

**HALIFAX REGIONAL MUNICIPALITY**

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**HALIFAX REGIONAL COUNCIL  
MINUTES**

**August 10, 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 M. Sloane  
Sue Uteck  
Jennifer Watts  
Russell Walker  
Debbie Hum  
Linda Mosher  
Stephen D. Adams  
Robert P. Harvey  
Tim Outhit  
Reg Rankin  
Peter Lund

**STAFF:**

Mr. Wayne Anstey, Acting Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Cathy Mellett, Municipal Clerk  
Ms. Shawnee Gregory, Legislative Assistant

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**1. INVOCATION**

The Mayor called the meeting to order at 6:18 p.m. with the invocation being led by Councillor Fisher.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor Blumenthal invited residents to the seventh annual Northern Lights Lantern Festival which was being held at Merv Sullivan Field on August 14, 2010 at 4:00 p.m. He stated that fireworks would also be taking place that night.

Councillor Streach indicated that Seaside Fest was currently taking place in Sheet Harbour which would be culminating on August 14, 2010 with a mackerel derby and a parade at 12:00 p.m.

**3. APPROVAL OF MINUTES - NONE**

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

Additions:

- 13.1 Councillor McCluskey - Request for Report re: Founders Corner Condominium Development, Dartmouth
- 13.2 Recreation Service Review - Scope
- 13.3 Property Matter - Property Acquisition - St. Margaret's Bay
- 13.4 Legal Matter - Citadel Appeal
- 13.5 Councillor Dalrymple - Request for Report re: Transit Service
- 13.6 Councillor Rankin - Request to Add Information Item 2 to the Agenda

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

**5. BUSINESS ARISING OUT OF THE MINUTES - NONE**

**6. MOTIONS OF RECONSIDERATION - NONE**

**7. MOTIONS OF RESCISSION - NONE**

**8. CONSIDERATION OF DEFERRED BUSINESS - August 3, 2010**

**8.1 1588 Barrington Street as an Arts & Culture Incubator**

This item was dealt with later in the meeting. Please see page 12.

**9. PUBLIC HEARINGS**

**9.1 Case 01302 - Municipal Planning Strategy and Land Use By-Law Amendment for a Development Agreement - 3473 Dutch Village Road, Halifax  
(Joint Public Hearing with Chebucto Community Council)  
(i) Chebucto Community Council Report  
(ii) Peninsula Community Council Information Report**

- A report from Chebucto Community Council dated June 14, 2010 was before Council.
- An Information Report from Peninsula Community Council dated June 15, 2010 was before Council.
- A presentation was before Council.
- An extract of the Regional Council minutes dated June 22, 2010 was before Council.
- The following correspondence was before Regional Council: Mr. James King, Ms. Millie Manuel and Mr. Cesar Saleh, W.M. Fares Group.

Mr. Richard Harvey, Senior Planner, provided the presentation on Case 01302 - Municipal Planning Strategy and Land Use By-Law Amendment for a Development Agreement - 3473 Dutch Village Road, Halifax. Highlights were as follows:

- The site is within the Halifax Peninsula area, however, also entirely within Councillor Walker's District so Chebucto Community Council is responsible for any Community Council decision regarding this matter
- Policy requires sites that abut the new Chain of Lakes Trail to connect
- There will be 100 interior and 52 outdoor parking spaces on the residential site
- The commercial building will have 46 interior and 42 outdoor parking spaces
- Changes have been made since the Public Information Meeting held on January 13, 2010 including an improved connection to the street and the building being split into two so less parking will be required
- Once the new policy set is in effect, staff will return to Chebucto Community Council with the Development Agreement

Mayor Kelly reviewed the Rules of Procedure for Public Hearings. He called for those wishing to speak for or against Case 01302 - Municipal Planning Strategy and Land Use By-Law Amendment for a Development Agreement - 3473 Dutch Village Road, Halifax.

**Mr. Lloyd Melanson, Fairview**, stated that he had lived in Fairview for the last 30 years and was impressed with this project which he was in attendance to support. He indicated that the project would continue with the renewal of the Dutch Village Road area and may deal with the decay that has appeared there. Mr. Melanson was encouraged that the development had a small footprint, included greenery, would be connected to the Chain of Lakes Trail and was in close proximity to grocery stores, banks, and buses. He advised that the mixed use aspect of the development was nice as well; noting that he may try to encourage his doctor and dentist to consider moving into the commercial building. He indicated that as he gets older and can no longer maintain his own property, the modern, well constructed apartment phase of the development provided him with the opportunity to remain in the area. Mr. Melanson stated that he did not want to pay more taxes than he had to and this development should help provide more money to city coffers.

**Mr. Ceril Courtney, Fairview**, stated that he had lived in Fairview for 49 years and graduated from the engineering program at TUNS in 1955. He wished to echo Mr. Melanson's comments; noting that the development was needed and wanted in the area and would be a great asset for Fairview. He indicated that the commercial area of Fairview was solely located on Dutch Village Road and that many established companies had left the area, however, this project would help revitalise Fairview and the surrounding community. Mr. Courtney stated that the commercial and retail outlets were needed and would be used; noting that jobs would also be created for residents. He indicated that the residential units looked first class and would be an asset to the community as well as a popular location. He advised that the condominiums would be a good place for older Fairview residents to move and that he may consider this option himself. Mr. Courtney stated that the project was attractive as the developers had managed to design and strategically locate the buildings in a manner which was aesthetically pleasing and environmentally friendly; noting that there was greenery as well as ample parking available. In closing, Mr. Courtney advised that the development would be positive for Fairview and the surrounding community.

**Mr. Ron Hazel, Brookside**, stated that he had lived in the Fairmount area for over 15 years and had been a member of the St. Lawrence Parish for 25 years; noting that former members cared about what happened to the former parish site. He advised that the members had spent many years there and would like to see the site developed in a good and enhanced manner and for those reasons he was supporting the project. Mr. Hazel indicated that the development would reinvigorate the area as it would create an anchor for the revitalisation of the entire block; noting that it would also increase the tax base for the area. In closing, Mr. Hazel stated that the pluses far outweighed the negatives.

**Mr. Cesar Salah, W.M. Fares Group**, stated that his company had been retained by the Roman Catholic Archdiocese to develop the site. He advised that he did not have

much to add other than what was already stated. In closing, Mr. Salah indicated that he was pleased with the public process and would be happy to answer any questions.

Mayor Kelly called three times for speakers. Hearing none, the following motion was placed:

**MOVED BY Deputy Mayor Johns, seconded by Councillor Karsten, that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED BY Councillor Walker, seconded by Councillor Wile, that Halifax Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law as contained in Attachment "A" of the May 13, 2010 staff report.**

Councillor Walker stated that Council had received five emails and one phone call regarding this matter; advising that most had been answered. He indicated that a path connecting to the Regional Trail from the site would be completed by the end of October 2010 and the buildings had been separated so as to not have one large building. In closing, Councillor Walker stated that the development would revitalise Dutch Village Road.

**MOTION PUT AND PASSED.**

**9.2 By-Law N-200, Respecting Noise - Exemption Applications**  
**(i) 2010 Canadian Senior Baseball Championship**  
**(Beazley Field and Mainland Commons)**  
**(ii) Alexander Keith's 215 Birthday Celebration (Halifax Waterfront)**

- A report dated July 20, 2010 was before Council. (i)
- A report dated July 20, 2010 was before Council. (ii)

Mayor Kelly reviewed the Rules of Procedure for Public Hearings. He called for those wishing to speak for or against By-Law N-200, Respecting Noise - Exemption Applications.

**Superintendent Bill Moore**, Halifax Regional Police, stated that the 2010 Canadian Senior Baseball Championship was seeking an exemption for games that may go past 1:00 a.m. due to the condensed schedule and rain delays. He indicated that the second event seeking exemption, the Alexander Keith's 215 Birthday Celebration, would be taking place on the Halifax Waterfront and the request was for an exemption in order for equipment to be taken down through the night. Superintendent Moore advised that the location had moved away from the residential area on the waterfront and staff were not forecasting any issues as a result.

Mayor Kelly called three times for additional speakers. Hearing none, the following motion was placed:

**MOVED BY Councillor McCluskey, seconded by Councillor Karsten, that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED BY Councillor Sloane, seconded by Councillor Fisher, that Halifax Regional Council approve the 2010 Senior Baseball Championship application for noise exemption, pursuant to the contents of the report dated July 20, 2010 (i) and any matters raised at the hearing.**

A discussion on the motion ensued with Superintendent Moore responding to questions.

Superintendent Moore clarified that the baseball games would only run late due to rain delays. He also indicated that the By-law stated 1:00 a.m., however, the organizers did not anticipate games running later than 11:00 p.m. even with the exemption.

**MOTION PUT AND PASSED.**

**MOVED BY Councillor Sloane, seconded by Councillor Fisher, that Halifax Regional Council approve the Alexander Keith's 215th Birthday Celebration application for noise exemption, pursuant to the contents of the report dated July 20, 2010 (ii) and any matters raised at the hearing. MOTION PUT AND PASSED.**

## **HERITAGE HEARINGS**

### **9.3 Case H00345 - Application to Consider 10 Kirk Road, Halifax, as a Municipally Registered Heritage Property**

- A presentation was before Council.
- An extract of the Regional Council minutes dated June 8, 2010 was before Council.
- A report from the Heritage Advisory Committee dated May 27, 2010 was before Council.

Ms. Maggie Holm, Heritage Planner, provided the presentation on Case H00345 - Application to Consider 10 Kirk Road, Halifax, as a Municipally Registered Heritage Property. Highlights were as follows:

- The property is located in the Jollimore community
- The property contains a solidly constructed building which illustrates many principles of the Arts and Crafts movement



- The gate house was constructed in 1910 and the pool shanty, which was relocated from an adjacent waterside property in Jollimore, was constructed between 1865 and 1872
- The property scored 60 out of 100 points from the Heritage Advisory Committee

**Ms. Jennifer Corson**, Liverpool Street, of Marterra Inc., the group which had acquired the property over one year ago from Mr. Robert Findlay. She indicated that they had become the third owner of this assembly which included approximately 13 cottage lot properties; noting that not many properties of this style still existed. Ms. Corson advised that the Findlay family had been unable to maintain the property and had become fearful as to what would be the best use of the property when putting it to market; noting that all work was in jeopardy on appraisal as a proposed cul du sac would have eliminated all heritage features. She stated that Marterra Inc. had pursued to become owners and green developers of the property and wished to maintain its character as it was a fine example of Arts and Crafts architecture; noting that not many of properties of this style were within the Heritage Registry. In closing, Ms. Corson advised that the approach may be lesser known, however, this first step was one Marterra Inc. felt was best to maintain buildings and some key landscape, garden and stone wall work.

**MOVED BY Councillor Mosher, seconded by Councillor Walker, that Halifax Regional Council approve the registration of 10 Kirk Road, Halifax as shown on Map 1 of the May 11, 2010 staff report, as a Municipally Registered Heritage Property.**

Councillor Mosher advised that she was pleased to move this motion; noting that Mr. Findlay had contacted her regarding his concerns as his family had lived on the property for 70 years. She stated that Jollimore was an eclectic area which was natural and undisturbed. She indicated that as of right potential in the area would completely disrupt the character of the neighbourhood, therefore, by approving this motion, Council would be maintaining the heritage aspect and protecting the integrity of the community. Councillor Mosher also advised that she had met with Ms. Corson and that her company was sensitive to the environment.

**MOTION PUT AND PASSED.**

**9.4 Case H00346 - Application to Consider 15 Pine Street, Dartmouth as a Municipally Registered Heritage Property**

- A presentation was before Council.
- An extract of the Regional Council minutes dated May 18, 2010 was before Council.
- A report from the Heritage Advisory Committee dated May 7, 2010 was before Council.

Ms. Holm provided the presentation on Case H00346 - Application to Consider 15 Pine Street, Dartmouth as a Municipally Registered Heritage Property. Highlights were as follows:

- There are several other registered properties within the vicinity of the property
- The property was previously registered in the City of Dartmouth in 1995, however, the owner at the time objected and it was deregistered
- The building is classed under the Vernacular style
- The owners reconstructed the side building with 75 percent of the original materials
- The property scored 67 out of 100 points from the Heritage Advisory Committee

**MOVED BY Councillor McCluskey, seconded by Councillor Nicoll, that Halifax Regional Council approve the registration of 15 Pine Street, Dartmouth as shown on Map 1 of the April 7, 2010 staff report, as a Municipally Registered Heritage Property. MOTION PUT AND PASSED.**

**9.5 Case H00347 - Application to Consider 8 Necum Teuch Loop, Necum Teuch, as a Municipally Registered Heritage Property**

- A presentation was before Council.
- An extract of the Regional Council minutes dated May 18, 2010 was before Council.
- A report from the Heritage Advisory Committee dated May 7, 2010 was before Council.

Ms. Holm provided the presentation on Case H00347 - Application to Consider 8 Necum Teuch Loop, Necum Teuch, as a Municipally Registered Heritage Property. Highlights were as follows:

- The property is owned by the Anglican Church of Canada
- The property was built in 1887 and was originally used as a schoolhouse
- The property is currently used as a church hall
- The building is in the simplified Greek Revival style and the unusual entrance is original to the building
- There are no other Greek Revival schoolhouses in HRM nor any other Registered Heritage Properties in the Necum Teuch area
- The building scored 59 out of 100 points from the Heritage Advisory Committee

**MOVED BY Councillor Streach, seconded by Councillor McCluskey, that Halifax Regional Council approve the registration of 8 Necum Teuch Loop, Necum Teuch**

as shown on Map 1 of the March 23, 2010 staff report, as a Municipally Registered Heritage Property. MOTION PUT AND PASSED.

**10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**10.1 Correspondence - None**

**10.2 Petitions**

**10.2.1 Councillor McCluskey**

Councillor McCluskey submitted a petition containing 70 signatures on behalf of residents requesting that HRM enforce By-Law N-200 - Respecting Noise, in order to stop excessive motorcycle noise.

Councillor Sloane suggested that MLA Diana Whalan be contacted regarding this matter as it was an initiative she had been working on as well.

**10.3 Presentation**

**10.3.1 Khyber Arts Society re: 1588 Barrington Street - Anton Christiansen, Khyber Board of Directors**

Mr. Anton Christiansen, member of the Board of Directors for the Khyber Arts Society, provided a presentation. Highlights were as follows:

- The Khyber Arts Society (KAS) supports the HRM staff recommendation as per the report dated June 21, 2010
- KAS has been the primary tenant of the building for the last 15 years
- The Khyber building is one of the leading artist run centres in Canada
- It is a not for profit society which receives funding from the Canada Council for the Arts as well as other sources
- The KAS mission is to provide non commercial art exhibits, musical performances and facilities
- Many local artists and musicians got their start at the Khyber
- The building appears to many to be closed and the café was shut down as was access to the third floor
- This reality limits the number of artists the building can serve, grants the KAS can apply for and the amount of people coming to Barrington Street
- Other business professionals have recently be added to the KAS Board of Directors in addition to artists
- In recent years, the KAS has developed a good working relationship with HRM staff

- The KAS believes that a welcoming main level to the building is important
- Plans were to continue to use the second floor as primary exhibition space
- A cinema series began this summer and was successful
- The KAS was requesting that access to the first and third floors be allowed at the outset
- The three year operating strategy as outlined in the staff report dated June 21, 2010 will keep the building thriving

In closing, Mr. Christiansen thanked Council and HRM staff and advised that the KAS endorsed the staff report.

### **8.1 1588 Barrington Street as an Arts & Culture Incubator**

- A report dated June 21, 2010 was before Council.
- The Feasibility Assessment of an Artist-Run Centre and Alternative Options dated March 12, 2010 was before Council.

Ms. Leticia Smillie, Cultural Planner, provided the presentation on 1588 Barrington Street as an Arts & Culture Incubator. Highlights were as follows:

- The Feasibility Assessment review focussed on the use of the grassroots arts and culture site as an arts facility
- The site has helped create many local musicians and artists
- HRM is mandated to address Heritage Buildings, however, the municipality has yet to do so with the Khyber building
- The Khyber site supports emerging and contemporary artists and relies on funding from the government and community
- This is an ideal site for an arts and culture incubator
- The undertaken public survey (Attachment E) saw overwhelming support
- The Feasibility Assessment completed by consultants found that Khyber Arts Society (KAS) involvement was necessary
- Minor renovations will occur to bring the building up to code and, in subsequent years, major renovations are proposed to be undertaken to improve both accessibility and use
- HRM will offer a lease to the KAS and will work with them and other groups in order to ensure the best use for the site

Councillor Sloane stated that space was a key strategic issue to advancing Council's goal. She indicated that the space was unique and would not be in competition with others; noting that the Khyber building was also well positioned to jump start the revitalisation of Barrington Street. Councillor Sloane advised that Council had recently endorsed a model for leveraging money within Capital Districts and that artists were uniquely positioned to help, however, HRM must offer space and funding initiatives. In

closing, she stated that an investment in the Khyber would mean artists investing in the neighbourhood and Barrington Street would begin to blossom again.

Councillor Sloane moved the staff recommendation with the following addition:

**MOVED BY Councillor Sloane, seconded by Councillor Lund, that Halifax Regional Council approve:**

- 1. The 3-year Operating Strategy and direct staff to commence interim programming of 1588 Barrington Street as an arts and cultural incubator, as outlined in the report dated June 21, 2010; and**
- 2. That the Khyber Arts Society be allocated all of the second floor rentable space at the present less than market value rate for the next three years.**

Councillor Sloane stated that she had included the second recommendation as a way of leveraging more funding for the KAS and HRM since Federal grants funding considers square footage used.

A discussion on the motion ensued with staff responding to questions. The following points were noted:

- HRM is offering a three year lease to KAS as staff believe it is a reasonable amount of time to build capacity within the community
- Staff were proposing a short term, small investment to address some building code issues and programming the building
- Staff will also be seeking grant applications
- Corrections had to be made to the consultants report as they based their cost estimates on the whole building being used rather than 70% which HRM staff was presenting, therefore, HRM's projected costs and revenues were less than the consultants report

At the suggestion of Councillor Walker, Mayor Kelly requested that the issue be forwarded to the Grants Committee as part of the motion.

Councillor Sloane and Councillor Lund agreed.

The motion now reads:

**MOVED BY Councillor Sloane, seconded by Councillor Lund, that Halifax Regional Council approve:**

1. **The 3-year Operating Strategy and direct staff to commence interim programming of 1588 Barrington Street as an arts and cultural incubator, as outlined in the report dated June 21, 2010; and**
2. **That a recommendation to allocate all rentable space on the second floor to the Kyber Arts Society (KAS) at the present less-than-market rate for the next three years be referred to the Grants Committee for consideration.**

Discussion on the motion continued. The following points were noted:

- \$50,000 in Capital funding was already included in the current budget for this item and staff would now begin to build a budget for \$800,000 three years out and would be seeking funding via Federal and Provincial grants
- In terms of rental income, all figures were based on a less than market value amount, therefore, this will remain the same regardless of the occupant
- The \$800,000 figure has been adjusted to reflect future dollars
- A more defined capital program will need to be established as Council was not approving any capital program at present and there would not be a final conclusion until year three

#### **MOTION PUT AND PASSED.**

The meeting recessed at 8:18 p.m.

The meeting reconvened at 8:32 p.m. with the same members present with the exception of Councillor Streach who had left the meeting.

## **11. REPORTS**

### **11.1 CHIEF ADMINISTRATIVE OFFICER**

#### **11.1.1 Tender 10-173, North Preston Community Centre Expansion**

- A report dated July 12, 2010 was before Council.
- Correspondence dated August 9, 2010 from Harvey and MacKenzie Architects was submitted.

Councillor Hendsbee advised that Council had received correspondence from Mr. Foster L. MacKenzie, President of Harvey and MacKenzie Architects, the second place scoring proponent. Councillor Hendsbee expressed concern with the scoring and pricing process; as the scoring between the number one and two proponents was within four points and, therefore, some consideration should be given. He indicated that this

represented almost 49 percent of the contract; noting that he was familiar with both firms and had confidence in both, however, he was concerned with the differential being so small and the difference in cost being so great.

Ms. Mary Ellen Donovan, Municipal Solicitor, stated that the Municipal Clerk had provided her with the correspondence from the firm of Harvey and MacKenzie. She advised that the submission of this letter was in contravention with the RFP rules and that, as a result, Council had the option of disqualifying the firm.

**MOVED BY Councillor Hendsbee, seconded by Councillor Blumenthal, that Halifax Regional Council award Tender No. 10-173, North Preston Community Centre Expansion, to Harvey & MacKenzie Architects, the second place bid.**

A discussion on the motion ensued with staff responding to questions.

Mr. Phil Townsend, Director of Infrastructure and Asset Management, advised Council that this was not a tender but rather a request for proposals via a two envelope approach with a technical component. He referred to the amount of time each proponent would give to the project; stating that Sperry & Partners Architects was giving 5.5 weeks more consulting time to the project than Harvey & MacKenzie Architects. Mr. Townsend advised that staff believed this would bring significant time for quality and detail which would help with the project.

Councillor Hendsbee advised that although he could understand staff's theoretical aspect his decision came down to dollars as Harvey & MacKenzie would cost \$59,000 less than Sperry & Partners.

Councillor Hum stated, for the record, that she received an email from Harvey & MacKenzie and advised the firm to direct the correspondence to the Clerks Office rather than Councillors. She asked that they not be disqualified as they had responded to her direction. Councillor Hum did advise, however, that she did not know if she could support the motion as she had to consider staff's comments as well.

Ms. Donovan advised that there was a concern if Council was considering awarding to a party that had not won the scoring process as outlined in the RFP

Mr. Townsend clarified that it did not matter how they communicated with Council as any solicitation by a proponent prior to the award in an attempt to impact the decision was not permitted. He indicated that there was some precedence in this area with other bids being disqualified for the same reason. Mr. Townsend expressed concern with the integrity of the process.

Councillor Rankin stated that he was not in favour of the motion and expressed concern that HRM would be exposing itself to litigation if Council did choose Harvey & MacKenzie Architects.

In response to concerns raised by several members of Council, Ms. Donovan advised that choosing Harvey & MacKenzie Architects would be creating a potential risk for the Municipality.

**MOTION DEFEATED.**

**MOVED BY Councillor Hendsbee, seconded by Councillor McCluskey, that Halifax Regional Council award Tender No. 10-173, North Preston Community Centre Expansion, to Sperry & Partners Architects for a Total Tender Price of \$182,709.07 (net HST included), with funding from Project No. CBX01141 - North Preston Community Centre Expansion, as outlined in the Budget Implications section of the report dated July 12, 2010. MOTION PUT AND PASSED.**

**11.1.2 Turner Drive Depot Salt Dome and Scales Purchase**

- A report dated July 13, 2010 was before Council.

**MOVED BY Councillor Smith, seconded by Councillor Wile, that Halifax Regional Council approve:**

- 1. the withdrawal of \$380,000 from Q310 - Service Improvement Reserve, in the form of a non repayable grant, to support the installation of a permanent salt dome at 11 Turner Drive;**
- 2. the withdrawal of \$450,000 from Q204 - Fleet and Equipment Reserve for the installation of 3 weigh scales, one each at Turner Drive, MacKintosh and Bayer's Lake;**
- 3. an increase to Project Account No. CBX01170 - HRM Depot Upgrades in the amount of \$830,000; as outlined in the Budget Implications section of the report dated July 13, 2010.**

A discussion on the motion ensued with staff responding to questions.

Deputy Mayor Johns expressed concern that this marked the first step in closing down the Oakmount Depot which services all of North West HRM; noting that well over 50,000 homes would be impacted by the change. He advised that he could not support the motion as he did not believe that there would be no service interruptions or impacts on the area.

Mr. Ken Reashor, Acting Director of Transportation and Public Works, advised that it had come to staff's attention that the Oakmount Depot salt dome was unsafe; stating



that the opportunity had arisen to move from the facility and, therefore, not spend \$120,000 on a facility which HRM does not own.

Ms. Cathie O'Toole, Director of Finance, stated that there had been an account to construct a new salt dome, however, it had been closed in light of funding other projects, therefore, the financial position of HRM did contribute to the delay of planning for a new salt dome.

In response to questions posed by Councillor Rankin, Mr. Reashor advised that staff had tested the drive times between the various locations and, as a result, it was their opinion that there would be no reduction in the level of service. He indicated that there would only be three trips to the salt dome within a 12 hour period. Mr. Reashor also stated that cost was also a major factor and that staff were trying to get out of leased space whenever possible.

Councillor Uteck expressed concern that staff knew in April 2010 that the Oakmount salt dome was unsafe and did not include the project in the budget.

Ms. O'Toole indicated that staff had known for quite awhile that this expenditure was coming, however, she was not pushing to have this project addressed during the budget process as she knew there were reserves available and felt it was wiser to address this project via reserves.

Mr. Reashor noted that staff believed the new salt dome could be ready by December 2010 or possibly by November.

Councillor Lund also expressed concern regarding travel time to the new salt dome.

Mr. Reashor advised that, when a storm is forecast, trucks are loaded with salt prior to peak traffic hour. He also stated that it could be arranged to have pre loaded trucks at Cobequid Centre if that was a concern.

Councillor Lund requested an itemized list of moving costs.

Councillor Outhit advised that he shared the same concerns as Deputy Mayor Johns until meeting with Mr. Reashor a few weeks prior; noting that he took comfort in the fact that staff would consider trucks at Cobequid Centre.

It was noted that Councillor Dalrymple and Councillor Harvey attended the above noted meeting as well.

Deputy Mayor Johns requested a recorded vote.

**MOTION PUT AND PASSED. (19 in favour, 3 against)**

Those voting in favour were Councillors Barkhouse, Blumenthal, Dalrymple, Fisher, Harvey, Hendsbee, Hum, Lund, McCluskey, Mosher, Nicoll, Outhit, Rankin, Sloane, Smith, Uteck, Walker, Watts, Wile.

Those voting against were Mayor Kelly, Deputy Mayor Johns and Councillor Adams.

Councillors Karsten and Streach were absent for the vote.

### **11.1.3 Government Wharf Road, Eastern Passage, District 8**

- A report dated July 23, 2010 was before Council.

**MOVED BY Councillor Barkhouse, seconded by Councillor McCluskey, that Halifax Regional Council approve the release of condition No. 2 under Recommendations as identified in the September 8, 2009 Council report (copy attached and identified in the Background section of the report dated July 23, 2010), with respect to the acceptance of Government Wharf Road, Eastern Passage, shown as Parcel XA on the attached Plan No. 07033002.**

A discussion on the motion ensued.

Mayor Kelly stated that this was a unique and long standing issue. He advised concerned Councillors that staff would be bringing forward a report regarding the issue of private roads in the near future.

### **MOTION PUT AND PASSED.**

### **11.1.4 Reserve Withdrawal from Q310 - Service Improvement Reserve - Expanded Capital Cost Contribution Program**

- A report dated July 22, 2010 was before Council.

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

- 1. Approve an increase to the gross Operating Budget Cost Centre C460 - Infrastructure Planning Office, in the amount of \$55,000, with funding from Q310 - Service Improvement Reserve, to cover the cost of a Capital Cost Contribution (CCC) study and implementation for Police, Fire and Recreation Services; and**
- 2. Approve a Sole Source proposal from Harry Kitchen and Enid Slack (in accordance with the Sole Source Policy attached) to develop a CCC study**

**for Police, Fire and Recreation Services, for an upper limit price of \$48,000, plus net HST.**

**MOTION PUT AND PASSED.**

**11.1.5 First Reading Proposed By-Law S-901, An Amendment to By-Law S-900, Respecting the Establishment of Controlled Access Streets - Washmill Lake Drive  
Motion - Councillor Wile - Move First Reading**

- A report dated July 20, 2010 was before Council.

**MOVED BY Councillor Wile, seconded by Councillor Smith, that Halifax Regional Council approve First Reading of the Controlled Access Streets By-Law S- 901 as shown in Attachment Two of the report dated July 20, 2010. MOTION PUT AND PASSED.**

**11.2 WESTERN REGION COMMUNITY COUNCIL**

**11.2.1 Upper Tantallon at the Crossroads**

- A report from Western Region Community Council dated July 26, 2010 was before Council.

**MOVED BY Councillor Lund, seconded by Councillor Rankin, that Halifax Regional Council request staff to prepare a report to initiate the process to consider amending the Municipal Planning Strategy and Land Use By-Law for Districts 1 and 3 (St. Margaret's Bay) to incorporate the recommendations of Community Forum III, "Vision to Reality", a concept plan for Upper Tantallon at the Crossroads.**

A discussion on the motion ensued with staff responding to questions.

Councillor Lund stated that the Regional Plan considers this area to be a commuter shed. He stated that residents had become concerned with clear cutting on a development and began their own visioning process three years ago.

As it was now 10:00 p.m., the following motion was placed:

**MOVED BY Councillor McCluskey, seconded by Councillor Fisher, that Halifax Regional Council complete the agenda. MOTION PUT AND PASSED.**

A vote was taken on the main motion:

**MOTION PUT AND PASSED.**

**12. MOTIONS**

**12.1 Councillor Uteck**

- An extract of Administrative Order One - Respecting the Procedures of Council was before Council.

**MOVED BY Councillor Uteck, seconded by Councillor Lund, to amend Administrative Order Number One, Respecting the Procedures of Council for In Camera meetings that would include the following:**

- 1. That a solicitor will remain in the room at all times**
- 2. No secret ballots will be allowed**

**and affirm sections 9(6) and 9(7) of Administrative Order One, related to minutes of In Camera meetings and ratification of motions in open Council, will apply.**

In response to a question posed by Councillor Mosher, Ms. Donovan clarified that it would be up to Council to decide whether having the Solicitor present at all times would apply to Community Councils as well. She added that, from an efficient administrative point of view, Solicitors were only present for Public Hearings.

**MOVED BY Councillor Uteck, seconded by Councillor Lund, that the motion be split and now be put. MOTION DEFEATED.**

A discussion on the motion ensued.

Councillor Sloane stated that there should be a Solicitor at Community Council meetings at all times as it was inefficient during Public Participation when a member of the public asked a question and the lawyer was not present. She indicated that secret ballots should be allowed as voting information has been leaked to the public and consensus voting protects individuals from such incidences.

Councillor Watts advised that she would support the motion regarding no secret ballots as her decisions were part of the public record.

Councillor Rankin agreed; noting that this was a fundamental concept which speaks to being fully transparent. He advised that Council always had the ability to wave the rules of order with a two thirds majority vote in extenuating circumstances.

Councillor Harvey stated that this motion would just be fixing something that was not broken as in his 21 years on Council there had only been one secret ballot vote.

Councillor Mosher stated, for the record, that qualified staff was present at the In Camera meeting in question.

As the motion was to be split, a recorded vote was taken on the first motion.

- 1. MOVED BY Councillor Uteck, seconded by Councillor Lund, that Halifax Regional Council amend Administrative Order Number One, Respecting the Procedures of Council for In Camera meetings that a solicitor will remain in the room at all times.**

**MOTION PUT AND PASSED. (19 in favour, 4 against)**

Those voting in favour were Mayor Kelly and Councillors Adams, Barkhouse, Blumenthal, Dalrymple, Fisher, Hendsbee, Hum, Lund, McCluskey, Nicoll, Outhit, Rankin, Sloane, Smith, Uteck, Walker, Watts, Wile.

Those voting against were Deputy Mayor Johns and Councillors Harvey, Karsten and Mosher.

Councillor Streach was absent for the vote.

A recorded vote was taken on the second motion:

- 2. MOVED BY Councillor Uteck, seconded by Councillor Lund, that Halifax Regional Council amend Administrative Order Number One, Respecting the Procedures of Council for In Camera meetings that no secret ballots be allowed.**

**MOTION DEFEATED. (10 in favour, 13 against)**

Those voting in favour were Councillors Barkhouse, Dalrymple, Hendsbee, Hum, Lund, Outhit, Rankin, Smith, Uteck, Watts.

Those voting against were Mayor Peter Kelly, Deputy Mayor Johns and Councillors Adams, Blumenthal, Fisher, Harvey, Karsten, McCluskey, Mosher, Nicoll, Sloane, Walker and Wile.

**12.2 Councillor Smith**

- An extract of Administrative Order One - Respecting the Procedures of Council was before Council.

Councillor Smith stated that his motion would prevent those who lose votes from attempting to delay decisions. He advised that, upon reviewing Roberts Rules of Order, the publication does not separate affirmative votes as Council does.

**MOVED BY Councillor Smith, seconded by Councillor Walker that, for a more effective and efficient Council, Administrative Order 1, Section 56 (2) be amended to include the statement, “after a motion has been decided, a member having voted with the prevailing side may move notice of motion of reconsideration before the adjournment of the meeting” as per Section 27 of Robert’s Rules of Order.**

A discussion on the motion ensued.

Councillor Adams advised that he would not be supporting the motion as he did not know why a member would wish to reconsider a motion they had won.

Councillor Hendsbee stated that he was also against the motion as it was a procedural paradox.

Councillor Blumenthal left the meeting at 10:35 p.m.

Councillor Smith pointed out that Council presently does not allow negative motions to be reconsidered.

**MOTION DEFEATED.**

### **13. ADDED ITEMS**

#### **13.1 Councillor McCluskey - Request for Report re: Founders Corner Condominium Development, Dartmouth**

**MOVED BY Councillor McCluskey, seconded by Councillor Fisher, that Halifax Regional Council request that staff provide a report to review the request by the current Developer-Owner of the Founders Corner Condominium Development in Dartmouth to have HRM consider selling a portion of the street Right-of-Ways for Ochterloney and Wentworth Streets to address issues of building encroachment.**

Councillor McCluskey stated that the potential sale was being requested in order to provide lands to the development to deal with building encroachments that were

discovered during recent legal survey work. She advised that future registration of this property under the Provincial Condominium Act was impacted by the current situation.

**MOTION PUT AND PASSED.**

**13.2 Recreation Service Review - Scope**

The following item was dealt with at the Committee of the Whole meeting held earlier in the day and was now before Council for ratification.

**MOVED BY Councillor Wile, seconded by Councillor Uteck, that Halifax Regional Council approve the scope of the Recreation Service Review to include:**

- 1. a review of the four (4) service areas in Recreation Services with respect to appropriate services and levels of service;**
- 2. that the review include an evaluation of costs, revenues, pricing, grants and subsidization; and**
- 3. that the review include an analysis of trends and across Canada market scan.**

**MOTION PUT AND PASSED.**

**13.3 Property Matter - Property Acquisition - St. Margaret's Bay**

The following item was dealt with at the In Camera meeting held earlier in the day and was now before Council for ratification.

Councillor Lund stated, for the record, that he did not find out until the week prior that this area was actually in Councillor Rankin's District.

**MOVED BY Councillor Lund, seconded by Councillor Rankin, that Halifax Regional Council:**

- 1. Approve the withdrawal of \$150,000 from the Parkland Acquisition Account (CPX01149), as HRM's contribution toward the purchase of Troop Island by the Nova Scotia Nature Trust (NSNT), under the condition that sufficient funds be generated by the St. Margaret's Bay Stewardship Association (SMBSA) through other funding partners, and that the respective Agreement of Purchase and Sale for the island's acquisition be executed, as outlined in the Budget Implications section of the private and confidential report dated August 3, 2010.**

2. **It is further recommended that the private and confidential report dated August 3, 2010 not be released to the public until the transaction is completed.**

**MOTION PUT AND PASSED.**

#### **13.4 Legal Matter - Citadel Appeal**

The following item was dealt with at the In Camera meeting held earlier in the day and was now before Council for ratification.

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

1. **Approve the filing of an application for leave to appeal to the Supreme Court of Canada the Federal Court of Appeal decision in respect of the Halifax Citadel.**
2. **It is further recommended that the private and confidential report dated August 4, 2010 not be released to the public.**

**MOTION PUT AND PASSED.**

#### **13.5 Councillor Dalrymple - Request for Report re: Transit Service**

Councillor Dalrymple advised that this was a time sensitive matter.

**MOVED BY Councillor Dalrymple, seconded by Councillor Wile, that Halifax Regional Council request a staff report regarding options to maintain current transit service for school children from the Woodbine Mobile Home Park to the Beaverbank Monarch Elementary School.**

Councillor Dalrymple expressed concern that the recent approved transit cuts included in the Five Year Urban Transit Plan would adversely effect 30 to 60 five to nine year old children in his District. He advised that the children lived approximately 2.2 to 2.7 kilometres away from Beaverbank Monarch Elementary School which was barely within the boundary and that the vast majority of these children did not get picked up by stock transportation. Councillor Dalrymple stated that this issue had only been brought to his attention recently and expressed concern that these children would be forced to walk to school along the 80 kilometre an hour Beaverbank Road which was not safe. He also indicated that 12 years ago this service was provided by a local community transit bus route and when it was given up Metro Transit had taken the route over as a community



courtesy service. In closing, he stated that this cut was done with no advance notice to the community.

Deputy Johns expressed concern that the children would also be forced to travel to school via Duck Lake where a child had drowned on their way to school and requested that this matter be included in the report. He also requested to know why community transit could suddenly cut service.

**MOTION PUT AND PASSED.**

**13.6 Councillor Rankin - Request to Add Information Item 2 to the Agenda**

**MOVED BY Councillor Rankin, seconded by Councillor McCluskey, that this item be deferred to the September 14, 2010 Regional Council meeting. MOTION PUT AND PASSED.**

**14. NOTICES OF MOTION**

**14.1 Deputy Mayor Johns**

Take notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday, August 17, 2010, I intend to introduce a motion to rescind the August 3, 2010 decision of Council regarding agenda item 8.1 Governance and Boundary Committee; regarding the size of Halifax Regional Council, with the objective of rescinding the decision of maintaining the status quo of 23 Councillors and Mayor.

**14.2 Councillor Rankin**

Take notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday, August 17, 2010, I intend to introduce a motion that Council approve a letter from the Mayor to the Province asking that the Public Highways Act be amended to enable the Minister of Transportation and Infrastructure Renewal to delegate the regulation of highway signs within HRM in certain circumstances.

**15. ADJOURNMENT**

The meeting adjourned at 10:52 p.m.

Cathy Mellett  
Municipal Clerk

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**INFORMATION ITEMS**  
**August 10, 2010**

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1. Proclamation - Taoist Tai Chi Awareness Day - August 14, 2010
2. Memorandum from Director, Finance dated August 5, 2010  
re: Fourth Quarter 2009 / 2010 Financial Report
3. Memorandum from the Municipal Clerk dated August 6, 2010  
re: Requests for Presentation to Council - Khyber Arts Society re: 1588  
Barrington Street