

HALIFAX REGIONAL COUNCIL
MINUTES

December 3, 2013

PRESENT:

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

REGRETS:

None

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Mr. John Traves, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Krista Vining, Legislative Assistant

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1. INVOCATION

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

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Members of Council noted a number of community announcements and acknowledgements.

Mayor Savage proclaimed December 6th National Day of Remembrance and Action on Violence Against Women.

3. APPROVAL OF MINUTES – None

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

Deletion:

11.3.1 Mainland Halifax North – Bedford Corridor Transportation and Wastewater Servicing Strategy

It was noted that Item 11.3.1 will be added to the December 10, 2013 Regional Council agenda.

MOVED by Deputy Mayor Fisher, seconded by Councillor Whitman, 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 – NONE

9. PUBLIC HEARINGS – NONE

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

The Clerk noted that correspondence has been received for Committee of the Whole which took place prior to Regional Council on the RP+5 Draft 3 – Recommendations, and item 11.3.1. This correspondence has been circulated to Council.

For a detailed list of correspondence received refer to the specific agenda item.

10.2 Petitions – None

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Assignment of Lease – 60 Farrell Street, Dartmouth – Boys and Girls Club of Dartmouth

A staff report dated November 4, 2013 was before Council.

MOVED by Deputy Mayor Fisher, seconded by Councillor McCluskey, that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into a Landlord Consent Certificate for the assignment of the sublease from the Boys and Girls Club of Dartmouth to the Boys & Girls Club of East Dartmouth, at 60 Farrell Street, Dartmouth, as per the terms and conditions as set out in the staff report dated November 4, 2013.

Deputy Mayor Fisher clarified that due to corporate restructuring, the Boys and Girls Club of Dartmouth is now known corporately as the Boys & Girls Club of *East* Dartmouth.

In response to a question raised by Deputy Mayor Fisher, Mr. Tom Crouse, Acquisition and Disposal Manager, advised that the terms of the lease could be reviewed/revise at the time of occupying a new building.

Councillor Nicoll wanted it noted for the record that the Cole Harbour Boys and Girls Club is in need of funding and a facility.

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Karsten requested at this time that Information Item 4 - Memorandum from the Chair of the Audit and Finance Standing Committee dated November 21, 2013 re: Second Quarter 2013/2014 Financial Report be added to the December 10, 2013 Regional Council agenda, to which Council agreed.

Councillor Nicoll requested at this time that Information Item 3 - Memorandum from the Acting Director, Transportation and Public Works dated November 6, 2013 re: Caldwell Road Access from Inishowen Subdivision be added to the December 10, 2013 Regional Council agenda, to which Council agreed.

11.1.2 Stormwater Infrastructure Interim Funding Solution

The following was before Council:

- Extracts of Regional Council minutes from February 26, 2013 , August 6, 2013, and September 17, 2013
- Supplementary staff report dated November 20, 2013

- Submission from Councillor Karsten dated December 3, 2013 outlining a proposed new motion for Council's consideration if the recommendation identified in the November 20, 2013 supplementary staff report is defeated

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

- 1. Approve the Interim Stormwater Infrastructure Funding Solution with a revised Community Affordability Feature which sets a maximum fixed contribution amount for a infrastructure project of \$5,000 per homeowner as attached to the November 20, 2013 supplementary staff report;**
- 2. Limit the annual financial commitment from the Halifax Regional Municipality (HRM) to a maximum of \$3 million (Net HST included), sourced from the annual Halifax Water dividend to the Halifax Regional Municipality; and**
- 3. Direct staff to:**
 - a. Jointly with Halifax Water prepare, within two years, an Integrated Stormwater Policy including an accountability matrix with respect to Stormwater management, and a five-year Stormwater infrastructure capital program with permanent funding options, for the consideration of Council and, subject to Council approval, review by the Nova Scotia Utility and Review Board (NSUARB); and**
 - b. Provide bi-annual updates to the Environment and Sustainability Standing Committee and the Board of Directors of Halifax Water, on completion and progress on identified outstanding responsibilities in the accountability matrix.**

Councillor Karsten asked Council to defeat the staff recommendation and, if successful, he would put forward a new motion for Council's consideration. Councillor Karsten provided background information on the matter as outlined in the November 20, 2013 supplementary staff report.

Councillor Craig spoke in support of defeating the motion and having a new motion come forward, commenting on the direction he and Councillor Karsten are looking to take may lead to new policy and procedure for how future matters are addressed.

In response to a question raised by Councillor Outhit, Mr. Richard MacLellan, Manager, Energy & Environment, provided clarification on staff's recommended option of revising the Community Affordability Feature to a cap of \$5,000 per property to address Council's concerns regarding affordability while adhering to the principle of Local Improvement Charges being applicable.

MOTION PUT AND DEFEATED. (1 in favour, 16 against)

In favour: Councillor Rankin

Against: Mayor Savage, Deputy Mayor Fisher, Councillors Dalrymple, Hendsbee, Karsten, Nicoll, McCluskey, Mason, Watts, Mosher, Walker, Adams, Whitman, Johns, Craig and Outhit.

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

- 1. Approve the Interim Stormwater Infrastructure Funding Solution with the option of zero funding contribution from local homeowners as per Option 2 (a) in the Discussion section of the November 20, 2013 supplementary staff report and work with Halifax Water to prepare a submission to the Utility and Review Board;**
- 2. Limit the annual financial commitment from the Halifax Regional Municipality (HRM) to a maximum of \$3 million (Net HST included), sourced from the annual Halifax Water dividend payment to the Halifax Regional Municipality; and**
- 3. Direct staff to:**
 - a. Jointly, with Halifax Water, prepare by February 2015, an Integrated Stormwater Policy , including an accountability matrix with respect to stormwater management; and a five-year stormwater infrastructure capital program with permanent funding options, for the consideration of Council and, subject to Council approval, review by the Nova Scotia Utility and Review Board (NSURB); and**
 - b. Provide semi-annual updates to the Environment and Sustainability Standing Committee and the Board of Directors of Halifax Water on completion and progress on identified outstanding responsibilities in the accountability matrix.**

Councillor Karsten asked for Council's support.

Councillor Rankin highlighted that when the matter first came to Council the recommended Community Affordability Feature was \$14,000, with a number of Councillors noting there should be some form of contribution. However, when staff came back with a revised amount of \$5,000 it was based on affordability, but the motion before Council has nothing to do with affordability. Further, if Council voted in favour of a zero percent contribution it would set a precedent and for this reason he could not support the motion. He went on to comment on earlier discussions held wherein approximately 80 properties would not receive benefit and therefore those homeowners were not in favour of the funding solution. Councillor Rankin suggested removing those properties and only applying the Community Affordability Feature to the properties being repaired (approximately 20 homes).

Councillor Rankin went on to question whether the Halifax Water Commission had been consulted, if there was going to be an interface with the Nova Scotia Utility and Review Board to structure a deal, and whether the \$3 million dividend is contingent on the Halifax Water Commission profiting. Mr. Greg Keefe, Director of Finance & ICT/CFO clarified that the \$3 million dividend has no relationship to the profitability or loss of the Halifax Water Commission. The dividend is a grant in lieu of taxes that is calculated as a percentage of their deployed assets for water infrastructure. Mr. Keefe further clarified that staff is not recommending approaching the Nova Scotia Utility and Review Board (NSUARB). However, for the longer term integrated resource study, where the NSUARB have ruled that one-third should be collected from the rate payers, moving to a different cost sharing model would require HRM to work with the Halifax Water Commission and approach the NSUARB to change the percentage.

The discussion ensued with staff responding to questions of clarification raised by Council.

Several members noted their support for the motion as they were unable to justify charging 100 residents for 20 homes flooding, which was not as a result of any changes made by those residents.

MOTION PUT AND PASSED. (15 in favour, 2 against)

In favour: Mayor Savage, Deputy Mayor Fisher, Councillors Hendsbee, Karsten, Nicoll, McCluskey, Mason, Watts, Mosher, Walker, Adams, Whitman, Johns, Craig and Outhit.

Against: Councillors Dalrymple and Rankin.

11.2 AUDIT AND FINANCE STANDING COMMITTEE

11.2.1 Write-Off – Leased Land Accounts

A report from the Audit and Finance Standing Committee dated November 21, 2013 was before Council.

MOVED by Councillor Karsten, seconded by Councillor Mason, that Halifax Regional Council approve the real property tax accounts in the amount of \$399,549.34 comprised of \$374,773.93 principal and \$24,775.41 interest as detailed in Schedule 1 of the October 25, 2013 staff report be formally written out of the books of account.

Councillor Karsten spoke in support of the motion, asking for Council's support.

Council entered into discussion with staff responding to questions of clarification related to taxes collected.

MOTION PUT AND PASSED UNANIMOUSLY.

11.3 COMMUNITY PLANNING & ECONOMIC DEVELOPMENT STANDING COMMITTEE

11.3.1 Mainland Halifax North – Bedford Corridor Transportation and Wastewater Servicing Strategy

The following was before Council:

- A report from the Community Planning & Economic Development Standing Committee dated November 18, 2013
- Correspondence from lola doucet; Cynthia Prysiazniuk; Barry Landry; Marie Laryea; Paul Lindgreen; David Eisenhauer; Lisa J. O`Brien Haley; Wade McCallum; Mary K. Layes; Lea Anne R. McLeod; Denise MacDonell; Jean Cameron; Peter A. MacDonald; Linda Elliott; Dan Wurster; John Merrick; Tristan Cleveland; Andy and Dianne van den Berg; Forest Kenney; Rich Peckham; Doug Skolmer; John Beveridge; Marlene and Gord MacInnis; Ray Hunt; John Cornick; Stephen R. Boyce; Gavin Giles; Dirk Staatsen

This matter was deleted during the approval of the Order of Business and will be brought forward at the December 10, 2013 Regional Council session.

11.4 TRANSPORTATION STANDING COMMITTEE

11.4.1 SmartTrip E-Pass Fare Medium and SmartTrip Membership Fee Structure

A report from the Transportation Standing Committee dated November 19, 2013 was before Council.

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

- 1. Approve the SmartTrip E-Pass as a permanent employer-based annual transit pass fare medium, as described in the Discussion section of the September 25, 2013 staff report;**
- 2. Authorize the Director of Metro Transit to enter into Agreements, in accordance with Attachment A of the September 25, 2013 staff report, on behalf of Halifax Regional Municipality with employers who agree to participate in the SmartTrip E-Pass Program and that any changes to the template shall be reviewed by Legal Services and approved by the CAO;**
- 3. Allow modification of the SmartTrip membership fee structure to reduce fees following the initial year of membership in accordance with Table 2 of the September 25, 2013 staff report; and**

- 4. Include during the budget planning process of Regional Council consideration of costs and benefits of commencing implementation of HRM's SmartTrip E-Pass Program for HRM employees in 2014/15 fiscal year.**

Councillor Rankin spoke to the success of the SmartTrip E-Pass pilot program, noting that approximately 500 participants signed up in 2013.

MOTION PUT AND PASSED UNANIMOUSLY.

On a Point of Privilege, Councillor Rankin requested that the National Consultants' Final report be made available by the December 10, 2013 session of Regional Council.

- 12. MOTIONS – NONE**
- 13. IN CAMERA – NONE**
- 14. ADDED ITEMS – NONE**

15. NOTICES OF MOTION

15.1 Councillor Outhit

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 10th day of December, 2013, I propose to introduce a Policy pursuant to Section 325 of the Halifax Municipality Charter, Administrative Order SC-75, the purpose of which is to close a portion of the Bluewater Road right-of-way, and set a public hearing date.

15.2 Deputy Mayor Fisher

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 10th day of December, 2013, I proposed to:

1. Move first reading and schedule a public hearing to consider the adoption of the proposed By-law S-801 Temporary Sign By-law which will repeal and replace By-law S-800 respecting the Requirements of Temporary Signs and approve amendments to Administrative Order 15 Respecting License, Permit and Processing Fees; and
2. Move first reading of the proposed amendments to By-law S-300 respecting Streets

15.3 Councillor Rankin

Take notice that, at a future meeting of Regional Council, I intend to move a motion to amend Administrative Order 12, Respecting the Appointment of the Traffic Authority, in order to appoint a new Traffic Authority and Deputy Traffic Authority.

15.4 Councillor Walker

Take notice that, at the next meeting of the Halifax Regional Council, to be held on December 10, 2013, I intend to propose an amendment to Administrative Order 55, the HRM Sponsorship Administrative Order, to clarify that the authority Council has delegated in the Administrative Order to authorize sponsorships includes the authority to execute sponsorships on behalf of the Municipality.

16. ADJOURNMENT

The meeting was adjourned at 6:58 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS

1. Memorandum from the Director, Planning and Infrastructure dated August 20, 2013 re: Municipal Water Quality Data
2. Memorandum from the General Manager, Halifax Water dated November 7, 2013 re: Halifax Regional Water Commission 2012/13 Annual Report
3. Memorandum from the Acting Director, Transportation and Public Works dated November 6, 2013 re: Caldwell Road Access from Inishowen Subdivision
4. Memorandum from the Chair of the Audit and Finance Standing Committee dated November 21, 2013 re: Second Quarter 2013/2014 Financial Report
5. Memorandum from the Municipal Clerk dated November 26, 2013 re: Requests for Presentation to Council – None