

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES

November 23, 2010

PRESENT:

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

REGRETS:

Councillor Brad Johns

STAFF:

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

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1. INVOCATION

The Mayor called the meeting to order at 2:14 p.m. with the Invocation being led by Councillor Walker.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane expressed her appreciation to everyone involved in the successful Parade of Lights. She advised that over 90,000 people were in attendance. She stated that the Annual Tree Lighting will take place at Grand Parade on Saturday, November 27th with events starting at 5:00 p.m.

Councillor Adams advised that the Spryfield Santa Claus Parade will begin at 2:00 p.m. on Punch Bowl Drive ending at the Spryfield Lions Rink on Sunday, November 28th.

Councillor Rankin, on behalf of Council, expressed congratulations to Recreation Nova Scotia on the occasion of the Bluenose Awards, with a group from the HRM Prospect Community Centre being recognized for exemplary service.

Councillor Mosher requested a letter of appreciation be sent to the Honourable Bill Etabrooks, Minister of Transportation & Infrastructure Management, thanking him for the amendments to the Motor Vehicle Act Bill 93 regarding bike right of ways. She added that Ms. Elizabeth Pugh has been appointed as the representative from the Province to the Active Transportation Committee.

Councillor Mosher advised that the Spryfield Mall Resource Centre will be holding the Sally Book Club, Family Learning initiative, every two weeks at 328 Herring Cove Road. She stated that everyone is welcome.

Councillor Barkhouse stated that the Eastern Passage/Cow Bay Christmas Tree Lighting will be held at Quigley's Corner on Saturday, November 27th. She advised that the 1 km and 5 km Jingle Bell Run will be held on December 5th with registration to begin at 11:30 a.m.

Councillor Hendsbee noted that on Saturday, November 27th Good Shepard Church will hold its Annual Supper. He added that on Sunday, November 28th the Porters Lake Community Christmas Tree Lighting and NS Power's light exchange will be taking place.

Councillor Dalrymple advised that the RCMP Town Hall meeting will be held at the Fall River Recreation Centre on November 25th. He added that on Sunday, November 28th, the Christmas Parade will take place beginning at the Fall River Lions Club at 1:00 p.m. He noted that the Beaver Bank Lions Parade of Lights will take place on Sunday, November 28th at 1:00 p.m.

Councillor Nicoll stated that the HRM Solar Energy Program will host a meeting at Cole Harbour Place on Thursday, November 25th.

Councillor Lund advised that the St. Lukes Players Annual Christmas performance of Timeless Classic will take place on November 28th at 7:30 p.m. He advised that a Christmas Craft Fair will be held on Saturday, November 27th. The Annual Christmas Tree Lighting will take place on Saturday, November 27th. He stated that the RCMP Town Hall Meeting will take place on December 1st at the St. Margaret's Bay Centre.

Councillor Blumenthal advised that the Lighting of the Menorah, in celebration of Hanukkah, will be taking place on Wednesday, December 1st at 6:00 p.m. in Grand Parade.

Councillor Harvey advised that the HRM Solar Energy Program meeting will be held at the Sackville Sports Stadium on Sunday, November 28th. He expressed congratulations to the Sackville Sports Stadium on its 20th Anniversary.

Councillor Walker, on behalf of the Union of Nova Scotia Municipalities presented Service Plaques to two members of Regional Council:
Councillor Steve Streach for 11 years of service.
Councillor Linda Mosher for 10 years of service.

3. APPROVAL OF MINUTES – November 2 & 9, 2010

MOVED by Councillor Nicoll , seconded by Councillor Sloane, that the minutes of November 2 & 9, 2010 be approved as presented. MOTION PUT AND PASSED.

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

Additions:

12.1 Legal Matter – Settlement of Claim

12.2 Budget Update – Corporate Planning and Financial Outlook

MOVED by Councillor Walker, seconded by Councillor Sloane, 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 –NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

Councillor Barkhouse submitted a petition on behalf of 244 people of Eastern Passage and Shearwater to stop the rezoning of the Armco owned site bordering Hines Road and Howard Avenue.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 64-66 Lakecrest Drive, Dartmouth – Postponement of Buy-Back Agreement

A report dated November 10, 2010 was before Council.

MOVED by Councillor Fisher, seconded by Councillor McCluskey that Halifax Regional Council approve the postponement of the Buy-Back Agreement for the subject property in favour of a first mortgage from the iNova Credit Union not to exceed 75 percent of the appraised value of the property. MOTION PUT AND PASSED.

10.1.2 Proposed Amendments to Administrative Order 28, Respecting the Creation of the Peninsula Community Council, and Amendments to the District 12 Planning Advisory Committee Terms of Reference Motion – Councillor Sloane – Approve Admin. Order 28

A report dated October 25, 2010 was before Council.

MOVED by Councillor Sloane, seconded by Deputy Mayor Smith, that Halifax Regional Council approve:

- 1. Proposed amendments to Administrative Order 28, as outlined in Attachment “A” of the October 25, 2010 staff report, to designate Halifax Regional Council as the sole decision making body for amendments to the Downtown Halifax Land Use By-law and on appeals of site plan approvals in the Downtown Halifax Plan area.**
- 2. Proposed amendments to the District 12 Planning Advisory Committee Terms of Reference, as contained in Attachment “B” of the October 25, 2010 staff report, so that the Design Review Committee and the Heritage Advisory Committee become the only two committees making**

recommendations to Regional Council on planning matters affecting the Downtown Halifax plan area, and

- 3. Further, direct staff to forward the reports and draft agreements for the two remaining grandfathered development agreement applications within the downtown Halifax plan area to the District 12 Planning Advisory Committee for review and recommendation.**

Councillor Sloane advised that at the November 22nd District 12 Planning Advisory Committee, Committee members advised that they were not aware that this report was being presented to Regional Council. Committee members expressed concern that their role would be diminished.

MOTION PUT AND PASSED.

10.1.3 Proposed Amendments to the Municipal Elections Act

A report dated November 12, 2010 was before Council.

MOVED by Deputy Mayor Smith, seconded by Councillor Karsten, that that Halifax Regional Council approve that the recommended amendments to the *Municipal Elections Act* as contained in the report dated November 12, 2010 be forwarded to the Province of Nova Scotia for consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Wile that the amendment include the word 'telephone' as well as 'electronic' voting.

Ms. Cathy Mellett, Municipal Clerk, clarified that telephone voting was included in the mandate.

AMENDMENT TO MOTION PUT AND PASSED.

The motion now reads:

MOVED by Deputy Mayor Smith, seconded by Councillor Karsten, that that Halifax Regional Council approve that the recommended amendments, including telephone voting, to the *Municipal Elections Act* as contained in the report dated November 12, 2010 be forwarded to the Province of Nova Scotia for consideration.

Ms. Mellett, in response to concerns raised by Councillor Wile and Councillor Watts, advised that persons with disabilities and seniors have better access to voting due to the implementation of telephone/electronic voting, as they can vote from their home.

MOTION PUT AND PASSED.

10.2 MEMBERS OF COUNCIL

10.2.1 Councillor Uteck – Request for Report and Analysis of HRM Smart Car Program

MOVED by Councillor Uteck, seconded by Councillor Hendsbee, that Halifax Regional Council request a staff report with an analysis of the HRM Smart Car Program, the use, how it is being monitored and what changes are to come and further that the report include a direct comparison to the Car Share program that is being used by the universities, hospitals and provincial governments to see if there are any synergies or if Halifax Car Share can do a better job for HRM rather than our current in house system. MOTION PUT AND PASSED.

10.2.2 Councillor Mosher – Request for Report re: Roundabouts – Aesthetics and Design

MOVED by Councillor Mosher, seconded by Councillor Sloane that Halifax Regional Council request an update regarding:

- 1. The status of roundabouts including an update on roundabout policy and design guidelines and in particular an overview of the use of landscaping and public art.**
- 2. The Armdale Rotary and development of landscaping and/or public art features. The update to include an overview of the viewplanes, technical considerations of the site, and proposed methods on engaging the public in the project.**

Councillor Mosher stated that it is appropriate to work on the policy and design aspect while the view plane study is being done. She added that the Armdale Rotary project included extensive construction and was a multi-million dollar project. She stated that the goal is to have roundabouts integrated into the surrounding communities.

Councillor Watts expressed concern regarding this plan moving forward before the budget discussions.

MOTION PUT AND PASSED.

11. MOTIONS

11.1 Councillor Dalrymple

MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee that Regional Council put \$50,000 towards the overall water installation project in Monarch/Rivendale Subdivisions of Beaver Bank.

Councillor Dalrymple advised that at the last Regional Council meeting \$50,000 of funding was approved for residents of Giles Road. He added that the water issue in Monarch/Rivendale was an issue of no water and was a situation that was beyond residents' control. He stated that there are different ways of looking at fairness, however if you provide \$50,000 to one area you must contribute to another.

Councillor Dalrymple stated that up until this year HRM did not have the mandate to do hydrogeological testing, however this past summer the Province granted permission for testing for ground water supplies.

MOVED by Councillor Walker, seconded by Councillor Sloane, that Halifax Regional Council refer this matter to staff for a report regarding funding of \$50,000 towards the overall water installation project in Monarch/Rivendale Subdivisions of Beaver Bank.

Councillor Outhit clarified that HRM is paying 1/3 of the cost for Giles Road residents to get water; however, this is a temporary fix. He added that Giles Road residents will be paying through Local Improvement Charges for a permanent Halifax Water supply.

Councillor Hum added that many residents in her area have had their water impacted due to development.

Councillor Watts stated that the Developer's responsibilities should be considered in this matter.

MOTION TO REFER PUT AND DEFEATED.

Deputy Mayor Smith clarified that the Giles Road water issues were brought forward to Council because the homes had not been included in the blast zone.

Councillor Karsten requested clarification from Ms. Mary Ellen Donovan, Municipal Solicitor, with regard to possible liability associated with the water issues at the Monarch/Rivendale area. Ms. Donovan advised Council that HRM has no responsibility with respect to what happened to the water supply at Monarch/Rivendale.

MOTION PUT AND PASSED.

12. ADDED ITEMS

12.1 Legal Matter – Settlement of Claim

This item was addressed at a previous In Camera session and was now before Regional Council for ratification

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

1. **Settle this claim brought by the Plaintiff in the amount of \$16,333.00, to achieve a full and final settlement of the plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of this incident on November 15, 2005, and**
2. **Not release the Private and Confidential staff report dated November 9, 2010 to the public.**

MOTION PUT AND PASSED.

12.2 Budget Update – Corporate Planning & Financial Outlook

This item was addressed at a previous Committee of the Whole session and was now before Regional Council for ratification.

MOVED by Councillor Karsten, seconded by Councillor Walker, that Halifax Regional Council approve:

1. **That the Budget Update presentation be deferred to the Council session of December 13 & 14, 2010 for discussion and debate;**
2. **That any Member of Council with suggestions forward them to staff to research and bring forth to the December 13 & 14, 2010 meeting;**
3. **That on the meeting of 13 & 14 of December, 2010, staff be prepared to show Council the impact to the tax rate if items are added or removed.**

MOTION PUT AND PASSED.

13. NOTICES OF MOTION

13.1 Councillor Smith

Take Notice that at the next meeting of Regional Council, I intend to introduce a motion that the Halifax Regional Municipality reimburse the damage costs for residents on Country Road who sustained water damage due to contractor blasting and who were not covered by insurance due to being outside the blast zone.

13.2 Councillor Hum

Take Notice that at the next meeting of Regional Council, I intend to introduce a motion requesting a staff report on financial assistance to residents of Fernleigh Park, Princess Lodge, and Dublin Drive who sustained water damage due to developments, plus

financial assistance to Kearney Lake Road residents whose water supply was impacted due to developments.

14. ADJOURNMENT

The meeting was adjourned at 3:24 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS

1. Memorandum from the Municipal Clerk dated November 19, 2010
re: Requests for Presentation to Council – Nestle Waters Canada re: Public
Spaces Recycling