

HALIFAX REGIONAL COUNCIL
MINUTES

August 6, 2013

REVISED

PRESENT:

Mayor Mike Savage
Deputy Mayor Reg Rankin
Councillors: Barry Dalrymple
David Hendsbee
Bill Karsten
Lorelei Nicoll
Gloria McCluskey
Darren Fisher
Waye Mason
Jennifer Watts
Linda Mosher
Russell Walker
Stephen Adams
Matt Whitman
Brad Johns
Steve Craig
Tim Outhit

STAFF:

Mr. Mike Labrecque, Deputy Chief Administrative Officer
Ms. Karen Brown, Solicitor
Ms. Cathy Mellett, Municipal Clerk
Mr. Matt Godwin, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 1:01 p.m. with the Invocation being led by Councillor Whitman.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of special community announcements and acknowledgements.

Councillors Mosher and Johns entered the meeting at 1:08 p.m.

Councillor Hendsbee entered the meeting at 1:16 p.m.

3. APPROVAL OF MINUTES – NONE

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

Additions:

- 14.1 Non-Disclosure Agreement with the Province of Nova Scotia
- 14.2 Councillor Nicoll - Permit Regulations
- 14.3 In Camera – Personnel – CUPE 4814
- 14.4 Councillor Craig: Information Report – Planning Amendment – Little Sackville River

MOVED by Councillor McCluskey, seconded by Councillor Mason that the order of business be approved as amended.

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 Adams - Weekly Green Cart Collection Services

An information report dated June 25, 2013 was before Council.

Councillor Adams noted he is looking forward to all HRM residents enjoying green bin pick-up in July and August.

MOVED by Councillor Adams, seconded by Councillor Mosher that Halifax Regional Council refer Weekly Green Cart Collection Services in July and August for all HRM residents for consideration in the 2014-2015 Budget.

Councillor Hendsbee noted this is an ongoing issue in the suburbs as wildlife has become a concern.

Councillor Watts noted that there is an ongoing solid waste review process and would have preferred this be included in the public consultation process.

Mr. Mike Labrecque, Deputy Chief Administrative Officer, noted that this expansion is one of the recommendations which has come forward in reports and sees the process as complimentary.

MOTION PUT AND PASSED. (16 in favour; 1 opposed)

Those voting in favour: Mayor Mike Savage; Deputy Mayor Rankin; and Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Mason, Watts, Mosher, Walker, Adams, Whitman, Johns, Craig, Outhit.

Those voting against: Councillor Fisher.

9. PUBLIC HEARINGS – NONE

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence – NONE

10.2 Petitions

10.2.1 Councillor Watts

Councillor Watts submitted a petition with 51 signatures in regard to agenda item 11.1.8 Administrative Order 50 – Disposal of Surplus Real Property. The petition was against the disposal of the surplus property at Prescott Street Halifax, PID# 00173856.

10.2.2 Councillor Karsten

Councillor Karsten submitted a petition with 225 signatures in regard to the Deep Stormwater project on Cow Bay Road, indicating that the undersigned are against the residents assuming a one-third share in the cost of the project.

10.2.3 Deputy Mayor Rankin

Deputy Mayor Rankin submitted a supplemental petition with 126 signatures in opposition to the proposal to change at the Otter Lake landfill operations. These names are in addition to those submitted on April 23, 2013.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Sole Source Award No. 12-169 – Supply of Extra Quantities of Red German (Weser) Sandstone to Complete City Hall Stone Restoration

A staff report, dated May 7, 2013 was before Regional Council.

MOVED by Deputy Mayor Rankin, seconded by Councillor Mason that Halifax Regional Council, in accordance with the Sole Source Policy (Administrative Order 35, Section 8(11A) sub-sections (a) and (b) attached), award the Sole Source purchase of 479.07 cu. ft. of red German (Weser) sandstone from Coastal Restoration & Masonry Ltd. for \$100,295.29 (net HST included) with funding from Project No. CBX01046 – City Hall Stone Restoration, as outlined in the Financial Implications section of the May 7, 2013 staff report.

Deputy Mayor Rankin gave background on the item, noting that there is no known provider for this type of rock in North America.

Councillor Karsten noted that this is the second time HRM has sourced rock from Germany, with Mr. Terry Gallagher, Manager, Planning and Infrastructure confirming that additional stone was sourced from Germany in phase one.

Councillor Hendsbee asked why Nova Scotian rock was not used, with Mr. Gallagher responding that stone for the project was sourced from the Wallace and River John quarries, but the quarry providing red stone is no longer open.

Councillor Mason noted that the project cost is under budget and that the blond sandstone is being sourced from Nova Scotia.

MOTION PUT AND PASSED UNANIMOUSLY. (17 in favour)

11.1.2 Award – RFP No. 13-165, Design-Build Washroom Facilities and Site Work at Chocolate Lake and Albro Lake Beaches

The staff report, dated July 11, 2013 was before Regional Council.

MOVED by Councillor Mosher, seconded by Councillor Fisher that Halifax Regional Council award RFP No. 13-165, Design-Build Washroom Facilities and

Site Work at Chocolate Lake and Albro Lake Beaches, to the highest scoring proponent, Dora Construction Limited, at a cost of \$1,571,590.02 (net HST included) with funding from Project Nos. CB000010 – Regional Park Washrooms and CBX01154 – Accessibility-HRM Facilities, as outlined in the Financial Implications section of the staff report dated July 11, 2013.

Councillor Mosher noted there are close to 15,000 visitors to this area in the summer and there are a number of safety and access issues. She noted that part of the land is owned by the Nova Scotia Department of Housing.

Mr. Tom Crouse, Acquisition and Disposal Manager, Planning and Infrastructure noted staff are presently working with the Province to get a long term lease in place for the area. He further indicated that the park is eight properties owned by the Nova Scotia government, including the beach area.

Councillor Mosher asked if it was possible to do a land-exchange with the Province, with Mr. Crouse responding that staff are working to renew the lease so as to allow for infrastructure with a view to pursuing a possible land exchange.

Councillor Watts asked if outdoor fountains are being considered, with Mr. Crouse indicating that they are.

Councillor Nicoll echoed comments about the importance of lakes for quality of life, but asked if HRM is ultimately erecting infrastructure on land owned by the Province. Mr. Crouse responded that this is the case. Councillor Nicoll indicated reservations about this approach.

Councillor Fisher asked if work will begin on the boardwalk at Albro Lake, with Mr. Gallagher responding that these processes are distinct, but do have the same timeframe.

MOTION PUT AND PASSED UNANIMOUSLY. (17 in favour)

11.1.3 Sole Source Award – Farebox Purchase – Garival

The staff report, dated July 15, 2013 was before Regional Council.

MOVED by Councillor McCluskey, seconded by Councillor Mason that Halifax Regional Council in accordance with the sole source provisions in Administrative Order 35, Procurement Policy Section 8(11A) sub-sections (a) (b) as follows:

(a) To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licences, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative.

(b) Where there is an absence of competition for technical reasons and the goods or services can be supplied only by a particular supplier and no alternative or substitute exists;

award the Sole Source Purchase of GFI Genfare fareboxes in the amount of \$149,139.41 (net HST included) to Garival with funding from Project Account No. CMX01104 – Rural Community Transit and CVD00434 – Conventional Transit Bus Expansion, as outlined in the Financial Implications Section of the staff report dated July 15, 2013; and approve Garival as the vendor for supply of the equipment for all orders of Metro Transit buses for the expansion of service and replacement of damaged equipment over the next five (5) years.

MOTION PUT AND PASSED UNANIMOUSLY. (17 in favour)

11.1.4 Northcliffe Indoor Tennis Club Lease Renewal Proposal

The staff report, dated July 11, 2013 was before Regional Council.

MOVED by Councillor Walker, seconded by Deputy Mayor Rankin that Halifax Regional Council authorize the Mayor and Clerk to enter into a lease agreement between the Halifax Regional Municipality (Landlord) and Dodge Holdings Limited (Tenant) for the subject premises, as outlined in Table 1 of the report dated July 11, 2013.

Deputy Mayor Rankin noted the item will be of great benefit to the residents of Clayton Park and all of HRM. The retention of these facilities has the support of the public.

Councillor Watts asked if the tennis enclosure is open to the public in summer, with Councillor Walker responding that HRM runs summer programs and one court is open to the public.

The Mayor asked if the item conflicts with other projects, with Mr. Labrecque, Deputy CAO responding it does not.

MOTION PUT AND PASSED UNANIMOUSLY. (17 in favour)

11.1.5 UNSM Conference Resolutions 2013

The report dated July 5, 2013 was before Regional Council.

MOVED by Councillor Walker, seconded by Councillor Craig that Halifax Regional Council forward the following four resolutions described in the staff report dated July 5, 2013 to the UNSM Annual Conference in November 2013:

- **Dedicated Wastewater Infrastructure Funding**
- **Municipal Consultation on Infrastructure Program Development**

- **Erosion and Sedimentation Control Guidelines**
- **Increasing African Nova Scotian Engagement**

MOTION PUT AND PASSED UNANIMOUSLY. (17 in favour)

11.1.6 Halifax Regional Municipality and Aberdeen Memorandum of Understanding

The staff report, dated July 24, 2013, was before Regional Council.

Councillor Nicoll noted an amendment to point three of the motion in the staff report to the Community Planning and Economic Development Standing Committee.

MOVED by Councillor Nicoll, seconded by Councillor Whitman that Halifax Regional Council approve the signing of a new MOU with the City of Aberdeen during the Offshore Technology Conference in Aberdeen; and further direct staff to:

- 1. Continue with the existing HRM twinning arrangements and activities and conduct a feasibility review of each relationship for review and consideration of Regional Council;**
- 2. Carry out a review of the HRM Twinning Policy to determine updates or enhancements as required; and**
- 3. Report to Community Planning and Economic Development Committee and subsequently to Regional Council with recommendations in regard to policy changes.**

Councillor Watts indicated she was happy to see that the process for twinning with other cities will become clearer and more transparent.

Councillor Karsten asked how long the review process will take, with Ms. Maggie MacDonald, Senior Analyst, Economic Policy & Development responding that staff have done preliminary research which should advance the development of policy.

Mayor Mike Savage noted the historic relationship between Nova Scotia and Aberdeen, which has become one of Europe's most successful cities. Halifax and Aberdeen have a number of mutual cultural and economic interests including ship-building, universities and offshore energy. With respect to the larger issue of city twinning, the Mayor indicated his desire to have robust relationships with other cities in pursuit of economic and cultural exchanges.

MOTION PUT AND PASSED UNANIMOUSLY. (17 in favour)

11.1.7 Legislative Requests Review

A staff report dated July 26, 2013 was before Council.

Correspondence from the Honourable John MacDonell, Minister, Service Nova Scotia & Municipal Relations, dated August 7, 2013 was before Regional Council.

MOVED by Deputy Mayor Rankin, seconded by Councillor Craig that Halifax Regional Council:

- 1. Approve the list of seven legislative amendment requests to keep, as set out in Items 1 to 7 of section I of the revised legislation request chart attached to the staff report dated July 26, 2013;**
- 2. Include the request to legislate the Halifax International Airport Authority (HIAA) Development Grant Agreement as a Tax Agreement and include it in the HRM Charter;**
- 3. Add a request to work with Service Nova Scotia and the Property Valuation Services Corporation (PVSC) to change the commercial tax assessment so it is based on 3 past years of assessment rather than one year;**
- 4. Approve removal of Item 10 (Salary Disclosure) and Item 11 (Community Council Powers) in section II, as these matters can be addressed outside the current legislative review process;**
- 5. Approve retention of Item 12 (NS Utility & Review Board to conduct Municipal Boundary Review) in section II, as a continued priority of Regional Council in the interest of good governance;**
- 6. Approve the removal of the 23 remaining amendment requests, as set out in numbers 13 to 35 of section III of the revised legislation request tracking sheet attached to the July 26, 2013 staff report; and**
- 7. Direct staff to forward the revised list of legislative requests to the Minister of Service Nova Scotia & Municipal Relations.**

Councillor Hendsbee suggested the item should come to a Committee of the Whole where Councillors will be given the opportunity to add more items and provide a forum for broader discussions.

Councillor McCluskey raised concerns about item number 3 in the list and noted she would welcome the opportunity to have an expert attend a subsequent meeting to provide Councillors with more detail.

MOVED by Councillor McCluskey, seconded by Councillor Karsten that item 3 be referred to the Audit and Finance Standing Committee with a recommendation back to Regional Council as soon as possible.

Councillor Karsten noted that items also concerned him when he reviewed the list and noted that this request does not accurately reflect the will of the Audit and Finance Standing Committee when it was discussed in 2012.

Mr. Mike Labrecque, Deputy Chief Administrative Officer, noted that commercial taxation was discussed early on in the budget process and it is in this list for that reason.

Mr. Bruce Fisher, Manager, Financial Policy and Planning noted that at the December 19, 2012 Revenue and Taxation budget meeting at the Audit and Finance Standing Committee, a motion passed asking staff to investigate possible commercial tax changes based on a moving average of assessed values.

Councillor Outhit echoed Councillors McCluskey and Karsten. The item came to Audit and Finance as an option for leveling out assessment spikes for small businesses. However, no direction was given. Further discussion should occur at Audit and Finance, but should be a priority.

Councillor Watts indicated that this is a substantive issue in her District and wanted to know how it will be reviewed and when it will come back to Council.

Councillor Karsten indicated his willingness to have it discussed at the next Audit and Finance Standing Committee meeting.

Councillor Walker noted this item is time sensitive and another delay is undesirable. If this item isn't addressed at the fall sitting of the provincial legislature, it won't be in place for the spring.

Deputy Mayor Rankin noted the purpose is to make taxation predictable, as unpredictable taxation is not conducive to good business.

A vote was taken on the amendment:

MOTION PUT AND PASSED UNANIMOUSLY. (16 in favour)

Those absent for the vote: Councillor Linda Mosher.

Councillor Dalrymple referenced his concern with number 5. He noted that the HRM boundary review committee conducted the appropriate consultation process regarding electoral boundaries, whereas the Nova Scotia Utility Review Board (UARB) carried out only minimal consultation. He noted he is not comfortable with the process outlined in the report.

Councillor Mason referenced sub-item number 27 under recommendation number one with reference to changes for active transportation. He noted that the existing list is too narrow and the request should include future growth as well.

Ms. Anne Totten, Corporate Policy Analyst, responded that the list can be expanded if that is Council's desire.

Councillor Mason indicated his preference is that number 11 in Appendix I be retained as acquiring broader powers does not mean exercising them.

With reference to item number 18 in Appendix I, Councillor Mason asked if there is anything in the HRM Charter which precludes HRM giving money to not-for-profits.

Mr. Derk Slaunwhite, Solicitor, indicated that the Charter outlines the difference between expenditures on grants and contributions, with a specific list in the Charter for possible recipients.

Councillor Mason turned to item number 26 regarding heritage in appendix I and noted there are numerous contradictions contained in the *Heritage Property Act* and suggested staff proceed with a request to have it reviewed more broadly.

MOVED by Councillor Karsten, seconded by Councillor Dalrymple that Item #5 – Boundary Review Process be referred to the Mayor's Agenda Review to determine the appropriate body to first consider this matter.

Councillor Karsten asked staff how this item arrived at this meeting, with Ms. Totten responding that direction to bring the powers of community councils, district boundaries and salary disclosure was directed by Council.

Councillor Outhit noted that Regional Council should have no more say on District boundaries than it does on salaries.

Councillor Rankin noted that elected members should not be responsible for making decisions with respect to district boundaries. Following this course of action would not be transparent and alterations should be up to an independent review.

Councillor Karsten noted that this process is not enshrined in legislation and is up to Regional Council. The present Regional Council has not spoken on this issue yet.

A vote was taken on the motion on the floor:

MOTION PUT AND PASSED. (9 in favour; 6 opposed)

Those voting in favour: Councillors Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Mason, Watts, Walker, Whitman.

Those voting against: Mayor Mike Savage; Deputy Mayor Rankin; and Councillors: Nicoll, Johns, Craig, Outhit.

Those absent for the vote: Councillors Mosher and Adams.

Councillor Watts asked for clarification on the following items:

- Number 14, recommended removal of geothermal exemption.
- Number 3, recommendation to keep the change to notice of claims, specifically the 21 day limitation period.
- Number 6, recommendation to keep charges for future use, specifically whether HRM has the ability to charge capital cost charges for transit.

Ms. Totten responded, with respect to number 14, that the issue was dealt with at a staff level and there is no need to request a change on this point. With respect to number 3, this change will allow Legal Services to collect claim evidence in a timely manner. On the final point, HRM does have the authority to collect capital cost charges for transit.

Councillor Watts noted that these items should be put through the appropriate standing committees for review before arriving at Regional Council.

Councillor Whitman asked why the salary disclosure item is listed if no legislative changes are required, with Ms. Totten responding that an Order in Council is necessary to make the change.

Councillor Walker asked if Service Nova Scotia is aware that these revisions are coming forward, with Ms. Totten responding that they are aware they will be presented before the fall session of the legislature.

Councillor Walker noted HRM has been waiting for over forty amendments and it is a significant departure to remove twenty-three of those recommendations.

Mr. Labrecque noted that the purpose of the report is for Regional Council to focus the list of requested legislative changes.

Councillor Hendsbee noted that a Committee of the Whole is the optimal method for discussing these items, with items 13-35 requiring a more fulsome debate and discussion.

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll that all items be held in abeyance until they can be considered by Committee of the Whole.

MOTION DEFEATED. (8 in favour; 9 opposed)

Those voting in favour: Councillors Dalrymple, Hendsbee, Nicoll, Mason, Watts, Whitman, Johns, Craig.

Those voting against: Mayor Mike Savage; Deputy Mayor Rankin; and Councillors Karsten, McCluskey, Fisher, Mosher, Walker, Adams, Outhit.

Councillor McCluskey pointed to Number 6, Charges for Future Use, and asked if the property owner is charged up front and the money then collected when development takes place, with Ms. Totten responding this is the case.

Councillor McCluskey noted that the developers should pay for the cost as a part of the development process.

Councillor McCluskey noted she does not support taking out Number 16 on Water Fowl and attributes a number of beach closures to water fowl issues, with Ms. Totten responding that staff were not able to move this matter forward and believed they had another avenue through which to reach a resolution.

Councillor McCluskey noted there should be capital cost charges for transit.

MOVED by Councillor Mason, seconded by Councillor McCluskey that Request Number One be amended as follows:

“Capital Cost Charges for recreation, libraries, growth studies and other growth related expenses

Request that the HRM Charter be amended to allow Capital Cost Contributions to be collected from developers for the growth related portion of capital costs, for example those related to Fire Services, Recreation Facilities, Libraries, growth-related studies and other similar growth related expenses resulting from subdivision.”

Following further discussion, a vote was taken on the amendment on the floor:
MOTION PUT AND PASSED. (11 in favour; 6 opposed)

Those voting in favour: Mayor Mike Savage; and Councillors Dalrymple, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Johns, Craig, Outhit.

Those voting against: Deputy Mayor Rankin; and Councillors Hendsbee, Karsten, Walker, Adams, Whitman.

A vote was taken on the main motion as amended, which reads:

MOVED by Deputy Mayor Rankin, seconded by Councillor Craig that Halifax Regional Council:

- 1. Approve the list of legislative amendment requests to retain, as set out in section I of the revised legislation request chart attached to the July 25,**

2013 staff report, with item#1 in Appendix 1 being amended, and with items 3 and 5 being referred for further consideration as follows:

Capital Cost Charges for recreation, libraries, growth studies and other growth related expenses

Request that the HRM Charter be amended to allow Capital Cost Contributions to be collected from developers for the growth related portion of capital costs, for example those related to Fire Services, Recreation Facilities, Libraries, growth-related studies and other similar growth related expenses resulting from subdivision.

- 2. Include the request to legislate the Halifax International Airport Authority (HIAA) Development Grant Agreement as a Tax Agreement and include it in the HRM Charter;**
- 3. Approve removal of Item 10 (Salary Disclosure) and Item 11 (Community Council Powers) in section II, as these matters can be addressed outside the current legislative review process;**
- 4. Approve the removal of the 23 remaining amendment requests, as set out in numbers 13 to 35 of section III of the revised legislation request tracking sheet attached to the July 25, 2013 staff report; and**
- 5. Direct staff to forward the revised list of legislative requests to the Minister of Service Nova Scotia & Municipal Relations.**

MOTION PUT AND PASSED. (15 in favour; 2 opposed)

Those voting in favour: Mayor Mike Savage; Deputy Mayor Rankin; and Councillors Dalrymple, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Johns, Craig, Outhit.

Those voting against: Councillors Hendsbee and Whitman.

The Mayor assured that these requests and communications from HRM to the Province will be based on discussions had during the budget process, Council priority identification and past presentations.

11.1.8 Administrative Order 50 – Disposal of Surplus Real Property

A report, dated July 19, 2013 was before Council.

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax Regional Council declare the properties contained in Attachment B, C and D of the staff report dated July 19, 2013 surplus to municipal purposes and that the properties

are declared to be categorized as per Attachment B, C and D for the purposes of Administrative Order 50, respecting the Disposal of Surplus Real Property.

Councillor Watts asked that the Prescott Street property listed in Attachment B be removed as per the petition noted on page 4 of this document.

MOVED by Councillor Watts, seconded by Councillor Nicoll that the motion be amended to provide PID# 00173856 Prescott St. be removed from the list.

MOTION PUT AND PASSED. (16 in favour; 1 against)

Those voting in favour: Mayor Mike Savage; Deputy Mayor Rankin; and Councillors Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Whitman, Johns, Craig, Outhit.

Those voting against: Councillor Karsten.

Councillor Hendsbee asked when staff will bring other properties forward, with Ms. Jane Fraser, Director, Planning and Infrastructure responding that staff will return with a new list in 6-8 months.

MOVED by Councillor Whitman, seconded by Deputy Mayor Rankin that the motion be amended to provide that 5680 St. Margarets Bay Road, Head of St. Margarets Bay PID #40057465 be removed from the list of surplus land.

Councillor McCluskey asked where the properties associated with the Alderney parking lot are in the list, along with 234 and 236 Crichton Ave. and Lyle St., with staff responding that they will be considering the first two soon and noted that the Lyle St. properties will likely be used as storage during the redecking of the bridge.

Councillor Fisher thanked staff for their work on this and noted it is time to dispense with the old school house on Lakecrest.

Councillor Dalrymple also thanked staff for providing this list and pointed to 1018 Fall River Rd. This property is heavily used by the community and he would like to have it reclassified as community interest.

MOVED by Councillor Dalrymple, seconded by Councillor Outhit that 1018 Fall River Road, Fall River PID #40351942 be reclassified from Ordinary to Community Interest.

Councillor Karsten asked what the implications of this decision are, with Ms. Fraser responding that the property goes through a different stream involving public consultation.

MOTION PUT AND PASSED UNANIMOUSLY. (17 in favour)

Councillor Dalrymple asked about 3182 Hwy 2 Fall River and asked if the property could also be considered as a community interest property, with staff responding that it could be listed this way. No motion was put forward at the time.

Councillor Outhit noted he was pleased to see the list and asked that two property listings be changed.

MOVED by Councillor Outhit, seconded by Councillor Craig that Shore Drive Lot 3, Bedford PID #40107153 be reclassified from Ordinary to Community Interest.

MOTION PUT AND PASSED UNANIMOUSLY. (17 in favour)

MOVED by Councillor Outhit, seconded by Councillor Craig that the motion be amended to provide that 18 Panorama Lane, Bedford, PID #00434118 be removed pending further discussion with staff and the neighbourhood regarding the status of the property.

MOTION PUT AND PASSED UNANIMOUSLY. (17 in favour)

In response to a question, Mr. Mike Labrecque, Deputy CAO, noted staff cannot commit to a right-of-first-refusal to the Bedford Yacht Club.

Councillor Watts highlighted Baine St. in her district and its potential use for transportation, residential development or parkland.

THE MOTION AS AMENDED WAS PUT AND PASSED UNANIMOUSLY. (17 in favour)

11.1.9 Facility Lease Agreement – East Dartmouth Community Centre

The report dated June 30, 2013 was before Regional Council.

Deputy Mayor Rankin left the meeting at 4:13 p.m.

Councillor Watts indicated her support for the centre and noted her appreciation for the report before Council.

Councillor Hendsbee noted that the facility-lease-agreement should be considered more broadly by Regional Council.

Ms. Denise Schofield, Manager, Community and Recreation Services said staff are reviewing the second phase of multi-district facilities and the funding formula for facility-lease agreement. Staff will bring the results of the review to the upcoming budget cycle.

MOVED by Councillor Fisher, seconded by Councillor Watts that Halifax Regional Council authorize the Mayor and the Municipal Clerk to enter into a Facility Lease Agreement (Attachment 1) with the Boys and Girls Club of East Dartmouth to lease and operate the East Dartmouth Community Centre as per the key terms and conditions set out in Table #1 in the discussion section of the report dated June 30, 2013.

MOTION PUT AND PASSED UNANIMOUSLY. (16 in favour)

Those not present for the vote: Deputy Mayor Rankin.

11.2 HALIFAX AND WEST COMMUNITY COUNCIL

11.2.1 First Reading, Case 17759 - Municipal Planning Strategy(MPS)/Land Use By-law(LUB) Amendments and Development Agreement for the northeast corner of Dutch Village Road and Andrew Street, Halifax

A report from the community council dated July 25, 2013 was before Regional Council.

MOVED by Councillor Walker, seconded by Councillor Whitman that Halifax Regional Council give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as set out in Attachments A and B of the staff report dated July 5, 2013 and schedule a joint public hearing with Halifax & West Community Council.

The public hearing for Case 17759 has been scheduled for September 10, 2013.

MOTION PUT AND PASSED UNANIMOUSLY. (16 in favour)

Those not present for the vote: Deputy Mayor Rankin.

11.3 HARBOUR EAST MARINE DRIVE COMMUNITY COUNCIL

11.3.1 Reinstatement of Lakes Water Quality Sampling Program

The report dated July 8, 2013 was before Regional Council.

MOVED by Councillor Fisher, seconded by Councillor McCluskey that Harbour East-Marine Drive Community Council recommend that Regional Council request that the CAO direct staff to explore the reinstatement of the Lakes Water Quality Sampling Program beginning in the 2014/15 fiscal year in order to facilitate efforts to protect the water resources of the municipality.

Councillor Fisher asked that staff outline how better data can be acquired and how it can be used better.

Councillor McCluskey noted she spoke against the reduction in funding in the first instance and is certain staff can connect with others regarding best practices.

Councillor Nicoll indicated that she gets many calls regarding beach closures and that she is looking forward to getting a report on why this funding was stopped.

Councillor Dalrymple noted that Council has heard from the public and they are not satisfied with the status quo and are demanding water quality testing.

Councillor Hendsbee noted that he supports referring this item to the Regional Watershed Advisory Board and asked if the Province can step in to support these services.

Councillor Mosher noted that sampling should focus on areas for swimming as HRM's mandate is recreation.

Councillor Whitman indicated his support for this and offered thanks to Mr. Walter Reagan, a resident and expert on HRM's lakes and rivers. He asked staff how much the service will cost and what was the estimated saving.

Mr. Richard MacLellan, Manager, Planning and Infrastructure responded that it depends on what the testing is being done for. Lakes being tested for recreation cost about \$400.00 per lake and \$1800.00 for development sites.

MOTION PUT AND PASSED. (15 in favour; 1 opposed)

Those voting in favour: Mayor Mike Savage; and Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Walker, Adams, Whitman, Johns, Craig, Outhit.

Those voting against: Councillor Mosher.

Those not present for the vote: Deputy Mayor Rankin.

11.4 AUDIT AND FINANCE STANDING COMMITTEE

11.4.1 Metro Transit Ferry Recapitalization and Sole Source Award - Voith Schneider Propellers - Voith Turbo GmbH & Co.

The report dated July 18, 2013 was before the committee.

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

- 1. approve the implementation of the recapitalization effort recommended in the Council Approved Metro Transit Five-Year Strategic Operations Plan**

and further in the Strategic Ferry Operations Plan, commencing with the Dartmouth III; and

2. in accordance with the Sole Source Policy (Administrative Order 35, Section 8(11A) subsections (a) and (b) attached), award the Sole Source purchase of two Voith Schneider propeller units for a new Metro Transit ferry, for a total cost \$1,148,506.93 (Net HST included) to Voith Turbo GmbH & Co., with funding from Project No. CMXOI123 – New Conventional Ferry, as outlined in the Financial Implications section of the attached report, dated June 26, 2013.

MOTION PUT AND PASSED UNANIMOUSLY. (16 in favour)

Those not present for the vote: Deputy Mayor Rankin.

11.4.2 Stormwater Right-Of-Way Costs

The report dated July 18, 2013 was before Regional Council.

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

1. Use uncommitted surplus from fiscal 2012-13 to fund the 2013-14 cost of the stormwater right-of-way system, and
2. Direct Staff to return with a report on funding stormwater right-of-way system costs in the context of a broader discussion on tax structure issues.

Councillor Watts asked about the status of the 2012-13 surplus, with Mr. Labrecque, Deputy CAO noting that staff will report on HRM's fiscal position in the First Quarter Report.

Councillor Watts asked what the cost implications will be for future years, with Mr. Bruce Fisher, Manager, Financial Policy and Planning responding that he does not have the estimates for 2015/16. There is a 30 year financial plan where stormwater rates will increase every two years, more in line with the Consumer Price Index.

Councillor Nicoll indicated she would like to amend the motion to ask staff to provide Council with a report reviewing agreements with Halifax Water which are not subject to the UARB, with Mr. Labrecque responding that staff are considering those agreements already.

MOTION PUT AND PASSED. (14 in favour; 2 against)

Those voting in favour: Mayor Mike Savage; and Councillors Dalrymple, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Johns, Craig, Outhit.

Those voting against: Councillors Hendsbee and Whitman.

Those not present for the vote: Deputy Mayor Rankin.

11.5 SPECIAL EVENTS ADVISORY COMMITTEE

11.5.1 Marketing Levy Special Events Reserve Exception Report — Follow Up

The report dated June 20, 2013 was before Regional Council.

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

- 1. Approve an increased grant for the Halifax Comedy Fest from \$13,000 to \$25,000 from the 2013/14 Marketing Levy Events Reserve (MLSER), Q315.**
- 2. Approve an increased grant for Nocturne: Art at Night from \$30,000 to \$43,000 from the 2013/14 Marketing Levy Events Reserve (MLSER), Q315.**
- 3. Approve the renewal of three (3) grants from the 2013/14 Marketing Levy Events Reserve (MLSER), Q315, in the amount of \$41,000 to fund the three (3) grants listed below:**

Holiday Parade of Lights	\$18,000
Multicultural Festival	\$15,000
Word on the Street	<u>\$8,000</u>
	\$41,000

MOTION PUT AND PASSED UNANIMOUSLY. (16 in favour)

Those absent for the vote: Deputy Mayor Rankin.

11.6 MEMBERS OF COUNCIL

11.6.1 Councillor Karsten - Cow Bay Road, Eastern Passage Deep Storm Water Infrastructure Project

MOVED by Councillor Karsten, seconded by Councillor Craig that Halifax Regional Council request an report regarding the status of the Cow Bay Road, Eastern Passage Deep Storm Water Infrastructure project including:

- 1) **Results of the May 15, 2013 Public Information Meeting, and subsequent survey to create a Local Improvement Charge to initiate the infrastructure project, and**
- 2) **The implications of the Storm water Infrastructure Interim Funding Solution on the advancement of the project.**

Councillor Karsten indicated that he supports this item being moved forward and that a report is expected in September.

MOTION PUT AND PASSED. (15 in favour; 1 opposed)

Those voting in favour: Mayor Mike Savage; and Councillors Hendsbee, Karsten, Nicoll, McCluskey, Watts, Mosher, Walker, Fisher, Adams, Whitman, Johns, Craig, Outhit.

Those voting against: Councillor Dalrymple.

Those not present for the vote: Deputy Mayor Rankin; Councillor Mason.

12. MOTIONS

12.1 Councillor Walker

Map 1 – Study Area, Dutch Village Road was before Regional Council.

MOVED by Councillor Walker, seconded by Councillor Adams that Halifax Regional Council request staff to initiate a planning process to establish comprehensive planning policies that enable additional commercial and residential developments on the lands located within Dutch Village Road and neighbouring areas, as outlined in Map 1 – Study Area, Dutch Village Road.

Councillor Walker noted this will eliminate the piecemeal approach and allow for commercial spaces on the ground and residential above. It will streamline the process for development on Dutch Village Road.

Councillor Watts noted that the Centre Plan process is being implemented. She asked how this was prioritized, with Mr. Richard Harvey, Acting Urban Design Project Manager responding that areas under high development pressure have to be prioritized. He further noted that staff can come back to Council with respect to prioritization.

MOTION PUT AND PASSED UNANIMOUSLY. (16 in favour)

Those absent for the vote where: Deputy Mayor Rankin.

13. IN CAMERA

Council may rise and go into a private In Camera session, in accordance with Section 19 of the Halifax Regional Municipality Charter, for the purpose of dealing with the following;

13.1 Personnel Matter

13.1.1 Councillor and Citizen Appointments to Special Arts and Culture Advisory Committee

This matter was dealt with in the public portion of the meeting.

The private and confidential report dated July 29, 2013 was before Regional Council.

MOVED by Councillor Watts, seconded by Councillor Nicoll that Halifax Regional Council:

- 1. Approve the appointments to the Special Arts and Culture Advisory Committee as outlined in Attachment #1 of the July 17, 2013 report.**
- 2. Appoint Councillor Waye Mason to the Special Arts and Culture Advisory Committee for a period not to extend beyond December 31, 2013.**
- 3. It is further recommended that the appointments be released to the public following Council ratification.**

MOTION PUT AND PASSED.

MOVED by Councillor Mason, seconded by Councillor Karsten that Regional Council move In Camera to discuss the following items.

MOTION PUT AND PASSED.

13.2 Property Matter

13.2.1 Sandy Point Property – Private and Confidential Report (Deferred from July 30, 2013)

This matter was dealt with In Camera.

13.2.2 6830 Bayers Road, Halifax – Private and Confidential Report (Deferred from July 30, 2013)

This matter was dealt with In Camera.

The following motion was ratified in the public portion of the meeting.

MOVED by Councillor Walker, seconded by Councillor Karsten that Halifax Regional Council Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the acquisition of 6830 Bayers Road, PID No. 00032524, as per the key terms and conditions outlined in the Confidential Information Report dated June 25, 2013.

MOTION PUT AND PASSED.

13.3 Legal Matter

13.3.1 Hobson Lake Drive Cost Sharing Settlement – Private and Confidential Report

MOVED by Councillor McCluskey, seconded by Councillor Walker that Halifax Regional Council approve the settlement with Armco Capital Inc. in the amount outlined in the Financial Implication section of the Private and Confidential report dated July 29, 2013 and it is further that the Private and Confidential report dated July 29, 2013 not be released to the public.

MOTION PUT AND PASSED.

13.4 Personnel – CUPE Local 4814 – Crossing Guards

This matter was dealt with In Camera.

14. ADDED ITEMS

14.1 Non-Disclosure Agreement with the Province of Nova Scotia

This matter was added to the agenda during the approval of the Order of Business.

The staff report dated July 31, 2013 was before Regional Council.

MOVED by Councillor Karsten, seconded by Councillor Nicoll that Halifax Regional Council authorize the Mayor and Clerk to sign a Non-Disclosure Agreement with the Province of Nova Scotia with terms and conditions substantially similar to the draft agreement attached to the July 31, 2013 staff report.

Councillor Outhit asked if the contents of this agreement will eventually become public knowledge, with Ms. Karen Brown, Solicitor, responding that there are provisions providing for the confidential portions of the agreement to remain confidential.

MOTION PUT AND PASSED. (14 in favour; 2 opposed)

Those voting in favour: Mayor Mike Savage; and Councillors Hendsbee, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Whitman, Johns, Craig.

Those voting against: Councillors Dalrymple and Outhit.

Those absent for the vote: Deputy Mayor Rankin.

14.2 Councillor Nicoll - Permit Regulations

This matter was added to the agenda during the setting of the agenda.

A request for Council's consideration was before Regional Council.

MOVED by Councillor Nicoll, seconded by Councillor Fisher that That Halifax Regional Council request a staff report respecting permit regulations as it relates to the transport and dumping of fill in residential areas.

Councillor Nicoll noted that she would like the staff report to explore all aspects of an issue that is endangering individuals and causing disruption.

Councillor Fisher indicated his support for this motion and noted that he is dealing with a similar issue in his area and that the regulations around what contractors can do are not well defined.

MOTION PUT AND PASSED UNANIMOUSLY. (16 in favour)

Those absent for the vote: Deputy Mayor Rankin.

14.4 Information Report: Planning Amendment – Councillor Craig

The information report dated July 4, 2013 was before Regional Council.

This matter was added to the agenda during the approval of the Order of Business.

Councillor Craig asked to have this brought forward as the Sackville Business Association has indicated its desire to expand commercial uses in the area and concern has been expressed for waterway flooding, such as in the Little Sackville River.

Ms. Jane Fraser, Director, Planning and Infrastructure noted that this information report originated with direction from Regional Council in 2012, with a motion directing staff to gather the most relevant information on flood plain mapping and initiate the planning process in the area. The buffer may be extended, depending on the findings.

15. NOTICES OF MOTION - NONE

16. ADJOURNMENT

The meeting was adjourned at 7:35 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS

1. Proclamation – Fung Loy Kok Taoist Tai Chi Awareness Day
2. Proclamation - Shinerama Week
3. Request for Grant Increase for the Halifax International Buskers Festival
4. Increase Safety-Marked Crosswalk at 1478 Main Road, Eastern Passage
5. Symphony NS Request for Annual Funding
6. Planning Amendment Floodplain Mapping for Little Sackville River
7. Requests for Presentation to Council