

HALIFAX REGIONAL COUNCIL
MINUTES

August 16, 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
Jerry Blumenthal
Dawn Sloane
Jennifer Watts
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Tim Outhit
Reg Rankin
Peter Lund

REGRETS:

Councillors: Sue Uteck
Mary Wile

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Sherryl Murphy, Acting Municipal Clerk
Ms. Sheilagh Edmonds, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 1:11 p.m. with the Invocation being led by Councillor McCluskey.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of acknowledgements and community events.

3. APPROVAL OF MINUTES

MOVED by Councillor McCluskey, seconded by Councillor Nicoll that the minutes of July 5, 2011 be approved. MOTION PUT AND PASSED.

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

Additions:

- 12.1 Councillor McCluskey - Penhorn Bus Terminal and Notice to Vacate
- 12.2 Contractual Matter – Oval Naming Right and Sponsorship Valuation Plan

Councillor Rankin advised that during Notices of Motion he would be giving notice of his intention to rescind Council's August 9, 2011 decision concerning the Stadium. He added that due to the Council break, the matter would not be dealt with until the September 13, 2011 meeting; therefore, he was requesting Council's support in waiving the Rules of Order to deal with the matter this evening and, if approved, that it be dealt with immediately following agenda item 8.1.

MOVED by Councillor Rankin, seconded by Councillor Watts that the Rules of Order be suspended.

Mayor Kelly advised that two-thirds majority support of Council would be required in order to suspend the Rules of Order.

The Mayor called for the question, and the **MOTION WAS DEFEATED.**

The agenda was accepted as amended.

5. BUSINESS ARISING OUT OF THE MINUTES – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – July 5, 2011

8.1 Project 00953 – Wind Energy Facilities in HRM

An extract of the July 5, 2011 Regional Council minutes was submitted.

A staff supplementary report dated July 25, 2011 was submitted.

The following reports submitted previously to the July 5, 2011 Regional Council meeting were before Council:

- April 11, 2011 staff report.
- March 8, 2011 Environment and Sustainability Standing Committee report.
- April 4, 2011 Regional Plan Advisory Committee report.
- February 2, 2011 staff report.

Mayor Kelly advised that Councillors Mosher, Sloane, and Outhit were ineligible to participate in the discussion or vote on this matter.

Mr. Shayne Vipond, Senior Planner, provided a presentation in response to Regional Council's direction at the July 5, 2011 public hearing, that staff respond to the issues raised by members of Council and speakers at the public hearing. In conclusion, he advised that staff were recommending that Council approve the amendments to the Land Use Bylaws as set out in Attachment B of the April 11, 2011 staff report, as amended by Attachment A of the July 25, 2011 supplementary staff report.

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

- 1. Adopt the amendments to the Regional Municipal Planning Strategy as set out in Attachment A of the staff report dated April 11, 2011;**
- 2. Adopt the amendments to the Land Use By-laws as set out in Attachment B of the staff report dated April 11, 2011, as amended by the proposed Land Use By-law amendments presented in Attachment A of the July 25, 2011 staff supplementary report;**
- 3. For large scale wind turbines in rural areas, the distance separation to a habitable building on an adjacent lot be 1000 m;**
- 4. That wind turbine/wind farm approval in HRM be subject to a community engagement process; and that staff provide a report defining this process.**

A discussion ensued, and the following points were noted:

- When staff come back to Council with the report on the community engagement process, the report address the distinction between the

three or four types of processes that community engagement could undertake. It was also noted that an environmental assessment could be a Class 1 or Class 2 undertaking, and clarification be provided on what each of those environmental assessments means (e.g. departmental review or public engagement process)

- A development agreement process has a mandatory public participation process through a community council meeting and engages the public through the development agreement; not having the development agreement calls into question how mandatory community engagement will become, and who will be driving the process. A development agreement would give the Municipality more control over the process whereas public engagement could be more of a voluntary issue.
- Clarification is required on setbacks for residences in rural areas – Council would like assurance that people are not going to apply for variances so that they can build as close to the property line as possible.
- It was noted Council received an e-mail from the Nova Scotia Home for Coloured Children expressing concern about the Urban Reserve ban contained in the proposal. It was requested that they be allowed the opportunity to explore the RW-2 wind zone being permitted on their land.
- Would like to see information on how receptive communities have been to medium turbines installed in their community.
- Would like comment provided with regard to schools and turbines, i.e how are schools regarded within the policy.
- Would like to see a comparison of the proposal in UNSM's model bylaw and HRM's proposal.
- Provide comment on how a single large turbine compares to multiple turbines, and should multiple turbines be considered differently than a single large turbine.
- A suggestion was put forward that Council accept the staff recommendation for a 750 metre separation distance and if there were any applications that did not meet this, then have them go through a process, similar to the variance process which has a public consultation component.
- With regard to the community engagement process and public consultation, a question arose as to whether the matter would be dealt with at Regional Council or Community Council.

Council recessed at 2:53 p.m.

Council reconvened at 3:03 p.m.

Councillor Hendsbee questioned if there was an opportunity to amend the policy to allow for the possibility of the siting of wind turbines in the urban reserve or urban

settlement properties, in particular, if they have a power transmission line running adjacent to them or through the land.

In response, Mr. Vipond advised that if this was something Council wanted, then it would have to be added to the motion

MOVED by Councillor Hendsbee, seconded by Councillor Watts that the motion be amended to allow for the siting of wind turbines in the urban reserve and urban settlement areas where a power transmission line corridor run through or adjacent to the lands. MOTION PUT AND PASSED.

Councillor Watts indicated that she was prepared to defer a decision on the separation distance (recommendation 3) prior to making a decision. She advised that she would like to hear what staff come back with in terms of the tools and options available to Council in regard to either increasing or decreasing the separation distance depending on the wishes of the community.

Mayor Kelly clarified that item 3 of the motion could not be deferred in isolation, and that if she wanted to defer it, then the entire motion would have to be deferred.

MOVED by Councillor Watts, seconded by Councillor Lund that the motion be deferred until Council receives clarity around the issue of whether it would be Regional Council or Community Council that deals with the development agreement, and what power does that body have in regard to establishing separation distances.

THE MOTION TO DEFER WAS DEFEATED.

In response to a request from Council, the Mayor advised that each recommendation of the motion would be voted on separately.

MOVED by Councillor Streach, seconded by Councillor Rankin that Halifax Regional Council adopt the amendments to the Regional Municipal Planning Strategy as set out in Attachment A of the staff report dated April 11, 2011.

MOVED by Councillor Streach, seconded by Councillor Rankin that Halifax Regional Council Adopt the amendments to the Land Use By-laws as set out in Attachment B of the staff report dated April 11, 2011, as amended by the proposed Land Use By-law amendments presented in Attachment A of the Supplementary Report dated July 25, 2011.

MOVED by Councillor Streach, seconded by Councillor Rankin that for large scale wind turbines in rural areas, the distance separation to a habitable building on an adjacent lot be 1000 m.

MOVED by Councillor Streach, seconded by Councillor Rankin that wind turbine/wind farm approval in HRM be subject to a community engagement process; and that staff provide a report defining this process.

MOVED by Councillor Streach, seconded by Councillor Rankin that the amendments provide for the siting of wind turbines in the urban reserves and the urban settlement areas especially where a power line corridor runs through those lands

MOTIONS PUT AND PASSED.

At 3:16 p.m. Councillors Sloane and Outhit joined the meeting.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions:

9.2.1 Councillor Blumenthal

Councillor Blumenthal submitted a petition with approximately 700 signatures in regard to the area of Barrington Street and Devonshire Avenue. Councillor Blumenthal advised that within this area there are three daycare centres, a school, a community recreation centre, and Mulgrave Park Housing which has a lot of children, and the petitioners feel there is a need for a crosswalk and a set of lights. Councillor Blumenthal added that they are requesting a crosswalk or a set of lights be installed at the corner of Young and Barrington Streets, and lights be installed at the corner of Veith and Young Streets.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 11-056 – Bay Look-Out Wharf Replacement

A staff report dated July 20, 2011 was submitted.

MOVED by Councillor Lund, seconded by Councillor Rankin that Halifax Regional Council award Tender No. 11-056, Bay Look-out Wharf Replacement, to the lowest bidder meeting specifications, R.J. MacIsaac Construction Ltd., for a total tender Price of \$958,727.27 (net HST included) with funding from Project No. CPX01331, Regional Water Access/Beach Upgrades, as outlined in the Budget Implications section of the July 20, 2011 staff report.

Councillor Fisher noted that recently Council had approved a Local Improvement Charge for a wharf in Ketch Harbour and he questioned why, in that situation, the residents were paying for the wharf, but in this situation the Municipality was paying.

Mr. Phil Townsend, Director, Infrastructure and Asset Management indicated that he did not have an answer at this time but that he would follow-up on the matter and get back to the Councillor with a response.

MOTION PUT AND PASSED.

10.1.2 March 31, 2011 Operating Surplus Transfer to Ferry Replacement Reserve

A staff report dated July 28, 2011 was submitted.

MOVED by Councillor Barkhouse, seconded by Councillor Sloane that Halifax Regional Council approve the transfer of the March 31, 2011 operating surplus, in the amount of \$2,533,000 to the Ferry Replacement Reserve, Q129 as outlined in the Budget Implications section of the July 28, 2011 staff report. MOTION PUT AND PASSED.

At 3:22 p.m. Councillor Mosher joined the meeting.

10.1.3 Insurance Reserve Withdrawal – Fire Station #52

A staff report dated July 28, 2011 was submitted.

MOVED by Deputy Mayor Smith, seconded by Councillor Karsten that Halifax Regional Council approve the withdrawal of \$53,879.16 from Q306, Self Insurance Reserve to fund the remaining work at Fire Station #52, Hatchet Lake within operating account W959. MOTION PUT AND PASSED.

10.1.4 Halifax Regional School Board Request – Bloomfield Property

A staff report dated August 4, 2011 was submitted.

Correspondence dated August 4, 2011 was submitted from Susanna Fuller and Ron Skibbens, on behalf of *Imagine Bloomfield* Board of Directors.

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

- 1. Not proceed with considering a new elementary school on the Bloomfield property and continue the work on the Arts and Culture Center that has been ongoing for a number of years.**
- 2. Develop a strategy to plan for and evaluate the potential use of future surplus school properties in alignment with the objectives under the Halifax Regional Municipal Planning Strategy and applicable Functional Plans.**

Councillor Blumenthal noted that Bloomfield School was closed many years ago because there was insufficient population to support it, and nothing has changed in this regard. He pointed out that there were also safety concerns of having children cross North Street to access the school, in an area where there were no crosswalks or traffic lights. Councillor Blumenthal suggested that an alternate site for the School Board was the Liquor Commission land on Agricola Street, advising that children would not be crossing streets as dangerous as North Street and the site was within the area the School Board was considering.

Councillor Johns cautioned against turning down this request before having a discussion with the School Board to see what they are planning. He suggested that if the area councillors have not yet had a discussion, that the matter be deferred until they meet with school board representatives.

Mr. Peter Bigelow, Manager, Real Property Planning addressed Council and responded to questions. He explained that the School Board would like the opportunity to explore this site as a potential school site. Mr. Bigelow advised that the School Board is looking at sites that consolidate school boundaries.

MOTION PUT AND PASSED.

10.1.5 Community Transit

A staff report dated June 14, 2011 was submitted.

MOVED by Councillor Adams, seconded by Councillor Mosher that Halifax Regional Council:

- 1. Implement Option 4 to service the Sambro Loop as amended in the June 14, 2011 staff report to meet operational requirements. This service option is not consistent with the Community Rural Transit service standard. Implementing this service option in November 2011 will result in a deficit of \$151,000 in 2011/12, and \$74,000 in 2012/13.**
- 2. Implement Options 3 and 4 for Beaver Bank Community Service as amended in the June 14, 2011 staff report to meet operational requirements. This service option is not consistent with the Community Rural Transit service standard. Implementing this service option in November 2011 will result in a deficit of \$227,000 in 2011/12 and \$209,000 in 2012/13.**
- 3. Implement Option 6 for Porter's Lake Community Service as amended in the June 14, 2011 staff report to meet operational requirements. This service option is not consistent with the Community Rural Transit service standard. Implementing this service option in November 2011 will result in a deficit of \$207,000 in 2011/12, and \$147,000 in 2012/13.**

4. Direct staff to initiate an overall review of rural transit service levels and standards and provide further clarity on the Council approved Conventional transit service standards through the Transportation Standing Committee.

A discussion ensued with Mr. Ken Reashor, Director, Transportation and Public Works, Mr. Eddie Robar, Manager, Metro Transit, and Mr. Bruce Fisher, Acting Director, Finance responding to questions.

Councillor Rankin spoke in opposition to the motion advising that it was contrary to policy and the HRM Charter. He noted that the Charter states that Council cannot intentionally budget for a deficit. Councillor Rankin indicated that he could support a motion to refer the matter for further discussion to the Transportation Standing Committee.

Staff clarified that any deficit would need to be offset by an increase to the transit area rate in 2012 – 2013.

MOVED by Councillor Rankin, seconded by Councillor Watts, that this matter be referred to the Transportation Standing Committee for review and report back to Council.

At this time, Mayor Kelly noted that it was approaching 4:30 p.m. and he questioned Council members as to whether they wished to continue meeting beyond 4:30 p.m.

MOVED by Councillor Karsten, seconded by Councillor Nicoll that the meeting continue beyond 4:30 p.m. until the agenda is completed. MOTION PUT AND PASSED.

THE MOTION TO REFER WAS DEFEATED.

At 4:56 p.m. Council recessed.

At 5:15 p.m. Council reconvened.

Discussion continued with staff responding to questions.

MOTION PUT AND PASSED.

10.1.6 First Reading Proposed By-Law S-433, An Amendment to By-Law S-400, Respecting Local Improvements Charges – New Paving Projects Outside the Core Area – Joan Elizabeth Way 7, Sandy Point Road, Mannette Court

A staff report dated August 4, 2011 was submitted.

MOVED by Councillor Hendsbee, seconded by Deputy Mayor Smith that Halifax Regional Council approve, in principle, the adoption of By-Law S-433, an amendment to By-Law S-400, Respecting Charges for Street Improvements, relating to New Paving of Subdivision Streets outside the Core Area – 2010, that the LIC's for Joan Elizabeth Way, Mannette Court and Sandy Point Road remain as per lot charge as per Appendix "A" of the August 4, 2011 staff report. The total amount of recovery for these roads is \$177,853.64 (net HST included). MOTION PUT AND PASSED.

10.1.7 Proposed Administrative Order SC-66, Respecting Closure of a Portion of University Avenue, Halifax

A staff report dated July 25, 2011 was submitted.

MOVED by Councillor Watts, seconded by Councillor Walker that Halifax Regional Council approve in principle Administrative Order SC-66, respecting the closure of a portion of University Avenue right-of-way, Halifax, as outlined in Attachment "A" of the July 25, 2011 staff report and schedule a public hearing. MOTION PUT AND PASSED.

10.1.8 FIFA 2015 Women's World Cup and FIFA 2014 Letters of Intent

A staff report dated August 3, 2011 was submitted.

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

- 1. Authorize Mayor Kelly and the Municipal Clerk, on behalf of Regional Council, to send a letter to the Canadian Soccer Association (as per the motion of December 7, 2010) to confirm the intent to fund the \$250K in kind contribution and \$2 M operational support for the 2015 FIFA Women's World Cup event, as per the Budget Implications section of the August 3, 2011 staff report;**
- 2. Approve the necessary financial commitment for the 2014 FIFA U-20 Women's event (should Halifax Regional Municipality be selected to host this "test" event) of \$150K in kind, and \$750K operational support as per the Budget Implications section of the August 3, 2011 staff report;**
- 3. Direct staff to finalize negotiations for HOST CITY and HOST STADIUM Agreements with Canadian Soccer Association (CSA) related to the FIFA 2015 Women's World Cup and 2014 FIFA U-20 Women's World Cup events and bring them back to Regional Council for ratification in January 2012; and**

- 4. Authorize the Mayor, on behalf of Halifax Regional Council, to request a financial contribution and support letter from the province of Nova Scotia for the FIFA 2015 Women's World Cup and 2014 FIFA U-20 Women's World Cup events, to be submitted to Canadian Soccer Association no later than November 15, 2011.**

Councillor Fisher noted that the content of the motion has already been approved by Council, advising that the Letters of Intent are part of the administrative process to ensure that HRM continues to be a Host Candidate city. He explained that at the February 8, 2011 meeting, Council authorized the Mayor to sign the Letter of Intent addressed to the Canadian Soccer Association and at the December 7, 2010 meeting a motion was approved pending confirmation of a business case and commitment to build an appropriate facility to fund the 2015 event; and total combination of \$2 million operational and \$250,000 in kind.

A discussion ensued with Mr. Phil Townsend, Director, Infrastructure and Asset Management responding to questions.

In response to concerns expressed about the commitment Council was making in approving this motion, Mr. Townsend clarified that the Letters of Intent do not constitute a commitment until such time as HRM commits to build a stadium. He added that Council has an 'off-ramp' in this regard, and it will be when the Phase 2 report comes forward to Council as it will have a recommendation about proceeding to Phase 3. Mr. Townsend advised that, at that time, Council will make a determination as to whether it wants to continue with the FIFA bid.

MOTION PUT AND PASSED.

11. MOTIONS: None

12. ADDED ITEMS

12.1 Councillor McCluskey - Penhorn Bus Terminal Notice to Vacate

Councillor McCluskey indicated that, due to the time sensitive nature of this issue, staff were prepared to provide a verbal update on this matter, to which Council agreed.

Mr. Eddie Robar, Manager, Metro Transit addressed Council and explained that staff were recently notified by the Penhorn Mall owners, ECL Properties Ltd., that the designated Park & Ride lot adjacent to the transit terminal will be required to permanently close, effective September 1, 2011 due to onsite construction. He added that staff entered negotiations with ECL for an alternate temporary relocation but this was unsuccessful, and that Metro Transit staff is continuing to look at other locations. Mr. Robar advised that, in the interim the terminal will continue to operate as usual and that a communication plan is being implemented immediately to ensure the Park & Ride

users and other metro transit passengers have as much advance notice as possible of the impending lot closure.

12.2 Contractual Matter – Oval Naming Right and Sponsorship Valuation Plan

This matter had been dealt with at an In Camera session held earlier on this date, and was now before Council for ratification:

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

- 1. Authorize staff to negotiate key terms for naming rights and sponsorship as per Table 4 of the July 29, 2011 report;**
- 2. Accept the 2011 Canada Winter Games Host Society proposal for three chillers and determine an appropriate form of recognition; and**
- 3. Not release the July 29, 2011 report to the public until all sponsorship agreements have been executed**

MOTION PUT AND PASSED.

13. NOTICES OF MOTION

13.1 Councillor Nicoll

Take Notice that at the next regular meeting of Halifax Regional Council to be held on September 13, 2011 I intend to introduce a motion to direct staff to research potential naming rights and sponsorship policies and to return to Regional Council with various options for Council's consideration respecting public assets and events.

13.2 Councillor Watts (on behalf of Councillor Uteck)

Take Notice that at the regular Regional Council meeting, to be held on Tuesday, September 13, 2011 I propose to move approval of Administrative Order SC-66, the purpose of which is to close a portion of University Avenue, west of Lemarchant Street.

13.3 Councillor Rankin

Take Notice that at the next regular Regional Council meeting, to be held on Tuesday, September 13, 2011 I propose to move a Motion of Rescission to the motion passed at the August 9, 2011 Regional Council meeting to approve that Halifax Regional Council:

1. Approve in principle the recommendation directions outlined in the Final Report – Phase 1 Stadium Analysis: Halifax Stadium – Business Plan (Attachment 2);
2. Direct staff to proceed to Phase 2 Stadium Analysis: Site Selection and Preliminary Design; and
3. Approve an increase to project CBX01363 in the amount of \$275,000 (net HST included) for Phase 2, with funding from the Strategic Growth Reserve, Q126, as outlined in the Budget Implications section of the staff report dated July 18, 2011, and continue to seek out other funding partners;
4. Return to Regional Council end of September for capital affordability and financing options discussion.

14. ADJOURNMENT

The meeting adjourned at 6:20 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS
August 16, 2011

1. Proclamation – Continuing Care Month – September 2011
2. Proclamation – Shinerama Week – September 4-10, 2011
3. Memorandum from Acting Director, Finance dated August 3, 2011 re: Fourth Quarter 2010/2011 Financial Report
4. Memorandum from Director, Transportation and Public Works dated June 13, 2011 re: Response – Petition to Start Porter’s Lake Community Transit Service at 5:00 a.m.
5. Memorandum from Director, Transportation and Public Works dated June 13, 2011 re: Response – Petition to Maintain Beaver Bank Community Transit Service
6. Memorandum from Director, Transportation and Public Works dated July 29, 2011 re: Active Transportation Corridors
7. Memorandum from the Municipal Clerk dated August 5, 2011 re: Requests for Presentation to Council - None