 CULTURAL ADVISORY COMMITTEE

11.3.1 Khyber Arts & Culture Cluster

- C A report from the Cultural Advisory Committee on the above noted dated July 24, 2007 was before Council.
- C A copy of the presentation on the above noted was also before Council.

Ms. Holly Richardson, Regional Coordinator, Culture and Heritage, presented the report to Council.

MOVED by Councillor Sloane, seconded by Councillor Fougere, that Regional Council:

- 1. Authorize a process, as outlined in the May 31, 2007 staff report (Attachment 1 to the July 24, 2007 Cultural Advisory Committee report) to enable an HRM-owned/community operated Arts & culture Cluster Facility at the Khyber building, 1588 Barrington Street; and**
- 2. Authorize the initiation of a detailed Feasibility Study and Business Plan for the Khyber Arts & Culture Cluster.**

Mr. Andrew Whittimore, Manager, Community Development, and Ms. Holly Richardson, Regional Coordinator, Culture and Heritage, responded to questions of clarification from Council at this time.

Councillor Meade left the meeting at 9:16 p.m.

Members of Council noted the following concerns with regard to HRM owned facilities in general:

- C Guidelines for use are needed for HRM owned facilities;
- C Inequalities with the treatment of rural and urban facilities;
- C Caution that these facilities be monitored to ensure that they are economically feasible.

Mr. Paul Dunphy, Director, Community Development, commented that there are broad policy issues surrounding these concerns. He clarified that staff are requesting the approval to undertake a study on the Khyber Building, and staff will be coming forward to Council in

September with a leasing tenancy strategy to deal with vacancies in the building. Mr. Dunphy advised that staff will attempt to address the concerns noted this evening with the study.

At the request of Councillor Streach, Chief Frank Beazley, Halifax Regional Police, advised that he is not aware of any illegal activity having taken place at the Khyber Centre.

MOTION PUT AND PASSED.

11.4 MEMBERS OF COUNCIL

11.4.1 Councillor Adams - Request for Report re: Chebucto Head Road Ongoing Maintenance and Ownership Issues

MOVED by Councillor Adams, seconded by Councillor Walker, that Regional Council request a staff report on ongoing maintenance and ownership issues regarding Chebucto Head Road, Halifax.

Councillor Adams noted the following concerns with regard to the Chebucto Head Road and surrounding roads:

- C Snow removal;
- C Ongoing road maintenance and cutting of road side brush;
- C Ownership of the road;
- C What class the road is given;
- C Whether the road is eligible for municipal funding;
- C Who would be liable should a maintenance related accident occur on the road.

MOTION PUT AND PASSED.

11.4.2 Councillor McInroy - Request for Report re: Commonwealth Games Bid Finances

Councillor McInroy indicated that he is requesting that staff prepare a report and legal opinion for further specific financial details to be released to Council and the public regarding the Commonwealth Games Bid, noting that he is aware of confidentiality agreements in place.

MOVED by Councillor McInroy, seconded by Councillor Adams, that Regional Council request a staff report, including a legal opinion, regarding the provision of further detailed financial information to Council and the public, with regard to the Commonwealth Games Bid.

Ms. Geri Kaiser indicated that staff are working with partners at the Provincial level to determine what information can be released.

Councillor McInroy requested that the report be prepared for the September 4, 2007 Regional Council meeting.

With the agreement of the mover and seconder, Councillor Fougere requested that the motion include the release of any actual products produced, such as architectural drawings and facility plans. She questioned who would end up in possession of such products for future use.

Ms. Kaiser advised that a knowledge transfer was included as a part of the Memorandum of Understanding signed between the different levels of government, and staff will, as an addendum, include that information.

Councillor Mosher requested that an itemized accounting, including specific companies and items, be included.

The following amended motion was voted on at this time:

MOVED by Councillor McInroy, seconded by Councillor Adams, that Regional Council request a staff report, including a legal opinion, regarding the provision of further detailed financial information to Council and the public, including the actual products produced (ie: architectural drawings, facility plans), with regard to the Commonwealth Games Bid.

MOTION PUT AND PASSED.

Councillor McCluskey left the meeting at 9:47 p.m.

13. ADDED ITEMS

13.1 Correspondence - 1 Canadian Air Division Headquarters Detachment Halifax re: Natal Day CP140 Aurora Flypast

This item was dealt with earlier in the meeting under Item 10.1 - Correspondence. See page 9.

13.2 Councillor Hum - Request for Report re: Odours By-Law

MOVED by Councillor Hum, seconded by Councillor Walker, that Regional Council request a staff report on establishing a by-law to regulate odours, which will include gas fumes from commercial or other sites.

Councillor Hum indicated that she has been receiving a number of complaints about a local gas station emitting a high level of odours. She noted that there is no by-law in HRM to deal with odours, and the Nova Scotia Department of Environment has indicated that the Province does not have legislation in place to deal with this issue either. Councillor Hum noted that Vancouver has a good example of such a by-law and that the Clean Air Network has done work on this issue.

Councillor Smith indicated that staff were working on a report dealing with smoke fumes, and suggested that this issue could be tied in with that project.

Councillor Karsten suggested that the Province take a second look at this issue.

Councillor Johns requested that the report also include discussion on odours generated from green bins, sewage treatment facilities and pumping stations, solid waste facilities and smoke fumes.

Councillor Fougere advised that she has researched the Vancouver by-law referred to by Councillor Hum, which only deals with petroleum fumes, and she would be pleased to pass on her information to the staff person preparing the report. She noted that HRM has a staff consultant at Jacques Whitford who is working on a Clean Air Plan.

Councillor Hum commented that the problem stems from the filling of underground storage tanks, where there are no carbon valves to reduce fumes. She requested that the issue of gas fumes be dealt with as a separate issue in order to be addressed in a timely manner.

MOTION PUT AND PASSED.

MOVED by Councillor Johns, seconded by Councillor Wile that Regional Council agree to extend the meeting time until the agenda has been completed. MOTION PUT AND PASSED.

13.3 Graffiti Task Force Terms of Reference

C This matter was discussed at an earlier Committee of the Whole session, and was now before Council for ratification.

MOVED by Councillor Mosher, seconded by Councillor Johns, that Halifax Regional Council adopt the Terms of Reference for the Graffiti Task Force as shown in appendix "A" of the staff report dated June 19, 2007, and that the Task Force be comprised of the Mayor and two members of Council; and that appointed Council Members serve for a term of two years with members re-appointed for a maximum two consecutive years. MOTION PUT AND PASSED.

13.4 Urban Design Framework Concepts and Strategies

C This matter was discussed at an earlier Committee of the Whole session, and was now before Council for ratification.

MOVED by Councillor Sloane, seconded by Councillor Smith, that Halifax Regional Council approve the proposed themes and strategies as outlined in the attached report dated July 23, 2007 submitted by the Urban Design Task Force. MOTION PUT AND PASSED.

13.5 Legal Matter - Settlement of Claim

C This matter was discussed at an earlier In Camera session, and was now before Council for ratification.

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

- 1. Settle this claim brought by the Plaintiff in the amount of \$26,360.00 to achieve a full settlement of the Plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of the accident of February 20, 2006; and**
- 2. Not release the July 7, 2007 Private and Confidential staff report to the public.**

MOTION PUT AND PASSED.

13.6 Legal Matter - Settlement of Claim

C This matter was discussed at an earlier In Camera session, and was now before Council for ratification.

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

- 1. Settle this claim brought by the Plaintiff in the amount of \$40,000.00 to achieve a full settlement of the Plaintiff's action up on obtaining a full release from the Plaintiff from any further claims arising out of the accident of November 16, 2001.**
- 2. Not release the July 3, 2007 Private and Confidential Report to the public.**

MOTION PUT AND PASSED.

13.7 Legal Matter - Settlement of Claim

C This matter was discussed at an earlier In Camera session, and was now before Council for ratification.

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

- 1. Settle these two claims brought by the Plaintiffs in the total amount of \$71,998.88 to achieve a full settlement of the Plaintiffs' actions upon obtaining full releases from the Plaintiffs from any further claims arising out of the accident of June 23, 2003;**
- 2. Not release the July 11, 2007 Private and Confidential report to the public.**

MOTION PUT AND PASSED.

13.8 Contractual Matter - Use of North Commons Regarding Outdoor Concerts

C This matter was discussed at an earlier In Camera session, and was now before Council for ratification.

MOVED by Councillor Sloane, seconded by Councillor Smith, that Halifax Regional Council permit two concert dates a year on the Commons with the preferred time frame being September to the first week of October and that in the event of a concert booking, staff bring forward a relocation plan for users of the Common. MOTION PUT AND PASSED.

11.1.7 Proposed Harmonized By-Law A-300, Respecting Animals

Ms. Mary Ellen Donovan, Municipal Solicitor, advised that upon review of earlier Council minutes, the Clerk has determined that no notice of motion was given in advance of the by-law being given first reading, which is a requirement of Administrative Order One. She noted that this is not a requirement of the Municipal Government Act, which only requires first and second readings. She indicated that Council may wish, on a two thirds vote, to waive the requirement for a notice of motion in this instance.

MOVED by Councillor Harvey, seconded by Councillor Sloane, that Regional Council waive the requirement for a notice of motion for the Proposed Harmonized By-Law A-300, Respecting Animals. MOTION PUT AND PASSED.

14. NOTICES OF MOTION

Councillor Hendsbee

Take notice that at the Regional Council meeting to be held on August 7, 2007, I propose to introduce a motion to include a provision as Schedule A to the Proposed Harmonized By-law A-300, Respecting Animals, that would allow for the free registration of a cat or dog with valid proof of microchip identification, or has been tagged with a tattoo from a recognized registered kennel, and be it further resolved that this microchip/tattoo provision be included in the public hearing process for the Proposed Harmonized By-law A-300, Respecting Animals.

Ms. Mary Ellen Donovan, Municipal Solicitor, indicated that while Councillor Hendsbee's motion is in order, the preferred approach in keeping with Item 11.1.7 would be to submit the motion on second reading, or alternatively to refer this matter to a Committee of the Whole session for further consideration. She indicated that Councillor Hendsbee's motion would not be deemed to be contrary at that time.

Councillor Hendsbee agreed to withdraw his notice of motion.

Councillor Johns

Take notice that at the next regular meeting of the Halifax Regional Council to be held on August 7, 2007, I intend to introduce a motion to incorporate into Administrative Order One "All motions of Council are to be documented as unanimous only when verified by a recorded vote".

Councillor Karsten

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 7th day of August, 2007, I propose to move First Reading of By-law S-604, the purpose of which is to amend By-Law S-600, to reduce the limit of residential refuse to six (6) bags & cans, to prohibit the mixing of source separated organics and recyclables with waste at commercial properties, and to require signage on commercial organic and recycling bins.

Councillor McInroy

Take notice that at the next regular meeting of Halifax Regional Council, to be held on August 7th, 2007, I propose to introduce, as a Policy pursuant to Section 315 of the Municipal

Government Act, Administrative Order SC-46. The purpose of which is to effect closure of a portion of Cole Drive.

15. ADJOURNMENT

The meeting was adjourned at 10:06 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council.

1. Proclamation - Halifax Highland Games and Scottish Festival Day - July 7, 2007
2. Proclamation - National Drowning Prevention Day - July 28, 2007
3. Memorandum from Intergovernmental & Corporate Affairs Advisor dated June 27, 2007 re: Municipal Rural Infrastructure Fund Prioritization Process
4. Memorandum from Director, Traffic Authority dated June 15, 2007 re: Councillor Murphy - North Barrington Street
5. Memorandum from Director, Transportation and Public Works dated June 25, 2007 re: Options to Extend Transit Service to Timberlea and Timber Trails
6. Memorandum from Director, Transportation and Public Works dated June 28, 2007 re: 2006 / 2007 Winter Works - Season End
7. Memorandum from Acting Director, Finance dated June 26, 2007 re: Tax Reform - May 2007 Consultations
8. Memorandum from Acting Director, Finance dated June 29, 2007 re: Fourth Quarter 2006 / 2007 Financial Report
9. Memorandum from Director, Community Development and Acting Director, Finance dated June 22, 2007 re: Financial Performance HRMs' Major Facilities
10. Memorandum from Director, Legal Services dated June 26, 2007 re: London (City) v. RSJ Holdings Inc.
11. Memorandum from the Municipal Clerk dated June 29, 2007 re: Requests for Presentation to Council - None