



**HALIFAX REGIONAL COUNCIL
MINUTES
January 13, 2015**

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

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

The following does not represent a verbatim record of the proceedings of this meeting.

A video recording of this meeting is available:
http://archive.isiglobal.ca/vod/halifax/archive_2015-01-13_live.mp4.html

The agenda, supporting documents, and information items circulated to Council are available online:
<http://www.halifax.ca/council/agendasc/150113rc-agenda.php>

The meeting was called to order at 1:00 p.m., and recessed at 1:49 p.m. Council reconvened at 2:02 p.m. Council recessed at 3:37 p.m. and reconvened at 3:54 p.m. Council recessed again at 5:22 p.m. and reconvened at 6:00 p.m. Council adjourned at 8:56 p.m.

1. INVOCATION

The Mayor called the meeting to order with the Invocation being led by Deputy Mayor Nicoll.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of special community announcements and acknowledgements.

3. APPROVAL OF MINUTES – Committee of the Whole December 9, 2014 and Regional Council December 2, 2014

MOVED by Councillor McCluskey, seconded by Deputy Mayor Nicoll that the minutes of the Committee of the Whole meeting of December 9, 2014 and the Regional Council meeting of December 2, 2014 be approved. MOTION PUT AND PASSED.

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

Additions:

14.1 Award Tender No. 14-190 Scotiabank Centre Seating

13.2.1 (i) Personnel Matter - Citizen Appointments to Heritage Advisory Committee – Private and Confidential Report

Councillor Rankin proposed to add an in camera item pertaining to surface water management at Otter Lake; subsequently Council did not discuss this matter in camera as a confidential information memorandum was circulated prior to adjournment, see page 27.

MOVED by Councillor Johns, seconded by Councillor Watts 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

Mr. John Traves, Municipal Solicitor provided a brief overview of the two deferred items for Council's information. He noted that Councillor Fisher and Councillor Johns were ineligible to vote on the two items because they were not present for the public hearings. He also pointed out that item 8.2 involves an amendment to the Municipal Planning Strategy, therefore, it will require a majority of Council members to pass, which is 9 votes.

Mr. Traves responded to questions.

8.1 Proposed By-Law S-801, Proposed Amendments to By-law S-800, Respecting Temporary Signs (Supplementary Report)

The following was before Council:

- A staff presentation
- A draft extract of the Regional Council December 9, 2014 minutes regarding this item
- A supplementary recommendation report dated November 13, 2014

MOVED by Councillor Mason, seconded by Councillor Adams that Halifax Regional Council:

- 1. Adopt proposed By-law S-801 – A By-law Respecting Licensing of Temporary Signs, as contained in Attachment A of the supplementary staff report dated November 13, 2014 which will repeal and replace By-law S-800 – A by-law Respecting the Requirements for the Licensing of Temporary Signs; and**
- 2. Adopt the proposed amendments to Administrative Order 15, as contained in Attachment B of the supplementary staff report dated November 13, 2014.**

Councillor Mason advised that, in response to concerns expressed during the public hearing, he had an amendment to put forward.

Councillor Mason moved a motion, which was seconded by Councillor Hendsbee, to amend the Bylaw in regard to postering and prohibitions of posters. He advised that the intent of his amendment was to address concerns of the litter from posters and to prevent utility poles from becoming unsightly, due to a build-up of posters. Subsequently, Councillor Mason and Council agreed to withdraw this motion following a discussion. It was noted that several Councillors had further amendments to put forward and a suggestion was made that Council approve the proposed By-law as presented, and then ask for a supplementary report from staff on further amendments. The Municipal Solicitor concurred that this would be a reasonable approach should Council wish to proceed in this manner.

The Mayor advised that Council would now vote on the motion.

MOTION PUT AND PASSED. (14 in favour, 1 against)

In favour: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Dalrymple, Karsten, McCluskey, Mason, Watts, Mosher, Walker, Adams, Rankin, Whitman, Craig, and Outhit.

Against: Councillor Hendsbee

Not present: Councillors Fisher and Johns

Council recessed at 1:49 p.m.

Council reconvened at 2:02 p.m.

MOVED by Councillor Mason, seconded by Councillor Adams that Regional Council request a staff report in regard to proposed amendments submitted by Councillors Watts and McCluskey regarding Section 12.1 – inflatable signs; Councillor Outhit in regard to exemptions; Councillor Mason in regard to postering and prohibitions; Councillor Outhit in regard to an administrative amendment concerning consistency with the Bedford Planning Strategy; and Councillor Adams in regard to separation distance and multiple signs.

Mr. Traves advised that the implementation period of the Bylaw is 90 days and staff would attempt to return with a staff report, so that the amendments could be considered within the 90 day timeframe.

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Councillors Fisher and Johns

8.2 Case 19326 – Municipal Planning Strategy (MPS) Amendments and Development Agreement for 1034, 1042, 1050 and 1056 Wellington Street, Halifax

The following was before Council:

- A draft extract of the December 9, 2014 Regional Council Minutes regarding this item
- A staff presentation
- An applicant presentation
- A report dated October 20, 2014 from the Halifax and West Community Council

MOVED by Councillor Mason, seconded by Councillor Whitman that Halifax Regional Council adopt the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB), as contained in Attachments A and B of the September 26, 2014 staff report.

Councillor Mason advised that he would be voting against the motion. For the information of the members of the public observing the meeting, he explained that Council's Rules of Procedure require the Community Council recommendation to be put and voted on first, before any other motions can be put forward.

Councillor Outhit pointed out that a number of questions were raised at the public hearing, and at the end of the hearing the proponent indicated that he was prepared to reduce the size of the footprint of the development. Councillor Outhit asked if staff had any response.

Mr. Bob Bjerke, Chief Planner, advised that staff were present to answer any questions of Council. Mr. Traves added that staff would not normally respond to questions raised by speakers at the public hearing but to questions from the deliberative body, which is Council.

The Municipal Solicitor added that although the developer presented an alternate at the hearing, it was his understanding that the original proposal has not been withdrawn, therefore, the current application is what is before Council for consideration.

A discussion ensued with regard to procedures of this public hearing and whether Council could consider the alternate proposal that the proponent offered when he spoke at the public hearing, or whether amendments could be passed pertaining to the proposal.

In response to a question as to whether the developer's statement regarding reducing the square footage would have an impact on staff's recommendation, Mr. Bjerke responded that to fully consider the changes the developer made reference to it would require an application to be resubmitted and another public hearing.

The Municipal Solicitor advised that the only proposal Council can consider at this time is the proposal that was advertised in the public hearing notice in response to questions regarding staff's responding to questions raised during the public hearing

Councillor Adams questioned why Council couldn't put forward an amendment in regard to the proponent's alternate proposal and suggested that a reduction of the size of the proposal would not be a substantive change and questioned whether a reduction in the size of the project would constitute a substantive amendment.

The Municipal Solicitor advised that amendments can be put forward by members of Council. He further added that his advice would be that Council should be cautious in regard to the need to hold a further public hearing on any substantive amendments and those matters should take the route least likely of challenge.

The Municipal Solicitor further clarified that while Council is considering the Municipal Planning Strategy (MPS), there is an understanding that Council is considering the MPS amendments in the context of the project put forward by the applicant.

The Municipal Solicitor advised that if the amendment to the MPS is approved there is limited ability to refuse an application for development agreement brought forward at Community Council that meets the requirements of the MPS amendments. If the space limits are not reduced then there is limited ability at Community Council to require the developer to proceed with something different from what they have put forward.

In response to Councillor Mason's request for clarification on the process, the Municipal Solicitor concurred that if Regional Council approves the MPS amendments but not the Development Agreement, in order for Council to consider an alternate proposal, this application has to be turned down, and then another application put forward. Further, the Municipal Solicitor advised that Community Council cannot unreasonably refuse a project that is consistent with the MPS or it will be appealed, adding that there is an obligation on Community Council to accept those plans should they choose to go forward.

Councillor Adams questioned who would decide if a new public hearing was required if he were to put a substantive amendment (a reduction in the square footage of 40,000 sq. ft.) on the floor and it was passed by Council.

The Municipal Solicitor reiterated, it was his view that another public hearing would be required and it was his advice to have one in light of the possibility of a legal challenge.

Councillor Watts cautioned Council, noting the precedence this could set at future public hearings.

Councillor Mason emphasized that the opposition to this proposal has been overwhelming, noting that at the public hearing the people who spoke against it were 6 to 1. He pointed out that the petition which was submitted was signed by people from all over the Municipality and not just from the area in question. He also noted that the Planning Advisory Committee recommended against the proposal. Councillor Mason urged Council to vote against the motion.

Speaking in support of his desire to amend the application Councillor Adams advised that as of right this site permits a maximum 56 units on the properties; the proposed changes to the R2A zone will enhance the value of the R2A properties; the results of the traffic study showed there were no issues; in regard to the height precinct, Century Tower and Peter Green Hall have been used to support an increase to the height precinct in the past, in 1989 with the Wellington property. Councillor Adams added that, currently, the developer can put in student housing, but the development that is proposed will attract professional and retired individuals.

MOVED by Councillor Adams, seconded by Councillor Hendsbee that the motion be amended as follows:

In Section V- SOUTH END AREA PLAN, within section 7 – DISTRICT POLICIES and after policy 7.7A1 the text inserted in bold “7.7B1 which reads: “*a maximum total of 194,000 square feet of Gross Floor Area*” to be replaced with “*to a maximum total of 154,000 square feet of Gross Floor Area.*”

Councillor Rankin spoke in support of the amendment advising that it reduces the impact on the community.

Councillor Watts advised that she would not support the amendment and that the drop in the volume does not address the concerns that staff or the community have with the proposal.

Councillor Adams advised that the setback for this proposal will go from 10 ft. to 20 ft. and is more setback than either Century Towers, which is 13 ft. and the Wellington which is 14 ft. He added that the lot coverage would be about 60 percent compared to the Wellington tower which is 55 percent.

In response to a question by Councillor Adams, Mr. Carl Purvis, Major Projects Planner advised that the reason for separation distance between buildings is for the liveability of the residents in the buildings, to allow maximum sunlight penetration, and to minimize the effects of wind tunneling.

THE AMENDMENT WAS PUT AND PASSED. (9 in favour, 6 against)

In favour: Councillors Dalrymple, Hendsbee, Karsten, McCluskey, Mosher, Walker, Adams, Rankin, and Whitman

Against: Mayor Savage; Deputy Mayor Nicoll; and Councillor Mason, Watts, Craig, and Outhit

Not present: Councillors Fisher and Johns

Councillor Craig advised that he would not support the motion, noting that the scale and massing is out of proportion for the neighbourhood.

Councillor Mason advised that even though he was not supportive of the motion he was prepared to put forward an amendment, in the event the motion passes, so that the proposal would be consistent with the HRM by Design guidelines adopted by Regional Council.

MOVED by Councillor Mason, seconded by Councillor Watts that Council shall consider an application pursuant to this amendment to the MPS which shall be consistent with applicable portions of the Halifax Downtown Design Guidelines, more specifically, section 3.1, 3.2, and 3.3 with the addition of appropriate front, side, and rear setbacks.

The Mayor advised that the Municipal Solicitor needed some time to determine whether the amendment was in order, therefore, Council would recess briefly.

Council recessed at 3:37 p.m.

Council reconvened at 3:54 p.m.

The Municipal Solicitor advised Council that the amendment was in order.

Councillor Karsten requested clarification as to what the sections of the design guidelines put forward in the amendment refer to.

Mr. Bjerke and Mr. Purvis responded to questions providing clarification regarding the sections of the Halifax Downtown Design Guidelines put forward in the amendment, advising that the three specific sections noted are more general design requirements that have also been applied to other area such as the proposed amendments to the Downtown Dartmouth Plan. Mr. Purvis explained that section 3.1 pertains to streetwall and speaks to the characteristics of streets; Section 3.2 deals with pedestrian streetscapes; and section 3.3 deals with building design and openings and entrances, driveways, parking and architectural character. Mr. Bjerke advised that those three sections are the most relevant and provide clarification around those three elements, and he suggested that they be taken as a composite.

Councillor Karsten required further clarification regarding the proposed amendments regarding front, side and rear setbacks.

Mr. Bjerke further noted that the setbacks contained in the downtown design guidelines would not be appropriate to the application or context and that staff would be looking to the setbacks proposed in the developer's application in regard to the setbacks.

Councillor Karsten requested that the amendment be broken into two motions, one in regard to the HRM Halifax Downtown Design Guidelines and the other in regard to the amendment concerning setbacks.

In response to a question Mr. Bjerke further indicated that height would be guided by the MPS amendments that Council approves as those matters are addressed in the MPS amendments on the floor for Council's consideration.

MOVED by Councillor Mason, seconded by Councillor Watts that Council shall consider an application pursuant to this amendment to the MPS which shall be consistent with applicable portions of the Halifax Downtown Design Guidelines, more specifically, section 3.1, 3.2, and 3.3

THE AMENDMENT WAS PUT AND PASSED. (8 in favour, 7 against)

In favour: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Karsten, McCluskey, Mason, Watts, Craig, and Outhit.

Against: Councillors: Dalrymple, Hendsbee, Mosher, Walker, Adams, Rankin, and Whitman

Not Present: Councillors Fisher and Johns.

Councillor Adams asked for clarifications as to what would change in regard to the application if this amendment was to pass.

Mr. Bjerke responded that a detail review would be required that reviews the lower volume provided for within the MPS amendments approved by Council and the application submitted. The amendments would guide discussions that would bring the application closer to the design guidelines and bring it more in line with the acceptable design criteria.

Councillor Adams indicated he would not be supporting the amendment.

Councillor Watts spoke in favour of the amendments as the amendments address rules already reviewed by the public and adopted and used in the downtown as an attempt to do what citizens are saying they want done.

Councillor Mason spoke in support of the amendment stating that the amendment puts some framework, rationale and tried and true planning principle into effect on this project.

In response to a question by Councillor Outhit about the enforceability of the design guidelines, the Municipal Solicitor advised that if the amended proposal is passed, it is ultimately up to the Development Officer to ensure that the project meets the requirement of the amendments to the MPS as passed by Council, before a building permit would be issued.

MOVED by Councillor Mason, seconded by Councillor Watts that Halifax Regional Council shall consider an application pursuant to this amendment to the MPS with the addition of appropriate front, side, and rear setbacks.

THE AMENDMENT PUT AND DEFEATED (6 in favour, 9 against)

In favour: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Mason, Watts, Craig, and Outhit

Against: Councillors Dalrymple, Hendsbee, Karsten, McCluskey, Mosher, Walker, Adams, Rankin and Whitman

Not Present: Councillor Fisher and Johns.

Councillor McCluskey advised that she would be voting in favour of the motion and the reason for doing so was due to a development in her district from a couple years ago which planning staff recommended. The Councillor advised that the development included three large buildings which was not sensitive to the community, and in which 80 people spoke against. Councillor McCluskey indicated that in comparing the development from her district to this proposal, she did not see anything wrong with it, therefore, would vote in favour.

Councillor Adams advised that during the recess in speaking with the Municipal Solicitor and Mr. Bjerke, it was determined there was a clerical error in the amendment he put forward, and that the maximum total of Gross Floor Areas should read as 141,000 square feet and not 154,000 square feet.

The Municipal Solicitor and Mr. Bjerke concurred with Councillor Adams, and the Municipal Clerk advised that a motion to correct the error was required.

MOVED by Councillor Adams, seconded by Councillor Whitman that the amendment to Attachment A be corrected to read “to a maximum total of 141,000 square feet of Gross Floor Area.”

THE AMENDMENT PUT AND PASSED (10 in favour, 5 against)

In favour: Councillors Dalrymple, Hendsbee, Karsten, McCluskey, Mosher, Walker, Adams, Rankin, Whitman, and Outhit

Against: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Mason, Watts, and Craig

Not Present: Councillors Fisher and Johns

The main motion, as amended, was now before Council, as follows

MOVED by Councillor Mason, seconded by Councillor Whitman that Halifax Regional Council adopt the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB), as contained in Attachments A, as amended, and Attachment B of the September 26, 2014 staff report; and that Council shall consider an application pursuant to this amendment to the MPS which shall be consistent with applicable portions of the Halifax Downtown Design Guidelines, more specifically, sections 3.1, 3.2, and 3.3.

The amendment to Attachment A is as follows:

Proposed Amendments to the Halifax Municipal Planning Strategy

In Section V – SOUTH END AREA PLAN, within section 7 – DISTRICT POLICIES and after policy 7.7A1 the text inserted in bold “7.7B1 which reads: “a maximum total of 194,000 square feet of Gross Floor Area” to be replaced with “to a maximum total of 141,000 square feet of Gross Floor Area

THE MOTION, AS AMENDED, WAS PUT AND PASSED (9 in favour; 6 against)

In favour: Councillors: Dalrymple, Hendsbee, Karsten, McCluskey, Mosher, Walker, Adams, Rankin, and Whitman

Against: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Mason, Watts, Craig, and Outhit

Not Present: Councillors Fisher and Johns.

MOVED by Councillor Hendsbee, seconded by Councillor Dalrymple that the meeting be extended to 5:15 p.m. MOTION PUT AND PASSED.

9. PUBLIC HEARINGS

9.1 Case H00398 – Application to Deregister Lot BH-2, a Subdivision of 99 Ochterloney Street (Henry Elliot House), Dartmouth, a Municipally Registered Heritage Property

This matter was dealt with later in the meeting. See page 13.

9.2 Case 19282 – Amendments to the Regional Subdivision By-law regarding Park Dedication

This matter was dealt with later in the meeting. See page 13.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

The Clerk noted that correspondence was received for items: 11.1.7, 11.2.2, 11.3.1, and 12.1, and has been circulated to Council.

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

10.2 Petitions

10.2.1 Councillor McCluskey

Councillor McCluskey submitted a petition with 79 signatures from the residents of Admiralty Place, 1 Prince Street, Dartmouth expressing concern in regard to the proposed decommissioning of the King Street Fire Station #13 in downtown Dartmouth, as described in the Fire Services Operational Review 2014 Update, dated December 15, 2014; and to strongly urge the Mayor and Regional Council not to accept the Fire Chief's recommendation in the report regarding the closure of Fire Station #13.

10.2.2 Councillor Karsten

Councillor Karsten submitted a petition with 928 signatures from the Eastern Passage Cow Bay Residents Association requesting a direct bus route to and from Cole Harbour for the Eastern Passage Cow Bay area.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Award Unit Price Tender No. 14-284, Resurfacing, Various Locations – Burnside Industrial Park

The following was before Council:

- A staff recommendation report dated December 4, 2014.

MOVED by Councillor Fisher, seconded by Councillor McCluskey that Halifax Regional Council award Tender No. 14-284, Resurfacing, Various Locations Burnside Industrial Park – East Region, to the lowest bidder meeting specifications, Dexter Construction Company Limited for a Total Tender price of \$651,999.98 (net HST included) with funding from Project No. CQ000008 –

Burnside & City of Lakes Development as outlined in the Financial Implications section of the December 4, 2014 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Craig

11.1.2 Tender No. 14-289 Northwest Arm Seawall Phases 3A & 3B, Fleming Park (The Dingle) – West Region

The following was before Council:

- A staff recommendation report dated December 15, 2014.

MOVED by Councillor Mosher, seconded by Councillor Walker that Halifax Regional Council award Tender No. 14-289, Northwest Arm Seawall Phases 3A & 3B, Fleming Park (The Dingle) – West Region, to the lowest bidder meeting specifications, Lange’s Rock Farm Construction Limited for a Total Tender Price of \$660,130.38 (net HST included) with funding from Project No CPX01331 – Regional Water Access Beach Upgrades, as outlined in the Financial Implications section of the December 15, 2014 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Craig

11.1.3 Cost Shared Agreement for the Paving of “J” Class Subdivision Streets 2015-013

The following was before Council:

- A staff recommendation report dated December 12, 2014.

MOVED by Councillor Whitman, seconded by Councillor Walker that the Mayor and the Municipal Clerk be authorized, by resolution of Regional Council, to sign on behalf of Halifax Regional Municipality (HRM) the attached construction agreement No. 2015-013 as outlined in the Discussion section of the December 12, 2014 staff report.

Mr. David Hubley, Manager, Project Planning and Design responded to questions.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.4 Chebucto Head Road – Duncan’s Cove

The following was before Council:

- A staff recommendation report dated December 18, 2014

MOVED by Councillor Adams, seconded by Councillor Mosher that Regional Council accept transfer of road ownership with the Nova Scotia Department of Transportation and Infrastructure Renewal as described in Table No. 1 of the December 18, 2014 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.5 Proposed Amendments to Administrative Order 2014-001-ADM, Respecting Tax Relief to Non-Profit Organizations – New Applications, Renewals, and Proposed Amendments for 2014-15 Fiscal Year

The following was before Council:

- A staff recommendation report dated January 6, 2015.
- A report dated November 28, 2014 from the Chair of the Grants Committee

MOVED by Councillor Walker, seconded by Councillor Whitman that Halifax Regional Council repeal and replace Schedules 26, 27, 28, 29, and 30 of Administrative Order 2014-001-ADM Respecting Tax Relief to Non-Profit Organizations as set out in Attachments 1A, 2, 3, 4, 5, and 6 of the staff report dated January 6, 2015.

During the reading of the Motion Councillor Walker noted the following correction to which the seconder and Council agreed.

That Canoe-Kayak Atlantic Division, 34 Boathouse Lane, Dartmouth be removed from Table 2 of Attachment 1 and be renewed under Schedule 29 as listed on page 19 of the Supplementary staff report dated January 6, 2015. Tax relief shall be effective April 1, 2014.

MOVED by Councillor Hendsbee, seconded by Councillor Dalrymple that the North Preston Medical Society be referred back to the Grants Committee for reconsideration in regard to validation of registration and consideration of tax status.

MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor McCluskey, seconded by Councillor Karsten that the application of Canoe-Kayak Atlantic Division be referred back to the Grants Committee for consideration of total exemption.

MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Fisher, seconded by Councillor McCluskey that DASC industries be referred back to the Grants Committee for consideration of their request to move from 50% to 75% tax relief as a social enterprise.

MOTION PUT AND PASSED UNANIMOUSLY.

The main motion, with the correction as noted, was now put.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.6 Proposed By-Law S-608, Respecting the Amendment of By-law S-600, the Solid Waste Resource Collection and Disposal By-law

The following was before Council:

- An extract of the draft minutes from the December 2, 2014 Regional Council meeting regarding this item.
- A staff recommendation report dated January 13, 2015

MOVED by Councillor Dalrymple, seconded by Councillor Karsten that Halifax Regional Council give First Reading to By-law S-608, amending By-law S-600, the Solid Waste Resource Collection and Disposal By-law as set out in Attachment B of the staff report dated January 13, 2015.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.7 Proposed By-law S-609, Respecting the Amendment of By-law S-600, the Solid Waste Resource Collection and Disposal By-law

The following was before Council:

- An extract of the draft minutes of the December 9, 2014 Committee of the Whole regarding this item.
- An extract of the draft minutes of the December 9, 2014 Regional Council meeting regarding this item.
- A staff recommendation report dated January 13, 2015.
- Correspondence dated January 12, 2015 from Valerie Payn, President & CEO, Halifax Chamber of Commerce.

MOVED by Councillor Adams seconded by Councillor Mason that Halifax Regional Council:

- (1) Give First Reading to By-law S-609, amending By-law S-600, the Solid Waste Resource Collection and Disposal By-law to allow for the export of ICI residual waste (garbage) outside HRM, as set out in Attachment B of the staff report dated January 13, 2015; and**
- (2) Set a date for a public hearing for amendments to By-law S-600.**

And that Regional Council intends to adopt the proposed amendments to Administrative Order 16, Respecting Fees for the Use of Solid Waste Management Facilities as outlined in the staff report dated January 13, 2015.

In response to a question by Councillor Watts, Mayor Savage confirmed there would be a presentation at the public hearing. Councillor Watts advised that, based on that, she would support the motion.

Councillor Adams noted that, in meeting with the Community Monitoring Committee there continues to be questions about the financials in the report. He inquired as to how the figure of 20% diversion of waste was arrived at.

The Chief Administrative Officer advised that this can be addressed in the presentation at the public hearing or Mr. Keliher could respond now.

Mr. Keliher responded directing Council's attention to page 4 of the staff report which presents possible high/low range of diversion and the potential impact on the construction of cell 7 based on those parameters. He noted that there was no certainty on the amount of diversion as that would be market driven.

Councillor Dalrymple noted that he had a number of questions with respect to tipping fees, shipping outside the municipality and that he was not yet comfortable with a business case. He also added that there has been discussion on vertical expansion but Council doesn't know the effect of this. He further noted that he was considering a motion to refer the matter to Committee of the Whole or to the Environment and Sustainability Standing Committee to seek further clarification.

Mayor Savage noted that the matter was before Council having been referred from a Committee of the Whole.

Councillor Watts sought confirmation that the public hearing was not required but directed by Council and as to whether, at the close of the public hearing, Council had the options to defer, refer the matter or make a decision.

The Municipal Solicitor confirmed that Council's motion of December 9, 2014 was to move to first reading of proposed by-law 609 and to schedule a public hearing. With regard to Council's options, Mr. Traves advised that a motion to defer is always in order, as is a request for supplementary information.

Councillor Rankin indicated his support for a public hearing but also expressed concerned that there continues to be number of outstanding questions that he felt needed to be answered first. Among others, he suggested that Council needs to be ready for the question of a 40% increase in tipping fees for commercial haulers and the impact of put/pay agreement with the operator and contractual risks associated with the recommendations.

Councillor Fisher inquired as to whether Council was tying its hand to the increase in tipping fees today. To which the response was no.

MOTION PUT AND PASSED (12 in favour, 4 against)

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

Against: Councillors: Dalrymple, Hendsbee, Adams, and Rankin.

Not Present: Councillor Mason

Council recessed at 5:22 p.m.

Council reconvened at 6:00 p.m. to commence with the public hearings.

9. PUBLIC HEARINGS

9.1 Case H00398 – Application to Deregister Lot BH-2, a Subdivision of 99 Ochterloney Street (Henry Elliot House), Dartmouth, a Municipally Registered Heritage Property

The following was before Council:

- A recommendation report from the Heritage Advisory Committee dated September 25, 2014
- Extract of Regional Council October 7, 2014 minutes
- A copy of the staff presentation
- A copy of the applicant's presentation

Mr. Seamus McGreal, Heritage Planner, Planning and Development noted that this matter had been before Council in November 2014 but since that time staff identified an issue with the legislative requirement for notice which is why that matter was before Council. Mr. McGreal presented Case H00398 respecting the application of Boris Holding Inc. to deregister Lot BH-2, a subdivision of 99 Ochterloney Street (Henry Elliot House), Dartmouth as a municipally registered heritage property.

Ms. Heather Brown of Michael Napier Architecture, Applicant spoke about the developer's excitement for the project and in seeing the heritage value of the Henry Elliot House, used it as a jumping off point for developing the proposed building adjacent to the property; pending Council's approval. She encouraged Council to visit the site; noting that restorations on the house have begun. She further commented that the restoration demonstrates the developer's commitment in ensuring the property was well preserved for the future.

Mayor Savage opened the public hearing and called three times for anyone wishing to address Council on this matter. There begin no speakers it was **MOVED by Councillor McCluskey, seconded by Deputy Mayor Nicoll that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor McCluskey, seconded by Deputy Mayor Nicoll that Halifax Regional Council approve the deregistration of Lot BH-2 a subdivision of 99 Ochterloney Street, Dartmouth, as identified in Attachment A of the staff report dated September 12, 2014 as a municipally registered heritage property.

Councillor McCluskey spoke to property's aesthetics and gave a brief overview of the background and timing of the application.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mason

9.2 Case 19282 – Amendments to the Regional Subdivision By-law regarding Park Dedication

The following was before Council:

- A staff recommendation report dated November 17, 2014
- Extract of Regional Council December 2, 2014 draft minutes
- A copy of the staff presentation

Mr. Richard Harvey, Major Projects Planner delivered a presentation on Case 19282 respecting proposed amendments to the Regional Subdivision By-law to clarify the cash-in-lieu of land park dedication requirements.

Councillor Hendsbee sought clarification on Council's motion of June 25, 2014 *requesting a staff report detailing the scope of the review of the parkland dedication fees and subdivision By-law for the purpose of determining policies:*

1. *To incorporate possible allocation of parkland fees to develop and/or enhance offsite (but nearby) parkland and playground sites;*
2. *Dealing with prorating of parkland fees to be assessed in phases as development is started or to be applied as a lien on the properties designated for the proposed development; and*
3. *Consider if the parkland fees can be assessed to any change in use in density of properties under redevelopment whereby new P.I.Ds are created and be treated as newly created lots.*

Mr. Harvey advised that these matters were currently being addressed under staff's review of the Regional Subdivision By-law. He clarified that the amendment before Council was to address housekeeping issues in regard to primary and secondary services under the by-law.

In response to a question raised by Councillor Rankin, Mr. Harvey confirmed that staff does consider alternatives based on circumstances. Options under the by-law include: parkland dedication of 10% useable land, a cash-in-lieu payment or a combination thereof.

Councillor Outhit questioned whether the amendments would prohibit the Municipality from waiving parkland dedication in a growth area. Mr. Harvey agreed that it was often an issue when subdivisions are experiencing new growth and there are currently not enough legislative tools to address options. He confirmed that this was part of staff's overall review of the by-law.

Mr. Harvey responded to further questions of clarification respecting the proposed amendments to the by-law.

Mayor Savage opened the public hearing and called three times for anyone wishing to address Council on this matter. There begin no speakers it was **MOVED by Deputy Mayor Nicoll, seconded by Councillor Karsten that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey that Halifax Regional Council adopt the proposed amendments to the Regional Subdivision By-law, as provided in Attachment A of the staff report dated November 17, 2014, to clarify the cash-in-lieu of land park dedication requirements. MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mason

11.1.8 Proposed By-law A-600, Respecting Advertisements on Provincial Highways

The following was before Council:

- A staff recommendation report dated December 22, 2014

MOVED by Councillor Adams seconded by Councillor Whitman that Halifax Regional Council give First Reading to proposed By-law A-600, the *Advertising on Provincial Highways By-law*, as set out in Attachment A of the staff report dated December 22, 2014.

Council entered into discussion with staff responding to questions.

In regard to the next steps, Mr. Taso Koutroulakis, Manager, Traffic Management advised that once By-law A-600 was approved by Council it would be forwarded to the Provincial Minister of Transportation for review and approval.

In regard to process, Ms. Cathy Mellett, Municipal Clerk reminded Council that it is at Council's discretion as to whether to hold a public hearing but was not a requirement. Ms. Mellett added that following first reading, the proposed by-law would be advertised and brought back to Council for second reading.

Councillor Hendsbee sought clarification around the fee structure and asked whether pre-existing signs would be grandfathered. He further asked how signs would be monitored and enforced in regard to their condition. Mr. Koutroulakis responded that the fee structure was based on a 10 year life cycle of the sign. Staff has estimated that the fabrication, installation and maintenance costs will be approximately \$2,600 per sign structure including the four business signs. Mr. Koutroulakis noted pre-existing signs would not be grandfathered. He further explained that, once the by-law comes into effect sign owners in the right of way within the pilot area would be provided written notice to remove signs within 14 days. In regard to maintenance and enforcement, Mr. Koutroulakis stated that once the by-law was approved and notification given to business owners, staff would perform an initial sweep to remove any signage within the right of way. Subsequent to this, any signage issues would be addressed through HRM's Call Centre (311) as reported by the public.

Councillor Hendsbee questioned the process for amending the by-law in the future to include other areas that are experiencing similar signage issues. Mr. Koutroulakis advised that By-law A-600 was setup to allow the scope of the project to be expanded. Mr. John Traves, Municipal Solicitor clarified that this would be subject to the Department of Transportation's approval.

In response to a request by Councillor Hendsbee to amend section 3(d) of By-law A-600 to extend the service boundary to include areas within District 2, Mr. Traves advised that that Notice of Motion would need to be given, requesting a report to review extending the pilot program to the proposed areas.

The discussion ensued with Mr. Koutroulakis providing additional clarification regarding the 2.5 kilometers of the proposed pilot area, as outlined in the December 22, 2014 staff report. Mr. Koutroulakis explained that, through public consultation and subsequent discussions with area councillors, the area outlined in the report was identified as the pilot area. He reiterated that By-law A-600 enables the scope of the program to be extended down NS Highway 333 and potentially other areas of HRM if the pilot was a success. Mr. Koutroulakis added that staff is recommending focusing on the proposed 2.5 kilometre area to see how businesses will respond, with adjustments being made accordingly.

At this time Council welcomed members from the 1st Bedford Scout Troop who were in attendance and a round of applause was given.

Further discussion ensued with staff responding to question on notification, sign removal and enforcement, as outlined in the December 22, 2014 staff report.

MOVED by Councillor Adams, seconded by Councillor Rankin the that motion be amended to include the following wording:

That clause e of section 6 be amended by adding the words “the subject of” at the beginning of clause e of section 6 so it reads: “the subject of the advertisement is located on a portion of an identified highway.”

MOTION TO AMEND PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mason

The motion before Council now reads:

MOVED by Councillor Adams seconded by Councillor Whitman that Halifax Regional Council give First Reading to proposed By-law A-600, the *Advertising on Provincial Highways By-law* as set out in Attachment A of the staff report dated December 22, 2014 with the following amendment:

That clause e of section 6 be amended by adding the words “the subject of” at the beginning of clause e of section 6 so it reads: “the subject of the advertisement is located on a portion of an identified highway.”

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mason

11.1.9 Proposed By-law A-103, Respecting the Amendment of By-law A-100, Respecting Appeals Committee

The following was before Council:

- A staff recommendation report dated December 12, 2014
- Revised attachments 4 through 10 of the staff report dated December 12, 2014

MOVED by Deputy Mayor Nicoll, seconded by Councillor Whitman that Halifax Regional Council:

- 1. Give First Reading to proposed By-law A-103, amending By-law A-100, the *Appeals Committee Bylaw*, as outlined in Attachment 2 of the staff report dated December 12, 2014;**
- 2. Replace Attachments 4 through 10 of the staff report dated December 12, 2014 with the revised versions circulated at Regional Council on January 13, 2015; and**
- 3. Give Notice of Motion for the proposed amendments to Administrative Order One, as outlined in the revised Attachment 10 as circulated at Regional Council on January 13, 2014, to add the Terms of Reference for the Standing Committees to Administrative Order One and repeal the existing Terms of Reference, the adoption of these proposed amendments will be held at the same time as Second Reading of proposed By-law A-103.**

Deputy Mayor Nicoll asked how this would affect the current Appeals Standing Committee. As outlined in the December 12, 2014 staff report, Ms. Cathy Mellett, Municipal Clerk advised that the current Appeals Standing Committee would sit until March 2015, which would allow time, should By-law A-103 be approved at second reading, for the Community Councils to make appointments. The Appeals Standing Committee would then be reconstituted for their April 2015 meeting under the new structure.

Councillor Karsten asked how the decision was made to allocate the appointments to Community

Councils. Ms. Mellett advised that Council had discussed this change; however, the approved motion had not addressed this particular aspect of membership. She suggested that if Council wanted to make changes to the composition provided for in the proposed By-law, this should be done by way of an amended motion during first reading.

Councillor Johns expressed concern with decreasing the Appeals Standing Committee's composition given past issues with quorum.

MOVED by Councillor Karsten, seconded by Councillor McCluskey that the motion be amended to allow the Appeals Standing Committee to determine, for this term, which six (6) members will remain to constitute the Appeals Standing Committee.

In regard to Deputy Mayor Nicoll's earlier question on how this would affect the current Appeals Standing Committee, Ms. Mellett advised that once By-law A-103 is ratified it would be the decision of the Appeals Standing Committee to determine which two members would step down. Should the Committee be unable to make a decision, this matter would come back to Council.

MOTION TO AMEND PUT AND PASSED. (14 in favour, 2 against)

In favour: Mayor Savage, Deputy Mayor Nicoll, Councillors Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Mosher, Walker, Adams, Rankin, Whitman, Johns and Outhit

Against: Councillors Watts and Craig

Not Present: Councillor Mason

The motion before Council now reads:

MOVED by Deputy Mayor Nicoll, seconded by Councillor Whitman that Halifax Regional Council:

- 1. Give First Reading to proposed By-law A-103, amending By-law A-100, the Appeals Committee Bylaw, as outlined in Attachment 2 of the staff report dated December 12, 2014 with an amendment to allow the Appeals Standing Committee to determine, for this term, which six (6) members will remain to constitute the Appeals Standing Committee;**
- 2. Replace Attachments 4 through 10 of the staff report dated December 12, 2014 with the revised versions circulated at Regional Council on January 13, 2015; and**
- 3. Give Notice of Motion for the proposed amendments to Administrative Order One, as outlined in the revised Attachment 10 as circulated at Regional Council on January 13, 2014, to add the terms of reference for the Standing Committees to Administrative Order One and repeal the existing terms of reference, the adoption of these proposed amendments will be held at the same time as Second Reading of proposed By-law A-103.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mason

11.2 HALIFAX AND WEST COMMUNITY COUNCIL

11.2.1 Request for Staff Report – Increase of Notification Area for Variance Appeal Hearings

The following was before Council:

- A recommendation report from the Halifax and West Community Council dated January 2, 2015

MOVED by Councillor Mosher, seconded by Councillor Walker that Halifax Regional Council request a staff report regarding the implications of increasing the notification distances for variance appeals from the current thirty (30) meter radius to fifty (50) and up to one hundred (100) meters, including potential amendments to the Halifax Municipal Charter.

Councillor Mosher made reference to the former Chebucto Community Council June 12, 2006 minutes respecting a motion passed to increase the notification distances for variance appeals from 30 to 50 metres. She clarified that the motion before Council was to consider increasing the notification distance to 100 metres. Councillor Mosher explained that residents living outside of 30 metre radius could be directly impacted by a variance approval but were unable to speak to the application.

During the discussion Mayor Savage stepped down as chair and exited the meeting. Deputy Mayor Nicoll assumed the chair.

Councillor Adams asked that the staff report review the inclusion of residents who rent from property owners within the variance area.

Councillor Karsten asked that the report provide clarification on the notification process and who was eligible to speak at the variance hearing (e.g. only the individual who appealed the variance or residents who were sent the notification notice).

Mayor Savage rejoined the meeting prior to the vote being taken and resumed as chair. Deputy Mayor Nicoll took her seat.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mason

11.2.2 Request for Staff Report – Parking on Quinpool Road

The following was before Council

- A recommendation report from the Halifax and West Community Council dated January 2, 2015
- Correspondence from Karla Nicholson, Quinpool Road Mainstreet District Association; and Ferdinand Ballesteros

MOVED by Councillor Mosher seconded by Councillor Whitman that Halifax Regional Council:

- 1. Request a staff report investigating potential opportunities for the installation of a temporary pay and display parking lot with the property managers of the former service station at the intersection of Quinpool Road and Harvard Street to augment limited parking in the area; and**
- 2. Assess any temporary parking opportunities within the Quinpool catchment area.**

Councillor Mosher expressed that there was a continued decline of parking along Quinpool Road and surrounding areas for both residents and businesses. Councillor Mosher noted that the former service station at the intersection of Quinpool Road and Harvard Street has been vacant for approximately ten years and suggested that HRM could share information in regard to revenue and process with the property managers on setting up a pay and display parking lot.

Council entered into discussion with staff responding to questions of clarification on the process of requesting a staff report. During the discussion Councillor Watts asked the report look at the aesthetic treatment of the parking lot, as well as the opportunity for community engagement. Councillor Hendsbee asked that the report include a review of environmental impacts.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mason

11.3 AUDIT AND FINANCE STANDING COMMITTEE

11.3.1 Award – Unit Price Tender No. 13-401 – Halifax Ferry Terminal & Law Courts Wastewater Collection

The following was before Council:

- A recommendation report from the Audit and Finance Standing Committee dated December 19, 2014
- Correspondence from Ken Donnelly

MOVED by Councillor Karsten seconded by Councillor Hendsbee that Halifax Regional Council

- 1. a) authorize and direct the Chief Administrative Officer, or his delegate, to negotiate and enter into a Memorandum of Agreement (the “MOA” (Attachment A) between the Province of Nova Scotia Department of Transportation & Infrastructure Renewal (the “Province”) and the Halifax Regional Municipality, to commit the parties to a 50/50 cost share arrangement relative to the proposed Halifax Ferry Terminal and Provincial Law Courts wastewater collection laterals;**
 - b) subject to the execution of the MOA, award Tender No. 13-401 - Halifax Ferry Terminal & Law Courts Wastewater Collection, to the lowest bidder meeting specifications, Brycon Construction Limited, for a total tender price of \$596,098.78 (net HST included), with HRM funding from Project No. CB000044 – Halifax Ferry Terminal/Law Courts Wastewater Collection, as outlined in the Financial Implications section of the staff report dated October 31, 2014;**
 - c) Authorize and direct the Mayor and Municipal Clerk to enter into a Lease Amendment with Armour Group Limited, (“Armour”) as outlined in the discussion section of the staff report dated October 31, 2014; and**
 - d) Authorize and direct the Mayor and Municipal Clerk to enter into a license agreement, if necessary, with Heritage Gas Limited, to provide natural gas connections to Historic Properties;**
- 2. a) Authorize an increase to PO # 2070583188 for Construction Administration Services of Tender No. 13-401 - Halifax Ferry Terminal & Law Courts Wastewater Collection, to CBCL Ltd., on an hourly rate to the maximum value of \$83,845.94 (net HST included) with funding from Project No. CB000044 – Halifax Ferry Terminal/Law Courts Wastewater Collection, as outlined in the Financial Implications section of the staff report dated October 31, 2014;**
 - b) Authorize a budget transfer from Project No. CBX01343 – Facility Maintenance, to Project No. CB000044 – Halifax Ferry Terminal/Law Courts Wastewater Collection, in the amount of \$342,736.50;**
 - c) Approve an increase to Project No. CB000044 - Halifax Ferry Terminal/Law Courts Wastewater Collection, in the amount of \$60,000, with funding from Reserve Q328 – Operating Surplus Reserve; and**
 - d) Authorize an increase to Project No. CB000044 – Halifax Ferry Terminal/Law Courts Wastewater Collection, in the amount of \$400,657, to reflect cost sharing to be outlined in the MOA;**

3. The authorization to enter into the MOA with the Province and to award Tender No. 13-401 – Halifax Ferry Terminal & Law Courts Wastewater Collection to Brycon Construction Limited is subject to HRM receiving confirmation from the Province of its commitment to cost share as set out in Attachment “A” of the staff report dated October 31, 2014

Councillor Karsten spoke to the discussion held at the Audit and Finance Standing Committee in regard to process and when this issue was first identified. He commented that this was an administrative/operational issue that is before Council for approval of the funding and he asked for Council's support.

Council entered into discussion with Mr. Terry Gallagher, Manager, Corporate Facility Design & Construction responding to a question on the Municipality's negotiations with the Province and the agreement of a 50/50 cost share to resolve the issue.

In response to a question raised regarding tendering out the work, Mr. Gallagher advised that this was specialized work, which required an experienced contractor and machinery that HRM did not have in-house.

In response to questions raised around the initial discovery, Mr. Gallagher explained that this issue was first discovered by staff in 2010 while staff was undertaking several projects at the Dartmouth Ferry Terminal. He noted that there have been several reports to Council.

During the ensuing discussion Mayor Savage stepped down as chair and exited the meeting. Deputy Mayor Nicoll assumed the chair.

Councillor Hendsbee spoke to the continued improvements being made to the harbour clean up. He reminded Council that there would still be some of the outflows that will overflow raw sewage into the harbour during heavy weather events based on the system's design.

Mr. Gallagher responded to further questions regarding the financial implications, as outlined in the staff report dated October 31, 2014.

Mayor Savage rejoined the meeting prior to the vote and resumed as chair. Deputy Mayor Nicoll took her seat.

MOTION PUT AND PASSED. (13 in favour, 1 against)

In favour: Mayor Savage, Deputy Mayor Nicoll, Councillors Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Watts, Walker, Adams, Rankin, Johns and Craig

Against: Councillor Whitman

Not present: Councillors Mason, Mosher and Outhit

11.3.2 Bank Account for Investment Purposes

The following was before Council:

- A recommendation report from the Audit and Finance Standing Committee dated December 22, 2014

MOVED by Councillor Karsten seconded by Deputy Mayor Nicoll that Halifax Regional Council:

- 1. Authorize staff to open an account for investment purposes with the National Bank of Canada.**

2. **Authorize the HRM bank signing officers for these accounts to be the Chief Administrative Officer, the Deputy Chief Administrative Officer, the Director of Finance and Treasurer and the Deputy Treasurer.**
3. **Authorize any two of the HRM bank signing officers to execute any Agreements required and any disbursements from these accounts with the exception of transfers to other HRM bank accounts which may be authorized by one signing officer or individuals as designated by the Treasurer.**

Council Karsten spoke in support of the motion.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Outhit and Mason

11.3.3 Write-off of Uncollectible Accounts

The following was before Council:

- A recommendation report from the Audit and Finance Standing Committee dated January 2, 2015

MOVED by Councillor Hendsbee seconded by Deputy Mayor Nicoll that Halifax Regional Council authorize the following:

1. **That the real property tax accounts in the amount of \$277,240.72 comprised of \$170,975.50 principal and \$106,265.22 interest as listed on Schedule 1 of the staff report dated December 2, 2014 be formally written out of the books of account for accounting purposes; and**
2. **If the accounts listed on Schedule 1 of the staff report dated December 2, 2014 remain on future assessment rolls, then each account will continued to be billed for property taxes.**
3. **That a supplementary In Camera report be provided to Halifax Regional Council which identifies the account owners associated with the uncollectable accounts.**

Councillor Hendsbee expressed concern with the notification process in regard to property tax write-offs and tax sales. He suggested that area councillors should be part of the notification process as they may be able to work with staff to find alternate solutions for these types of properties.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mason

11.4 TRANSPORTATION STANDING COMMITTEE

11.4.1 Variable Message Signs (VMS) Project

The following was before Council:

- A report from the Transportation Standing Committee dated December 16, 2014
- Map provided by Councillor Hendsbee

MOVED by Councillor Rankin seconded by Deputy Mayor Nicoll that Halifax Regional Council reallocate the capital contribution for the Variable Message Signs (VMS) project to other strategic transportation priorities for the 2015/2016 budget.

Councillor Rankin spoke to the background of the Transportation Standing Committee's recommendation to Council, as outlined in the December 16, 2014 standing committee report.

Councillor Hendsbee noted that he was a member of the Halifax Harbour Bridges Commission (HHB) appointed by Council. He referred to the history of the VMS project. He indicated that the HHB had made a presentation to the Transportation Standing on the Variable Message Sign (VMS) project in April 2012 and had moved forward with installation. He highlighted that this was an opportunity for the municipality to cost-share in the project and utilize the signs to improve traffic flow throughout the region. Councillor Hendsbee commented that the Municipality should honour its funding commitment to the HHB for the VMS project and viewed this as a partnership opportunity.

During the discussion, Councillors Karsten and Watts also indicated that they were members of the HHB appointed by Council.

In response to questions raised, Mr. Richard Butts Chief Administrative Officer confirmed that in review of past capital budgets staff was unable to find a report to Regional Council seeking direction on funding the VMS project. Mr. David McCusker, Regional Transportation Manager confirmed that no funding has been provided to the HHB for the VMS project to date. Mr. McCusker further confirmed that no request had been made by the HHB to the Municipality for funding/partnership on the existing signs. Mr. Butts clarified that any partnership with the HHB would be on a go forward basis for future sign installations. Several members of Council spoke in support of honouring the funding commitment made to the HHB; echoing that the \$1,060,000 was included in the 2011-2012 and 2013-2014 budgets, approved by Council.

Members who spoke in support of the motion saw value in the VMS project but were concerned with there being no signed partnership agreement, and supported allocating the funds to other strategic transportation priorities for the 2015/2016 budget.

Mr. Butts reminded Council that if they determine that the VMS project to be a priority, then this would provide an auditable record needed and staff would proceed with a partnership agreement to fund projects related to the construction of the VMS signs.

In response to a question raised on the status of the funds if the motion was defeated, Mr. John Traves, Municipal Solicitor advised that the money would remain set aside in the capital budget subject to a funding request and a decision of Council on specific projects.

MOTION PUT AND DEFEATED. (4 in favour, 12 against)

In favour: Councillors Watts, Walker, Adams and Rankin

Against: Mayor Savage, Deputy Mayor Nicoll, Councillors Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Mosher, Whitman, Johns, Craig and Outhit

Not present: Councillor Mason

11.5 HERITAGE ADVISORY COMMITTEE

11.5.1 Case H00405 – Deregistration of 1245 Webster Terrace, Halifax

The following was before Council:

- A report dated December 18, 2014 from the Heritage Advisory Committee with attached staff recommendation report dated November 21, 2014

MOVED by Councillor Watts, seconded by Councillor Walker that Halifax Regional Council set a public hearing date to consider the deregistration of 1245 Webster Terrace (Lot 2-CD), Halifax as a municipal heritage property as outlined in the staff report dated November 21, 2014. MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mason

Public Hearing set for February 24, 2015.

11.5.2 Case H00403 – Application to consider 1320 Old Sackville Road, Middle Sackville, as a Municipally Registered Heritage Property

The following was before Council:

- A report dated December 17, 2014 from the Heritage Advisory Committee with attached staff recommendation report dated October 27, 2014

MOVED by Councillor Johns, seconded by Councillor Craig that Halifax Regional Council set a date for a heritage hearing to consider the heritage registration application of 1320 Old Sackville Road, as shown on Map 1 of the October 27, 2014 staff report, under the HRM Heritage Property Program.

Councillor Johns recognized that this property had been formerly owned by the Oland family.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mason

Heritage Hearing set for February 24, 2015.

11.6 MEMBER OF COUNCIL

11.6.1 Councillor McCluskey – Anti-whistling By-law

The following was before Council:

- A 'Request for Council's Consideration' forum submitted by Councillor McCluskey

In discussion with the Chief Administrative Officer, Councillor McCluskey indicated that HRM staff were reviewing this matter with CN to determine possible solutions. As such, no motion was required at this time and sought to withdraw the request.

Council agreed to delete this matter from their agenda.

12. MOTIONS

12.1 Councillor Dalrymple

A Notice of Motion was given December 9, 2014.

MOVED by Councillor Dalrymple, seconded by Councillor Adams that Halifax Regional Council request a staff report to examine potential funding options for HRM to contribute \$35,000 in funding which would match 1/3 funding from the Spider Lake Community Association to allow them to apply for the 1/3, 1/3 and 1/3 funding program through the provincial government to build a community playground and park.

Councillor Dalrymple spoke to the public process and procedures the Spider Lake Community Association underwent to be able to apply for the 1/3, 1/3, 1/3 funding program to build a community playground and park. He explained that the Association was informed by HRM staff that playgrounds were now under the Facility Master Plan program and they could not proceed until the Plan was completed and approved by Council. Councillor Dalrymple noted that he was seeking a report to find a

funding source for \$35,000 so the Association could proceed with their application for the 1/3, 1/3, 1/3 funding program to build the community playground and park.

It was noted that staff report would be brought to the Audit and Finance Standing Committee before moving to Regional Council.

Councillor Karsten asked that the report reference where the project was initially in the queue.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mason

Council agreed to address Item 14.1 Award Tender No. 14-109 Scotiabank Centre Seating at this time.

14.1 Award Tender No. 14-190 Scotiabank Centre Seating

The following was before Council:

- A staff recommendation report dated January 6, 2015

MOVED by Deputy Mayor Nicoll, seconded by Councillor Fisher that Halifax Regional Council award Tender No. 14-190, Scotiabank Centre Seating, to the lowest bidder meeting specifications, Hussey Seating Company, for a total capital cost of \$2,702,301.00 (HST fully refundable) and with funding available from Project No. CB000028 – Scotiabank Centre as outlined in the Financial Implications section of the January 6, 2015 staff report.

A brief discussion was held with staff responding to questions regarding the tender process.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mason

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 In Camera Minutes – December 2 & 9, 2014

MOVED by Councillor McCluskey, seconded by Councillor Karsten that the In Camera minutes of December 2 and 9, 2014 be approved as circulated. MOTION PUT AND PASSED.

13.2 Personnel Matter
Citizen and Councillor appointments to boards and committees in keeping with the Public Appointment Policy adopted by Regional Council in August 2011, to be found at <http://www.halifax.ca/boardscom/documents/Citizenrecruitmentpolicy.pdf>

13.2.1 Citizen Appointments to Boards and Committees – *Private and Confidential Report*

This matter was dealt with during the public session.

The following was before Council:

- A private and confidential recommendation report on behalf of Standing Committee/Community Council Chairs dated January 6, 2015

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

1. **Adopt the recommendations of the Standing Committees regarding the Citizen Appointments as outlined in Attachment 1 of the private and confidential report dated January 6, 2015.**
2. **Waive the limit on maximum length of service and ratify the appointment to the North West Planning and Advisory Committee and the Point Pleasant Park Advisory Committee.**
3. **It is further recommended that the citizen appointments be released to the public following ratification and notification of the successful candidates.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mason

13.2.1(i) Citizen Appointments to Heritage Advisory Committee – *Private and Confidential Report*

This matter was dealt with during the public session.

The following was before Council:

- A private and confidential recommendation report from the Community Planning and Economic Development Standing Committee dated January 8, 2015

MOVED by Councillor Johns, seconded by Deputy Mayor Nicoll that Halifax Regional Council adopt the recommendations of the Standing Committee regarding the Citizen Appointments as outlined in Attachment 1 of the private and confidential Community Planning and Economic Development Standing Committee report dated January 8, 2015.

It is further recommended that the citizen appointments be released to the public following ratification and notification of the successful candidates.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mason

13.3 Property Matter
A matter pertaining to providing instruction and direction to officers and employees of the Municipality pertaining to the acquisition / sale of land.

13.3.1 Increase to Capital Budget Account and Industrial Lot Inventory Re-Purchase – *Private and Confidential Report*

This matter was dealt with during the public session.

The following was before Council:

- A private and confidential report from the Audit and Finance Standing Committee dated January 2, 2015

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

1. **Approve an increase of \$4,259,590.63 to the Capital Budget Account CQ000011 – Lot Inventory Repurchase with funding from Q121, Industrial Park Reserve, with no net increase to the Capital Budget; and.**

2. **Following the repurchase of the property identified in Table 1 of the private and confidential staff report dated November 18, 2014 in accordance with the approved Buy-Back Agreement, approve the addition of the property to the lot inventory with the minimum unit selling price as provided in Table 1 of the private and confidential staff report dated November 18, 2014.**

It is further recommended that this report not be released to the public.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mason

- 13.4 **Legal Advice**
A matter pertaining to legal advice eligible for solicitor-client privilege.

- 13.4.1 **Land Titles Clarification – Program Mandate – *Private and Confidential Report***

This matter was dealt with during the public session.

The following was before Council:

- A private and confidential report from the Audit and Finance Standing Committee dated January 2, 2015

MOVED by Councillor Karsten, seconded by Deputy Mayor Nicoll that Halifax Regional Council:

1. **Approve a staff mandate to assess the role of HRM in a land title clarification program through collaboration and discussions with the external stakeholders including but not limited to the Property Valuation Services Corporation (“PVSC”), Nova Scotia Legal Aid (“NSLA”), Nova Scotia Barristers’ Society (“NSBS”), Legal Information Society of Nova Scotia (“LISNS”) and the Provincial Departments: African Nova Scotian Affairs (“ANSA”), Service Nova Scotia (“SNS”), and Natural Resources (“DNR”).**
2. **That the Private and Confidential staff report dated December 2, 2014 is not to be released until such time as the mandate of HRM is determined in relation to any potential program which may arise from collaboration and discussions with external stakeholders.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Mason

14. **ADDED ITEMS**

- 14.1 **Award Tender No. 14-190 Scotiabank Centre Seating**

This matter was addressed earlier in the meeting, see page 24.

15. **NOTICES OF MOTION**

- 15.1 **Councillor Watts**

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 27th day of January, 2015, I propose that Halifax Regional Council request staff to submit requests to the Royal Canadian Mint and Canada Post for consideration to produce a Coin and Stamp respectively to commemorate the 100th Anniversary of the Halifax Explosion on December 6, 2017, and that the Mayor provide letters of support for these submissions.

At this time Councillor Watts requested that Information Item 4 - Memorandum from the Chair of Executive Standing Committee dated January 6, 2015 re: African Nova Scotian Affairs Integration Office be added to the January 27, 2015 agenda, to which Council agreed.

15.2 Councillor McCluskey

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 27th day of January, 2015, I propose to introduce a Policy pursuant to Section 325 of the Halifax Municipality Charter, Administrative Order SC-78, the purpose of which is to close Parcel PSC1 of the Portland Street right-of-way to be consolidated with 90 Alderney Drive to facilitate its disposal.

16. ADJOURNMENT

Prior to adjourning, at the request of Council and in consultation with the Municipal Solicitor, a private and confidential in camera information memorandum entitled: Surface Water Management at Otter Lake was circulated to Council for their information.

The meeting was adjourned at 8:56 p.m.

Cathy J. Mellett
Municipal Clerk