

HALIFAX REGIONAL COUNCIL
MINUTES

December 6, 2011

PRESENT:

Mayor Peter Kelly
Deputy Mayor Bill Karsten
Councillors: Steve Streach
Barry Dalrymple
David Hendsbee
Lorelei Nicoll
Gloria McCluskey
Darren Fisher
Jackie Barkhouse
Jim Smith
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. Richard Butts, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sherryll Murphy, Acting Municipal Clerk
Ms. Jennifer Weagle, Legislative Assistant
Ms. Chris Newson, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 1:04 p.m. with the Invocation being led by Councillor Adams.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

At the request of Councillor Uteck, a moment of silence was held in memory of Mr. Graham Dennis, former editor of the Chronicle Herald.

Councillor Mosher requested that the Mayor write a letter of congratulations to Len and Pauline Goucher of Halifax on the occasion of their 70th wedding anniversary.

Members of Council noted a number of other acknowledgements and community events.

3. APPROVAL OF MINUTES – November 8, 2011

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the Regional Council minutes of November 8, 2011 be approved as circulated. MOTION PUT AND PASSED.

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

Additions:

- 12.1 In Camera Process – Information Report
- 12.2 Councillor McCluskey/Councillor Watts – Request for Report – Development of Policy - Funding from alcohol companies for HRM sponsored events and facilities
- 12.3 Councillor Smith – Request for Report - Dog Tethering By-law
- 12.4 Councillor Adams - Retirement of a Taxi Roof Light

MOVED by Councillor Harvey, seconded by Councillor Wile, that the order of business be approved as amended. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES – NONE

6. MOTIONS OF RECONSIDERATION – November 22, 2011

- 6.1 Councillor Sloane – To reconsider the motion regarding the Events Plaza naming rights that was defeated by Regional Council, and bring the discussion to the floor of Council.”**

Copies of email correspondence received from residents were circulated to Council.

The Mayor clarified that in order for the motion of reconsideration to be allowed, it would require a 2/3 majority.

MOVED by Councillor Sloane, seconded by Councillor Mosher, that Halifax Regional Council reconsider the November 22, 2011 motion of Council regarding Plaza naming rights that was defeated by Regional Council.

A recorded vote was taken on the motion of reconsideration.

MOTION PUT AND PASSED. (18 in favour, 5 against)

Those voting in favour were Mayor Kelly and Councillors Adams, Blumenthal, Dalrymple, Fisher, Harvey, Hendsbee, Hum, Lund, Mosher, Outhit, Rankin, Sloane, Smith, Streach, Uteck, Walker, and Wile.

Those voting against were Deputy Mayor Karsten and Councillors Barkhouse, McCluskey, Nicoll, and Watts.

MOVED by Councillor Sloane, seconded by Councillor Uteck, that Halifax Regional Council approve the key terms of agreement, as amended, with the Oval Entry Plaza Naming Rights Sponsor, with Molson, as outlined in the discussion section of the November 1, 2011 Private and Confidential staff report, with subsequent letters of agreement to be ratified by Regional Council at a future date, and authorize the Mayor and Municipal Clerk to execute letters of agreement.

Councillor Sloane indicated that a policy regarding corporate sponsorship, including sponsorship from alcohol companies is needed. The policy could include educational information on responsible alcohol consumption. She noted that accepting sponsorships allow HRM to increase the social capital of the Municipality without taxing residents.

MOVED by Councillor Uteck, seconded by Councillor Hendsbee, that the question now be put.

Ms. Mary Ellen Donovan, Municipal Solicitor, clarified at the request of Council that a 2/3 majority would be required for the question to be put.

At the request of members of Council, Ms. Cathy Mellett, Municipal Clerk, clarified that the motion on the floor is the motion that was defeated at the November 22, 2011 meeting.

A recorded vote was taken on the motion that the question be put.

MOTION DEFEATED. (9 in favour, 14 against)

Those voting in favour were: Mayor Kelly and Councillors Dalrymple, Hendsbee, Rankin, Sloane, Smith, Streach, Uteck and Wile.

Those voting against were: Deputy Mayor Karsten and Councillors Adams, Barkhouse, Blumenthal, Fisher, Harvey, Hum, Lund, McCluskey, Mosher, Nicoll, Outhit, Walker, and Watts.

At the request of Council, Mr. Terry Gallagher, Manager, Facility Development, clarified details of the budget for the skating oval, including projected operating costs of \$410,000 per year.

Deputy Mayor Karsten reviewed with Council statistics of paediatric alcohol consumption in Nova Scotia.

Councillors Blumenthal and Fisher noted concerns that HRM should have obtained a better value for the naming rights.

At the request of Council, the Municipal Clerk provided clarification on the amendments to the agreement.

Councillor Watts noted that there needs to be an informed community discussion with members of the business and health communities, along with the police, on the issue of alcohol sponsorship. She suggested that there are larger implications of alcohol use in the community that outweigh the benefit of this sponsorship, such as ongoing policing costs. Councillor Watts further noted that the social media and website advertising of the oval will have more of an impact and be more targeted toward youth than the signs and flags onsite.

Councillor Harvey indicated that he does not support corporate sponsorship of any kind for the oval, as it is "the people's oval".

Councillor Lund noted a number of questions about the sponsorship, such as whether the \$400,000 amount is comparable nationally, and why an RFP was not issued to solicit more than two sponsorship offers for naming rights.

Staff provided the background on the direction provided previously by Regional Council in regard to Oval sponsorship.

Deputy Mayor Karsten indicated that he would like to read a portion of a letter from Molson's. Councillor Hendsbee noted on a Point of Order, that the correspondence from Molson's was marked confidential and should not be read aloud in a public forum.

Council recessed at 2:16 p.m., reconvening at 2:33 p.m., with the same members present with the exception of Councillor Mosher.

The Municipal Solicitor confirmed that the Molson's correspondence includes a notation that the contents of the letter are confidential and intended only for the recipients indicated. She also cited release requirements under *Freedom of Information and Protection of Privacy* legislation.

MOVED by Councillor Karsten, seconded by Councillor McCluskey, that the motion for approval of the Oval Entry Plaza Naming Rights Sponsor (Molson) be amended to include:

- **That 37.5% of the signage on site be dedicated to responsible social drinking messaging.**
- **That 75% of signage be permanent, and the other 25% be semi-permanent, to be removable when minors are present.**
- **That when HRM refers to the events plaza, that it not be referred to in the name of the corporate sponsor.**

Councillor Mosher arrived at 2:40 p.m.

The Municipal Solicitor ruled that the amendment does not undermine the integrity of the original motion and that the amendment is in order.

Discussion ensued regarding the amendment.

Mr. Peter Bigelow, Manager, Real Property Planning, clarified the levels, types and locations of advertising on site. He confirmed that there will be approximately 40 pieces of sponsorship signage in total on the site.

MOTION TO AMEND WAS PUT AND DEFEATED.

The CAO confirmed, at the request of Council, that the report regarding corporate sponsorship would be before Council for consideration in time for the 2012/13 budget.

Discussion ensued on the original motion.

MOVED by Councillor Watts, seconded by Councillor Nicoll, that this item be deferred pending receipt of a staff report regarding HRM accepting sponsorship from alcohol companies.

Councillor Uteck noted that Council had approved a motion in August to accept alcohol sponsorship.

MOTION TO DEFER WAS PUT AND DEFEATED.

A recorded vote was taken at this time on the original motion, as follows:

MOVED by Councillor Sloane, seconded by Councillor Uteck, that Halifax Regional Council approve the key terms of agreement, as amended, with the Oval Entry Plaza Naming Rights sponsor (Molson), as outlined in the discussion section of the November 1, 2011 Private and Confidential staff report, with subsequent letters of agreement to be ratified by Regional Council at a future date, and authorize the Mayor and Municipal Clerk to execute letters of agreement. MOTION APPROVED. (17 for, 6 against)

Those voting in favour were: Mayor Kelly and Councillors Adams, Blumenthal, Dalrymple, Hendsbee, Hum, Lund, Mosher, Nicoll, Outhit, Rankin, Sloane, Smith, Streach, Uteck, Walker and Wile.

Those voting against were: Deputy Mayor Karsten and Councillors Barkhouse, Fisher, Harvey, McCluskey, and Watts.

Council recessed at 3:30 p.m., reconvening at 3:51 p.m.

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor Sloane

Councillor Sloane submitted a petition with 13 signatures objecting to the recent change in start time for weekday swimming from 7:45 to 8:00 a.m. at the Centennial Pool.

9.2.2 Councillor Adams

Councillor Adams submitted a petition with 105 signatures opposed to a proposed 61 meter communication tower within Williamswood, located off Old Sambro Road and Acres Road.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Phase 2 Stadium Analyses

The following information was before Council:

- Stadium Analysis Steering Committee Report dated November 28, 2011

- Staff Report dated November 25, 2011
- Halifax Stadium Analysis – Phase 2 – Requirements Consulting Report dated November 30, 2011

The following information was circulated to Council:

- Copies of email correspondence
- Copies of the staff presentation
- Draft extract of the August 2, 2011 Committee of the Whole minutes
- Draft extract of the August 9, 2011 Committee of the Whole minutes
- Draft extract of the October 18, 2011 Regional Council minutes

Councillor Hum declared a perceived conflict of interest and removed herself from the discussion.

Ms. Kim Mason, Chair, Stadium Analysis Steering Committee, introduced members of the Steering Committee present. Ms. Mason reviewed the Steering Committee report with Council.

Ms. Betty Lou Killen reviewed the staff report with Council. A copy of Ms. Killen's presentation is on file.

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

- 1. Continue to pursue FIFA Women's World Cup Canada 2015 and recognize that a multi-use stadium is a required municipal sport and recreation asset;**
- 2. Direct staff to request an additional six (6) months of time from the Canadian Soccer Association, before confirmation of intent to construct a multi-use stadium for the FIFA Women's World Cup Canada 2015, and return no later than June 2012 to Regional Council for final site, design, and capital scope approvals, along with the confirmation of potential funding partners; and**
- 3. Direct staff to begin negotiations with potential land owners as presented in the Halifax Stadium Phase 2 Consultant Report as well as outlined in the Executive Summary section of the November 25, 2011 staff report, and report back to Regional Council with a recommendation of the optimal proposed site for a potential stadium complex.**

Mayor Kelly indicated that he had met with the Premier, along with federal ministers on this matter, and that this final report will be forwarded to the provincial and federal governments for their consideration. The Mayor confirmed that HRM will not be moving forward with the construction of a stadium without having government funding partners in place.

Members of Council discussed the motion on the floor at this time.

Ms. Killen, at the request of Council, clarified the following:

- That site selection would not occur until after confirmation of funding partners is obtained.
- That a six month extension would allow time for the provincial and federal governments to respond to the funding partnership requests that have been put forward by HRM.
- That revenues identified in the operating budget for the stadium would be from field rentals, predominantly from amateur soccer and football.

Councillor Watts commented that in addition to the \$375,000 cost of the consultant's report, there were about 1400 hours of HRM staff time, which equal \$60-80,000 dollars.

MOVED by Councillor Adams that, as Regional Council has committed to \$20 million for the construction of a 14,000 seat expandable stadium, and now that the Phase 2 Stadium Analysis has been completed, HRM requests an answer from the provincial and federal governments as to whether they intend to act as funding partners on the construction of a stadium.

Council recessed at 4:51 p.m.

Council reconvened at 6:02 p.m. with Councillors Johns and Mosher not in attendance.

Councillor Adams withdrew his motion as the intent is similar to Recommendation 2 of the main motion.

Councillors Barkhouse and Uteck entered the meeting at 6:04 p.m.

Discussion ensued on the motion.

Ms. Betty Lou Killen, Coordinator, Client Services, Service Delivery/Facility Management, Community & Recreation Services, and Mr. Jim Cooke, Director, Finance, responded to questions of clarification from Members of Council.

Some members of Council expressed concern that moving forward with the Stadium would impact existing facilities requiring upgrades which may not get done if funding is allocated to the stadium project; other infrastructure concerns such as flooding in some areas; and, that the Regional Plan shows public transit is a pressing need.

MOVED by Councillor Nicoll, seconded by Councillor Lund that the motion be amended by striking the word "required" from Recommendation 1.

Mayor Kelly advised that Council had given the direction as outlined in the motion.

The **motion to amend was lost.**

In response to concerns on how the deficit for the stadium operating costs would be covered, Mr. Cooke explained that if the operating deficit were \$271,000 annually, it would result in a \$1.23 residential tax increase for the average home in HRM.

Mr. Richard Butts, Chief Administrative Officer, advised Council that an operating subsidy is the operating mode for every stadium in the country with one exception.

Councillor Rankin requested a more detailed business case for the project including the economic benefit to the community. He expressed concern with the growing cost of the project from \$20 million to a potential \$71 million figure with a risk that it may go higher. He also expressed concern with the municipality alone underwriting the deficit. Councillor Rankin noted that the municipality does not have the funds to cover the public transit priorities as outlined in the five year transit plan and questioned what would not be done if the proposed funding were allocated to the stadium project.

Councillor Uteck requested that all correspondence between Senior Management and the funding partners, specifically the response from the Provincial and Federal government, be released to Council.

Mr. Butts, CAO, explained that the business case would be delivered to the Provincial and Federal governments following Council's initial review occurring at this meeting; the two levels of government would then have the opportunity to do a full analysis of the project and determine how it would fit into their plans and then provide a response to the municipality.

Councillor Barkhouse requested that staff explain how the municipality could make the facility happen without affecting taxes.

In response to concerns raised on other infrastructure issues facing the municipality, Mr. Butts, CAO, explained that Council has committed to funding for the stadium; there is a strategy underway to address flooding issues in a twenty-five year plan with some funding currently available; a strategy will be developed for the capital requirements for regional facilities. Although there are challenges one does not preclude the other and staff are exploring creative ways to deal with these matters. An update on the budget is expected to be provided to Council in late January.

A recorded vote was then taken on the motion as follows:

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

- 1. Continue to pursue FIFA Women's World Cup Canada 2015 and recognize that a multi-use stadium is a required municipal sport and recreation asset;**

2. **Direct staff to request an additional six (6) months of time from the Canadian Soccer Association, before confirmation of intent to construct a multi-use stadium for the FIFA Women's World Cup Canada 2015, and return no later than June 2012 to Regional Council for final site, design, and capital scope approvals, along with the confirmation of potential funding partners; and**
3. **Direct staff to begin negotiations with potential land owners as presented in the Halifax Stadium Phase 2 Consultant Report as well as outlined in the Executive Summary section of the November 25, 2011 staff report, and report back to Regional Council with a recommendation of the optimal proposed site for a potential stadium complex.**

MOTION PUT AND PASSED.

Those voting in favour of the motion were Councillors: Dalrymple, Fisher, Harvey, Hendsbee, Deputy Mayor Karsten, Mayor Kelly, Lund, Nicoll, Outhit, Rankin, Sloane, Smith, Streach, Walker and Wile.

Those voting against the motion were Councillors: Adams, Barkhouse, McCluskey, Uteck and Watts.

Those absent for the vote were Councillors: Blumenthal, Hum, Johns and Mosher.

10.1.2 Via Rail Sanitary Sewer Encroachment Agreement

A report dated November 17, 2011 was before Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Halifax Regional Council approve the encroachment agreement as attached to the November 17, 2011 staff report, to allow the proposed sewer to be installed under Hollis Street from the Via Rail building to Barrington Street. MOTION PUT AND PASSED.

10.1.3 Case 17224 – Amendments to the Eastern Passage and Cow Bay Municipal Planning Strategy to Permit Two Unit Dwellings by Development Agreement

A report dated November 15, 2011 was before Council.

MOVED by Councillor Barkhouse, seconded by Deputy Mayor Karsten, that Halifax Regional Council:

1. **Initiate the process to consider amending the Eastern Passage and Cow Bay Municipal Planning Strategy to permit two unit dwellings at 1948 Shore Road, Eastern Passage by development agreement; and**

2. Request staff to follow the public participation program as approved by Council in February 1997.

MOTION PUT AND PASSED.

10.2 AUDIT AND FINANCE STANDING COMMITTEE

10.2.1 Amendment to the Grants Committee and Special Events Advisory Committee's Terms of Reference

A report dated November 17, 2011 was before Council.

MOVED by Councillor Walker, seconded by Councillor McCluskey, that Halifax Regional Council approve an amendment to the Grants Committee and Special Events Advisory Committee Terms of Reference, Section 1.4, to read as follows: "The Chair shall be appointed annually by the Audit and Finance Standing Committee from the membership of the Audit and Finance Standing Committee."

MOTION PUT AND PASSED.

10.3 COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT STANDING COMMITTEE

10.3.1 Affordable Housing Functional Plan Update Information Report

An Information report dated November 21, 2011 was before Council.

A copy of the staff presentation was circulated to Council.

Mr. Roger Wells, Supervisor, Regional and Community Planning, presented the report.

MOVED by Councillor McCluskey, seconded by Councillor Walker that the matter be referred back to the Community Planning and Economic Development Standing Committee for a recommendation report. MOTION PUT AND PASSED.

10.4 ENVIRONMENT AND SUSTAINABILITY STANDING COMMITTEE

10.4.1 Province of Nova Scotia – Draft Coastal Strategy

A report dated November 15, 2011 was before Council.

MOVED by Councillor Barkhouse, seconded by Councillor Nicoll, that Halifax Regional Council support the Province of Nova Scotia Draft Coastal Strategy as prepared. MOTION PUT AND PASSED.

Councillor Adams requested that a copy of the Draft Coastal Strategy be provided to Members of Council.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 In Camera Process – Information Report

An information Report dated December 5, 2011 was circulated to Council at this time. No further action required.

12.2 Councillor McCluskey/Councillor Watts – Request for Report – Development of Policy - Funding from alcohol companies for HRM sponsored events and facilities

MOVED by Councillor McCluskey, seconded by Councillor Watts, to request a staff report to develop a policy on accepting funds from alcohol companies for HRM sponsored events and facilities to be completed in time for 2012/13 budget discussions that will ensure an informed and public debate.

Councillor Sloane submitted information on the issue and requested that it be provided to staff.

MOTION PUT AND PASSED.

12.3 Councillor Smith – Request for Report - Dog Tethering

MOVED by Councillor Smith, seconded by Councillor Lund that Halifax Regional Council request that staff review By-Law A-300 Respecting Animals and Responsible Pet Ownership on tethering animals, specifically dogs, and report to Council on how HRM is addressing this issue. MOTION PUT AND PASSED.

12.4 Councillor Adams - Retirement of a Taxi Roof Light

MOVED by Councillor Adams, seconded by Councillor Walker that Halifax Regional Council request that the municipality retire Taxi Roof Light #361 in honour of the family of Fred Spears whose family held the roof light for a period of fifty (50) years. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. ADJOURNMENT

The meeting was adjourned at 7:24 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS

1. Memorandum from Deputy Chief Administrative Officer dated November 21, 2011 re: Halifax Regional Fire and Emergency Services Career Firefighter Recruitment
2. Memorandum from Director, Finance and Information Technology dated November 28, 2011 re: Second Quarter 2011/12 Financial Report
3. Memorandum from Chair, Community Planning and Economic Development Standing Committee dated November 21, 2011 re: Update on Community Engagement for the Social Heritage Strategy
4. Memorandum from Director Planning & Infrastructure dated November 14, 2011 re: Petition - Seaview Park Fencing
5. Memorandum from Director, Legal Services & Risk Management dated November 16, 2011 re: Status of By-Law Prosecutions - June 1, 2011 - June 30, 2011
6. Memorandum from Director, Legal Services & Risk Management dated November 22, 2011 re: Status of By-Law Prosecutions - July 1, 2011 - July 31, 2011
7. Memorandum from the Municipal Clerk dated November 25, 2011 re: Requests for Presentation to Council – Ross Cantwell, The Housing Trust of Nova Scotia re: Affordable Housing