

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
MINUTES
February 10, 2009

PRESENT:

Mayor Peter Kelly
Councillors: Steve Streach
Barry Dalrymple
Lorelei Nicoll
Gloria McCluskey
Andrew Younger
Bill Karsten
Jackie Barkhouse
Jim Smith
Mary Wile
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Jennifer Watts
Russell Walker
Debbie Hum
Linda Mosher
Steve Adams
Brad Johns
Robert Harvey
Tim Outhit
Peter Lund
Reg Rankin

REGRETS:

Deputy Mayor David Hendsbee

STAFF:

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

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1. INVOCATION

As both the Mayor and Deputy Mayor were not present; Councillor Adams called the meeting to order at 6:02 p.m. with the Invocation being led by Councillor Wile.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Mayor Kelly assumed the Chair at 6:03 p.m.

Councillor Mosher indicated that it had been exactly one year ago since the passing of Councillor Gary Martin. She noted that all could learn from him as he was a caring and respectful Councillor and she encouraged everyone to take a moment to think of him. Councillor Mosher also advised that she had the honour of attending a ceremony at J.L. Ilsley High School where Minister Len Goucher, on behalf of Minister Cecil Clarke, presented 17 students with a cheque totalling \$15,000 for a youth grant which they had applied for regarding the Youth on the Radar program through the Ministry of Justice. She requested that the Mayor write a letter of congratulations on Council's behalf to the students at J.L. Ilsley High School as well as Mr. Al Reyner, Principal, J.L. Ilsley High and Ms. Sabine Fels, Arts Express Coordinator, J.L. Ilsley Family of Schools.

Councillor Sloane indicated that HRM had been ranked number one in sustainability for a medium size city in the Corporate Knights magazine. She noted that Councillor Adams had requested that she thank Mr. Harold MacKay on his behalf for bringing Kiss to Halifax. Councillor Sloane also announced that her team including Chief Beazley, Councillors Smith and Wile and Mr. Jonathan Hammond had come in 15th place at the Battle of the Wits which had taken place a week prior. She thanked everyone who had volunteered.

Councillor McCluskey indicated that she had attended the Dal Varsity Team Meet on the weekend and wished to congratulate the coaches and swimmers who had won every race with the exception of 2. She also wished to congratulate her granddaughter who had won the Rookie of the Year award.

Councillor Dalrymple thanked the Woodbine Family Association who had organized a community dinner which raised over \$2,000 for a resident who had lost her home in a fire. He indicated that a public information meeting would be held on February 12, 2009 from 6:00 to 9:00 p.m. at the Le Brun Centre regarding the Burnside Expressway. Councillor Dalrymple also invited residents to attend the Valentines Day wine tasting at Ashley Jefferson School from 7:00 - 10:00 p.m. on February 14, 2009.

Councillor Uteck stated that she wished to honour Mr. Roy Clements; a resident who had contributed to soccer in Nova Scotia for over 50 years. She indicated that Mr. Clements had been honoured across the province as a coach, mentor and fundraiser of the sport and that he was also known for his great recycling abilities as most trophies at St. Mary's

University were a "Roy Recyclable". Councillor Uteck requested a moment of silence in honour of Mr. Clements.

Councillor Harvey invited the residents of Lower Sackville to also attend the Public Information Meeting regarding the Burnside Expressway on February 12, 2009 at 6:00 p.m. as the issue also effected their area.

Councillor Lund acknowledged the efforts of the Hubbards business community for organizing the 15th annual Winter Carnival which was currently in the midst of 9 days of events. He indicated that on February 7, 2009 he had attended a Mardi Gras Auction and Dance which was attended by over 150 people and had raised over \$4000 to be put towards tourism in the area.

Councillor Blumenthal advised the residents of Districts 11 and 14 that a Public Information Meeting would be taking place regarding the 102 and 107 Highways on February 11, 2009 at the Le Brun Centre. He also wished everyone a happy Valentine's Day.

3. APPROVAL OF MINUTES - January 27, 2009

MOVED BY Councillor McCluskey, seconded by Councillor Wile, that the minutes of January 27, 2009 be approved as presented. MOTION PUT AND PASSED.

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

Additions:

- 12.1 Property Matter - Parkland Acquisition - Lands of Ross Weeks - Red Bridge Pond
- 12.2 Atlantic Gateway District Park - Councillor Uteck

Councillor Karsten requested clarification regarding an In Camera Item re: Property Matter - 1860 Upper Water Street - Imperial Oil Building which had been dealt with at the February 3, 2009 session, however, had not been ratified for the public record. He asked if the recommendation should be ratified during the added items portion of the meeting.

Ms. Mary Ellen Donovan, Municipal Solicitor, advised that item number 1 of the recommendation was direction to staff, however, items 2 and 3 could be ratified if Council wished.

Council agreed to add this item to the agenda.

- 12.3 Property Matter - 1860 Upper Water Street - Imperial Oil Building

Councillor Mosher requested that item 10.2.1 be dealt with immediately following item 8.4. Council agreed.

Councillor Younger requested that item 9.3.1 be dealt with immediately following item 4. Council agreed.

MOVED BY Councillor Blumenthal, seconded by Councillor Wile, that the agenda be approved as amended. MOTION PUT AND PASSED.

9.3 Presentation

9.3.1 Cross Walk Flag Trial Program - Norman Collins

- A copy of the presentation was before Council.

Mr. Norman Collins, an initiator of the Cross Walk Flag Trail Program, provided the presentation. He advised that a program to implement cross walk flags on Waverley Road had been proposed to Councillor Younger and Traffic and Right of Way services in the spring of 2008 and that the pilot project began on 13 crosswalks that August. He noted that 88 flags disappeared in the first 2 weeks, however, that number had now been reduced to only 2 flags per week. Mr. Collins indicated that over 90 percent of the feedback that he had received from residents advised that they had noticed the flags and were willing to pay for the program to be expanded across HRM. In closing, Mr. Collins thanked Council for the opportunity to make his presentation.

MOVED BY Councillor Younger, seconded by Councillor McCluskey, that Halifax Regional Council request that the Mayor write a letter to the Transportation Association of Canada and the Minister of Transportation and Public Works requesting that the Cross Walk Flag Program be considered as a traffic control device in the uniform manual of traffic control. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION

7.1 Councillor McCluskey - Undergrounding Overhead Utilities

MOVED BY Councillor McCluskey, seconded by Councillor Walker, that Halifax Regional Council defer this item to the February 17, 2009 Regional Council meeting. MOTION PUT AND PASSED.

8. CONSIDERATION OF DEFERRED BUSINESS - February 3, 2009

8.1 Weir Artificial Turf Facility - Request to Change User Contribution

- A report dated October 14, 2008 was before Council.

MOVED BY Councillor Johns, seconded by Councillor Harvey, that Halifax Regional Council amend the Business Case for the Upper Sackville Turf Capital Reserve (Q124) effective 2008/09 to permit revenues collected for the use of the Weir Artificial Turf Facility to be allocated 50% for operating costs, and 50% to the Reserve. MOTION PUT AND PASSED.

8.2 Feasibility of the Former Dartmouth City Hall as Central Museum

- A report dated December 18, 2008 was before Council.

MOVED BY Councillor McCluskey, seconded by Councillor Karsten, that Halifax Regional Council defer this item pending a further report from the Harbour East Community Council. MOTION PUT AND PASSED.

8.3 Case 01205 - Municipal Planning Strategy & Land Use By-Law Amendment for 50 Bedford Highway, Halifax

- A report dated January 5, 2009 was before Council.

Mr. Richard Harvey, Senior Planner, provided the presentation on Case 01205 - Municipal Planning Strategy & Land Use By-Law Amendment for 50 Bedford Highway, Halifax.

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

1. **Initiate the process to consider amending the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law to permit by development agreement a mixed use building at 50 Bedford Highway, Halifax; and**
2. **Request staff to follow the public participation program as approved by Council in February 1997.**

A discussion ensued with Mr. Harvey responding to questions.

Councillor Hum requested that Councillors Walker and Blumenthal be included in any meetings that take place regarding this development as it would have an impact on their districts as well.

Several Councillors advised of their concerns regarding traffic with the building of such a development with access to the Bedford Highway which was already a congested and accident prone area.

Mr. Harvey indicated that a considerable traffic study would be completed and forwarded to Council.

MOTION PUT AND PASSED.

8.4 Councillor Mosher - Safety Concerns - Sidewalk Snow Clearing - Responsibility and Deadlines

Councillor Mosher requested clarification on the areas of responsibility for sidewalk clearance and the respective deadlines for HRM and abutters as well as clarification on the responsibility for clearing snow at and around community mail boxes.

MOVED BY Councillor Mosher, seconded by Councillor Blumenthal, that Halifax Regional Council request a staff report on costing and the possibility of matching HRM's overall sidewalk clearing standards with the standards they expect of residents and the possibility of punitive measures for contractors that do not meet these standards.

Councillor Johns requested that any differences in snow clearing standards for contractors from previous years to this year be clarified in the staff report.

Councillor Harvey requested that the staff report recognize that in districts such as his walkways become sidewalks when they connect such amenities as schools and bus stops and that they be considered for the implementation of such standards as well.

MOTION PUT AND PASSED.

10.2.1 Councillor Mosher - Request for Report re: Winter Control - Access to Non-Priority Streets

Councillor Mosher advised that this issue arose from an incident in which a resident was stranded in an emergency situation 24 hours after a snow storm had ended.

MOVED BY Councillor Mosher, seconded by Councillor Walker, that Halifax Regional Council request a staff report with regards to the possibility of establishing a policy for emergency vehicles and that a formal protocol be established whereby the closest plow would be required to go to an emergency situation when called.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor Hum

Councillor Hum submitted a petition containing 27 signatures on behalf of the residents of Ross Street who were opposed to the installation of a sidewalk on their street. She advised that staff were in the process of petitioning the property owners for further information.

9.3 Presentation

9.3.1 Cross Walk Flag Trial Program - Norman Collins

This item was dealt with earlier in the meeting. Please see page 6.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Request for Proposal - Cogswell Interchange Master Plan

- A report dated January 12, 2009 was before Council.

Ms. Jacqueline Hamilton, Real Property Planning, provided the presentation on the Cogswell Interchange Master Plan. She advised that a multi unit project team would be implemented and that they would ensure that Council received regular updates on the master plan.

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

- 1. approve the issuance of an RFP for consulting services to produce a detailed master plan for the removal and re-design of the Cogswell Interchange; and**
- 2. instruct staff to explore the establishment of reserve Capital funding to offset future costs related to the maintenance and/or demolition and redesign of the Cogswell interchange.**

A discussion ensued with Ms. Hamilton responding to questions. It was noted that there were currently four applications being reviewed by staff in the HRM by Design area and

that they were aware of others as well. She advised that a report would be coming to Council regarding this matter

MOVED BY Councillor Uteck, seconded by Councillor Johns, that Halifax Regional Council defer this item until all of Council had the opportunity to see the HRM by Design plan in its entirety on February 17, 2009.

Mr. Andy Fillmore, Project Manager of Urban Design, advised that no matter what came out of the draft Municipal Planning study for the downtown; Council would always have the right to make a plan amendment.

A vote was taken on the deferral: **MOTION DEFEATED.**

A vote was taken on the main motion: **MOTION PUT AND PASSED.**

10.1.2 Request for Proposal 08-325, Washmill Lake Court Extension, Bayers Lake, West Region

- A report dated January 22, 2009 was before Council.

MOVED BY Councillor Wile, seconded by Councillor Walker , that Halifax Regional Council award RFP No. 08-325, Design of the Washmill Lake Court Extension - West Region, to the highest scoring proponent, SNC Lavalin Inc., for a Total Tender Price of \$195,939.00 (net HST included) with funding from Capital Account No. CQ300743 - Bayers Lake Infill & Ragged Lake Development, as outlined in the Budget Implications section of the report dated January 22, 2009.

A discussion on the motion ensued. Mr. Peter Stickings, Manager of Real Property, advised that the Washmill Lake underpass was a key deliverable under the plan and function of the business park; noting that the preferred concept would be shown to the public. Mr. Stickings also indicated that infrastructure would be sensitive to active transportation.

MOTION PUT AND PASSED.

10.1.3 Cutoff Light Fixture Application / Streetlight Ownership

- A report dated January 19, 2009 was before Council.

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

- 1. Not proceed with replacement of existing semi-cutoff streetlight fixtures with full cutoff fixtures until HRM updates its Streetlighting Guideline to reflect a single standard which is based on best practice and most recent design guides, and develops a comprehensive plan which will identify the most economic approach to introducing energy efficient streetlighting technologies. This guideline update and energy efficiency plan shall be completed and presented to Council before the end of 2009.**
- 2. Direct staff to undertake a detailed cost/benefit analysis and implementation plan for taking on the ownership and maintenance responsibilities attached with new residential subdivision streetlights, to coincide with the implementation of associated common trench and undergrounding of overhead utilities regulations for the core area of the Halifax Regional Municipality.**

A discussion on the motion ensued. Mr. Ken Reashor, Manager, Traffic and Right of Way, advised that HRM would be taking part in a province wide pilot project by installing LED lights in 300-500 fixtures in the area pending funding through the Eco Trust. He noted that the lights would probably be installed primarily on the Halifax peninsula and in Dartmouth as that was where the majority of HRM owned fixtures were located.

MOTION PUT AND PASSED.

10.1.4 Case 01074: Land Use By-Law Amendments - Definition of Day Care Facilities

- A report dated January 23, 2009 was before Council.

MOVED BY Councillor McCluskey, seconded by Councillor Sloane, that Halifax Regional Council Give First Reading to consider amendments to the HRM Land Use By-laws identified in Attachments A to U to establish a consistent definition of day care facilities, and schedule a public hearing for March 3, 2009. MOTION PUT AND PASSED.

Council recessed at 8:05 p.m.

Council reconvened at 8:19 p.m.

10.1.5 Second Reading By-Law S-426, An Amendment to By-Law S-400, Respecting Charges for Street Improvements - New Paving Projects Outside the Core Area - 2007

- A report dated November 18, 2008 was before Council.
- A extract of the minutes from the Regional Council meeting dated January 20, 2009 was before Council.

MOVED BY Councillor Dalrymple, seconded by Councillor Johns, that Halifax Regional Council approve By-Law S-426, an Amendment to By-Law S-400, Respecting Charges for Street Improvements, New Paving Projects Outside the Core Area - 2007, as attached to the November 18, 2008 staff report. MOTION PUT AND PASSED.

10.2 MEMBERS OF COUNCIL

10.2.1 Councillor Mosher - Request for Report re: Winter Control - Access to Non-Priority Streets

This item was dealt with earlier in the meeting. Please see page 8.

11. MOTIONS

11.1 Councillor Adams

MOVED BY Councillor Adams, seconded by Councillor Walker, that Halifax Regional Council approve inclusion in the Metro Transit operating budget for the upcoming 2009/10 and subsequent fiscal years, funding for a conventional transit route to service the Sambro loop, in a manner fully integrated with the existing Metro Transit services, and funded through the general tax rate; the first service to commence as soon as the required buses are available. MOTION PUT AND PASSED.

12. ADDED ITEMS

12.1 Property Matter - Parkland Acquisition - Lands of Ross Weeks - Red Bridge Pond

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

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

1. Approve the withdrawal of \$13,000.00 from Q107 - Parkland Development Reserve;
2. Increase the budget of Capital Account CPX01149, Parkland Acquisition in the amount of \$13,000.00.
3. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale between HRM and Mr. Ross Weeks for the acquisition of PID#00100883 (see Attachment "A" - Site Plan) as per the key terms and conditions outlined in the Private and Confidential report dated January 27, 2009; and
4. The Private and Confidential report dated January 27, 2009 not be released until the transaction has been completed.

MOTION PUT AND PASSED.

12.2 Atlantic Gateway District Park - Councillor Uteck

MOVED BY Councillor Uteck, seconded by Councillor Watts, that a presentation of the Atlantic Gateway District Park Study come to a future Regional Council meeting and that the option of Phase 3 be undertaken if it is financially viable. MOTION PUT AND PASSED.

12.3 Property Matter - 1860 Upper Water Street - Imperial Oil Building

This item was addressed at the In Camera session held on February 3, 2009, and was now before Council for ratification.

Councillor Karsten requested that a recorded vote be taken and that the motion be split.

Part 1

That Halifax Regional Council defer recommendation #1 of the staff report dated January 22, 2009 pending the decision of the Utility and Review Board.

MOTION DEFEATED (11 in favour, 11 voting against)

Those voting in favour were Mayor Kelly and Councillors Adams, Barkhouse, Harvey, Hum, Mosher, Nicoll, Outhit, Sloane, Watts and Wile.

Those voting against were Councillors Blumenthal, Dalrymple, Karsten, Lund, McCluskey, Rankin, Smith, Streach, Uteck, Walker and Younger.

Deputy Mayor Hendsbee and Councillor Johns were not present for the vote.

Part 2

That the Mayor send a letter to the Minister of Tourism, Culture and Heritage to follow up on Council's April 22, 2008 motion to request amendments to the Heritage Property Act, R.S.N.S. 1989, c.199. and an amendment to the HRM Charter to reflect the outcome. MOTION PUT AND PASSED UNANIMOUSLY.

Deputy Mayor Hendsbee and Councillors Mosher and Johns were not present for the vote.

Part 3

Direct staff to take immediate steps to remedy the registrations of the other buildings included on the same Form A and B as the Imperial Oil Building.

MOTION PUT AND PASSED UNANIMOUSLY.

Deputy Mayor Hendsbee and Councillor Johns were not present for the vote.

Part 4

That the report dated January 22, 2009 not be released to the public.

Council was advised that they would be required to move In Camera in order to vote on and discuss this item.

Council agreed to deal with this matter at the In Camera session to be held on February 17, 2009.

13. NOTICES OF MOTION

13.1 Councillor Karsten

Take notice that at the next regular meeting of the Halifax Regional Council to be held on February 17, 2009, I intend to introduce a motion of reconsideration for Councillor Adam's motion item 11.1 re: Sambro Loop Transit Service.

13.2 Councillor Sloane

Take notice that at the next regular meeting of the Halifax Regional Council to be held on February 17, 2009, I intend to introduce a motion of reconsideration of motion 1 of the In Camera Property Matter - 1860 Upper Water Street - Imperial Oil Building.

14. ADJOURNMENT

The meeting was adjourned at 8:34 p.m.

Julia Horncastle
Acting Municipal Clerk

The following were distributed as Information Items:

1. Proclamation - National Flag of Canada Day - February 15, 2009
2. Memorandum from Director, Transportation & Public Works dated January 9, 2009
re: Streetlight Service to HRM's Private Lanes
3. Memorandum from Director, Transportation & Public Works dated January 27, 2009
re: Resident Accessibility to Electronic Waste and Hazardous Waste Recycling Programs
4. Memorandum from Director, Transportation & Public Works dated January 26, 2009
re: Street Closure Permits
5. Memorandum from Traffic Authority dated January 27, 2009
re: Island View Apartments - Request for Crosswalk
6. Memorandum from Director, Community Development dated January 27, 2009
re: Initiation of Municipal Planning Strategy Amendment Requests
7. Memorandum from Director, Community Development dated January 27, 2009
re: 2011 Canada Winter Games - Communication Plan
8. Memorandum from the Acting Municipal Clerk dated February 6, 2009
re: Requests for Presentation to Council - Halifax Student Alliance

