

HALIFAX REGIONAL COUNCIL
MINUTES

March 8, 2011

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
Stephen Adams
Robert Harvey
Tim Outhit
Reg Rankin
Peter Lund

REGRETS:

Councillors: Linda Mosher
Brad Johns

STAFF:

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

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1. INVOCATION

The Mayor called the meeting to order at 3:28 p.m. with the Invocation being led by Councillor Nicoll.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane noted the following events:

- Today, March 8, 2011 is the 100th Anniversary of International Women's Day.
- the St. Patrick's Church Restoration Society's 4th annual St. Patrick's Day Parade and Irish Stew Lunch to be held Saturday, March 12th.
- Session 5 of the Urban Farm information sessions to be held on Wednesday, March 9th at 5:30 to 8:30 p.m. in the Ballroom of the Bethune Building, Victoria General Hospital site.

Councillor Blumenthal announced the following dates for the Metro Transit and IBI Group Public Consultation Sessions as part of its Universal Accessibility Planning Study: Wednesday, March 9th at the Saint Andrews Community Centre at 3:30 p.m. and 7:00 p.m. and on Thursday, March 10th at the Dartmouth North Community Centre at 3:00 p.m. and 7:00 p.m. He also thanked Mr. John Blanchard and families for keeping the North End Rink open which is now closed for the season. He wished everyone a Happy Pancake Day (Shrove Tuesday).

Councillor Barkhouse provided a brief history of International Women's Day, held each year on March 8th, and wished everyone a Happy Women's Day.

Councillor Watts announced a free conference, IMAGINE, starting March 10th at the Dalhousie Planning School organized by the students in regard to long term planning with guest speakers from across the country.

Councillor Adams announced the following community events:

- Public Information Meeting on Wednesday, March 9th at the William King Elementary School, Herring Cove, hosted by Valerium Developments in regard to a proposed development in Herring Cove.
- Thursday, March 10th at 6:30 p.m. a meeting at the Harrietsfield Recreation Centre to discuss possible paving projects in the Harrietsfield/Williamswood area.
- Monday, March 14th at the Sambro School a public information meeting on paving options outside the HRM Core in regard to costs/benefits.
- Sunday, March 13th from 12:15 to 2:15 all are invited to the Public Skate at the Lions Rink in Spryfield.

Councillor Hum announced a Benefit Dinner, Dance and Auction to be held at the Greek Orthodox Church on Purcell's Cove Road on Saturday, March 12th, hosted by the

Halifax Dunbrack Soccer Club, in support of a dedicated Youth Coach who recently suffered a stroke.

Councillor Hendsbee announced the following events:

- Saturday, March 12th the North Preston Community will be hosting an appreciation celebration for Canada Games Gold Medalist - Jason Downey.
- Saturday, March 12th a Benefit and Silent Auction to held at the Lake Echo Community Centre at 8:00 p.m. in support of a gentleman suffering from Lyme's Disease.

Councillor Lund announced a citizen sponsored Public Information Meeting on Wednesday, March 9th at the Bay Road Fire Station in Lewis Lake to determine if there is community interest in taking over the fire station once fire services moves to the new Tantallon Fire Station.

Deputy Mayor Smith announced a public information meeting to be held on Thursday, March 10th at the North Dartmouth Community Centre in regard to the Metro Transit Universal Accessibility Planning consultation process.

Councillor Fisher announced a Public Information Meeting to be held at the Fairbanks Centre on Thursday, March 10th from 7:00 – 9:00 p.m. to discuss the future service garage at Shubie Park.

3. APPROVAL OF MINUTES – NONE

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

Additions:

- 13.1 Property Matter: Lease Amendments – MGL Consulting and Investments Ltd.
 - 13.2 Personnel Matter: Councillor Appointment to the Halifax Water Commission
 - 13.3 Personnel Matter: Halifax Regional Fire Recruitment
- Item 9 Councillor Rankin - Motion.

Item 9 to be dealt with first on the agenda.

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

Council agreed, during the approval of the agenda, to deal with Item 9 at this time.

9. PUBLIC HEARING

MOVED by Councillor Rankin, seconded by Councillor Lund that any further consideration of By-law S-607 be discontinued and that the process of adopting

By-law S-607 be abandoned and in its place, during 2011-2012, staff be encouraged to undertake additional education efforts, together with a consultative public engagement, on shaping the ongoing evolution of the HRM's Solid Waste Strategy.

Councillor Rankin explained that, after hearing from a number of constituents, there is a lot of controversy and misunderstanding in regard to this issue. Many feel there has not been sufficient consultation with groups such as the commercial sector and the Community Monitoring Committee. The intent of the motion is to provide a pause so that the public can engage staff as to what are the proposals. Council has not seen all the details in regard to the cost implications for Otter Lake and the possible amendments to all the infrastructure. Undertaking more educational efforts now, and consultation as to what should be the appropriate amendments to the strategy, would be the best strategy. The public hearing would not necessarily move the strategy forward, therefore; he requested that in 2011/12 greater consensus among the constituency be gained as to what is the best approach to the strategy.

Councillor Streach noted that although the motion was suggesting something different from the normal By-Law amendment process, he was in support of the motion as the intent is to educate rather than legislate. Councillors have heard that people are confused, feel that their voices have not been heard, and that they have not been consulted. More detail is required. HRM has been a leader in solid waste diversion for years and to do something just because others are doing it is not sufficient reason.

Councillor Sloane explained that she was in support of more communication and education, however; she expressed concern with the fact that the public had been advised to come to City Hall at 6:00 p.m. this evening to provide comment.

Mayor Kelly clarified that if the motion were to pass, a Press Release and Public Service Announcement would be released immediately.

Councillor Hum advised that she was not in support of the motion as the public hearing is about hearing from the public. Hearing comments from the public would assist Council in making their decision which may or may not be made this evening. A presentation by staff would also permit more accurate debate. Council could include, as part of their recommendation, that stakeholders be contacted for input. Not going forward with the public hearing would be taking away that democratic right.

Councillor Dalrymple advised that he is a member of the Environment and Sustainability Standing Committee and has had issues with this matter coming forward so quickly without more consultation and reports. He was in support of the motion as taking one year for further education and consultation with the public would be a more transparent approach.

Councillor McCluskey commented that people have been kept waiting and Council should go ahead with the public hearing.

In response to a question of clarification by Councillor Harvey, Councillor Rankin advised that the intent of the motion is to have the matter before Council at the end of the fiscal year 2011/12.

Councillor Harvey noted that this motion was not without precedent as a similar motion came forward just prior to a public hearing on Smoke Free Public Places. He noted that a lot of time would be required for education.

Councillor Watts advised that she was not in support of the motion as the educational component could happen with the presentation and responding comments this evening. The result of the public hearing is not known at this point and it is possible that some of the recommendations may go forward. There are budget implications wherein HRM needs to reduce its cost and due diligence should be given to this process

Councillor Karsten advised that he was in support of the motion as the residents he has spoken with are averse to moving forward with clear bags. What HRM is trying to achieve is not achievable by upsetting people. Many people still do not see the full picture and he assumed part of the responsibility for this lack of understanding as he was Chair of the former Solid Waste Resource Advisory Committee for three years and could have requested that staff do more in regard to the education aspect. He noted that there is more work to do prior to moving forward with a public hearing.

Councillor Uteck commented that it is regrettable that the proposed By-Law has come this far as, according to her research, the financial merits of the proposal are flawed. She noted that she was in support of the motion.

Councillor Outhit advised that he was in support of the motion as education, communication and consultation should be done before the public hearing. He suggested that an ad could have been placed outlining what was being proposed, and why, including the costs. He encouraged HRM to do better at educating / communicating with the public.

Councillor Nicoll advised that she is a member of the Environment and Sustainability Standing Committee and that the proposed amendments were never intended to tell residents what to do; the intent was to educate the public on what to do and how to do it. She suggested going ahead with the public hearing and placing a motion for more education/consultation with the public following the public hearing.

Councillor Blumenthal advised that, other than cancelling the public hearing, he was in support of the motion. From the number of e-mails received from the commercial sector, it is clear that more work has to be done in regard to educating the public.

Councillor Barkhouse expressed concern with the current process as she now knows how half of Council plans to vote before the public hearing is held.

Councillor Lund expressed concern that the proposed By-Law amendments have been progressing too quickly. He advised that he is a former Chair of the Solid Waste Resource Advisory Committee who brought the issue forward in December 2010; however, since that time he has done more research and now has more concerns. He expressed concern with wasting the public's time by holding a public hearing without obtaining more information. Councillor Lund advised that he was in support of the motion.

Councillor Wile advised that she was in support of the motion as she has over 150 apartment buildings in her district and has been inundated with e-mails from the residents requesting clarification on the proposed amendments. Consultation and clarification of the issues with the public must be done before a public hearing not after.

Councillor Hum commented that Council should stand on principle and transparency and proceed with the public hearing as there is much information to be gained from the public hearing process. She advised that she was not in support of the motion although there is a need for more public consultation and education.

Councillor McCluskey advised that she was in support of the motion although it was unfortunate that it has been let go for so long as the issue has caused stress for many people.

In response to a request for clarification from Deputy Mayor Smith on whether Council could go forward with the proposed motion, Ms. Mary Ellen Donovan, Municipal Solicitor, advised that Council may terminate the process at this time.

Deputy Mayor Smith advised that the public hearing should go forward as there has been a lot of misinformation circulating that would be clarified, also, he wanted to hear from the residents. Standing on principle, he was in support of going forward with the public hearing and expressed concern that by not moving forward the issue would be lost.

Councillor Lund noted that HRM has the highest diversion rate in Nova Scotia and there is no reason to rush into a decision that may be wrong financially nor in the best interest of the residents.

Councillor Watts requested a recorded vote on this matter.

MOTION PUT AND PASSED.

Deputy Mayor Smith clarified that he had intended to vote No not Yes.

Councillor Barkhouse clarified that she had intended to vote No not Yes.

Those voting in favour of the motion were Councillors: Steve Adams, Jerry Blumenthal, Barry Dalrymple, Bill Karsten, Mayor Peter Kelly, Peter Lund, Gloria McCluskey, Tim Outhit, Reg Rankin, Steve Streach, Sue Uteck, Russell Walker and Mary Wile.

Those voting against the motion were Councillors: Jackie Barkhouse, Darren Fisher, Robert Harvey, David Hendsbee, Debbie Hum, Lorelei Nicoll, Dawn Sloane, Deputy Mayor Jim Smith and Jennifer Watts.

Those absent for the vote were Councillors: Brad Johns and Linda Mosher.

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. **PUBLIC HEARINGS**

This item was dealt with earlier in the meeting. See page 4.

- 9.1 **Proposed By-Law S-607, An Amendment to By-Law S-600, Respecting Solid Waste Resource Collection and Disposal – Diversion Opportunities**

This item was deleted from the agenda as per the motion recorded for Item 9. See Item 9, page 4.

10. **CORRESPONDENCE, PETITIONS & DELEGATIONS - NONE**
11. **REPORTS**
 - 11.1 **CHIEF ADMINISTRATIVE OFFICER**
 - 11.1.1 **Case 16655: Amendments to Increase the Height Allowances on the CBC Radio Site, Halifax**

A report dated February 14, 2011 was before Council.

Mr. Richard Harvey, Planner, presented the staff report then responded to questions of clarification from Members of Council.

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

1. **Authorize staff to initiate a process to consider amending the Regional Municipal Planning Strategy, the Halifax Municipal Planning Strategy, the Downtown Halifax Secondary Municipal Planning Strategy, and the Downtown Halifax Land Use By-Law to increase the Maximum Post-bonus Height on the south-east corner of South Park and Sackville Streets, to allow a mixed-use development that includes a new YMCA facility; and**
2. **Direct staff to follow the public participation program approved by Council in February 1997.**

Councillor Harvey expressed caution as the request is a substantial change amending no fewer than four documents. He noted that Policy 89 was too elastic as many other things may come to Council under this policy. There are aspects of the proposed design that are good, however; the height is too high. HRMbyDesign addressed the height issues and Council did make an exception for the proposed Convention Centre which is perhaps being done too often.

Councillor Lund noted that the proposal was following HRMbyDesign principles as the proposed development is a step down design with 49 meters going down to 23 meters at the Bell Road street level. The design principles with set back for increased height at street level are being met.

In response to a question by Councillor Lund, Mr. Harvey advised that the amendments are not that substantial, however; he could not provide a timeframe for those amendments as they would involve public consultation and analysis.

Councillor Watts noted that there were two other outstanding items, the Roy Building and the Discovery Building that were grandfathered or not included in HRMbyDesign. There had been a lengthy public process in regard to HRMbyDesign and the public think they understand the overall plan intent and then significant locations have changes that would impact what was understood to be in the public good and can potentially be allowed. There is no clarity in regard to the interpretation of impact and the benefits and how that is viewed. She questioned whether the public feels that this amendment would be a substantial public benefit but the public hearing would allow for this voice to come forward. She requested more clarity in regard to Parks Canada and whether they had expressed any concern with the proposed amendments.

In response to a question by Councillor Watts, Mr. Harvey explained that the YMCA made contact with Parks Canada in regard to this matter and Parks Canada has been in communication with HRM. Parks Canada has expressed some concern in regard to possible impact on the citadel.

Councillor Hendsbee advised that he was in support of the motion, however; he questioned the absence of reference to the viewplanes surrounding the Citadel.

In response to a question by Councillor Uteck, Mayor Kelly advised that the issue of the disputed value of Citadel Hill between Parks Canada and HRM is in the process of going to the Supreme Court.

Councillor Sloane noted that over the last few years the YMCA and CBC have worked on the proposal and consulted with the public. Some people will be upset with this which is why the public participation process is extremely important. She encouraged staff to review the former mandate of Band A, the area of special height restrictions, and the viewplanes.

MOTION PUT AND PASSED.

In response to a question by Mayor Kelly in regard to whether Council wished to continue meeting beyond 4:30 p.m. it was **MOVED by Councillor Nicoll, seconded by Councillor Uteck that the Council meeting continue beyond 4:30 p.m. in order to complete the current agenda. MOTION PUT AND PASSED.**

11.1.2 Case 16570: Regulating Quonset Huts in Residential areas, Cole Harbour/Westphal

A staff report dated February 11, 2011 was before Council.

MOVED by Councillor Nicoll, seconded by Councillor McCluskey that Halifax Regional Council:

- 1. Initiate the process to consider amending the Cole Harbour/Westphal Municipal Planning Strategy and Land Use By-Law in order to regulate the external appearance of detached Quonset huts as well as Quonset huts that are attached to a main building, within residential zones serviced with municipal sewer or water; and**
- 2. Direct staff to follow the public participation program approved by Council in February 1997.**

MOTION PUT AND PASSED.

11.1.3 Green Municipal Fund Financial Support for the Four Pad Arena

A staff report dated March 1, 2011 was before Council.

MOVED by Councillor Outhit, seconded by Councillor Karsten that Halifax Regional Council:

- 1. Authorize the Mayor and Municipal Clerk to sign the Combined Loan and Grant Agreement between the Halifax Regional Municipality, the Nova**

Scotia Municipal Finance Corporation and the Federation of Canadian Municipalities; and

2. **Authorize the Mayor and Municipal Clerk to issue a debenture in the form set out in Schedule I to the FCM Loan and Grant Agreement, in the amount of \$4M, to the NS Municipal Finance Corporation repayable in instalments over a term of 20 years at the interest rate as determined by Section 2.07 of the Agreement.**

MOTION PUT AND PASSED.

11.1.4 Interim Award Policy – Proposed Amendments to Administrative Order 35 Respecting the Procurement Policy

A copy of the February 10, 2011 Audit and Finance Standing Committee report was before Council.

A copy of the February 10, 2011 staff report was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Karsten that Halifax Regional Council approve amendments to Administrative Order 35, the purpose of which is to amend Section 9, Award of Contracts as follows:

1.
 - a) That the Interim Award Policy only be in effect during the Regional Council Summer and December Holiday breaks by eliminating the following wording from Subsection 5: *“...and for occasions when a regular Regional Council meeting has been cancelled or the regular schedule creates more than eight (8) business days between Council meetings,“* to read as follows:
 - 5) During the summer (July – September) and the December Holiday break periods, the CAO or his/her designate, may approve the award of contracts under the following conditions....”
 - b) Modify the budget program/conditions to ensure purchases are within scope by adding *“and within scope”* to Subsection 5(a) to read as follows:
(5) (a) “Where the funds and program have been approved by the Halifax Regional Council as part of the annual business planning and budget process and the expenditure will not result in an over expenditure of the entire budget and is within scope.”
2. **Further, it is recommended that Halifax Regional Council consider Interim Award Authority for projects on a case by case basis.**

Councillor Watts requested that the Policy be further amended in reference to “his designate” to read “his/her designate”.

MOTION PUT AND PASSED.

11.2 MEMBERS OF COUNCIL

11.2.1 Councillor Watts

MOVED by Councillor Watts, seconded by Councillor Sloane that Halifax Regional Council request a staff report outlining the process of rules and regulations concerning meetings between Councillors and proponents of projects, community and interest groups and HRM staff. MOTION PUT AND PASSED.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Property Matter: Lease Amendments – MGL Consulting and Investments Ltd.

This matter was dealt with at an earlier In Camera meeting and was before Council for ratification.

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

- 1. Approve the Amendments, as summarized in the private and confidential report dated February 1, 2011, to the Lease dated July 19, 1988, between the Halifax Regional Municipality and MGL Consulting and Investments Limited.**
- 2. That the private and confidential report dated February 1, 2011 be released.**

MOTION PUT AND PASSED.

13.2 Personnel Matter: Councillor Appointment to the Halifax Water Commission

This matter was dealt with at an earlier In Camera meeting and was before Council for ratification.

MOVED by Councillor Nicoll, seconded by Councillor Karsten that Halifax Regional Council appoint Councillor Hum as an HRM Councillor representative to the Board of the Halifax Water Commission for a term from April 1, 2011 to March 31, 2013. MOTION PUT AND PASSED.

13.3 Personnel Matter: Halifax Regional Fire Recruitment

This matter was dealt with at an earlier In Camera meeting and was before Council for ratification.

MOVED by Councillor Dalrymple, seconded by Deputy Mayor Smith that Halifax Regional Council direct staff to return to Council in six (6) months to present the new recruitment process that is inclusive of the principles as outlined in the In Camera presentation of March 8, 2011. MOTION PUT AND PASSED.

14. NOTICES OF MOTION - NONE

15. ADJOURNMENT

The meeting was adjourned at 4:47 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS
March 8, 2011

1. **Memorandum from Director, Community Development dated September 7, 2010 re: Heritage Impact Assessment of Visitors Information Centres Closures.**
2. **Memorandum from the Municipal Clerk dated March 4, 2011 re: Requests for Presentation to Council - None**