

HALIFAX REGIONAL COUNCIL
MINUTES
September 18, 2007

PRESENT:

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

REGRETS:

Councillors: Dawn Sloane
Linda Mosher
Gary Martin

STAFF:

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

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1. INVOCATION

The meeting was called to order at 6:00 p.m. with the Invocation being led by Councillor Streach.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Hum announced the Western Shore Land Use consultants report will be presented at St. Peter's Church Hall on Thursday, September 20th as well as a public meeting on the Hemlock Ravine Off Leash Strategy at St. Peter's Church Hall on Thursday, September 27th starting at 6:30 p.m.

Councillor Fougere excused herself to attend a community meeting of the Chebucto Neighbourhood Association to discuss the ecological and environmental aspects of the widening of Chebucto Road.

Councillor Adams noted the Harvest Day at the Urban Farm and the Ketch Harbour Area Residents Association was held on the past weekend. He noted a tournament held in honour of Brian Kidson had raised \$4,500 for community recreation programs. He advised there will be a transit meeting in Harrietsfield Recreation Centre on Thursday, September 20, 2007 at 7:00 p.m. to discuss transit options for the area.

Councillor McInroy advised that the Cole Harbour Heritage Park System will have its official opening at 2:00 p.m. on Saturday, September 29th.

Councillor McCluskey thanked the participants of the Sullivans Pond Terry Fox Run. She reminded residents that at 7:00 p.m. on Wednesday, September 19th there will be a public information meeting at Dartmouth High School regarding Kings Wharf.

Councillor Hendsbee noted the 1982 graduating class of St. Mary's University will be holding it's twenty five year anniversary.

Deputy Mayor Uteck thanked her residents for the support they have shown with regards to the Nova Scotia Power vegetation management situation.

Councillor Kent acknowledged the efforts of the Rotarians in planting one thousand seedlings and forty trees to re-green the area of the Woodside treatment plant.

Councillor Johns advised that the contractor will be commencing work from 7:00 p.m. to 7:00 a.m. on the Lively water and sewer project.

Councillor Smith advised the District 9 Neighbourhood Watch Association will be holding its monthly meeting at 7:00 p.m. on Wednesday, September 19th at the Farrell Hall, Windmill Road.

Councillor Harvey congratulated the Sackville Rivers Association on a successful fundraiser.

3. APPROVAL OF MINUTES - September 4, 2007

MOVED by Councillor McCluskey, seconded by Councillor Wile, that the minutes of September 4, 2007 be approved.

Councillor Karsten referenced page 7, item 9.1, By-Law S-504, An Amendment to By-Law S-600, Respecting Solid Waste Resource Collection and Disposal and requested his comments regarding clear bags being the next step be added to this portion of the minutes.

MOTION PUT AND PASSED.

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

Additions

12.1 Personnel Matter - Citizen and Councillor Appointments to Boards, Committees and Commissions.

12.2 Contractual Matter - License Agreement - Halifax-Dartmouth Bridge Commission

Deputy Mayor Uteck requested item 10.1.8, Seaport Farmers' Market, be brought forward on the agenda and discussed following item 8.2.

MOVED by Councillor Snow, seconded by Councillor Younger, 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 Councillor Streach - Request for Letter to the Honourable Peter MacKay re: Parallel Highway - Sheet Harbour to Newcombe's Brook, Ship Harbour

Councillor Streach noted the #107 highway stops at Musquodoboit Harbour and at this time he was requesting the Mayor send a letter asking that a parallel highway be constructed to help with the commute from the Eastern Shore. He noted that construction of this would reduce travel time by approximately forty five minutes, safety would be enhanced, economic benefits would be realized and a reduced travel time would have the effect of attracting new residents and new businesses to the area.

MOVED by Councillor Streach, seconded by Councillor Wile, that Mayor Kelly write Minister Michael Fortier, with a copy to Minister Peter MacKay, Premier Rodney MacDonald, Minister MacIsaac, Minister Chisholm and Minister Dooks, asking that a parallel highway be constructed between Spry Harbour and Ship Harbour.

Councillor Younger noted the residents would like to see the other portion of Highway #107 completed.

Councillor Hendsbee stated he would like to see the widening of the Main Street highway from Montague Road through to Salmon River.

In response to Councillor Johns, Mr. English, CAO advised this will not affect the Beaver Bank project.

MOTION PUT AND PASSED.

8.2 Councillor McCluskey - Request to add September 4, 2007 Information Item #4 to the Agenda - Commonwealth Games Bid

- An Information Report dated August 29, 2007, on the above noted, was before Council.

In response to Councillor McCluskey as to why there was a need for a liquidator, Mr. English, CAO, advised the Halifax 2014 requires a liquidator and his/her role will be to address the matter of any unfinished business, cheques, approvals, receivables etc. Had a liquidator been in place over the last number of weeks, HRM would have had to approach the liquidator in order to gain access to information. In the absence of a liquidator, the Board has given unanimous consent that all the information, financial and administrative, will be turned over to HRM and the Province. He further advised there is a process in place to engage the services of an independent accountant to assemble the information in order to respond to requests.

He stated FOIPOP principles will be utilized in terms of the protection of privacy but people will not be forced to go through the application process.

Councillor McCluskey asked why November 1st was the date that the Certificate of Incorporation was being surrendered, what is meant by personal information, why is it taking so long to process outstanding cheques and is rent still being paid for office space. She suggested the legal opinion be posted to the website

In response, Mr. English advised the Board had its last meeting on July 12th at which time they tabled their financial statements and it was the decision of the Board to surrender their certificate on November 1st. He stated the legal opinion can be provided. He noted the bid was pulled March 8th and staff have been wrapping up and preparing for audits. Rent at Metropolitan Place went to October or November and the costs were approved in the financial statements.

Ms. Mary Ellen Donovan, Municipal Solicitor, advised FOIPOP legislation poses some restrictions in the interest of privacy regarding third parties and other individuals who might be affected by the release of the document. She stated the law dictates that HRM follow the rules of the legislation.

In response to Councillor Fougere, Mr. English confirmed that HRM would have the ability to use the sports venue drawings.

In response to Councillor Karsten, Mr. English advised that an accountant will be hired to organize the information in order to respond to requests.

Councillor McInroy requested Council be provided with a breakdown of all costs such as all consultants payments, travel, etc. In response, Mr. English advised Deloitte and Touche will be hired as the accountants.

Councillor Snow stated the public wants a detailed account of the money that was spent. She suggested the information be provided to the provincial Auditor General to examine rather than HRM hiring an auditor.

Councillor Adams stated ten million dollars was invested and Council wants to know where the money was spent and what the results of that spending was. He stated he would like to have information on the results of meetings, conversations and what was accomplished by going to other cities. He noted HRM paid for the documents and plans. He stated HRM paid three million dollars and he wants to see the value received for that expenditure.

In response to Councillor McCluskey, Mr. English advised the information is being assembled and will be available through the website in a couple of weeks.

Councillor Snow reiterated that Council has requested all information.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

10.1.8 Seaport Farmers Market, Halifax - PID #00483024

- A report dated September 13, 2007, on the above noted, was before Council.

Mr. Jim Donovan, Manager, Economic Development, presented the report to Council.

MOVED by Deputy Mayor Uteck, seconded by Councillor Streach, that Halifax Regional Council direct staff to enter into discussions with the Halifax Port Authority on the subject of cost-sharing to support Halifax Port Authority's activities, including the Farmers' Market.

Deputy Mayor Uteck stated the Farmers' Market is an HRM wide cultural institution, noting sixty percent of the produce sold is produced in HRM.

Councillor McCluskey noted this is a private enterprise in that it is a co-op that is owned by the vendor members and may have the effect of opening the door to many more similar requests.

Councillor Rankin stated he was willing to support the motion based on HRM exploring possibilities of financing in the next fiscal year noting, HRM's support may assist the Market in leveraging federal funds.

Councillor Kent noted this is an economic opportunity providing connectivity to the province.

Council recessed at 8:00 p.m.

Council reconvened at 8:20 p.m.

Councillor Younger noted there are recreation facilities that are being closed due to lack of funding availability and he sees this as changing priorities on the fly and Council should direct staff to establish a set of priorities for Council.

MOVED by Councillor Karsten, seconded by Councillor Younger, that Council authorize staff to put a process in place to have a priority setting fiscal framework for

**decision making for support of community and cultural infrastructure projects.
MOTION DEFEATED.**

Deputy Mayor Uteck stated this is an opportunity for an infrastructure exchange with Halifax Port Authority.

MAIN MOTION PUT AND PASSED.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 07-076 - Two (2) Year Agreement to Purchase up to Nine (9) new Triple Combination Pumpers

- A report dated September 5, 2007, on the above noted, was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Wile, that Council award Tender No. 07-076 for a two year period, to Micmac Fire & Safety Ltd., at a cost of \$1,536,160.00 (net HST included), in 2007/08 for four (4) 2008 Triple Combination Pumpers, with funding from Capital Account No. CVJ00703 as outlined in the Budget Implications section of the September 5, 2007 report, and up to an additional five (5) Triple Combination Pumpers in 2008/09, at an additional cost of \$1,920,200 (net HST included) contingent upon Council approval of capital funding through the capital budget process for that year. MOTION PUT AND PASSED.

10.1.2 Tender 07-109 - Traffic Signal Maintenance, Various Locations

- A report dated August 30, 2007, on the above noted, was before Council.

MOVED by Councillor Younger, seconded by Councillor McCluskey, that Council award Tender No. 07-109 Traffic Signal Maintenance Various Locations for materials and services listed at the unit prices quoted for the period commencing September, 2007 through October, 2010 to Black & McDonald Limited for a Total Tender Price of \$937,735.50 (net HST included) with funding from Operating Account No. R827-6399 Traffic Lights - Contract Services as outlined in the Budget Implications section of the August 30, 2007 report. MOTION PUT AND PASSED.

10.1.3 Tender 07-145 - Four (4) Wheel Drive Utility Tractors & Tender 07-148 - Two (2) Articulating Municipal Tractors

- A report dated September 6, 2007, on the above noted, was before Council.

MOVED by Councillor Rankin, seconded by Councillor Meade, that Regional Council award:

- 1) Tender No. 07-145, for Four (4) 4-Wheel Drive Utility Tractors to Eastern Turf Inc. for a Tender Price of \$130,012.00 (net HST included) with funding from Capital Account No. CVD00413 as outlined in the Budget Implications section of the September 6, 2007 report.**
- 2) Tender No. 07-148, for Two (2) Articulated Municipal Tractors to Saunders Equipment Limited for a Tender Price of \$206,453.00 (net HST included) with funding from Capital Account No. CVD00413 as outlined in the Budget Implications section of the September 6, 2007 report.**

MOTION PUT AND PASSED.

10.1.4 Request for Proposal 07-153 - Professional Consulting Services, Former CA Beckett School and Surrounding Properties

- A report dated August 29, 2007, on the above noted, was before Council.

MOVED by Councillor Walker, seconded by Councillor McCluskey, that Council award Request For Proposal No. 07-153 to Jacques Whitford for a Total Tender Price of \$336,409.02 (net HST included) with funding from Capital Account No. CBU01004 - Former CA Beckett School, Soil Remediation as outlined in the Budget Implications section of the August 29, 2007 report. MOTION PUT AND PASSED.

10.1.5 Request for Proposal 07-166 - Captain William Spry Community Centre - Architectural Consulting Services

- A report dated September 18, 2007, on the above noted, was before Council.

MOVED by Councillor Adams, seconded by Councillor Hum, that Council approve the award of RFP No. 07-166, Captain William Spry Community Centre Architectural Consulting Services to Davison Seamone Rickard Adams Architects Inc. (DSRA) for building programming, design, contract document and site services in the amount of \$212,029.45 (net HST included) with funding from Capital Account Nos. CFG00993 - Captain William Spry Retrofit and CDV00734 - Streetscaping in Center Hubs/Corridors, as outlined in the Budget Implications section of the September 18, 2007 report. MOTION PUT AND PASSED.

**10.1.6 Temporary Borrowing Resolution, Resolution to Renew 2005/2006
Temporary Borrowing Resolution and 2007 Fall Debenture**

- A report dated August 28, 2007, on the above noted, was before Council.

MOVED by Deputy Mayor Uteck, seconded by Councillor Walker, that:

- 1) Halifax Regional Council approve a Temporary Borrowing Resolution, based on the 2007/08 Capital Budget, as well as other changes approved during the 2006/07 fiscal year in the amount of \$46,858,000**
- 2) Halifax Regional Council approve a Temporary Borrowing Resolution in the amount of \$10,512,000 for renewal of the expiring Temporary Borrowing Resolution 05/06-02.**
- 3) The Mayor and Municipal Clerk be authorized to sign the Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate confirmation, not to exceed 7.0%, to enable the Halifax Regional Municipality to issue a 10-year debenture in the amount of \$8,800,000.**

MOTION PUT AND PASSED.

10.1.7 Write-Off of Uncollectable Accounts

- A report dated August 3, 2007, on the above noted, was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Younger, that:

- 1. The real property tax and lienable charges in the amount of \$32,408.26 comprised of \$26,534.18 principal and \$5,874.08 interest as detailed in Schedule 1 be formally written out of the books of account.**
- 2. The business occupancy tax accounts in the amount of \$467,612.86 comprised of \$390,366.36 principal and \$77,246.50 interest as detailed in Schedule 2 be formally written out of the books of account.**
- 3. The general revenue accounts in the amount of \$137,008.08 comprised of \$130,086.18 principal and \$6,921.90 interest as detailed in Schedule 3 be formally written out of the books of account.**

MOTION PUT AND PASSED.

10.1.8 Seaport Farmers' Market, Halifax - PID #00483024

This item was addressed earlier in the meeting. (See page 8)

10.1.9 Case 01058 - Amendments to All Land Use By-Laws Regarding Temporary Construction Activities

- A report dated September 10, 2007, on the above noted, was before Council.

MOVED by Councillor Younger, seconded by Deputy Mayor Uteck, that Halifax Regional Council request staff to undertake the process to amend all HRM's Land Use By-laws (Region-wide) regarding temporary construction activities, and to follow the public participation program as presented in Attachment "A" of the September 10, 2007 report. MOTION PUT AND PASSED.

10.2 HERITAGE ADVISORY COMMITTEE

10.2.1 Nova Scotia Fallen Peace Officers Memorial

- A report dated September 7, 2007, on the above noted, was before Council.

MOVED by Councillor Karsten, seconded by Councillor Younger, that Halifax Regional Council:

- 1. Approve, in principle, the Grand Parade as the location for a permanent memorial to commemorate Nova Scotia Fallen Peace Officers thereby enabling staff to work with the Nova Scotia Fallen Peace Officers Committee to initiate a design process for the memorial, for the Heritage Advisory and Regional Council's future consideration and approval; and,**
- 2. That the Grand Parade/Province House/Birks Site Joint Lands Study be included in the principles and objectives that will be used as guidance to prospective artists.**

MOTION PUT AND PASSED.

MOVED by Councillor McCluskey, seconded by Councillor Younger, that:

In the absence of HRM's Art Policy, which addresses proposed monuments, the following is requested:

- a) HRM staff resources be directed towards the following existing installation and restoration projects, pursuant to HRM's interim policy:

Installation:

- 1) NS Fallen Peace Officers' Memorial
- 2) St. Roche Commemorative Stone
- 3) Bengal Lancers Memorial
- 4) Ransom Myers Memorial

Repair and Restoration:

- 1) Winston Churchill (SG Library)
- 2) Bird of Spring (AGNS Courtyard)
- 3) Cenotaph (Grand Parade)
- 4) Octagonal Posts (Halifax Commons)
- 5) Totem Pole (Sullivans Pond) and
- 6) Dingle Tower Bristol Plaque

- b) that the existing budget allocation for memorials be increased by \$8,000 in order to achieve our commitment to the above noted; and
- c) any monuments or memorials not identified above, or any requests for new monuments or markers, be deferred until the HRM Art Policy is adopted.

MOTION PUT AND PASSED.

11. MOTIONS

11.1 Councillor Younger - Amendment to Administrative Order One re: Special Community Announcements and Acknowledgements

MOVED by Councillor Younger, seconded by Councillor Adams, that Regional Council approve an amendment to Administrative Order One to limit special community announcements and acknowledgements to one (1) minute per Councillor per meeting, as well as to add any other guidelines determined appropriate by Council for such announcements. MOTION PUT AND PASSED.

11.2 Councillor Younger - Amendment to Administrative Order One re: Exclusion of Mayor in Quorum Count on Committees where Ex-officio Member

MOVED by Councillor Younger, seconded by Councillor McCluskey, that Regional Council approve an amendment to Administrative Order One, the effect of which will be to exclude the Mayor in calculation of quorum on municipal committees where the Mayor sits as an ex-officio member.

Councillor Younger noted Section 68 (4) of the Administrative Order states “that in determining quorum regard shall be had to the fact that the Mayor is an ex-officio member of all committees”. He advised that this has recently created a problem on a number of committees in achieving quorum as the Mayor being ex-officio of all committees has been traditionally counted. He stated what he is suggesting in his motion is that the word “not” be inserted so that it would be reworded such “that in determining quorum regard shall not be had to the fact that the Mayor is an ex-officio member of all committees”. He noted it is his understanding that in doing this the Mayor would still be an ex-officio member with all rights and privileges but would not be counted in determining the quorum.

Councillor Hendsbee expressed concern that if they Mayor did attend a meeting would his attendance constitute a quorum because he is allowed to participate and allowed to vote. If you take him out of the equation in the calculation of quorum, would he then be allowed to vote. Perhaps he should be made a non voting member.

Ms. Donovan, Municipal Solicitor, advised when His Worship is named as a member of a committee he is then counted in determining quorum.

Councillor Hendsbee question whether the Mayor has a vote if this passes as proposed, if he attends a meeting and not counted in determining quorum.

Councillor Younger stated the issue is that there were instances where a committee could not achieve a quorum because the Mayor is counted in the group.

MOVED by Councillor Younger, seconded by Councillor Snow, that the matter be referred to staff for a report. MOTION PUT AND PASSED.

12. ADDED ITEMS

12.1 Personnel Matter - Citizen and Councillor Appointments to Boards, Committees and Commissions

- This item was discussed at an earlier In Camera session and was now before Council for ratification.

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

1. **Approve the Citizen and Councillor appointments to Boards, Committees and Commissions as outlined in Attachment 1 of the September 13, 2007 Private and Confidential report;**
2. **Not release the September 13, 2007 Private and Confidential report to the public with the exception of the list of appointees to the respective Boards, Committees and Commissions.**

MOTION PUT AND PASSED.

12.2 Contractual Matter - License Agreement - Halifax-Dartmouth Bridge Commission

- This item was discussed at an earlier In Camera session and was now before Council for ratification.

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

1. **Authorize the Mayor and Clerk to execute the License Agreement (Attached as Appendix #1 to the September 4, 2007 staff report) between the Halifax-Dartmouth Bridge Commission and HRM for the purpose of placement and maintenance of a SCADA repeater on the west main tower of the McKay Bridge for an initial fee of \$250 plus net HST (to be paid upon execution of the agreement) for a total initial fee of \$259 plus an annual fee of \$750 plus net HST (to be paid on or before January 1 in each of the years 2008 to 2012) inclusive, for a total annual fee of \$776, with yearly cumulative increases of the Consumer Price Index for the Municipality as determined by Statistics Canada, with funding to be provided from Capital Account No. CSE00386, Pollution Control - Halifax Harbour Solutions Project for the first year of the agreement, as per the budget implications section of this report;**
2. **Not release the Private and Confidential staff report dated September 4, 2007 until the License Agreement is approved by Council and executed.**

MOTION PUT AND PASSED.

13. NOTICES OF MOTION

Councillor Harvey

Take Notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday the 25th day of September, 2007, I propose to introduce a motion that Regional Council authorize and direct Mayor Kelly to write the Province of Nova Scotia requesting that the Governor in Council change the name of the Halifax Regional Municipality to Halifax.

14. ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council.

1. Proclamation - National Family Dinner Night - September 20, 2007
2. Proclamation - Kids Day America / International - September 22, 2007
3. Memorandum from Director, Transportation and Public Works dated August 17, 2007 re: Street Light Maintenance
4. Memorandum from Director, Business Planning & Information Management dated September 12, 2007 re: Fourth Quarter 2006 / 2007 Business Plan Goals & Objectives Update
5. Memorandum from Acting Director, Finance dated September 5, 2007 re: Interim Award Policy - Tender Awards
6. Memorandum from Director, Business Planning & Information Management dated August 14, 2007 re: Harbour Solutions Project - 1st Quarter Report (April to June 2007)
7. Memorandum from General Manager, Halifax Regional Water Commission dated September 11, 2007 re: Dunbrack Street / Kearney Lake Road Water Transmission Main
8. Memorandum from the Municipal Clerk dated September 14, 2007 re: Requests for

Presentation to Council - None