

HALIFAX REGIONAL COUNCIL
MINUTES
September 25, 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
Dawn Sloane
Russell Walker
Debbie Hum
Linda Mosher
Steve Adams
Brad Johns
Robert Harvey
Gary Martin
Reg Rankin
Gary Meade

REGRETS:

Councillor Sheila Fougere

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 Snow.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane thanked staff and all those who helped make the opening of the Commons skate park possible.

Councillor Meade advised there will be a Tantallon Bike and Ride Project meeting at the Tantallon Public Library from 4:00 p.m. to 8:00 p.m. on Wednesday, September 26, 2007.

Councillor Murphy advised that Local 269 Longshoremen had held their 100th anniversary dinner on Saturday, September 22, 2007.

Councillor Hendsbee advised there will be a bike rally in support of pancreatic cancer research being held at the Porter's Lake Provincial Park at 8:30 a.m. on Saturday, September 29, 2007.

Councillor Karsten advised there will be a household hazardous waste depot in the Penhorn Mall parking lot between 9:00 a.m. and 4:00 p.m. on Saturday, September 29, 2007.

Councillor Hum advised that a meeting on the off leash dog strategy will be held at 6:30 p.m. in St. Peters Church Hall on Thursday, September 27, 2007.

Councillor Adams advised he had attended the building of the playground in Spryfield. He requested the Mayor send a letter to the local Home Depot and Ms. Annette Verschuren in appreciation of their actions with regards to this initiative.

Councillor Snow advised there will be a youth team gathering at 1:00 p.m. on Friday, September 28, 2007.

Councillor McCluskey advised the Dartmouth Heritage Museum Society will be hosting a Dartmouth Heritage House tour fund raiser.

Councillor Mosher thanked staff in hosting Dr. David Nowak from the United States Department of Agriculture (USDA), Forest Service, Northeastern Research Centre, Syracuse, New York. She further noted the Springvale Fairmount community had held its annual barbecue and expressed her appreciation to the Chocolate Lake Recreation Centre staff for their assistance.

Councillor McInroy noted that the official opening and open house for the Cole Harbour Heritage Coastal Park and Trail system will be held at 2:00 p.m. on Saturday, September 29th at the Red Barn off Bissett Road.

At this time Council observed a Moment of Silence in memory of employees Lois Slauwhite and Barrie Sweeney.

3. APPROVAL OF MINUTES - September 11, 2007

MOVED by Councillor McCluskey, seconded by Councillor Wile, that the minutes of September 11, 2007 be approved. MOTION PUT AND PASSED.

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

Additions

- 13.1 Councillors Snow and Martin - Request for Report re CPTED (Crime Prevention Through Environmental Design) Policy
- 13.2 BMX Dirt Jumping Parks and Free Ride Areas
- 13.3 Legal Matter Settlement of Claim

Council agreed to move item 13.1 forward on the agenda to be addressed following the public hearing.

MOVED by Councillor Sloane, seconded by Councillor McCluskey, 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 - NONE

9. PUBLIC HEARINGS

9.1 Proposed Administrative Order SC-46, Respecting the Closure of a Portion of Cole Drive, Cole Harbour

- An extract from the September 4, 2007 Regional Council minutes was before Council.
- A supplementary report dated August 20, 2007, on the above noted, was before Council.

Ms. Carla Thistle, Real Estate Officer, presented the report to Council

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

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

MOVED by Councillor McInroy, seconded by Councillor Younger, that Council approve Administrative Order SC-46, Respecting Closure of a Portion of Cole Drive, Cole Harbour as shown on Attachment A of the August 20, 2007 supplementary staff report. MOTION PUT AND PASSED.

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Correspondence - None

10.2 Petitions

Councillor Harvey served a petition on behalf of the residents of Nordic Crescent, Lower Sackville requesting that their street be paved.

Councillor Smith served a petition in support of the Metro Transit Employees

Deputy Mayor Uteck served a petition in support of more bicycle lanes throughout HRM particularly in the Downtown and urban cores.

13.1 Councillors Snow and Martin - Request for Report re: CPTED (Crime Prevention Through Environmental Design) Policy

MOVED by Councillor Martin, seconded by Councillor Sloane, that staff provide a report on the adoption a CPTED policy that would apply CPTED principles to all future subdivision development, new parks and playgrounds and all existing HRM park, playgrounds and properties.

Mr. Dan English, Chief Administrative Officer, advised the presentation on this matter is slated for the first Committee of the Whole in November. He stated staff will combine the December

request for a presentation with the policy guidelines.

Councillor Younger stated he would like to see the report address the tendency towards cutting all trees and putting up lights. He requested the presentation address appropriate training so that HRM is not always using the most drastic approach.

Councillor Sloane suggested the Urban Design Task Force be provided with a copy of the policy.

Councillor Smith requested the report advise of how many people are involved and who is being authorized to do these audits.

Councillor McInroy requested that if this is endorsed by Council it be a process whereby departments can not override the recommendation that comes through the CPTED process.

Councillor Kent stated there needs to be discussions held with school boards and private businesses.

Councillor Streach stated this needs to be an HRM wide initiative as some of the principles can be incorporated into suburban and rural areas as well.

Councillor Martin stated this is intended to be an HRM wide initiative

MOTION PUT AND PASSED.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender 07-267 - Pavement Renewal and New Concrete Curb and Gutter - Summerville Drive - Central Region

- A report dated September 14, 2007, on the above noted, was before Council.

MOVED by Councillor Harvey, seconded by Councillor Johns, that Council:

- 1. Award Tender No. 07-267, Pavement Renewal and New Concrete Curb and Gutter - Summerville Drive - Central Region to Ocean Contractors Limited for a Total Tender Price of \$205,823.71 (net HST included) with funding from Capital Account No. CYU00784, Paving Renewal Program and CRU00683, Concrete Curb Repair Program, as outlined in the Budget Implications section**

of the September 14, 2007 report.

2. Approve an increase of \$19,186 (HRWC Cost sharing) to the budget of Capital Account CYU00784 Paving Renewal Program as per the Budget Implications section of the September 14, 2007 report.

MOTION PUT AND PASSED.

11.1.2 Tender 07-276 - New Paving of Subdivision Streets Inside the Core Area; Lexington Court and Wilshire Close - Central Region

- A report dated September 11, 2007, on the above noted, was before Council.

MOVED by Councillor Meade, seconded by Councillor Rankin, that Council award Tender No. 07-276, New Paving of Subdivision Streets Inside the Core Area; Lexington Court and Wilshire Close - Central Region to Dexter Construction Company Limited for a Total Tender Price of \$173,967.58 (net HST included) with funding from Capital Account No. CXU00715, New Paving of Subdivision Streets Inside the Core Area, as outlined in the Budget Implications section of the September 11, 2007 report. MOTION PUT AND PASSED.

11.1.3 Tender 07-277 - Paving Resurfacing, Margaret Street and Cornwall Street - Central Region

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

MOVED by Councillor Harvey, seconded by Councillor Johns, that Council award Tender No. 07-277, Paving Resurfacing, Margaret Street and Cornwall Street - Central Region to Ocean Contractors Limited for a Total Tender Price of \$237,834.99 (net HST included) with funding from Capital Account No's. CZU00782 - Paving Resurfacing Program, CRU00683 - Concrete Curb Repair Program and CSI00875 - Stormwater and Wastewater Remediation, as outlined in the Budget Implications section of the September 10, 2007 report. MOTION PUT AND PASSED.

11.1.4 Royal Bank of Canada Agreement

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

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

1. **Council authorize the execution of the Centralized Banking Agreement between the Halifax Regional Municipality, the Halifax Regional Water Commission and the Royal Bank of Canada and any related document.**
2. **Council authorize the execution of the Credit Facility Agreement between the Halifax Regional Municipality and the Royal Bank of Canada and approve by resolution the borrowing of up to \$100,000,000 in accordance with this Agreement.**

MOTION PUT AND PASSED.

11.2 MEMBERS OF COUNCIL

11.2.1 Councillor Meade - Request for Report re; Hammonds Plains Road Widening

MOVED by Councillor Meade, seconded by Councillor Johns, that staff provide a report on the widening of the Hammonds Plains Road, from Kearney Lake Road to Highway 103. Further, the staff report examine the use of the pipeline from the Pockwock Road to the Kearney Lake Road as an additional alternative route.

Councillor Sloane stated she would like to see a Rapid Transit component built into this as well as examination of a dedicated bus route for Rapid Transit to the downtown core.

Councillor Johns stated he would like information on who is responsible to fix the situation that has resulted from the development in the area.

Councillor Hum stated she would like the report to address the potential impact this may have on Kearney Lake Road.

Councillor Mosher stated that if arterials and main roads are connecting areas that HRM distributed growth to then payment for sidewalks and traffic lights should be looked at under the global tax rate.

Councillor Johns stated the matter of truck traffic using the Hammonds Plains Road needs to be addressed.

Councillor Younger noted the Hammonds Plains Road spills onto the Bedford Highway and the 102 and requested this issue be addressed as part of this.

MOTION PUT AND PASSED.

12. MOTIONS

12.1 Councillor Harvey

MOVED by Councillor Harvey, seconded by Councillor Martin, 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.

Councillor Harvey stated this motion:

- Will not change the MGA as it relates to the status of the municipality nor will it change the community of residence for any of the citizens,
- It will not negatively impact the identity of any of the communities,
- It will not affect postal addresses nor will it impact the budget as any required changes could be phased in over time,
- It is not about an internal change or changing internal signs,
- It will confirm the municipality's identity beyond its boundaries by associating the municipality with the name Halifax,
- It will catch up with a practice that is currently being used by such bodies as the Port of Halifax, the Halifax Stanfield International Airport and the Halifax Chamber of Commerce.

MOVED by Councillor McCluskey, seconded by Councillor Streach, that the motion be deferred until a staff report is received on the costs.

Councillor Streach requested the report include a clause to allow for public input.

Councillor Sloane requested the report look at how this will affect businesses.

MOTION DEFEATED.

During discussion on the matter the following points were noted:

- Approval of the motion would be costly in terms of changes to such things as signage,
- "Halifax" is already used in many instances as a brand name,
- Before any change is made residents should be afforded an opportunity to provide input,
- There is no benefit to making the name change,

- This has not been given fair consideration,
- Council has not had the opportunity to look at budget implications.

Mr. Dan English, Chief Administrative Officer, suggested that if the motion is approved and, before it goes forward to the Governor in Council, Council make it subject to the receipt of a staff report.

Ms. Mary Ellen Donovan, Municipal Solicitor, referenced Section 43(a) of Administrative Order One which notes that a motion coming from members of Council to the floor requires a report from the CAO and if that rule is to be suspended, it requires a two thirds support from Council. She advised a motion to suspend the rules would have to be the first motion on the floor and, pending the outcome, Council could then proceed with Councillor Harvey's motion.

In response to Councillor McCluskey, Mayor Kelly clarified that if two thirds vote is not achieved to suspend the rules and continue debate then the matter would go for a staff report and come back to Council at a later date with no further debate at this meeting. He noted the rules are clear in that Council should have a report to debate; therefore, in order for Council to continue with debate, Council needs to suspend the rules. If the rules are suspended the debate continues but if not it would come back at a later date with a staff report. Mayor Kelly further clarified that if the rules are suspended than a report would not be necessary with the motion on the floor.

Ms. Donovan stated that what the rules currently require is that before Council considers a motion coming from members of Council there be a report from the CAO. The underlying rationale behind such a ruling is that the intention is for Council to be well informed with respect to the matter which is before it. If the question is put on two thirds motion to suspend the rules then the debate continues this evening. If it does not pass, then the matter, in the orderly conduct of business, would continued at a point when the report is returned to Council.

In response to Councillor Adams, Ms. Donovan advised the MGA currently provides that the Governor in Council that being Cabinet can effect a name change upon the request of a municipality. This contemplates that the municipality will consider the matter first and, after the municipality has considered the matter and approved of the change, then the matter can be put in front of cabinet. In the face of that current structure it is unlikely that cabinet would take the first step and then send the matter back to the municipality.

Ms. Donovan stated there is nothing that stops Council from asking but suggested that it is probably more efficient and effective if Council takes the decision first as the legislation contemplates. She noted the strict wording of the provision of Section 43(a) which may be critical on this item is that "Council shall not vote on an item added to the agenda by a member of Council until a staff report and recommendation is received from the Chief Administrative Officer in respect of the subject matter of the motion. A motion so made shall be deemed to

be deferred until such report and recommendation is received by Council but Council shall not be bound to adopt such recommendations". She stated the 'deeming to be deferred' suggests that the deferral doesn't require a vote that it is just moved to a following agenda.

Mayor Kelly stated that in order for Council to continue at this meeting and to be fair to all, there is a need to suspend the rules. If the rules are not suspended then the matter will be addressed at such time as a report comes forward from the CAO.

MOVED by Councillor Hendsbee, seconded by Councillor Sloane, that Council suspend the rules and continue debate. MOTION DEFEATED.

A recorded vote was taken on suspension of the rules with the result being 8 in favour and 15 against.

Those in favour were Councillors Hendsbee, Wile, Murphy, Walker, Hum, Adams, Johns and Harvey.

Those voting against were Mayor Kelly, Deputy Mayor Uteck and Councillors Streach, Snow, McInroy, McCluskey, Younger, Karsten, Kent, Smith, Sloane, Mosher, Martin, Rankin and Meade.

Councillor Fougere was absent from the meeting.

13. ADDED ITEMS

13.1 Councillors Snow and Martin - Request for Report re: CPTED (Crime Prevention Through Environmental Design) Policy

This item was addressed earlier in the meeting. (See page 6).

13.2 BMX Dirt Jumping Parks and Free Ride Areas

- This item was addressed at an earlier Committee of the Whole session and was now before Council for ratification.

MOVED by Councillor Johns, seconded by Councillor Sloane that:

- 1. No further dirt jumping parks be built on Municipal lands until a full program is put into place to reasonably protect users and the Municipality.**
- 2. Regional Council request provincial changes to the Occupiers Liability Act**

making dirt jumping parks and skateboard parks a named exemption under the Occupiers Liability Act owing to the nature of the sport.

- 3. All motorized vehicles be included in the provincial exemption.**

MOTION PUT AND PASSED.

13.3 Legal Matter - Settlement of Claim

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

MOVED by Councillor Walker, seconded by Councillor McCluskey that:

- 1. Halifax Regional Council settle this claim brought by ING Insurance Company in the amount of \$12,291.30; and**
- 2. Not release the September 10, 2007 Private and Confidential staff report to the public.**

MOTION PUT AND PASSED.

14. NOTICES OF MOTION

Councillor Younger

Take Notice that at the next meeting of the Regional Council, to be held on Tuesday, October 2, 2007, I intend to introduce a motion to amend Administrative Order One Section 43(a) to require a vote of Council to approve any request for a staff report and to eliminate the automatic requirement for such report.

Councillor Smith

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on October 2, 2007, I intend to introduce a motion to request a staff report to amend the Solid Waste By-Law to ban furniture products from the Municipal Landfill.

15. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council.

1. Proclamation - Corporate Diversity Week - October 1 - 5, 2007
2. Memorandum from Acting Director, Finance dated September 14, 2007
re: Investment Activities - Quarter Ending June 30, 2007
3. Memorandum from Co-Chairs, Investment Policy Advisory Committee
dated September 12, 2007 re: Quarter Ending June 30, 2007
4. Memorandum from Director, Community Development dated September 4, 2007
re: Community Recreation Services Youth Engagement Strategy Wins National Award
For Excellence
5. Memorandum from Chief of Police dated September 19, 2007
re: Harmonized By-Law A-300 - Responsible Pet Ownership
6. Memorandum from Director, Transportation & Public Works dated September 21,
2007 re: City Hall Stonework
7. Memorandum from the Municipal Clerk dated September 21, 2007
re: Requests for Presentation to Council - None