

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
MINUTES

February 23, 2010

PRESENT: Mayor Peter Kelly
Deputy Mayor Brad Johns
Councillors: Steve Streach
Barry Dalrymple
David Hendsbee
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
Stephen Adams
Robert Harvey
Tim Outhit
Peter Lund
Reg Rankin

REGRETS: Councillor Linda Mosher

STAFF: Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Sherryl Murphy, Acting Municipal Clerk
Ms. Sheilagh Edmonds, Legislative Assistant

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1. INVOCATION

Mayor Kelly called the meeting to order at 6:00 p.m. with the invocation being led by Councillor Blumenthal.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane announced the 9th Annual Carmichael Lecture at the World Trade and Convention Centre on February 25, 2010, 6:00 p.m. to 8:00 p.m. with guest speaker Rod Cameron; and she also announced the Winterfest activities taking place on the Waterfront beginning February 26, 2010.

Councillor Wile noted the recent passing of Edith Benoit Lowe, one of the last remaining survivors of the Halifax Explosion.

Councillor Adams announced a luncheon sponsored by the Spryfield and District Business Commission on February 25, 12:30 p.m. with guest speakers of Michelle Raymond, MLA; Karen Casey, interim Progressive Conservative Leader, and Mr. Stephen MacNeil, Liberal Leader. Proceeds going to the Reg Horner Memorial Scholarship Fund.

Councillor Streach advised that the next Marine Drive Valley and Canal Community Council was scheduled for February 24, 2010, Sheet Harbour, beginning at 6:30 p.m. and would be held in conjunction with the District Boundary Review Committee.

Councillor Fisher announced a public meeting to be held March 1, 2010, 7:00 p.m., East Dartmouth Community Centre to consider amending the Dartmouth Land Use Bylaw to exclude tattoo businesses as home occupations.

Councillor Nicoll announced that Gospel Night would be held on February 26, 2010, 7:00 p.m. Humber Park Elementary School, with the funds raised going toward Haiti relief.

Councillor Karsten advised of the upcoming 50th Anniversary of Prince Andrew High School, and that registration would be on a 'first come first serve basis'. Anyone wanting further information could contact either the co-chairs or himself.

Councillor Watts announced a Winterlude Celebration being presented by the Fine Arts Parents Association on February 27, 2010, 7:30 p.m. at Pier 21. Councillor Watts also noted that Peninsula Community Council's March meeting was scheduled for March 3, 2010 and includes a presentation on the District Boundary Review.

Councillor Dalrymple announced that on February 27, 2010, 10 a.m. to 2:00 p.m. the Oldfield Elementary School would be hosting its annual Winterfest.

Councillor Hendsbee noted the Mineville Community Association Annual General Meeting was being held this evening at 7:00 p.m. In addition, he advised that February

27, 2010, Friends of the Amistad were organizing a Hope and Freedom Concert at the All Saints Cathedral in Halifax, with funds raised going toward Haiti relief.

Councillor Uteck offered congratulations to HRM staff member, Joshua Judah, an employee of Legal Services. She noted that he volunteers as a debating coach and, recently, two of his students won world debating championships in Dubai. She asked that the Mayor forward letters of congratulations to all three.

Councillor Barkhouse announced a meeting of the Eastern Passage Cow Bay Athletic Association February 25, 2010, 7:00 p.m. at the Buffalo Club, Cow Bay Road.

Councillor Hum noted that Chebucto Community Council's meeting was scheduled for March 1, 2010, beginning at 6:30 p.m., Halifax West High School and this will include the presentation by the District Boundary Review Committee. Councillor Hum announced a fundraiser at Rockingham Community Centre, February 27, 2010, 6:00 p.m. to 9:00 p.m. on behalf of the Halifax Christian Church, with funds raised going toward providing water filters to developing countries.

Councillor Nicoll advised of a Health Fair, February 27, 2010, 11:00 a.m., at the Black Cultural Centre.

Councillor Harvey announced that North West Community Council would be meeting February 25, 2010, 6:30 p.m., Connolly Road, Sackville and will include a presentation by the Boundary Review Committee.

Councillor Smith announced a public information meeting, March 8, 2010, 7:00 p.m., Dartmouth High School in regard to a Municipal Planning Strategy change that would enable the development of the new bridge terminal between Nantucket and Thistle Streets.

3. APPROVAL OF MINUTES - February 9, 2010

Councillor Hendsbee referred to page 8 of the minutes and advised that his reference to *St. Ann's* Valentine coffee party was incorrect, and it should read as *St. David's* Valentine coffee party.

Councillor Hendsbee also referred to page 12 regarding the insurance cap issue, and advised that the minutes are quite abbreviated according to his recollection of the debate Council had on this matter. Councillor Hendsbee indicated he had raised several points of concern based on his experience in the Legislature, however none of these points were noted. He questioned whether the true debate is reflected when it has been abbreviated so much and only some Councillors points of concern are noted.

MOVED by Councillor McCluskey, seconded by Councillor Sloane that the minutes of February 9, 2010, as amended, be approved. MOTION PUT AND PASSED.

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

Additions:

- 12.1 Property Matter - Shore Road, Eastern Passage
- 12.2 Legal Matter - Community Initiative
- 12.3 Letter to the Province in Support of UNSM's Key Financial Items - Councillor Smith
- 12.4 Clarification of Article in 'Thompson World Insurance News' - Councillor McCluskey

At the request of Councillor Blumenthal, it was agreed that item 12.2 would be dealt with immediately after item 9.

MOVED by Councillor Sloane, seconded by Councillor Barkhouse 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 - NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions:

9.2.1 Councillor Hendsbee

Councillor Hendsbee submitted a petition containing 131 signatures of residents requesting that the expansion of Coleridge Estates to Westmount Plains (Case #01290) cease.

9.2.2 Councillor Hum

Councillor Hum submitted a petition containing 40 signatures of the residents of Torrington Drive, Rockingham concerned with the confusion that has resulted due to the street renaming and civic address changes and requesting that the street name of Torrington Drive in Bedford be changed.

During the Approval of the Order of Business, Council agreed to deal with item 12.2 at this time

12.2 Legal Matter - Community Initiative

This item had been dealt with at an In Camera Council meeting held earlier on this date and was now before Council for ratification.

Correspondence was submitted from the following: Andrea MacNevin, Amanda Carvery, and Clifton Reddick.

MOVED by Councillor Blumenthal, seconded by Councillor Uteck that Halifax Regional Council:

- 1. Approve the terms of settlement re: the Africville Genealogy Society et al vs City of Halifax as outlined in the Discussion and Budget Implications section of the Private and Confidential report dated February 19, 2010.**
- 2. Release the Private and Confidential report to the public upon ratification by Halifax Regional Council and subsequent to a public announcement.**

MOTION PUT AND PASSED.

At 6:20 p.m. Council recessed .

At 6:26 p.m. Council reconvened. Councillor Watts had retired from the meeting during the recess.

2. REPORTS:

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 HRM Four-Pad Arena Project - Facility Naming Rights

- A report dated January 28, 2010 was before Council.

MOVED by Councillor Outhit, seconded by Councillor Rankin that Halifax Regional Council authorize Nustadia Recreation Inc (NRI) to negotiate, in consultation with HRM staff, a contract for the external naming rights of the 4 Pad Arena Complex and for the draft contract to be brought back to Regional Council for approval. MOTION PUT AND PASSED.

10.1.2 Proposed Administrative Order SC-58, Respecting Closure of a Portion of Symonds Road, Bedford

- A report dated February 11, 2010 was before Council.

MOVED by Councillor Outhit, seconded by Councillor Sloane that Halifax Regional Council approve in principle Administrative Order SC-58, Respecting

Closure of a Portion of Symonds Road, Bedford as outlined in Attachment “A” of the staff report dated February 11, 2010 and set a public hearing date. MOTION PUT AND PASSED.

10.1.3 Increase to Contract - Metro Transit Terminal Design

- A report dated February 9, 2010 was before Council.

MOVED by Councillor Smith, seconded by Councillor McCluskey that Halifax Regional Council authorize an increase to Purchase Order PO2070451797, the contract with Sperry & Partners Ltd., for the Metro Transit Terminal Design, from an original award by the CAO of \$374,413.00 (Net HST included) to \$775,921.20 (Net HST Included) with funding from Capital Account No. CB200428 - Transit Terminal Upgrade & Expansion as outlined in the Budget Implications section of the report dated February 9, 2010.

Councillor Smith explained that the project cost has increased to approximately \$9 million from \$4 million and this was due to the fact that the initial design was not suitable. He added that upon consultation with stakeholders and surrounding residents, it was determined that the best design would be a horizontal design between Nantucket and Thistle Streets. This also increased the size of the facility and resulted in some architectural and structural changes because part of the facility will be below grade, and a portion on top of the terminal will be used for other activities. Councillor Smith noted that the terminal in this location is the most used terminal in HRM and deserves to be a signature terminal.

Councillor Uteck advised that she was supportive of this terminal being a signature facility, but she had concern with how the process unfolded. Councillor Uteck questioned the idea of awarding a contract to a firm, first, and then going out for public consultation. She noted that the increase was significant and suggested that the contract be re-tendered, and that this may result in wider interest in the project.

Mr. Phil Townsend, Director, Infrastructure and Asset Management, advised that a detailed program went out with the Request for Proposal, so the design that originally went forward and the consultant's bid on it was based on a framework outlined by HRM. He added that there was no public consultation prior to developing the framework, however, as it became more exposed to the public there was a substantial amount of feedback from the stakeholders in the surrounding area and, at that point, staff rolled it in to the process of the Dartmouth Common Master Plan and the proposal went out with the larger study. Mr. Townsend pointed out, for clarification, that the design change had nothing to do with the design that was submitted by the architects.

A discussion ensued with Mr. Townsend, Mr. Terry Gallagher, Manager, Facility Development, Mr. Darren Young, Project Manager, Facility Development; and Mr. Eddie Robar, Manager, Metro Transit responding to questions. The following points were noted:

- staff consulted the public twice on this issue; the first was with a siting

study, and the second was consultation in conjunction with the Common Master Plan

- if the recommendation is approved, Council will be committing to an estimated budget - the final approval will come back to Council as an award
- the \$9.5 million will be accommodated in the next fiscal year's capital budget; the upcoming capital budget which will be submitted to Council will reflect this
- the Lacewood Terminal is not sacrificed as a result of this recommendation, and it will continue to move forward on its timeframe
- the design does not include a pedestrian bridge to the shopping centre; but traffic services are currently studying this for a half-signal location in order to improve safety
- in response to concern about the design and whether a CEPTED audit was done, staff noted that the design was very preliminary and it will be evolving and will incorporate CEPTED principles
- there is no need for a contingency plan for the present terminal while the new terminal is being built, as the new terminal will be constructed alongside the current terminal
- the present terminal is at overcapacity; the new terminal will meet that capacity and allow for planning for the future

MOTION PUT AND PASSED.

10.1.4 Undergrounding of Overhead Utilities - Hollis / Morris Streets

- A report dated January 28, 2010 was before Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane that Halifax Regional Council:

- 1. Approve the allocation of \$500,000 to enable the Halifax Regional Municipality to participate in undergrounding of overhead power and telecom infrastructure along Morris Street between Lower Water Street and Hollis Street, and including the Morris Street-Hollis Street intersection.**
- 2. Approve 2010/11 advance funding from CDX01182 - Downtown Streetscape account in the amount of \$500,000 to enable participation in this project to begin immediately.**

Mr. Ken Reashor, Acting Director, Transportation and Public Works; and Mr. Wayne Anstey, Deputy Chief Administrative Officer responded to questions.

MOTION PUT AND PASSED.

10.2 APPEALS COMMITTEE

10.2.1 Expiration Notice for Taxi and Limousine Licences

- A report from the Appeals Committee dated January 19, 2010 was before Council.

MOVED by Councillor Smith, seconded by Councillor Walker that the Appeals Committee recommend Halifax Regional Council request that the HRM Tax and Limousine Licencing Office provide notice to those drivers who have not renewed their licence by the expiry date advising them that they have 30 days to do so prior to the licence being terminated and that a letter also be sent out advising when a licence has been terminated.

Councillor Smith explained that the Appeals Committee felt it would be fair and probably would reduce the number of appeals coming before the Committee, if a letter was sent out to those drivers who did not renew their license advising that they had 30 days to do so or they would lose their license and there would be no appeal.

In response to a clarification question by Councillor Adams, Councillor Smith advised that the individual would receive a letter prior to the 30 day expiration period and if they did not renew, they would get a letter after the termination date advising that they have lost their license.

Councillor Adams proposed a friendly amendment that the notice be provided by way of registered letter. He advised that if the letter were sent by registered mail, then the Committee would know if the individual actually received it.

The mover and seconder of the motion advised that they supported the friendly amendment. The motion now reads:

MOVED by Councillor Smith, seconded by Councillor Walker that the Appeals Committee recommend Halifax Regional Council request that the HRM Tax and Limousine Licencing Office provide notice by registered mail to those drivers who have not renewed their licence by the expiry date advising them that they have 30 days to do so prior to the licence being terminated and that a registered letter also be sent out advising when a licence has been terminated. MOTION PUT AND PASSED.

10.3 SPECIAL EVENTS ADVISORY COMMITTEE

10.3.1 2010 Tim Horton's Brier

- A report from the Special Events Advisory Committee dated February 11, 2010 was before Council.

MOVED by Deputy Mayor Johns, seconded by Councillor Wile that Halifax Regional Council approve a grant of \$50,000 to the Tim Horton's Brier Event with funding as a withdrawal from the Special Events Reserve, Q315 as outlined in the 2010/11

Proposed Reserve Budget and in the Budget Implications Section of the report dated February 11, 2010.

Deputy Mayor Johns advised that as part of the motion he would like a Letter of Commitment to be forwarded to the organization, upon approval.

MOTION PUT AND PASSED.

11. MOTIONS

12. ADDED ITEMS

12.1 Property Matter - Shore Road, Eastern Passage

This item had been dealt with at an In Camera Council meeting held earlier on this date and was now before Council for ratification.

MOVED by Councillor Barkhouse, seconded by Councillor Sloane that Halifax Regional Council:

- 1. Direct staff to proceed with the acquisition of 2059 Shore Road (PID#00354712), Eastern Passage, NS as per the general Terms and Conditions of the Private and Confidential report dated February 3, 2010 with funding as per the budget implications section;**
- 2. Not release the Private and Confidential report until the transaction is complete.**

MOTION PUT AND PASSED.

12.2 Legal Matter - Community Initiative

This item was dealt with earlier in the meeting. See page 5.

Council then dealt with Notices of Motion before dealing with the two remaining Added Items.

13. NOTICES OF MOTION

13.1 Deputy Mayor Johns

Deputy Mayor Johns gave notice that at the next regular meeting of Halifax Regional Municipality, to be held on Tuesday March 2, 2010 he will be requesting that Council direct the Mayor write to the Minister of Transportation and Infrastructure Renewal, the Honourable Bill Estabrooks, to request that the Provincial Government investigate funding opportunities that would generate income to offset the cost of sustainable transportation initiatives in HRM; particularly, transit operations of the Municipality.

13.2 Deputy Mayor Johns

Deputy Mayor Johns gave notice that at the next regular meeting of Halifax Regional Municipality, to be held on Tuesday March 2, 2010 he will be requesting that Council direct the Mayor write to the Minister responsible for Finance with the Nova Scotia Provincial Government, the Honourable Graham Steele, and request that the Halifax Dartmouth Bridge Commission apply to the Nova Scotia Utility and Review Board, requesting a fare increase of twenty-five cents; and that fifteen cents of this increase be provided to the Halifax Regional Municipality to offset the cost of sustainable transportation initiatives, particularly transit and existing ferry operations.

Council then dealt with the remaining Added Items.

12.3 Councillor Smith - Letter to the Province.

Councillor Smith requested Council's support in endorsing a letter dated February 23, 2010 that UNSM sent to the Province outlining their budget priorities. Councillor Smith advised that as the largest Municipality in the Province, it would add weight by showing HRM's support.

Councillor Walker advised that he could support the request as long as it did not include the first item in the letter, i.e. Honouring existing commitments under the UNSM-Provincial MOU signed in 2007.

MOVED by Councillor Smith, seconded by Councillor Blumenthal that the Mayor, on behalf of Council, forward a letter to the Province in support of UNSM's letter dated February 23, 2010. MOTION PUT AND PASSED.

**12.4 Clarification of Article in 'Thompson World Insurance News' -
Councillor McCluskey**

In response to a concern raised by Councillor McCluskey regarding a recent article she read in the Thompson World Insurance News, Mr. Dan English, Chief Administrative Officer advised that a letter is being forwarded to Thompson World Insurance News requesting a retraction in regard to a recent article, in which they referenced a staff report from Council's February 9, 2010 meeting, and printed erroneous information.

14. ADJOURNMENT

The meeting was adjourned at 7:54 p.m.

Cathy Mellet
Acting Municipal Clerk

The following information items were submitted:

1. Proclamation - Conductive Education Day - February 25, 2010
2. Proclamation - Best Buddies Month - March 2010
3. Memorandum from Acting Director, Transportation and Public Works dated February 7, 2010 re: Overnight Parking Public Consultation
4. Memorandum from Director, Business Planning & Information Services dated February 1, 2001 re: Harbour Solutions Project - Third Quarter Report, October to December 31, 2009
5. Memorandum from Director, Finance dated February 19, 2010 re: Third Quarter 2009 / 2010 Financial Report
6. Memorandum from the Acting Clerk Manager dated February 19, 2010 re: Requests for Presentation to Council - None