

HALIFAX REGIONAL COUNCIL
MINUTES
October 2, 2007

PRESENT:

Mayor Peter Kelly
Deputy Mayor Sue Uteck
Councillors: Steve Streach
David Hendsbee
Harry McInroy
Gloria McCluskey
Andrew Younger
Bill Karsten
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sheila Fougere
Russell Walker
Linda Mosher
Robert Harvey
Reg Rankin
Gary Meade

REGRETS:

Councillors: Krista Snow
Becky Kent
Debbie Hum
Stephen Adams
Brad Johns
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 4:00 p.m. with the Invocation being led by Councillor Snow.

2. **SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

MOVED by Councillor Hendsbee, seconded by Councillor Sloane, that this item be deferred to the evening session. MOTION PUT AND PASSED.

3. **APPROVAL OF MINUTES - September 18, 2007**

MOVED by Councillor McCluskey, seconded by Councillor Sloane, that the minutes of September 18, 2007 be approved. MOTION PUT AND PASSED.

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

Additions

- 13.1 Property Matter - Bayers Lake Business Park
- 13.2 Legal Matter - Litigation Settlement Proposal

Information Item #5 was brought forward on the agenda and addressed under reports as item 11.1.5

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**

8.1 **Harmonized By-Law A-300, Respecting Animals**

- A supplementary report dated September 25, 2007, on the above noted, was before

Council.

MOVED by Councillor McCluskey, seconded by Councillor Karsten that this matter be deferred to October 16th.

Councillor Rankin requested information on trap, sterilization and release be provided in the alternatives if the item is deferred.

MOTION PUT AND PASSED.

9. PUBLIC HEARINGS

9.1 Case 00955 - Cobequid Road and Glendale Drive, Sackville - Sale of HRM Parkland

This item was addressed during the evening session. (See page 9)

9.2 By-Law T-219, An Amendment to By-Law T-200, Respecting Tax Exemptions for Non-Profit Organizations - City of Halifax Non-Profit Housing Society (Harbour City Homes)

This item was addressed during the evening session. (See page 9)

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Correspondence - None

10.2 Petitions - None

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender 07-392 - MacIntosh Fuel Depot Replacement

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

MOVED by Deputy Mayor Uteck, seconded by Councillor Sloane, that Regional Council award Tender # 07-392 MacIntosh Fuel Depot Replacement to Redden Petroleum Enterprises Ltd.. in the amount of \$216,129.37 (net HST included) with

funding from Capital Account CBM00711, Fuel Depot Upgrades, as outlined in the budget implications section of the report dated September 19, 2007. **MOTION PUT AND PASSED.**

11.1.2 Release of Funds - Upper Sackville Turf Capital Reserve Fund

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

MOVED by Councillor Harvey, seconded by Councillor Sloane, that:

1. Council approve an increase in Capital Project CP300791 Weir Field Upgrades, in the amount of \$27,000 with funding from the Upper Sackville Turf Capital Reserve Fund, Q124, to cover the cost of capital maintenance and other related expenditures for this asset as outlined in the discussion section of the September 25, 2007 report.
2. Council approve an unbudgeted withdrawal from Reserve Q124 Upper Sackville Turf Capital Reserve Fund.

MOTION PUT AND PASSED.

11.1.3 Gas Tax Funding Reallocation

- A report dated September 21, 2007, on the above noted, was before Council.

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

1. Approve a reallocation of Gas Tax Funding as per the Budget Implication section of the September 21, 2007 report; and
2. Approve an increase to the gross budget of Capital Account No. CWI00965, Half Closure of Cell 3 - Otter Lake in the amount of \$701,030 with funding from the Gas Tax Reserve (Q134) as outlined in the Budget Implication section of the September 21, 2007 report.

MOTION PUT AND PASSED.

11.1.4 Case 00886 - Amendments to Municipal Planning Strategies and Land Use By-Laws Respecting Commercial Outdoor Lighting

MOVED by Councillor Karsten, seconded by Councillor Walker, that this item be deferred to the evening session. MOTION PUT AND PASSED.

11.1.5 Ex Officio Membership and Quorum at Committee

- A report dated September 24, 2007, on the above noted, was before Council.

MOVED by Councillor Younger, seconded by Councillor Smith, that Regional Council amend Administrative Order One as follows:

68(4) In determining the quorum for a committee where the Mayor is an ex officio member, the Mayor shall not be counted.

MOTION PUT AND PASSED.

12. MOTIONS

12.1 Councillor Younger - Amendment to Administrative Order One Section 43(a)

MOVED by Councillor Younger, seconded by Councillor Smith, that Section 43(a) of Administrative Order One be amended such that there be no reports unless Council votes to have a report.

Councillor Younger clarified that the intent of his motion was that in order for staff to prepare a report Council has to agree to such a report coming back to Council.

MOTION PUT AND PASSED.

12.2 Councillor Smith - Amendment to Solid Waste By-Law re Ban of Furniture Products in Municipal Landfill

MOVED by Councillor Smith, seconded by Councillor McCluskey, that the matter be referred to the Solid Waste Resource Advisory Committee for discussion and report back to Council. MOTION PUT AND PASSED.

13. ADDED ITEMS

13.1 Property Matter - Bayers Lake Business Park

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

MOVED by Councillor Hendsbee, seconded by Councillor Wile, that Regional Council:

1. **Grant a one hundred and twenty (120) day first option to purchase to Plazacorp Retail Properties Ltd., subject to the approvals, terms and conditions outlined in the September 26, 2007 staff report;**
2. **Not release the September 26, 2007 Private and Confidential staff report.**

MOTION PUT AND PASSED.

13.2 Legal Matter - Litigation Settlement Proposal

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

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

1. **Approve the sale of a portion of street right-of-way at 88 Shore Road, Dartmouth, as shown on Appendix "A" of the September 25, 2007 staff report, to the adjoining owners and subject to retention of an easement over the entire property for both a right-of-way and service easement, as part of a settlement of pending litigation against HRM;**
2. **Not release the Private and Confidential staff report dated September 25, 2007.**

MOTION PUT AND PASSED.

Council recessed at 5:00 p.m.
Council reconvened at 6:00 p.m.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Hendsbee advised the Preston/Lake Loon/Cherry Brook Chapter of the Congress of Black Women of Canada will be celebrating its 10th anniversary on Thursday, October 4th at the Black Cultural Centre.

Councillor Mosher advised a mural has been painted on Purcell's Cove Road highlighting Sir Sanford Fleming as well as two murals have been painted at the Chocolate Lake Recreation Centre.

Councillor Fougere noted HRM Recreation staff won an award for their development of the Tool Kit for Youth which can be accessed on the HRM website.

Councillor Sloane advised the campaign to complete the auditorium at Citadel High held its kick off on Thursday, September 27th.

Councillor McCluskey advised murals are being painted on the shipbuilding building at the foot of Maynard Street in Dartmouth.

Deputy Mayor Uteck advised the Turkey Bowl will be held at 5:00 p.m on Sunday, October 7th.

9.1 Case 00955: Cobeguid Road and Glendale Drive, Sackville - Sale of HRM Parkland

- An extract from the September 11, 2007 Regional Council minutes was before Council.
- A report dated September 28, 2007, on the above noted, was before Council.

Mr. Mike Woods, Senior Real Estate Officer, presented the report to Council.

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

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

MOVED by Councillor Harvey, seconded by Councillor Karsten, that Council authorize the Mayor and Municipal Clerk to enter into an agreement of Purchase and Sale with 3051129 Nova Scotia Limited for the sale of HRM parklands, PID#00361493, PID#00637652 and a portion of PID#00356790, subject to the approval of Halifax Regional Council to sell the parkland as required under Section 273(13) of the Municipal Government Act. MOTION PUT AND PASSED.

9.2 By-Law T-219, An Amendment to By-Law T-200, Respecting Tax Exemptions for Non-Profit Organizations - City of Halifax Non-Profit Housing Society (Harbour City Homes)

- An extract from the September 11, 2007 Regional Council minutes was before Council.

Ms. P. J. Temple, Coordinator, Tax and Grants, presented the report to Council.

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

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

MOVED by Councillor Walker, seconded by Councillor Fougere, that Regional Council approve the recommendations set out in the Discussion section of the August 30, 2007 report and amendments to Schedule 26 and Schedule 30. MOTION PUT AND PASSED.

11.1.4 Case 00886 - Amendments to Municipal Planning Strategies and Land Use By-Laws Respecting Commercial Outdoor Lighting

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

Ms. Leticia Smillie, Planner, presented the staff report to Council.

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

- 1. Initiate the process to consider amending all Municipal Planning Strategies (MPS), with the exception of the Bedford and Downtown Dartmouth plans, to create a policy that enables the respective Land Use By-Laws to regulate commercial outdoor lighting; and,**
- 2. Adopt the public participation program as shown in Attachment D of the September 7, 2007 staff report.**

Councillor McCluskey noted there are large neon business signs on buildings next to residential areas and requested these be examined as part of the process.

MOTION PUT AND PASSED.

14. NOTICES OF MOTION - NONE

15. ADJOURNMENT

The meeting was adjourned at 6:50 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council.

1. Proclamation - Insurance Information Campaign 2007
2. Memorandum from Traffic Authority dated September 18, 2007
re: Traffic Signals at Bedford Highway and Mount Saint Vincent University
3. Memorandum from Director, Transportation & Public Works dated September 14, 2007
re: Truck Routes - Halifax Peninsula
4. Memorandum from Director, Legal Services and Risk Management
dated September 20, 2007 re: Status of By-Law Prosecutions - July 1 - 31, 2007
5. Memorandum from Chief Administrative Officer and Director, Legal Services and Risk
Management dated September 24, 2007 re: Ex-Officio Membership and Quorum at
Committees
6. Memorandum from the Municipal Clerk dated September 28, 2007
re: Requests for Presentation to Council - None