

HALIFAX REGIONAL MUNICIPALITY

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HALIFAX REGIONAL COUNCIL  
MINUTES  
May 27, 2008

PRESENT:

Mayor Peter Kelly  
Deputy Mayor Stephen Adams  
Councillors: Steve Streach  
David Hendsbee  
Harry McInroy  
Gloria McCluskey  
Andrew Younger  
Bill Karsten  
Jackie Barkhouse  
Mary Wile  
Patrick Murphy  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Debbie Hum  
Brad Johns  
Robert Harvey  
Tim Outhit  
Reg Rankin  
Gary Meade

REGRETS:

Councillors: Krista Snow  
Jim Smith  
Linda Mosher

STAFF:

Mr. Dan English, Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Julia Horncastle, Acting Municipal Clerk  
Ms. Shawnee Gregory, Legislative Assistant

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1. **INVOCATION**

The Mayor called the meeting to order at 6:01 p.m., with the Invocation being led by Councillor Karsten.

2. **SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor Sloane thanked everyone who had participated in the Uniacke Square Beautification Day. She noted that there had been a barbeque and a vegetable garden had been planted; ingredients from the garden will be used to make salsa which will also be for sale.

Councillor McCluskey wished to acknowledge the fact that HRM was finally supplying Dartmouth tear away maps at the airport as they had been without them since last fall.

Councillor McCluskey also made the following announcements on Councillor Mosher's behalf as she had sent her regrets. Councillor Mosher wished to thank the Honourable Barry Barnett and the province of Nova Scotia for their financial support for the new Fleming Tower School playground. She noted that the province, HRM and Councillor Mosher via her district funds had all provided funding for the playground. Councillor Mosher also wished to announce that Monday, May 26, 2008 had been the United States Memorial Day commemoration at Dead Man's Island where one hundred and ninety five (195) American soldiers from the war of 1812 were buried. She wished to thank the fifty seven (57) volunteers and servicemen and women for helping to clean up the area prior to the event. Councillor Mosher also wished to thank the Consulate General.

Councillor Johns wished to thank the Honourable Barry Barnett for providing twenty five thousand (25,000) dollars to Smokey Drive Elementary School to fund their new playground; noting that HRM was also contributing funds and that it was nice to see both levels of government working together. Councillor Johns also announced that Sackville Proud Day would be taking place on Saturday, May 31, 2008 from 9:00 a.m. to 1:00 p.m. and that different events would be taking place throughout the area. He encouraged residents to call him at 476-1234 if they had any questions.

Deputy Mayor Adams advised that since the last Council meeting two (2) prominent Haligonians had passed away; Mr. Ron Wallace, former Mayor and Mr. Donald Murphy, former Senior Solicitor and City Manager. A moment of silence was held in their honour. Deputy Mayor Adams also commended the impressive display of composure displayed by Miss Tennille Perry and her step sister Breanna who were honoured at a ceremony at Sambro School for calling 911 and for helping deliver their baby brother.

Councillor McInroy invited residents of Cole Harbour to show their support for Sidney Crosby and the Pittsburgh Penguins on May 28 and 31, 2008 at Cole Harbour Place where the games would be broadcast. He stated that doors would open at 8:00 p.m. and that donations were welcome with proceeds going to the Cole Harbour Minor Hockey Association.

Councillor Murphy advised that the launch of the Good Neighbours, Great Neighbourhoods campaign had taken place at the Ward 5 Centre and he encouraged residents to go online at [www.halifax.ca](http://www.halifax.ca) to make a pledge to the neighbourhood tool kit. Councillor Murphy also wished to congratulate the Saint Stevens Playground Committee and McDonald's for giving fifteen thousand (15,000) dollars to fund their playground and to HRM for giving a contribution of sixty thousand (60,000) dollars.

Councillor Fougere advised that tax consultations would be taking place on Wednesday, May 28, 2008 from 7:00 p.m. to 9:00 p.m. at Saint Agnes Church. She also stated that from May 30 to June 8, 2008 HRM would be celebrating it's tenth annual Bike Week. She noted several of the events which would be taking place during Bike Week and indicated that the information was also available online at [www.halifax.ca/bikeweek](http://www.halifax.ca/bikeweek).

Councillor Karsten stated that Minister Barnett would also be visiting his district to make an announcement at Turner Drive Elementary School; noting that the entire project would be approximately ninety thousand (90,000) dollars. Councillor Karsten also advised that Councillor Smith, who had sent his regrets, had a death in his immediate family and wished to send Council's thoughts and prayers to Councillor Smith and his wife, Angela.

Councillor Uteck stated that the class A tall ship the Potomac, one (1) of four (4) sister city ships, had recently visited Halifax. She noted that the Ambassador to the State of Mexico had also visited for the first time and had been greeted by Councillor Rankin. A reception, soccer game and tree planting ceremony were also held. Councillor Uteck wished to thank all organizers and advised that the Mayor of Campeche, Mexico, Halifax's sister city, may visit after the fall election.

Councillor Barkhouse wished to thank those who attended the business showcase which had been put on by the Eastern Shore Business Association. She also stated that there would be a Neighbourhood Watch meeting on Wednesday, June 4, 2008 at the Northside Community Centre.

Councillor Wile congratulated the performers from Halifax West High School on their production of Kiss Me Kate which had been held at the new Bella Rosa theatre.

Councillor Outhit advised that a tax reform meeting would be taking place on Thursday, May 29, 2008 from 7:00 p.m. to 9:00 p.m. at the LeBrun Centre in Bedford.

Councillor Hendsbee made the following announcement on behalf of Councillor Snow who had sent her regrets. She wished to announce that the final tax reform meeting would take place on Wednesday, June 4, 2008 from 7:00 p.m. to 9:00 p.m. at the Inn on the Lake.

Councillor Harvey advised that he anticipated a visit from Minister Barnett regarding the enhancement of playgrounds in his district.

**3. APPROVAL OF MINUTES - May 13, 2008**

Amendment:

Item 11.4.1 Active Transportation Advisory Committee - *at that time* shall be added to item 3 of the motion.

**MOVED BY Councillor Wile, seconded by Councillor Sloane, that the minutes of May 13, 2008, as amended, be approved. MOTION PUT AND PASSED.**

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

Additions:

- 12.1 Community Facility Master Plan
- 12.2 Property Matter - CN Lands, Barrington Street, Halifax
- 12.3 Legal Matter - Settlement of Claim

Deletions:

Information Item #8 - Guidelines - HRM Spending During Municipal, Provincial or Federal Elections

**MOVED BY Councillor McCluskey, seconded by Councillor Sloane, that the agenda, 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. **CORRESPONDENCE, PETITIONS & DELEGATIONS**

9.1 **Correspondence - None**

9.2 **Petitions - None**

10. **REPORTS**

10.1 **CHIEF ADMINISTRATIVE OFFICER**

10.1.1 **Request for Proposal 08-061 - Council Chambers Technical Upgrade**

C A report dated May 21, 2008 was before Council.

**MOVED BY Councillor Murphy, seconded by Councillor Sloane, that Halifax Regional Council award RFP No. 08-061, Integrated System, Computers and AV Room Equipment, to the highest scoring proponent, Backman Vidcom Ltd. at a cost of \$266,414.69 (net HST included), including optional spare parts with funding from Capital Account No. CID00887 - Council Chamber Upgrade as outlined in the Budget Implications section of this report.**

Councillor Johns requested several clarifications regarding the proposed software managing system.

Mr. David Muise, Division Manager, Information Technology, advised that the proposed software managing system had been crafted with the ability to display the speakers list and motions as the system was very customizable. Regarding a potential demo of the new system for Council, Mr. Muise stated that presentations had already been done and that a demo was difficult to do as the proposed system would be a custom order. In closing, he stated that a money back warranty would be in the contract.

**MOTION PUT AND PASSED.**

10.1.2 **Case 01066 - Amendment to the Bedford Municipal Planning Strategy and Land Use By-Law - Extension of Mainstreet Commercial Designation and Zone**

C A report dated May 21, 2008 was before Council.

C A Power Point presentation was before Council.

**MOVED BY Councillor Outhit, seconded by Councillor Johns, that Halifax Regional Council:**

1. **Initiate the process to consider amending the Bedford Municipal Planning Strategy, and Land Use By-law to consider an extension of the Main Street Commercial (CMC) Designation and the Main Street Commercial (CMC) Zone along the Bedford Highway between 1094 Bedford Highway and Holland Avenue; and**
2. **Request staff to follow the public participation program as approved by Council in February 1997.**

**MOTION PUT AND PASSED.**

**10.1.3 Atlantic Gateway DistriPark Plan**

C A report dated May 12, 2008 was before Council.

**MOVED BY Councillor Rankin, seconded by Councillor Walker, that Halifax Regional Council:**

1. **Endorse, in principle, the *Atlantic Gateway DistriPark Plan* and submit it to the Province of Nova Scotia and Transport Canada for their consideration in upcoming studies related to the development of an Atlantic Gateway; and**
2. **Authorize HRM staff to participate in, but not fund, upcoming studies proposed by the Province of Nova Scotia and Transport Canada, to ensure that the needs of the Municipality, the potential impacts on the community, and the requirement for public consultation are all addressed in these studies.**

Councillor McInroy left the meeting at 6:30 p.m.

Councillor Uteck requested clarification on the motion as well as a public information meeting and proposed the following:

**MOVED BY Councillor Uteck, seconded by Councillor Fougere, that Mayor Kelly request the Province provide a more detailed explanation on this matter as to what has changed from 2007 to 2008. MOTION PUT AND PASSED.**

Councillor Fougere requested that Mr. Dave McCusker, Manager of Regional Transportation, as well as Councillors from the impacted areas attend the proposed public information



session. She advised that residents from her district had already written a letter to the province regarding this issue and that she would submit it to staff.

Councillor Sloane stated that this motion should go forward and should be looked at in terms of creating a new viable option for getting vehicles off the road. She noted that the Halifax Port was only working at one third (1/3) capacity with seventy (70) percent on rail and that this number could certainly be higher.

Mr. Dan English, Chief Administrative Officer, advised that the decision for Council was not whether or not this issue would be looked at; it was to allow Council and HRM staff to oversee the consultation on the Atlantic Gateway DistriPark Plan which the province was going to be examining.

Councillor Hendsbee stated that he hoped the province would consider a third harbour crossing as another viable option and opportunity.

**MOTION PUT AND PASSED.**

**10.1.4 ecoMOBILITY Funding Applications**

C A report dated May 20, 2008 was before Council.

**MOVED BY Councillor Johns, seconded by Councillor Karsten, that Halifax Regional Council approve the submission of funding applications under Transport Canada's ecoMOBILITY Program for the following two projects:**

- 1. TDM Reserve**
- 2. Guaranteed Ride Home Program**

Mr. McCusker clarified that other funding sources such as those of transit would be looked at prior to using general taxation.

Regarding the involvement of the Halifax Dartmouth Bridge Commission, Mr. McCusker advised that Metro Transit had met with the Commission several weeks earlier to advise them of the upcoming proposals and that they would be forwarded on to them as soon as they were complete.

Councillor Fougere requested more information regarding where the funding for this project had come from in the budget. Mr. English advised that it was likely carry over from previous years and that he could come back with a more detailed explanation.

**MOVED BY Councillor Fougere, seconded by Councillor Hendsbee, that Halifax Regional Council request a staff report regarding where the \$422,399 in the budget implications section came from in the Capital Budget. MOTION PUT AND PASSED.**

Councillor Uteck raised concerns over having HRM aid with the implementation of the Guaranteed Ride Home Program. She stated that this would create expectations and once the pilot project was over and HRM stopped funding the public would become upset. She indicated that she would like to see an emphasis on research first as well as education on the program for employers.

Mr. McCusker advised that HRM would only be providing incentives on a short term basis as a kick start to the program. He also stated that the funder of the program, HRM for example, would be invisible to the user.

**MOVED BY Councillor Uteck, seconded by Councillor Wile, that section 2. Guaranteed Ride Home be removed from the motion.**

A discussion on the amendment ensued. Councillor Streach requested clarity on the advantage this program would have for rural areas. Mr. McCusker assured Council that a service such as the proposed program would support rural areas as it was a kind of insurance policy for workers when they missed the bus.

Ms. Geri Kaiser, Deputy Chief Administrator, advised that a practical spin on the service was to encourage people to use public transit as taxis could be quite expensive for residents living in suburban and rural areas of HRM. She also noted that this service would not be used as an after hours bar service.

Councillor Barkhouse requested clarification on how this service would impact areas such as Cow Bay that had limited service to only a portion of the region. Mr. McCusker advised that any area with current transit service would benefit from this program and that route extension was a separate matter.

Mr. McCusker also advised that there would probably be an annual limit of how often an employee could use the service as a way to reduce costs for employers.

Councillor Uteck disagreed with the idea that the program would benefit rural areas since route extension was unrelated. She was also concerned with a limitation being put on how often an employee could access the program.

A vote on the amendment was taken:

**MOTION DEFEATED.**

**10.1.5 Less Than Market Value Lease Renewals: Bloomfield Centre**

C A report dated May 21, 2008 was before Council.

**MOVED BY Councillor Murphy, seconded by Councillor Sloane, that Halifax Regional Council approve the renewals and extensions of the less than market value leases identified in Table 1 of the Discussion section, with key terms and conditions as listed.**

Councillor Murphy thanked everyone who had helped with the renewal as many residents used the facility on a regular basis.

Councillor Karsten stated that Councillor Murphy should also be commended for his efforts.

**MOTION PUT AND PASSED.**

**10.1.6 First Reading Proposed By-Law A-302, An Amendment to By-Law A-300, Respecting Animals and Responsible Pet Ownership, and Amendments to Administrative Order 11**

C A supplementary report dated May 1, 2008 was before Council.

**MOVED BY Deputy Mayor Adams, seconded by Councillor Hendsbee, that Halifax Regional Council give first reading to By-Law A-302 (attached as Appendix A), and set a public hearing date to adopt the By-Law.**

Deputy Mayor Adams asked Ms. Mary Ellen Donovan, Municipal Solicitor, if a public hearing was necessary for this matter as there had already been an extensive one.

Ms. Donovan advised that, traditionally, a public hearing was required, however, the Municipal Government Act largely leaves the decision up to Council with respect to this procedure. She also noted that the MGA does not require public hearings as much as an acceptable amount of public input.

Deputy Mayor Adams proposed the following amendment:

**MOVED BY Deputy Mayor Adams, seconded by Councillor Sloane that no public hearing be required.**

The motion now reads:

**MOVED BY Deputy Mayor Adams, seconded by Councillor Hendsbee, that Halifax Regional Council give first reading to By-Law A-302 (attached as Appendix A), and that no public hearing be required.**

A discussion on the amendment ensued. Deputy Mayor Adams and several other Councillors noted that there had already been extensive public input in the form of a public hearing on this matter.

Councillor Hendsbee had concerns that process was being circumvented by not holding a public hearing.

Councillor McInroy entered the meeting at 7:13 p.m.

Councillor Karsten requested legal clarification regarding whether the two (2) new Councillors, Barkhouse and Outhit, would be eligible to vote if an additional public hearing was not held as they would not have had the prior public input.

Ms. Donovan advised that legal opinion was that the new Councillors would have already been reviewing any previous information that Council would have had. She also stated that subsection 8 (k) of Administrative Order 32 would also have to be amended to change the necessity to hold a public hearing and that Council would have to give Notice of Motion to do so.

Councillors Barkhouse and Outhit assured Council that they had been kept up to date on this issue, particularly by residents in their respective districts.

**MOTION PUT AND PASSED.**

**10.1.7 First Reading Proposed By-Law N-301, An Amendment to By-Law N-300, Respecting Nuisances**

C A supplementary report dated April 7, 2008 was before Council.

**MOVED BY Deputy Mayor Adams, seconded by Councillor Sloane, that Halifax Regional Council give first reading to By-Law N-301 and that no public hearing be required. MOTION PUT AND PASSED.**

**10.1.8 First Reading Proposed By-law S-308, an Amendment to By-law S-300, Respecting Streets**

C A report dated April 28, 2008 was before Council.

C A Power Point presentation was before Council.

**MOVED BY Councillor Younger, seconded by Councillor Hendsbee, that Halifax Regional Council approve in principle and begin the formal process for the adoption of By-Law S-308, Amendments to Streets By-Law S-300 "By-Law Respecting Streets". MOTION PUT AND PASSED.**

**10.1.9 First Reading Proposed By-law A-400, Respecting Alternative Voting**

- C A report dated May 5, 2008 was before Council.
- C A Power Point presentation was before Council.

Councillor Johns requested that the motion be split.

**MOVED BY Councillor Younger, seconded by Councillor Fougere, that Halifax Regional Council:**

- 1. Approve in principle By-Law A-400, Respecting Alternative Voting for Municipal Elections and set a public hearing date.**

**MOTION PUT AND PASSED.**

- 2. Approve the date of August 22, 2008 for the completion of the final list of electors to be used in the 2008 Municipal and School Board Elections.**

**MOTION PUT AND PASSED.**

Ms. Donovan advised that if a change of dates for the electronic voting was requested as a result of the public hearing that it would only be a minor amendment and should not pose a problem.

**11. MOTIONS - NONE**

**12. ADDED ITEMS**

**12.1 Community Facility Master Plan**

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

**MOVED BY Councillor Hendsbee, seconded by Councillor Fougere, that Halifax Regional Council approve in principle the Community Facility Master Plan and that all references to rinks in the Community Facility Master Plan also be included, but not binding, in the RFP document on short term solutions. MOTION PUT AND PASSED.**

**12.2 Property Matter - CN Lands, Barrington Street, Halifax**

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

**MOVED BY Councillor Murphy, seconded by Councillor Sloane, that Halifax Regional Council:**

- 2. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale between HRM and CN Rail for a portion of PID 00339697, located on Barrington Street, Halifax subject to the terms and conditions set out in the Discussion section of the May 12, 2008 Private and Confidential staff report.**
- 3. That the May 12, 2008 Private and Confidential staff report not be released to the public until after the conveyance has been completed.**

**MOTION PUT AND PASSED.**

**12.3 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 Uteck, seconded by Councillor Walker, that Halifax Regional Council:**

- 1. Settle the claim brought by the Plaintiff in the amount of \$65,000.00 to achieve a full and final settlement of the Plaintiff's action, upon obtaining a full release from the Plaintiff from any further claims arising out of the accident on April 2, 2005, and**
- 2. That the Private and Confidential staff report dated May 12 not be released to the public.**

**MOTION PUT AND PASSED.**

**13. NOTICES OF MOTION**

**Deputy Mayor Adams**

Take notice that at the Halifax Regional Council meeting of June 10, 2008, I intend to introduce the following motion:

That subsection 8 (k) of Administrative Order 32, Respecting the Procedures for Developing By-Laws for Consideration by Regional Council, be amended by the addition immediately preceding the final sentence of the following:

A public hearing is not required on the enactment or amendment of a By-Law unless specifically directed by Council.

**14.           ADJOURNMENT**

The meeting was adjourned at 7:34 p.m.

Julia Horncastle  
Acting Municipal Clerk

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**INFORMATION ITEMS**

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1. Proclamation - Khilafat Day - May 27, 2008
2. Proclamation - Child Care Awareness Days - June 2008
3. Proclamation - St. John Ambulance Day - June 6, 2008
4. Proclamation - HRM Bike Week - May 30 - June 8, 2008
5. Memorandum from Director, Transportation and Public Works dated May 13, 2008  
re: Damage to Lynwood Drive and Bens Court
6. Memorandum from Director, Community Development dated May 6, 2008  
re: Case 01152 - Municipal Planning Strategy Amendment, Timberlea / Lakeside / Beechville
7. Memorandum from Director, Community Development dated May 8, 2008  
re: Case 01110 - Large Scale Commercial Development - Planning Districts 1 & 3 (St. Margarets Bay)
8. Memorandum from Director, Finance dated May 16, 2008  
re: Guidelines - HRM Spending During Municipal, Provincial or Federal Elections
9. Memorandum from Director, Legal Services & Risk Management dated May 13, 2008  
re: Status of By-Law Prosecutions - February 1 - 29, 2008
10. Memorandum from Director, Community Development dated May 21, 2008  
re: Case 01148 - Amendments to the Bedford West Secondary Planning Strategy and Regional Subdivision By-Law
11. Memorandum from Deputy Chief Administrative Officer - Corporate Services & Strategy dated May 20, 2008 re: Plebiscite regarding Tax Reform Question
12. Memorandum from the Acting Municipal Clerk dated May 23, 2008  
re: Requests for Presentation to Council - None