

HALIFAX REGIONAL COUNCIL  
MINUTES

September 29, 2009

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

REGRETS: NONE

STAFF: Ms. Geri Kaiser, Deputy Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Cathy Mellett, Acting Municipal Clerk  
Ms. Chris Newson, Legislative Assistant

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**1. INVOCATION**

The meeting was called to order at 1:34 p.m. with the Invocation being led by Councillor Hum.

**MOVED BY Councillor Sloane, seconded by Councillor Karsten that, following the Swearing In Ceremony, Regional Council reconvene at 6:00 p.m. as per Administrative Order One. MOTION PUT AND DEFEATED.**

**SWEARING IN CEREMONY - COUNCILLOR DISTRICT 6 - EAST DARTMOUTH - THE LAKES**

Ms. Linda Grant, Returning Officer, provided the results of the District 6 By-Election.

Deputy Mayor Hendsbee assumed the Chair at this time.

Mayor Kelly administered the Oath of Office to Councillor Elect Darren Fisher.

Mayor Kelly welcomed Councillor Fisher. Councillor Fisher took his seat in Council as Councillor for District 6 East Dartmouth - The Lakes.

Council recessed at 1:43 p.m.

Council reconvened at 4:00 p.m. with Mayor Kelly in the Chair.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

**MOVED BY Councillor Dalrymple, seconded by Deputy Mayor Hendsbee that the Special Community Announcements & Acknowledgements be moved to the end of the agenda. MOTION PUT AND PASSED.**

**3. APPROVAL OF MINUTES - September 15, 2009**

**MOVED BY Councillor McCluskey, seconded by Councillor Wile, that the minutes of September 15, 2009, as presented, be approved. MOTION PUT AND PASSED.**

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

Move: Item 2 Special Community Announcements & Acknowledgements to be dealt with at the end of the agenda.

**MOVED BY Councillor Walker, seconded by Councillor Sloane, that the order of business, 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 - September 22, 2009

8.1 Motion - Councillor Sloane

- A letter dated September 14, 2009 from the Board of Police Commission was before Council.
- An e-mail from Mr. William Phillips dated August 31, 2009 was before Council.

**MOVED BY Councillor Sloane, seconded by Deputy Mayor Hendsbee that Regional Council request a staff report considering the relocation of the Fallen Peace Officers Memorial and the joint public lands plan.**

Councillor Sloane explained that the Canadian Society of Landscape Architects had given its highest honour to HRM for its public lands plans. Those plans included possible changes to the Grand Parade such as the removal of the mast; burying wires; installation of fountains, ice surface, seating and a stage. The plans did not include the Fallen Peace Officer Memorial. She requested that Council consider relocating the Memorial to a more fitting area near the green verge by the small flag pole in order for HRM to proceed with its previously approved plans for the Grand Parade. Councillor Sloane suggested that a future monument to Firefighters could be located on the other side of the small flag pole to provide balance and honour those who have fallen. The relocation site would be a more passive, park like area.

Councillor Karsten advised that he was not in support of the relocation due to the three and a half years the Committee spent on planning the Memorial and the fact that Regional Council had approved the monument and its location in June 2008. He explained that a Request for Proposal (RFP) had been issued, the project was awarded, materials have been ordered and the base has already been made. He noted that the Memorial was to be presented in two weeks time.

Councillor Wile commented that she was not in support of relocating the monument and that it would be an insult to the police force to have the monument moved again. She noted that the Committee had considered the design and placement of the monument which was to be in an open area to be viewed by present and past officers and their families. The site was meant to be one of dignity. The proposed relocation site was in a dark corner under trees. Councillor Wile explained that a monument should be placed

in the light to offset the sombre duty the Fallen Peace Officers performed. She added that the Grand Parade was never meant to be an entertainment facility; it was meant as a place of dignity and respect which was why the location was chosen for the cenotaph.

Councillor Walker noted that a letter from the Board of Police Commissioners was before Council. The letter outlined grave concerns with the proposed relocation of the monument. He advised that he would not support the location change at this late date.

In response to Councillor Uteck's request for information on the cost to relocate the monument, Mr. Andrew Whittemore, Manager, Community Development, advised that it would be difficult to provide an amount as the monument was designed to fit into the approved space. He explained that engineering drawings had been done and materials ordered based on Council's earlier decision, therefore; the cost would depend on the relocation site.

Councillor McCluskey advised that she was not in support of relocating the monument as the monument would be the highest honour provided to the fallen Peace Officers and should not be placed in a dark corner.

Deputy Mayor Hendsbee commented that the dismantling of the cenotaph in the Grand Parade provided an optimal opportunity to review the landscaping of the entire Grand Parade as well as the restoration of City Hall and St. Paul's Church together with a shared green. He noted that an old document from the former City of Halifax proposed relocating the cenotaph and the incorporation of a fountain and public skating area at the Grand Parade. He suggested that Civic Events be temporarily moved to another location such as Sullivan's Pond until the review was complete as it would be too late for a review of the area once the monument was installed.

Councillor Hum noted that she was not in support of relocating the monument as she had received comment from community members indicating that they were insulted the issue would be brought forward at this late date.

Councillor Johns commented that he agreed with Deputy Mayor Hendsbee in regard to the optimal opportunity to review the layout of the Grand Parade and that he was in support of the motion to have a staff report for a quick study of the Grand Parade.

Councillor Harvey offered his support for the Fallen Peace Officers Memorial and its placement in the Grand Parade. He explained that he had previously commented that the Grand Parade could not support any more large memorials. He noted that he was not in support of re-assembling the Cenotaph in another area as space was required for the monuments in order to give them the proper dignity and respect.

Councillor Dalrymple commented that when Council makes a decision, after three and a half years, Council should stand by that decision. He noted that although some very good points had been raised, the time to address those issues was two years ago. The volunteers on the Committee went through the process and the previous Council made a promise and it would be too late to change that now. Councillor Dalrymple advised that he was not in support of the motion as it would be breaking a promise.

In response to Councillor Uteck in regard to the timing for the installation of the statue, Mr. Whittemore advised that installation of the monument was scheduled for the October 2009 Commemoration Event.

Councillor Karsten requested a recorded vote on the motion.

**MOVED BY Councillor Sloane, seconded by Deputy Mayor Hendsbee that Regional Council request a staff report considering the relocation of the Fallen Peace Officers Memorial and the joint public lands plan.**

Those voting in favour of the motion were Deputy Mayor Hendsbee; Councillors Johns, Sloane, Smith and Watts.

Those voting against the motion were Mayor Kelly; Councillors Adams, Barkhouse, Blumenthal, Dalrymple, Fisher, Harvey, Hum, Karsten, Lund, McCluskey, Mosher, Nicoll, Outhit, Rankin, Streach, Uteck, Walker and Wile.

**MOTION DEFEATED.**

**MOVED BY Councillor Adams, seconded by Councillor Blumenthal that Regional Council continue until the agenda has been completed. MOTION PUT AND PASSED.**

## **8.2 Motion - Councillor Lund**

1. "That any wastewater treatment design that has environmental implications shall have an independent third party review; and
2. The Terms of Reference for the scope of this review can be negotiated with the proponent at the outset of the project, and is to be paid by the proponent, or as negotiated."

**MOVED BY Councillor Lund, seconded by Councillor McCluskey that this item be deferred pending further discussion/clarification with staff and Councillor Lund.**

Councillor Hum suggested that staff confer with Provincial staff prior to the matter returning to Regional Council.

**MOTION TO DEFER PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions**

**9.2.1 Councillor Johns**

Councillor Johns submitted a petition signed by 283 residents of the Lucasville Road area requesting that Metro Transit extend service to the Lucasville Road area in the 2010-2014 proposed route changes and additions.

**9.2.2 Councillor Fisher**

Councillor Fisher submitted a petition signed by 2952 residents in support of the Crosswalk Flag Program.

**10. REPORTS**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Request for Proposal 09-069 - Forty-Five (45) Sixty-Foot Transit Buses**

- A staff report dated September 7, 2009 was before Council.

**MOVED BY Councillor Rankin, seconded by Councillor Karsten that Halifax Regional Council award RFP #09-069 to the highest scoring proponent, Nova Bus for a total price of \$32,957,535 (net HST included) for a three year contract with funding from CVD00434 & CVD00435 as outlined in the Budget Implications section of the report dated September 7, 2009. Funding for the 2011-12 and 2012-13 budget years will be contingent upon the approval of the capital budget by Halifax Regional Council in those years.**

Ms. Patricia Soanes, General Manager, Metro Transit, Transportation and Public Works, advised Council that a status report would be brought forward to Council at a later date in regard to Metro Transit's operational plans.

**MOTION PUT AND PASSED.**



**10.1.2      Request for Proposal 09-151 - Exterior Masonry Restoration, Halifax City Hall Architectural Services**

- A staff report dated September 11, 2009 was before Council.

**MOVED BY Councillor Sloane, seconded by Councillor Nicoll, that Regional Council award RFP No. 09-151 to the highest scoring proponent, G. F. Duffus and Company Ltd. for a total cost of \$557,740.88 (net HST included) with funding from Capital Account No. CBX01046 - Halifax City Hall Stone Restoration, as outlined in the Budget Implications section of the report dated September 11, 2009. MOTION PUT AND PASSED.**

**10.1.3      Tender 09-120 - Bowles Arena Pavement Renewal**

- A staff report dated September 29, 2009 was before Council.

**MOVED BY Councillor Barkhouse, seconded by Councillor Nicoll, that Regional Council:**

- 1. Allocate \$150,000 from Capital Account No. CBX01151 - All Buildings Program (Bundle) to Capital Account No. CBX01158 - Arena Upgrades (Bundle) and;**
- 2. Award Tender No. 09-120 to Dexter Construction Company Limited for a Total Tender Price of \$203,444.84 (net HST included) with funding from Capital Account CBX01158 - Arena Upgrades (Bundle) as outlined in the Budget Implications section of the report dated September 29, 2009.**

**MOTION PUT AND PASSED.**

**10.1.4      Proposed By-Law T-225, An Amendment to By-Law T-200, Respecting Tax Exemption for Non-Profit Organizations - 2009 / 2010**

- A staff report dated August 12, 2009 was before Council.

**MOVED BY Councillor Walker, seconded by Councillor Johns, that Regional Council approve, in principle, By-law T-225, An Amendment to By-law T-200, Respecting Tax Exemptions for Non-Profit Organizations - 2009-2010, as outlined in the Recommendation Section of the staff report dated August 12, 2009 and set a public hearing date. MOTION PUT AND PASSED.**

**10.1.5 Second Reading By-Law E-101, An Amendment to By-Law E-100 - Respecting a Prompt and Coordinated Response to an Emergency - Change in Provincial Legislation from Municipal “Emergency Measures Organization” to “Emergency Management Organization” Motion - Councillor Blumenthal - Approve By-Law E-101**

- A staff report dated August 6, 2009 was before Council.

**MOVED BY Councillor Blumenthal, seconded by Councillor Wile, that Regional Council approve the proposed amendment to By-law E-100, the purpose of which is to revise the by-law to be consistent with the provincial practice of referring to municipal Emergency Measures Organizations as Emergency Management Organizations. MOTION PUT AND PASSED.**

**10.2 PENINSULA COMMUNITY COUNCIL**

**10.2.1 Case 01240 - Halifax Municipal Planning Strategy and Land Use By-Law Amendment - Gladstone Ridge, Halifax**

- A Peninsula Community Council report dated September 21, 2009 was before Council.
- A staff report dated June 29, 2009 was before Council.

**MOVED BY Councillor Watts, seconded by Councillor Uteck, that Regional Council:**

- 1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law as contained in Attachment “A” of the staff report dated June 29, 2009 to allow for a mixed use development by development agreement at 2723 - 2753 Gladstone Street, Halifax, and;**
- 2. Schedule a joint public hearing with Peninsula Community Council, and;**
- 3. Request that staff clarify, at the time of the public hearing, the number of underground parking spaces required by the development agreement.**

**MOTION PUT AND PASSED.**

**11. MOTIONS - NONE**

**12. ADDED ITEMS - NONE**

**13. NOTICES OF MOTION**

**13.1 Councillor Walker**

*“Take Notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 6<sup>th</sup> day of October, 2009, I propose to move First Reading of By-Law T-225, an amendment to By-Law T-200, Respecting Tax Exemption for Non-Profit Organizations, the purpose of which is to amend Schedules 26, 27 and 29.”*

Council agreed, during the approval of the agenda, to deal with Item 2 Special Community Announcements and Acknowledgements at this time.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor Fisher acknowledged the Nova Scotia Senior Baseball League’s Dartmouth Moosehead Dry for winning their 15<sup>th</sup> title in the franchise’s twenty year existence. He invited all to attend the Shubenacadie Art Connection celebrating the waterway at the Fairbanks Interpretive Centre, Dartmouth.

Councillor Hum recognized the achievements of the Halifax Dunbrack Soccer Club teams in their recent provincial championship wins and offered best wishes to those continuing on to the National Championships.

Councillor Watts announced the following upcoming events: public meeting at the Halifax Forum in regard to the HRM Winter Operations Program; Nova Scotia Youth Choir performance at St. George’s Anglican Church; Mental Health Awareness Week.

Councillor Johns thanked Councillor Hum for her \$10,000 Capital District Fund donation to assist the Beaver Bank Kinsac Community Centre following the recent fire.

Councillor Dalrymple noted that, pending information from HRM Fire Services, he would have acknowledgements at the next Council session in regard to the recent Beaver Bank Kinsac Community Centre fire.

**14. ADJOURNMENT**

The meeting adjourned at 5:16 p.m.

Cathy Mellett  
Acting Municipal Clerk

**INFORMATION ITEMS  
September 29, 2009**

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1. Proclamation - World Ostomy Day - October 3, 2009
2. Proclamation - Mental Illness Awareness Week - October 4 - 10, 2009
3. Memorandum from Director, Infrastructure & Asset Management dated July 20, 2009  
re: Septic Tanks in HRM
4. Memorandum from Director, Transportation & Public Works dated September 2, 2009  
re: Halifax Student Alliance
5. Memorandum from the Acting Clerk Manager dated September 25, 2009  
re: Requests for Presentation to Council - None
6. Memorandum from Director of Infrastructure & Asset Management  
dated September 25, 2009 re: Beaver Bank Community Centre Fire