

HALIFAX REGIONAL COUNCIL  
MINUTES

June 21, 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  
Linda Mosher  
Stephen Adams  
Brad Johns  
Robert Harvey  
Tim Outhit  
Reg Rankin  
Peter Lund

STAFF:

Mr. Richard Butts, Chief Administrative Officer  
Mr. Mike Labrecque, Deputy Chief Administrative Officer  
Mr. Martin Ward, Acting Municipal Solicitor  
Ms. Cathy Mellett, Municipal Clerk  
Ms. Sherryl Murphy, Acting Municipal Clerk  
Ms. Shawnee Gregory, Legislative Assistant  
Ms. Jennifer Weagle, Legislative Assistant

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## **1. INVOCATION**

Mayor Kelly called the meeting to order at 3:04 p.m. with the Invocation being led by Councillor Rankin.

## **2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor Sloane thanked Mayor Kelly and the volunteers who attended the Uniacke Square Beautification Day. She reminded residents of the Mawio'mi PowWow being held on the Halifax Common from July 1 - 3, 2011.

Councillor Wile indicated that the final crime prevention series meeting would be held at the Canada Games Centre on June 22, 2011.

Councillor Hendsbee congratulated the Boston Bruins on winning the Stanley Cup and requested that Mayor Kelly send a letter to Halifax native, Mr. Brad Marchand. He announced that a Marine Drive Valley and Canal Community Council meeting would be held on June 22, 2011 and that on June 25, 2011 the Orenda Canoe Club would be hosting a free paddling day.

Councillor Blumenthal announced that the Imagine Bloomfield annual general meeting would be held on June 22, 2011 and the Ward 5 annual general meeting on June 27, 2011.

Councillor Mosher thanked the following for taking part in the grand opening of the Chain of Lakes Trail: sponsors J & M Murphy Petrocan - Joseph Howe Drive, Superstore - Joseph Howe Drive, Shoppers Drug Mart - Joseph Howe Drive, Bulk Barn - Joseph Howe Drive, Ms. Olga Milosevich from CBC who was master of ceremonies, band members Mr. Mark DeWolf and Mr. Ron Fitzgerald, organizing committee members Mr. Peter Driscoll, Mr. Joseph Faddoul, Ms. Joan MacKinnon, Mr. Oliver Berrigan and Ms. Madeline Berrigan, and Senator Fred Dickson, MLA Graham Steele, Mayor Peter Kelly and Councillors Watts, Hum, Walker, Wile and Adams. Councillor Mosher also thanked Public Works staff for clean up of garbage, debris and graffiti; especially Mr. Don Pellerine for working with Halifax Regional Police to make three subsequent graffiti – related arrests on the Trail at the Northwest Arm Drive provincial highway underpass.

Councillor Adams thanked Mayor Kelly, Councillor Mosher and members of the community team who helped plant flower beds at the intersection of North West Arm Drive and Old Sambro Road. He also announced that the grand opening of the new Herring Cove fire hall would take place on June 25, 2011.

Councillor Watts stated that a public information meeting regarding the rezoning of a property on the corner of Oxford and Oak Streets would be held on June 22, 2011 at the HRM Planning Offices and that an Affordable Housing Seminar would be held on June 27, 2011. She also congratulated all graduates.

Councillor McCluskey announced that a Summer Special Household Hazardous Waste Drop off Day would be held on June 25, 2011.

Councillor Dalrymple announced that the Beaverbank Kinsac Community Centre Board would be hosting their annual general meeting on June 23, 2011 and advised that the tender bids for building the new community centre had opened the week prior and would be announced at the meeting.

Deputy Mayor Smith advised that the semi annual meeting for the Farrell Benevolent Society would be held on June 29, 2011 and that Business is Jamming was offering a free Break into Business camp for youth at the Bloomfield Centre in July. He also thanked the Take Action group in District 9 who conducted a clean up around Harbour View School.

Councillor Lund announced that on June 24 and 25, 2011 several non-governmental organizations would be hosting their fourth annual forum in St. Margaret's Bay with the focus this year being coastal management issues. He also announced the grand opening of the 65 Firehall in Upper Tantallon on June 25, 2011 and that a bike rally would be held on June 26, 2011 by the Greater Hammonds Plains Residents Association to raise awareness and promote bike lanes on Hammonds Plains Road.

Councillor Fisher stated that the Kinsmen monthly community breakfast would be held on June 26, 2011 at the East Dartmouth Community Centre.

Councillor Nicoll announced that a Westphal Cole Harbour firefighter would be spending 48 hours on a ladder starting on June 24, 2011 in order to raise money for muscular dystrophy research.

Councillor Outhit announced the third annual Councillors Community Clean Up on June 25, 2011 to commence at Fish Hatchery Park.

### **3. APPROVAL OF MINUTES – May 24, 2011**

Amendment:

Item 10.1.6, Page 11 – 1000 *feet* will be amended to state 1000 *metres*

**MOVED by Councillor Wile, seconded by Councillor Nicoll that the minutes of May 24, 2011 be approved as amended. MOTION PUT AND PASSED.**

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

Councillor McCluskey rose on a point of personal privilege regarding comments made in reference to the concert issue including the fact that more transparency was required. She stated that she had twice been approached about the Audit and Finance Standing Committee's handling of this issue which was an affront to her as Chair. Councillor McCluskey advised that, as Chair, she made it clear to the Auditor General that this matter go directly to Council and not the Audit and Finance Standing Committee. She also indicated that an Audit meeting had been held a week prior which was open to the public as always and to Councillors whom the Committee permitted to ask questions regarding the report. In closing, Councillor McCluskey stated that she wanted residents to know Audit meetings are open and transparent and she wanted them to have faith and trust in the Audit and Finance Standing Committee.

Additions:

- 13.1 Motion – Request for Amendments to By-law A - 300 Councillor Wile
- 13.2 Property Matter – North Dartmouth Trunk Sewer
- 13.3 Contractual Matter – Memorial Library Update

**MOVED by Councillor Karsten, seconded by Councillor Sloane that the agenda be accepted 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. PUBLIC HEARINGS**

**9.1 By-Law N-200, Respecting Noise – Exemption Application – Mi'kmaq Association for Cultural Studies Mawio'mi 2011**

This item was dealt with later in the meeting. Please see page 14.

**9.2 Case 15894 – Municipal Planning Strategy / Land Use By-Law Amendments – Westwood Hills Subdivision, Upper Tantallon**

- (i) Western Region Community Council Report
- (ii) North West Community Council Report
- (iii) Staff Report dated March 11, 2011

This item was dealt with later in the meeting. Please see page 14.

**10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**10.1 Correspondence - None**

**10.2 Petitions - None**

**10.3 Presentation - None**

**11. REPORTS**

**11.1 CHIEF ADMINISTRATIVE OFFICER**

**11.1.1 Tender 11-028 – Street Light Maintenance**

A report dated May 26, 2011 was before Council.

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

- 1. Award Tender No. 11-028 to the lowest bidder meeting specifications, XL Electric Limited, for materials and services listed at the unit prices quoted for a Total Tender Price of \$273,927.51 (net HST included) for Year One (1) of the contract, June 1, 2011 to March 31, 2012, with funding from Operating Account No. R825 Street light Maintenance as outlined in the Budget Implications section of the report dated May 26, 2011; and**
- 2. Approve the award for Year Two (2) of the contract, April 1, 2012 to March 31, 2013, to XL Electric Limited for \$289,449.92 (net HST included) contingent upon an annual performance review and budget allocation; and**
- 3. Approve the award for Year Three (3) of the contract, April 1, 2013 to March 31, 2014, to XL Electric Limited for \$290,614.46 (net HST included) contingent upon an annual performance review and budget allocation.**

**MOTION PUT AND PASSED.**

**11.1.2 Tender 11-210 – Micro Surfacing - Phase I - Various Locations**

A report dated May 25, 2011 was before Council.

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

- 1. Approve a budget increase of \$88,588.77 (net HST included) to Project No. CYX01345 – Street Recapitalization, funded through cost sharing with Heritage Gas;**

2. **Approve a budget increase of \$124,572.76 (net HST included) to Project No. CYX01345 - Street Recapitalization, funded through cost sharing with Halifax Water; and**
3. **Award Tender No. 11-210, Micro Surfacing – Phase 1 – Various Locations, to the lowest bidder meeting specifications, Industrial Cold Milling, for a Total Tender Price of \$1,161,003.52 (net HST included) with funding from Project Nos. CYX01345 – Street Recapitalization and CTU00420 – Active Transportation Plan Implementation, as outlined in the Budget Implications Section of the report dated May 25, 2011.**

**MOTION PUT AND PASSED.**

**11.1.3 Commemorative and Administrative Names for HRM Assets**

A report dated May 2, 2011 was before Council.

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

1. **The commemorative names outlined in Appendix A of the report dated May 2, 2011;**
2. **The administrative park names outlined in Appendix B of the report dated May 2, 2011; and**
3. **The legacy Town of Bedford commemorative names outlined in Appendix C of the report dated May 2, 2011.**

Discussion on the motion ensued.

For the record, Councillor Watts stated that the majority of people mentioned in the staff report were men and issued an invitation to look at women's contributions to HRM communities.

**MOTION PUT AND PASSED.**

**11.1.4 Sackville Community Boundary Project**

A report dated May 16, 2011 was before Council.

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

1. **Recognize Lower Sackville, Middle Sackville and Upper Sackville as official HRM Communities as outlined on the map in Appendix B of the report**



**dated May 16, 2011 and authorize staff to install community signs at their boundaries; and**

- 2. Modify the Lakeview Community boundary, at Lower Sackville, as outlined on the map in Appendix C of the report dated May 16, 2011 and authorize staff to relocate the current community sign.**

Councillor Harvey advised that some community members wanted to name the entire community Sackville; however, there were some postal issues with this suggestion and he also did not feel support was strong enough to undergo such a large change at this time; noting that the whole area functions well as a community.

**MOTION PUT AND PASSED.**

**11.1.5 Appointment of Building Official**

A report dated May 18, 2011 was before Council.

**MOVED by Councillor Watts, seconded by Councillor Walker that Halifax Regional Council appoint Kenneth Swinimer as a Building Official, pursuant to Section 5(2) of the Nova Scotia Building Code Act. This appointment is effective for the duration of his current conditions of employment with Halifax Regional Municipality. MOTION PUT AND PASSED.**

**11.1.6 Parkland Disposal Portion of Lot P-9 and Parkland Acquisition - Portions of Lot X-A, Civic Number 1182 Cole Harbour Road, Cole Harbour**

A report dated May 30, 2011 was before Council.

**MOVED by Councillor Nicoll, seconded by Councillor Hendsbee that Halifax Regional Council authorize staff to set a date for a Public Hearing for the closure and disposal of a 1,000 square foot portion of HRM Park property Lot P-9, Cole Harbour as shown in Attachment A of the May 30, 2011 staff report. MOTION PUT AND PASSED.**

**11.2 HERITAGE ADVISORY COMMITTEE**

**11.2.1 Case 16217 – Substantial Alteration and Heritage Development Agreement – Municipally Registered Heritage Property - 10 Kirk Road, Halifax**

A report from the Heritage Advisory Committee dated May 30, 2011 was before Council.

On behalf of Councillor Mosher, Councillor Adams moved the following motion:

**MOVED by Councillor Adams, seconded by Councillor Walker that Halifax Regional Council approve the substantial alteration to the municipally registered heritage property as described in the development agreement contained in Attachment A of the May 5, 2011 staff report.**

Discussion on the motion ensued.

Regarding a previous suggestion in relation to an ongoing Private Ways Act matter, Ms. Mackenzie Stonehocker, Planner, advised that Marterra Inc. had advised her that 10 Kirk Road does not have a relationship to the property in question as far as a right of way is concerned.

Councillor Harvey advised that this was the understanding of the Heritage Advisory Committee members and staff as well; noting there would be no public road access even if there was a right of way.

Councillor Mosher stated that she had discussed this matter with legal staff and there was currently no consideration for a public right of way. She requested that Ms. Karen MacDonald, Solicitor, submit the pertinent information to Chebucto Community Council for the record.

**MOTION PUT AND PASSED.**

Councillor McCluskey left the meeting at 3:43 p.m.

**11.3 HALIFAX WATER**

**11.3.1 Harbour Solutions Project in Review**

A presentation was submitted.

Mr. Carl Yates, General Manager of Halifax Water, provided the presentation on the Harbour Solutions Project in Review.

On behalf of Council, Mayor Kelly thanked Mr. Yates, his team and all stakeholders involved in this project.

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

- All deficiencies have been corrected and the Halifax Wastewater Treatment facility has reached total completion status; there are three year warranties in place in case of the occasional defect
- The \$3,000,000 in surplus will remain with Halifax Water and its rate payers in accordance with the 2007 transfer agreement with HRM
- The pumping station at Pier A will have one more performance review in the fall

- It was suggested that staff contact the provincial and federal government for potential cost sharing options in order to complete the Herring Cove Sewer and Water Project
- Capacity will be increased at the Eastern Passage facility which will create an improvement in water quality
- The new Canadian Council of Ministers of the Environment (CCME) wastewater strategy speaks to combined sewer overflow management plans and Halifax Water will need to file a plan with the Department of Environment to increase frequency and duration over time which Halifax Water will be measuring and managing
- Concern was expressed regarding the consistency water quality objectives as residents are sceptical about swimming because it rains and they are unsure if it is safe
- Concern were also expressed regarding the length of time it takes to obtain water testing results
- A chart of results and what further environmental enhancements would be done at the facilities was requested
- It was suggested that Halifax Water be nominated for the 2012 Federation of Canadian Municipalities' Sustainable Communities Award for the Harbour Solutions project
- Intervention and resident compliance will be a continuing program

**12. MOTIONS - NONE**

**13. ADDED ITEMS**

**13.1 Motion- Request for Amendments to By-law A-300 - Councillor Wile**

Councillor Wile requested that this item be referred to Legal & By-law Services staff for clarification.

**13.2 Property Matter – North Dartmouth Trunk Sewer**

Councillor Hum declared a perceived conflict of interest and excused herself from the Council Chamber at 4:50 p.m.

The following item was discussed at an In Camera session held earlier in the day and was now before Council for ratification:

**MOVED by Deputy Mayor Smith, seconded by Councillor Fisher that Halifax Regional Council:**

- 1. Approve statutory offers as set out in Table 1 of the private and confidential report dated May 31, 2011 with funding and related administrative and professional fees as per the Budget Implications Section of the above noted report; and**

2. **Not release the private and confidential report dated May 31, 2011 to the public until the transaction has closed.**

**MOTION PUT AND PASSED.**

**13.3 Contractual Matter – Memorial Library Update**

The following item was discussed at an In Camera session held earlier in the day and was now before Council for ratification:

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

1. **Direct staff to explore in more detail municipal objectives and options related to the Halifax Memorial Library site.**
2. **Request that staff report back to Council through the Standing Committee on Community Planning and Economic Development.**

**MOTION PUT AND PASSED.**

**14. NOTICES OF MOTION**

**14.1 Councillor Lund**

Take Notice that at the next meeting of the Halifax Regional Council, I intend to introduce a motion to request of the Province to amend the HRM Charter to include the provision that “breach” of trust, regardless of personal gain is punishable, in order to ensure those responsible of breach be held accountable to the extent of law and ethics.

**14.2 Councillor Uteck**

Take Notice that at the next meeting of the Halifax Regional Council, I intend to introduce a motion to bring a “motion of censure” to the Office of the Mayor.

The meeting recessed at 4:53 p.m.

The meeting resumed at 6:00 p.m. with Councillors McCluskey and Johns absent.

**SPECIAL PRESENTATION – CITIZENSHIP AWARDS**

On behalf of HRM, Mayor Kelly, Deputy Mayor Smith, and members of Council, members welcomed those in attendance to the annual Citizenship Awards presentation. Deputy Mayor Smith advised that the students who were receiving the awards had been chosen by their teachers and principals based on the criteria that they exemplified motivation, caring, achieving, and giving individuals who were role models for others.

The recipients, being good role models at school who also give back to their community, will continue to exemplify that spirit in the future throughout HRM. He expressed his congratulations to the forty-seven students receiving the 2011 Citizenship Award.

Mayor Kelly and Councillors presented the awards to the following students:

Jessica Gill, Musquodoboit Rural High School  
Emmaline R. Cress, Oyster Pond Academy  
Danielle Norwood, Duncan MacMillan High School  
Ashley Stephenson, Lockview High School  
Logan Miller, Harold T. Barrett Junior High  
Brittany Pitt, Halifax Christian Academy  
Kaitlyn Dixon, Gaetz Brook Junior High School  
Taylor Todd, Ross Road School  
Daniel Sule, Graham Creighton Junior High School  
Patricia Gemmell, Astral Drive Junior High  
Danielle Cleary, Sir Robert Borden Junior High School  
Hilary Brousseau, Prince Arthur Junior High School  
Michelle Lehman, King's View Academy  
Amanda Clack, Caledonia Junior High School  
Shane Kovacs, Fountain Academy of the Sacred Heart  
Jessica Parsons, Eric Graves Memorial Junior High School  
Katherine Norris, Ellenvale Junior High School  
Tim Sentner, Eastern Passage Education Centre  
Dalton Clarke, John Martin Junior High School  
Gibson Savell, Bicentennial High School  
Matthew Brennan, Armbrae Academy  
Daniel Robert Liwski, Park West School  
Mackenzie Blanchard, Shambhala School  
Jacinda Solomon, Highland Park Junior High School  
Samantha Dill, St. Patrick's Alexandra Junior High School  
Sabrina Secord, Sacred Heart School of Halifax  
Isobel LeBlanc, Ecole Secondaire du Sommett  
Megan Adams, Cornwallis Junior High School  
Amelia Topshee, Gorsebrook Junior High School  
Liam Bray, Oxford School  
Cora Lee Leblanc, Fairview Junior High School  
Julian Zou, Clayton Park Junior High School  
Victoria Lawrence, Cunard Junior High School  
Allison Sweet, Saint Agnes Junior High School  
Jenna Flick, Rockingstone Heights School  
Corey McNamara, Elizabeth Sutherland School  
Melissa Henneberry, Herring Cove Junior High School  
Donald Tingley, Sackville Heights Junior High School  
Laura Falconer, A.J. Smeltzer Junior High School  
Charlotte Barnhill, Leslie Thomas Junior High School

Stefan Keselj, Bedford Junior High School  
Laura Brown, Bedford South School  
Renuka Koilpillai, Halifax Grammar School  
Olivia LeBlanc, Brookside Junior High School  
Haley Vining, Ridgecliff Middle School  
Jordan Davidson (Freeman), Five Bridges Junior High School  
Lauren Holmes, Medeline Symonds Middle School

Council recessed at 6:36 p.m., with the meeting resuming at 6:39 p.m.

## **9. PUBLIC HEARINGS**

### **9.1 By-Law N-200, Respecting Noise – Exemption Application – Mi’kmaq Association for Cultural Studies Mawio’mi 2011**

A staff report dated June 6, 2011 was before Council.

Chief Frank Beazley, Halifax Regional Police, outlined the application for an exemption from By-Law N-200, Respecting Noise, by the Mi’kmaq Association for Cultural Studies outlined as Appendix A to the June 6, 2011 report.

The Mayor reviewed the Rules of Procedure for Public Hearings and opened the hearing for anyone wishing to speak.

The Mayor called three times for anyone wishing to speak; there being no response, it was **MOVED by Councillor Karsten, seconded by Councillor Sloane, that the public hearing close. MOTION PUT AND PASSED.**

**MOVED by Councillor Sloane, seconded by Councillor Wile, that Regional Council approve the Mi’kmaq Association for Cultural Studies application for an exemption from the provisions of the Noise By-Law pursuant to the contents of the June 6, 2011 report and any matters raised at the hearing.**

Councillor Sloane spoke of the success of this event last year, and is looking forward to the event again this year.

**MOTION PUT AND PASSED.**

### **9.2 Case 15894 – Municipal Planning Strategy / Land Use By-Law Amendments – Westwood Hills Subdivision, Upper Tantallon**

- (i) Western Region Community Council Report
- (ii) North West Community Council Report
- (iii) Staff Report dated March 11, 2011

First Reading of this matter was given at Regional Council’s May 24, 2011 meeting.

A copy of a staff presentation dated June 21, 2011 was before Council.

An extract of the Regional Council minutes of May 24, 2011 was before Council.

A report dated April 19, 2011 from Western Region Community Council was before Council.

A report dated May 5, 2011 from North West Community Council was before Council.

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

A draft consolidated zoning map of Planning Districts 1 & 3 was distributed.

Mr. Paul Sampson, Planner, Planning Services, outlined the application and responded to questions of clarification from members of Council.

The Mayor reviewed the Rules of Procedure for Public Hearings and opened the hearing for anyone wishing to speak.

The Mayor called three times for anyone wishing to speak; there being no response, it was **MOVED by Deputy Mayor Smith, seconded by Councillor Sloane, that the public hearing close. MOTION PUT AND PASSED.**

**MOVED by Councillor Lund, seconded by Councillor Walker, that Regional Council:**

- 1. Approve the proposed amendments to the Planning Districts 1 & 3 (St. Margaret's Bay) Municipal Planning Strategy and Land Use By-Law as contained in Attachments "A" and "B" of the March 11, 2011 staff report; and**
- 2. Approve the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-Law as contained in Attachments "C" and "D" of the March 11, 2011 staff report.**

**MOTION PUT AND PASSED.**

Councillor Streach rose on a point of personal privilege, asking that the Notices of Motion put forward earlier in the day by Councillors Lund and Uteck for the Council session next week be dealt with this evening.

The Mayor clarified that with a 2/3 majority vote, the Rules of Order could be suspended to allow the Motions to be brought forward at this meeting.

**MOVED by Councillor Streach, seconded by Councillor Karsten, that the Rules of Order be suspended. MOTION PUT AND PASSED.**

The Solicitor clarified that it is up to the Councillor that placed the Notice of Motion whether they are agreeable to bringing forward their motion for consideration.

**13. ADDED ITEMS continued**

**13.4 MOTION - Councillor Lund**

**MOVED by Councillor Lund, seconded by Councillor Uteck, to request that the Province amend the HRM Charter to include the provision that “breach” of trust, regardless of personal gain is punishable by law, in order to ensure those responsible of breach be held accountable to the extent of law and ethics.**

Councillor Lund clarified that the reason the recent concert funding scandal could not go through an RCMP investigation was that a breach of trust and personal gain would have to be demonstrated, which would fall under the Federal Criminal Code. The intent for this motion is to make punishable a breach of law, in this case the HRM Charter, outside of the Criminal Code.

Councillor Hendsbee suggested that the intent of the motion should be forwarded to the Province to consider amending the Municipal Government Act (MGA), or to the Union of Nova Scotia Municipalities (UNSM) for their consideration.

**With the agreement of the Mover and Seconder, it was MOVED by Councillor Hendsbee, seconded by Councillor Streach, that the motion be amended to replace “HRM Charter” with “Municipal Government Act” and to refer the proposed amendments to the UNSM for policy debate. MOTION PUT AND PASSED.**

**13.5 MOTION – Councillor Uteck**

It was clarified that Councillor Uteck’s Notice of Motion was to “bring a motion of censure to the office of the Mayor for one week”.

Councillor Uteck clarified that this motion is intended to put an end to the actions associated with the recent concert funding scandal, which she feels have cast a shadow on the ethical behaviour and general competency of Regional Council and certain HRM staff members. The intent of the motion is to acknowledge that members of Council accept and agree that although the concert scandal did not involve criminal acts it did result in misdirected public anger, negative public perception and public outrage that is reflected in an undeserved manner on HRM Councillors. This motion seeks to address the notion that some representatives of HRM have acted in a misguided and inappropriate manner that has brought HRM as an organization into disrepute and unnecessarily burdened the citizens of HRM. This motion acknowledges and accepts that while criminal behaviour, nor the notion of intentional deceit were ever intended, the actions of those individuals involved has harmed this municipality and those actions



must be responded to with some kind of consequence with recorded measure and meaning.

**MOVED by Councillor Uteck, seconded by Councillor Lund, that Regional Council approve a period of censure on the Office of the Mayor for one week.**

Councillor Uteck commented that this period of censure would take effect immediately in recognition of the Mayor's actions and responsibilities related to the concert funding scandal. During this period, the Mayor would remove himself from the Office of the Mayor, not act on behalf of the Municipality or campaign for his re-election. He would not be able to comment publically on the censure or concert funding scandal. The motion is of a temporary nature, reflects the displeasure of Council and the acknowledgement of the Mayor of his errors in judgment in relation to this matter. She noted that the former Acting CAO resigned his position in acknowledgement of his errors in judgment related to this scandal.

The Mayor asked for clarification from Councillor Uteck whether she agreed to bring forward the Motion at this meeting, to which Councillor Uteck responded that in order for members of Council to understand the intent of her earlier Notice of Motion, she does agree to bring this forward to defend her position.

The Solicitor clarified that the Councillor does have the option of bringing forward the motion at this meeting, or another Councillor may bring her motion forward.

Councillor Watts inquired whether Council had authority to bring censure, and the Solicitor advised that s. 3.3 of Administrative Order One states that the rules of the Nova Scotia Legislature shall be followed in all cases not provided for in the Admin Order. Under the rules of the Legislature, certain remedies against members can be taken, such as censure. The Solicitor clarified further that the only power the Province has to remove members, is to remove a Council as a whole, not to remove individual members.

At the request of Councillor Karsten, Councillor Uteck clarified that she chose the one week time period for the censure.

At the request of Councillor Karsten, the Solicitor advised that the censure rule is designed for any member. Councillor Karsten noted concern that this may set a precedent for Councillors placing censure against each other.

Councillor Walker challenged the legal opinion of the Solicitor, noting that he has never heard of such a rule being available to members of Council, and questioning why members of Council were not advised of this remedy on previous occasions when legal advice was sought regarding remedies to the scandal.

Councillor Hendsbee, as a previous Member of the Legislative Assembly, commented that his understanding is that the censure rule was intended to allow to have someone removed from the chamber to preserve decorum of the meeting. He suggested that this matter should be referred to UNSM as well for debate.

Councillor Outhit commented that in light of new legal advice provided at this meeting, members of Council should have more time to give consideration to the motion to make an informed decision. He noted that research should be conducted on the use of censure in other municipalities and the length of time that the penalty is imposed.

**MOVED by Councillor Outhit, seconded by Councillor Watts, that this matter be deferred.**

The Solicitor **ruled this motion out of order** as Council approved by a two thirds motion to suspend the rules of order to deal with the motion at this meeting. A motion of deferral would be in inconsistent with the previous motion.

Council recessed at 7:39 p.m., reconvening at 7:50 p.m.

Discussion on the motion ensued.

**MOVED by Councillor Watts, seconded by Councillor Sloane, that the motion now be put. MOTION PUT AND PASSED.**

Councillors Harvey, Outhit and Lund moved to seats in the gallery. It was clarified that if a member refrains from voting while they are in the Council Chamber, their vote will be counted against the motion.

Councillors Lund and Outhit left the meeting.

A recorded vote on the original motion was taken at this time with 3 in favour, and 17 against. **MOTION DEFEATED.**

Those voting in favour were Councillor Fisher, Deputy Mayor Smith, and Councillor Uteck.

Those voting against were Mayor Kelly and Councillors: Adams, Barkhouse, Blumenthal, Dalrymple, Harvey, Hendsbee, Hum, Karsten, Mosher, Nicoll, Rankin, Sloane, Streach, Walker, Watts and Wile.

Councillors McCluskey, Johns, Outhit and Lund were not in attendance.

#### **14. NOTICES OF MOTION**

The Notices of Motion were brought forward earlier in the meeting, see page 11.

**15. ADJOURNMENT**

The meeting was adjourned at 8:10 p.m.

Cathy J. Mellett  
Municipal Clerk

**INFORMATION ITEMS**  
**June 21, 2011**

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1. Memorandum from the Municipal Clerk dated June 14, 2011  
re: Requests for Presentation to Council - None