

HALIFAX REGIONAL COUNCIL  
MINUTES

January 10, 2012

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  
Brad Johns  
Robert Harvey  
Tim Outhit  
Reg Rankin  
Peter Lund

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. Chris Newson, Legislative Assistant

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## 1. INVOCATION

The Mayor called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Outhit.

## 2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Members of Council provided a variety of community announcements and acknowledgements.

Councillor Hendsbee requested that Mayor Kelly, on behalf of Council, forward letters of condolence to the families of Mr. Brian Cox and Mr. Jim Clarke. Council observed a moment of silence in memory of the two prominent Lake Echo citizens Mr. Brian Cox, first Fire Chief for Lake Echo, and Mr. Jim Clarke, Entrepreneur.

Councillor Wile entered the meeting at 6:05 p.m.

Mr. Richard Butts, Chief Administrative Officer, introduced two new HRM staff members, Mr. Doug Trussler, HRM Fire Chief, and Mr. Bruce Debaie, Manager, HRM Corporate Communications.

## 3. APPROVAL OF MINUTES

### December 6, 2011

Councillor Watts requested that her comments, concerning costs in addition to the consultant's fees for the stadium, be added to Page 9 of the December 6, 2011 minutes.

### December 13, 2011

Councillor Rankin requested that his comments explaining why he could not support staff's recommendation in regard to banking services (Item 10.1.5, Page 12) be included in the December 13, 2011 minutes.

Councillor McCluskey requested that she be recorded in the December 13, 2011 minutes, Page 26, as not being in attendance for the recorded vote.

Councillor Nicoll noted that in the December 13, 2011 minutes (page 13, Item 10.1.5), the name "Knon" should be "Knox".

**MOVED by Councillor McCluskey, seconded by Councillor Smith that the minutes of December 6 & 13th, 2011, as amended, be approved. MOTION PUT AND PASSED.**

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

Additions:

- 13.1 Special Events Advisory Committee report - Non Annual Events Grant Program – Second Intake
- 13.2 Councillor Fisher – Request For Staff Report Re: Changes To HRM Booking / Payment System For Arena Users.
- 13.3 Proclamation: Nova Scotia Crime Stoppers Awareness Month January 2012
- 13.4 Councillor Watts – Request Stay in Proceedings re: St. Patrick’s Alexandra School pending Staff Report

**MOVED by Councillor Watts, seconded by Councillor Barkhouse that the agenda, as amended, be approved. 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 Proposed By-Law S-434, An Amendment to By-Law S-400, Respecting Local Improvement Charges – New Paving Projects Outside the Core Area 2010 – Joan Elizabeth Way, Sandy Point Road, Mannette Court**

Mr. Ken Reashor, Director, Transportation and Public Works, presented the report. He advised that, as per the previous decision of Council, the By-law proposes a charge of equal value for the forty-four (44) lots with a common lot charge per lot.

Mayor Kelly explained the Rules of Procedure for public hearings then called for speakers to come forward at this time.

**Charles Dwyer, Sandy Point Road, Porters Lake**, requested that Council not approve By-Law S-434 in its present form. He then provided a verbal history of the issue outlining mistakes, errors and omissions and the ongoing state of confusion in regard to the proposed Local Improvement Charge (LIC). He explained that at the initial meetings, held by then MLA Bill Dooks and Councillor Hendsbee, the interim rate of \$35 per foot, a high end estimate, was proposed. He then reviewed the paving rate costs from 2005 through 2007 advising that the then estimated cost was probably less than \$30 and never to be as much as \$35. Prior to and following completion of the paving project, letters were sent to property owners. The four property owners on Sandy Point Road

were advised that they would not have an LIC assessed against their properties yet the other residents were not advised of that fact prior to signing the petition. Mr. Dwyer noted that HRM then decided that all forty-seven properties would be evenly assessed a lot charge of \$3,784.12. Councillor Hendsbee then advised that there were 48 properties that should be assessed and the lot charge was lowered to \$3,705.29; the residents were notified of this information. At the October 4, 2011 public hearing, the four property owners on Sandy Point Road intervened and the proposed By-Law was defeated with the result being that the four residents on Sandy Point Road would not have to pay the LIC. The residents of Sandy Point Road were then notified that they would all be charged a new lot charge of \$4,042.13. Mr. Dwyer noted that the four property owners never paid an LIC on those properties and may never have to due to a decision made by HRM staff and Council. He commented that there was no reasonable basis to expect other owners to pick up the difference, and; if Council wished to exempt the four property owners then the cost should be collected from general revenue rather than by asking the remaining property owners to cover that amount. Mr. Dwyer emphasized that the residents were not advised of this at the time of signing the petition for paving and that the process has been flawed since day one. The By-Law should be rewritten using an LIC of \$3705.29 as published and agreed in September 2011. He requested that Council also seek an independent review of how this was handled so it is not repeated as it is not sound municipal policy and warrants a review by the Auditor General or senior staff.

**Ruth Hoddinott** commented that she was not in agreement with the proposal and that the process seems flawed. Four properties have been exempt, however; her property is located next to those properties and both entrances are paved and were paved when they purchased the property. Only a small portion was paved as part of this process, approximately 58', and they are now being included and charged for the whole assessment. She questioned whether or not there was a standard procedure that all of HRM would follow for a process such as this. She noted that the province has already paid for paving the portion where she lives and questioned why they were being asked to pay again. Ms. Hoddinott commented that she did not feel this was done in a fair and equitable manner.

**Allen Pelley, Sandy Point Road**, commented that his main concern is that Sandy Point Road belongs to the province as it used to be the old highway and Exit 20 into Porters Lake. His property is located in the area that was previously paved with only a 58' section paved as part of this project, however; the road was probably paved before but torn up when the highway was constructed. He questioned why he was paying yet the four properties next to him are not. The pavement on his section was part of the highway that belongs to the province.

**Grant Milligan, Mannette Court, Porters Lake**, explained that there are two separate subdivisions in the community: Chezzetcook Hills Estate and Sandy Point Estates which is already paved. He advised that the petition he had signed was for Chezzetcook Hills Estates with a cost of \$35 per road frontage. Mr. Milligan explained that he bought his property in 1994 based on the road frontage and had given up lake frontage due to that

fact as he knew, in future, he would have to pay per road frontage. He noted that the proposal was to pay per square footage. On October 4, 2011, residents were advised that they would be paying equal amounts yet the petition he signed was for his subdivision with a charge per footage. Councillor Hendsbee advised him at that time that he had the ability to change that. Mr. Milligan commented that this is dictatorship not democracy and questioned why he signed something that could be changed by the Councillor.

Mayor Kelly gave the third and final call for any speakers; hearing none, it was **MOVED by Councillor Rankin, seconded by Councillor Blumenthal that the public hearing be closed. MOTION PUT AND PASSED.**

Councillor Hendsbee advised that correspondence had been received from the following persons: Mr. Dwyer, Mr. Peterson, Ms. Nicoll, Ms. Hoddinott, Mr. Allen and Ms. Judy Kennedy.

Councillor Hendsbee explained that the four properties in question were never assessed for a Local Improvement Charge (LIC). The issue is that Sandy Point Road was initially an off ramp from Highway 107 that became disconnected from the road network when the full interchange for Exit 20 was created. A portion of that Sandy Point Road was left for future access due to the number of vehicles parking on the highway to access Sandy Point beach. Developers and area property owners consulted with the province and Sandy Point Road and Mannette Court were built off a portion of the former Highway 107. Petitions were circulated a few years ago to accumulate a few streets in the area in order to have a quantity of streets paved. Consideration was given to a more equitable method of funding the paving as there were four different rates for calculating the costs with three of those rates potentially to be applied to one street. The more equitable approach was to have one flat rate for the entire neighbourhood as they all have the same use of and access to the road. Councillor Hendsbee pointed out that upon closer inspection it was discovered that the four properties with the paved frontages had never been assessed for a Local Improvement Charge and that all forty-eight properties should have been included in the calculations for the paving project. Council's decision was to honour staff's original position presented to the residents which was to exempt the four properties from the LIC. He requested that Council consider the following motion:

**MOVED by Councillor Hendsbee, seconded by Councillor Dalrymple that Halifax Regional Council defer the matter of new paving of subdivision streets outside the core area – 2010 for Joan Elizabeth Way and Mannette Court and Sandy Point Road to staff for a Supplementary Report on the impact of having the Local Improvement Charge recovered by a uniform lot charge of \$3,705.29 for the 44 properties located on the above noted streets, referenced in the map attached to the October 18, 2011 staff report, and; that HRM cover the remaining \$14,821.14 for total recovery of \$177,853.64 net HST included.**

Mayor Kelly clarified that the matter must be referred to staff for a report as the motion includes a request for extra costs not previously included in the budget.

Councillor Smith requested that the staff report also provide clarity on the petition that was made to the residents of Mannette Court in regard to the amount per linear foot of frontage and what the implications of that original petition are.

In response to a question by Deputy Mayor Karsten, Mayor Kelly clarified that the motion before Council at this time would not require another public hearing.

Mayor Kelly clarified that the amendments as proposed in the staff report are not being approved at this time as the request is now to defer to staff for a report in regard to the request for the unbudgeted funds.

Councillor Uteck advised that she was not in support of the deferral, nor the amendment as presented, as it would be setting a precedent.

Councillor Hum expressed concern with the process and requested that staff clarify the process. She questioned what would occur if staff's response was that they could not find the remaining amount in the budget.

Councillor Johns commented that HRM would cover the cost of repaving any other road through the capital works budget, therefore; the cost for repaving the four lots, approximately \$14,821.14, would come from the capital works budget. He noted his support for the deferral.

Ms. Cathy Mellett, Municipal Clerk, provided clarification to Council that the current matter before them was what lot fee would be charged to the remaining properties in the By-Law with the exception of the four properties that were removed from the By-law by previous decision of Council.

Councillor Walker noted that HRM should not be paving any provincial roads in the capital budget. He requested that the report include information on what the charges would have been at \$35 per linear foot as per the original petition and whether or not the total cost included insurance.

#### **MOTION TO DEFER PUT AND PASSED.**

#### **9.2 Case H00353 – Application to Consider 1141 Cartaret Street, Halifax as a Municipally Registered Heritage Property**

An extract of the November 22, 2011 Council minutes was before Council.

Mr. Bill Plaskett, Heritage Planner, presented a brief overview of Case H00353.



In response to a question by Mayor Kelly, Mr. Plaskett advised that the property owner, although invited to attend, was not present.

Mayor Kelly explained that only the property owner is eligible to speak at a Heritage Registration Hearing.

**MOVED by Councillor Uteck, seconded by Councillor Sloane that Halifax Regional Council approve the registration of 1141 Cartaret Street, Halifax as shown on Map 1 of the September 8, 2011 staff report, under the HRM Heritage Property Program. MOTION PUT AND PASSED.**

**9.3 Case H00359 – Application to Consider 5720-22 Inglis Street, Halifax as a Municipally Registered Heritage Property**

An extract of the November 22, 2011 Council minutes was before Council.

Mr. Bill Plaskett presented a brief overview of Case H00359.

In response to a question by Councillor Fisher, Ms. Mary Ellen Donovan, Municipal Solicitor, explained that the Property Valuation Services Corporation (PVSC) takes the position that heritage registration has neither a positive nor negative impact as a whole on property value.

Councillor McCluskey advised that heritage designation would affect a property, perhaps not in value, however; heritage designation would have a restricted market as not everyone would want a heritage home.

In response to a question by Mayor Kelly, Mr. Plaskett advised that the property owner, although invited to attend, was not present.

Mayor Kelly explained that only the property owner is eligible to speak at a Heritage Registration Hearing.

**MOVED by Councillor Uteck, seconded by Councillor Sloane that Halifax Regional Council approve the registration of 5720-22 Inglis Street, Halifax as shown on Map 1 of the September 14, 2011 staff report, under the HRM Heritage Property Program. MOTION PUT AND PASSED.**

**10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**10.1 Correspondence - NONE**

**10.2 Petitions**

**10.2.1 Councillor Sloane**

In reference to the St. Patrick's Alexandra School matter, Councillor Sloane submitted nine letters, a list of questions to be answered by staff and three petitions as follows:

Petition 1 submitted with 186 signatures urging the Halifax Regional Municipality to retain the former St. Patricks' / Alexandra School as a community owned and run site.

Petition 2 submitted with 190 signatures supporting the St. Patrick's Alexandra Site proposal (North End Community Centre).

Petition 3 submitted with 607 signatures requesting that Halifax Regional Council review its decision to sell the St. Patrick's Alexandra School property to JONO Developments in order that the interests and needs of both the Community and the City be given equal opportunity in the use of this public property.

### **10.2.2 Councillor Adams**

Councillor Adams submitted a petition with 157 signatures from residents of the Sambro community transit service area supporting the addition of a 10:00 A.M. run to the Sambro community transit morning schedule beginning November 21, 2011.

### **10.2.3 Councillor Rankin**

Councillor Rankin submitted a petition, a copy of which is to be tabled with the Nova Scotia Legislature by MLA Bill Estabrooks, on behalf of approximately 25 residents of the Old Coach Road, Goodwood, with signatures in favour / agreement with the paving of Old Coach Road as soon as possible.

## **11. REPORTS**

### **11.1 CHIEF ADMINISTRATIVE OFFICER**

#### **11.1.1 Greater Halifax Partnership – Connector Program**

The December 23, 2011 staff report was before Council.

**MOVED by Councillor Nicoll, seconded by Councillor Wile that Halifax Regional Council approve the payment of the final two invoices, for the completion of the Connector Program, in the amount of \$80,000 and \$10,000, to Greater Halifax Partnership.**

In response to a question by Councillor Rankin, Mr. Fred Morley, Greater Halifax Partnership, confirmed that the program will continue. He advised that they have obtained direct funding to expand the program beyond immigrants and international students to include young professionals and graduating students from Halifax universities and community colleges.

**MOTION PUT AND PASSED.**

### **11.1.2 Request for Proposal #11-077 – Integrated Telephone & Internet Voting**

The December 19, 2011 staff report was before Council.

**MOVED by Councillor Smith, seconded by Councillor McCluskey that Halifax Regional Council:**

- 1. Approve an increase to the Municipal Clerk's Operating Budget, Cost Centre A125 6999, in the amount of \$553,007 (net HST included) with funding as a withdrawal from Q313 – Election Reserve in order to award RFP #11-077, Integrated Telephone and Internet Voting and Production/Distribution of Voter Notification Cards for the 2012 Municipal and School Board Elections.**
- 2. Award RFP #11-077, Integrated Telephone and Internet Voting and Production/Distribution of Voter Notification Cards to the highest scoring proponent, Scytl (Secure Electronic Voting) for a total cost of \$553,007 net HST included with funding from Elections account A125 as outlined in the Budget Implications section of the December 19, 2011 report.**

Discussion ensued on the motion with some Members of Council expressing concern that the local company, who has proven local experience, was not the recommended proponent even though they had scored higher in the technical area. Concern was expressed in regard to how many on site personnel would be available if the tender were awarded to Scytl and whether or not they would be familiar with the local Municipal Elections Act and process governing this area. Some members of Council expressed concern with the loss of that knowledge and the potential of having to repeat that situation.

In response to concerns expressed, Ms. Cathy Mellett, Municipal Clerk, explained that the integrity of the election process was paramount during the review of this tender as the first consideration of the RFP was whether the proponent met the technical requirements. She advised that part of the process includes an eight week Proof of Concept wherein the provider has to ensure, and demonstrate to HRM, that the product is delivered in an acceptable manner.

In response to questions raised by members of Council, Ms. Mellett explained that:

- if the recommended proponent does not meet HRM's satisfaction within the Proof of Concept period, negotiations would commence with the second proponent
- the recommended proponent has extensive experience conducting elections in Europe and Australia
- reference checking was part of the procurement process
- there is a reciprocating payment agreement with the Halifax Regional School Board (HRSB) and the Conseil scolaire acadien provincial (CSAP) for conducting the school board elections

- on site presence in HRM will be provided by the proponent through the Proof of Concept period as well as throughout the election
- a teleconference meeting was held with Scytl to clarify several questions, however; no direct in person interview has taken place
- at the end of the eight week Proof of Concept period, Regional Council would have to be satisfied with the proponent's performance prior to finalizing the contract
- the Proof of Concept is the same method used for Intelivote in 2008 with the proponent being provided eight weeks from Council's decision, being made today, to meet all criteria put forward
- there was no geographic weight provided in the scoring
- the contract would be specifically for the 2012 municipal and school board elections; previously there was one proponent with a reduced price negotiated for an extended contract of four years
- payment to the proponent during the Proof of Concept stage is included in the costs
- a Project Manager will work with HRM on site during the Proof of Concept period.

Councillor Fisher commented that it was unfortunate the procurement process did not have points for local businesses. He expressed concern that there would be a short time frame if the recommended proponent did not perform satisfactorily during the Proof of Concept period.

Councillor Nicoll questioned whether appropriate weight was given to risk factors in the evaluation criteria considering that the recommendation before Council is to go with an unknown provider versus a local company who has been very innovative and worked well for the municipality.

Councillor Rankin expressed concern with the scoring as the incumbent, who has demonstrated specific expertise by delivering the required service, only scored 23 in this category with the recommended proponent scoring a 24. He questioned why the incumbent would not have scored 25/25 based on the very good job they have done and why a high score was given to an unknown.

Councillor Sloane commented that stability is required when it comes to voting practices. She noted that although the incumbent's quote was more expensive, they know the system and HRM would be investing in local business which would provide a spin off back to the community.

Councillor Mosher noted that although it would be great to buy local and support local businesses, it is also important to be fiscally responsible. The recommended proponent has proven success in other countries and a strong security system such as printed receipts to confirm receipt of ballots.

Councillor McCluskey commented that the municipality has to be cognizant of costs and although it would have been good to have a local company, good value for lower cost

has to be considered. If only the technical aspect was considered, clearly the local company would have been recommended.

Councillor Streach noted that a local company should not take anything for granted as we live and operate in a world economy. The municipality has been tasked with bringing in cost savings and the cost savings, if the recommended proponent is approved, is \$300,000.

Councillor Walker advised that only one election has been done to date using electronic voting. The Selection Committee did their job and brought back a report that unfortunately does not recommend the incumbent local company. In regard to concerns raised on understanding HRM's needs, he explained that with today's technology the proponents could go online and obtain that information. Bidding on a project anywhere in the world requires the proponents to do their homework in advance.

Deputy Mayor Karsten advised that he was in support of the recommendation. He noted that the concerns being expressed this evening were similar to concerns expressed in 2008 when Council first made the decision to introduce electronic voting. The cost comparison between the two proponents is a difference of 54%. He noted that past discussions on RFP's have emphasised more weight for the cost element.

In response to a question on whether or not the project would require a re-tendering if the recommended proponent was not successful during the Proof of Concept period, Mr. Stephen Terry, Senior Procurement Consultant, explained that the normal process would be to obtain a decision on whether to place a new RFP or enter into negotiations with the second place proponent providing the proof of concept did not result in a change in scope for the RFP.

Councillor Fisher advised that he would prefer more detailed information on what one company is offering over the other as the cost difference may be in regard to how many support persons would be provided. He questioned whether the RFP was detailed enough and able to provide that information.

Councillor Rankin explained that the basis for the recommendation was based on the total score and not necessarily the cost issue. Out of 100 points, the emphasis was not on the cost as that area was assigned points of 20/100. He inquired what it was the tender was requiring the competitors to do as that was what they responded to. He would have assigned a higher value to the risk category.

Councillor Harvey advised that he was in support of the motion as this is the 21st century and only one person on site, not 20, may be all that is required.

Councillor Smith explained Council is the financial steward of the public money and more emphasis has to be placed on finances.

Councillor Watts commented that although the two proponents were very close in regard to the technical component of the RFP, and differed greatly in the cost area, it is important to consider investment in the local economy as the money would come back to the community. The comfort level with a provider that has been successful is also important.

Councillor Outhit advised that he was not in favour of strict protectionism to buy local with a small population like HRM whose future is in selling to the world. He noted that the critical trial period is the Proof of Concept period wherein Council will determine its comfort with the proposed proponent.

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

**MOVED by Councillor Smith, seconded by Councillor McCluskey that Halifax Regional Council:**

- 1. Approve an increase to the Municipal Clerk's Operating Budget, Cost Centre A125 6999, in the amount of \$553,007 (net HST included) with funding as a withdrawal from Q313 – Election Reserve in order to award RFP #11-077, Integrated Telephone and Internet Voting and Production/Distribution of Voter Notification Cards for the 2012 Municipal and School Board Elections.**
- 2. Award RFP #11-077, Integrated Telephone and Internet Voting and Production/Distribution of Voter Notification Cards to the highest scoring proponent, Scytl (Secure Electronic Voting) for a total cost of \$553,007 net HST included with funding from Elections account A125 as outlined in the Budget Implications section of the December 19, 2011 report.**

Councillor Smith requested a recorded vote.

**MOTION PUT AND PASSED (19/5).**

Those voting in favour were Councillors: Adams, Barkhouse, Blumenthal, Dalrymple, Harvey, Hendsbee, Hum, Johns, Deputy Mayor Karsten, Mayor Kelly, Lund, McCluskey, Mosher, Nicoll, Outhit, Smith, Streach, Walker and Wile.

Those voting against the motion were Councillors: Fisher, Rankin, Sloane, Uteck and Watts.

Council recessed at 7:54 p.m.

Council reconvened at 8:17 p.m.

### **11.1.3 Amended Investment Policy**

The following documents were before Council:

- December 19, 2011 staff report
- December 15, 2011 Audit and Finance Standing Committee report

**MOVED by Councillor Outhit, seconded by Councillor McCluskey that Halifax Regional Council approve the amended Investment Policy. MOTION PUT AND PASSED.**

### **11.1.4 Case 17397 – Redevelopment of the Former Bay Department Store – 7067 Chebucto Road, Halifax**

The December 6, 2011 staff report was before Council.

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

- 1. Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law to permit an addition to the building at 7067 Chebucto Road (the former Bay department store) in the west end of Halifax; and,**
- 2. Request that staff follow the public participation program as approved by Council in February 1997.**

Councillor Watts advised that residents have expressed concern in regard to the impact this proposal would have on traffic and parking on streets due to the increase in office space. Concern has also been expressed in regard to height and setback as outlined in the proposal. She inquired whether Council would have input into increasing the setback, if necessary, so that the building would not impose on Chebucto Road, Phillip and Leppert Streets. She requested that staff be very clear during the public information meetings that a development agreement option is possible. She questioned why this site was orphaned and not included in the Secondary Planning Strategy process in the 1970's. Councillor Watts commented that there is merit in looking into the impact of this proposal on the community.

In response to concerns raised by Councillor Watts, Mr. Richard Harvey, Senior Planner, and Mr. Austin French, Manager, Planning Services, explained that there was room for flexibility, in regard to height and setback, at a later time when the matter returns to Council as currently the process is to discuss the proposed MPS amendment with the public and provide a detailed analysis back to Council. A detailed traffic and parking study has been done and will be subject to more detailed review and shared with the public. It is uncertain why this site was not included in the Secondary Planning Strategy process of the 1970's, however; the area has been included in the Regional

Plan as a district centre for mixed use including office development. This proposal is in keeping with the most recently adopted planning strategy.

Councillor Wile requested clarification on the professional school and whether it would be CompuCollege or Eastern College.

Councillor Mosher referenced Page 4 of the staff report noting that additional office space, i.e.: the Manulife building, a large glass office tower in the middle of an R-1 area, was negatively received by the community at that time. She noted that having office buildings in this area would be negative and that staff should obtain input from residents in regard to the design aesthetics. She advised of a recent request for an office tower in a currently zoned R-1 area of Dutch Village Road. Such applications are precedent setting. Councillor Mosher agreed that a development agreement process should be implemented for this proposal. HRM should be promoting the downtown for businesses.

Councillor Hendsbee commented that the site would be ideal for hotels and questioned why they would be discouraged and could they be included as part of this process.

Mr. Harvey explained that the application before Council was specifically for office space. In future, a broader range of uses may be considered as per the Regional Plan that has designated the area as being a mixed use centre.

#### **MOTION PUT AND PASSED.**

#### **11.1.5 Case 17195 – 6112 Quinpool Road – Proposed Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law**

The November 16, 2011 staff report was before Council.

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

- 1. Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law to permit an eight storey mixed use building at 6112 Quinpool Road, by development agreement.**
- 2. Request that staff follow the public participation program as approved by Council in February 1997.**

Councillor Watts advised that she was not in support of the recommendation based on workshops done in 2006 along with recent public consultation that indicate the preferred height would be three to five storeys with a maximum of six. The Urban Core plan is yet to come forward. Residents have emphasised that the buildings be human scaled with appropriate transitions.



Councillor Sloane explained that she was in support of seeking public consultation as it is important to meet with the developers and residents to ensure a good transition into neighbourhoods. The HRMbyDesign Centre Plan project is underway and the corridors for the peninsula will be under pressure. The intent of the Regional Plan is to densify the peninsula, therefore; it is very important to keep discussions going in order to work out a consensus on everything that is done.

Councillor Hendsbee noted that the nearby Quinpool Towers building was higher than eight storeys. He suggested a cap of twelve storeys as the Regional Plan does speak to densification of the urban core. The Quinpool Road Business Association may welcome the expansion to the neighbourhood.

Councillor Blumenthal noted his support for the proposal as long as there was public consultation. Quinpool Road is part of the urban centre corridor and an integral part in building a strong downtown.

Councillor Uteck advised that she would prefer to move to the HRMbyDesign Centre Plan directly as this is one of several developments that will be forthcoming on Quinpool Road. The plan contains a distinct clause in regard to height in that taller heights may be accommodated in appropriate locations where adequate transitions in height to adjacent low-rise residential uses can be achieved. This site, located on the corner of Quinpool Road, Vernon and Pepperell Streets, is one such site. Councillor Uteck requested Council's support in moving forward with this proposal as a test case to determine what the neighbourhood is ready to consider.

#### **MOTION PUT AND PASSED.**

#### **11.1.6 First Reading Proposed By-Law C-702 – An Amendment to By-Law C-700 Respecting Cemeteries and Administrative Order 20 Respecting Fees for Cemetery Service**

The December 16, 2011 staff report was before Council.

**MOVED by Councillor Blumenthal, seconded by Councillor Wile that Halifax Regional Council give First Reading of By-Law C-702, Respecting Cemeteries and Administrative Order 20, Respecting Fees for Cemetery Services.**

Councillor Watts noted a correction for page 2 of the December 16, 2011 staff report, Background section, to read as follows: that the Last Post Fund is a national non-profit organization founded in 1909 with the Nova Scotia Branch established in 1985. She requested clarification from staff on the following:

- the costs associated to fees for maintenance: is it \$60 or \$100
- why is a maintenance fee charged for the second receptacle placed in a columbarium when the fee paid for the first receptacle should cover that cost
- HRM's relationship/contract with the Last Post Fund

- Attachment C, Page 8, sections (vi) and (vii) in regard to maintenance fees for a second cremation urn being placed in a niche: is this standard/best practices or is there a separate understanding for the Last Post
- what is the process: will a decision be made this evening or are there further opportunities for amendments.

In response to concerns raised by Councillor Watts, Mr. Brian Phelan, Superintendent, Parks and Open Spaces, explained that the industry is changing as more people are choosing cremation rather than traditional burials. Incidents have occurred where two or three interments are occurring in the one opening/closing, a situation that the current By-law does not address. The proposed amendment will allow HRM to address this issue.

Mr. Richard Butts, Chief Administrative Officer, advised that representatives of the Last Post Fund contacted him in regard to specific concerns related to a specific issue that staff resolved by working with the Last Post Fund representatives and resulted in the proposal before Council at this time. The new issues being brought forward, if Council wishes, will be dealt with by staff.

Councillor Mosher suggested that Page 2 of the staff report be corrected by removing "originated in" and insert "Nova Scotia Branch" to read as follows: "...the Last Post Fund Nova Scotia Branch was established in 1985". She requested that staff contact Admiral Keeler and Mr. David Dibblee prior to the public hearing in regard to HRM's contract with the Last Post Fund to clarify any confusion/misunderstanding in regard to opening/closing fees, maintenance/perpetual care fees and grandfathering of the original columbarium sales.

Mr. Ken Reashor, Director of Transportation and Public Works, advised Council that HRM was honouring the contract with the Last Post Fund. The proposed amendment is to deal with the niches that were presold prior to the original change in fees in 2008.

Councillor McCluskey noted that throughout the document the term "perpetual care" was changed to "maintenance" but not in Attachment B. She questioned why all lots sold back to HRM shall be purchased at the current municipal lot value less 20% as a person expects to make money when they sell property.

#### **MOTION PUT AND PASSED.**

### **11.2 ENVIRONMENT AND SUSTAINABILITY STANDING COMMITTEE**

#### **11.2.1 Partnership Agreement – Clean Nova Scotia**

The December 1, 2011 Environment and Sustainability Standing Committee report was before Council.

**MOVED by Councillor Hum, seconded by Councillor Hendsbee that Halifax Regional Council:**

- 1. Approve a sole source partnership agreement with Clean Nova Scotia, under the FCM Green Municipal Funding program and as outlined in the October 14, 2011 staff report, to deliver a 2012/2013 HRM's Fleet Fuel Consumption Reduction Program in support of HRM's green house reduction objectives.**
- 2. That funding for the partnership agreement, in the amount of \$50,000 in fiscal 2012/2013, be provided from Operating Account D948 (Sustainable Community Projects) on the condition that funds are not from General Tax Revenues but are generated through interest savings in the Sustainability Communities Reserve (Q127) and will be contingent on the partnership investment leveraging substantial additional funding for the development and delivery of the program.**

**MOTION PUT AND PASSED.**

**11.3 TRANSPORTATION STANDING COMMITTEE**

**11.3.1 Commuter Rail Feasibility Study**

The following material was before Council:

- an extract of the February 1, 2011 Committee of the Whole minutes
- an extract of the October 27, 2011 Transportation Standing Committee minutes
- an extract of the November 24, 2011 Transportation Standing Committee minutes
- the December 20, 2012 staff report

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

- 1. Consider directing staff to engage a consultant through a Request for Proposals for a full feasibility analysis of Commuter Rail in the Halifax to Windsor Junction and Enfield Corridor as part of the 2012/13 budget process.**
- 2. To appropriately engage CN Rail in participation in the study.**

By request of Councillor Rankin, Mr. Ken Reashor, Director, Transportation and Public Works, explained that the Transportation Standing Committee is attempting to obtain resolution to the long standing issue of whether or not commuter rail would be a viable option for the municipality. Currently, there is a lack of detailed knowledge in regard to identifying the capital/operating costs to determine if such a service would be feasible. This issue requires additional analysis that would incorporate feedback from CN as they

would be the ones to operate the service, control the drivers, vehicles and hours of operation.

**MOVED by Councillor Hendsbee, seconded by Councillor Rankin that the motion be amended to include the engagement of VIA Rail as part of the study.**

Councillor Hendsbee explained that VIA Rail has the contract and management right with CN.

**MOTION TO AMEND PUT AND PASSED.**

The amended motion now reads as follows:

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

- 1. Consider directing staff to engage a consultant through a Request for Proposal for a full feasibility analysis of Commuter Rail in the Halifax to Windsor Junction and Enfield Corridor as part of the 2012/13 budget process.**
- 2. To appropriately engage CN/VIA Rail in participation in the study.**

Discussion ensued on the motion with Members of Council expressing concern with the feasibility of moving forward with this request when previous dealings with CN have not been encouraging noting that their preference would be to have confirmation from CN prior to engaging in the study that CN would be willing have their tracks used for this service.

In response to concerns raised by Members of Council, Mr. David Reage, Manager, Service Development, Metro Transit, explained that CN has indicated that they are willing to discuss the proposed initiative; however; they require more detail, which would be provided as a result of the feasibility study, prior to making their decision.

Councillors Rankin and Adams advised that assurance from CN would be preferable prior to proceeding with the study.

Councillor Watts advised that she was in support of the recommendation as it will be helpful to obtain the information as commuter rail appears more possible than it once did. A report in February 2011 provided cost comparison with bus and ferry service and commuter rail is now coming out as a more favourable/reliable option for commuters coming from the Bedford area whereas at one time commuter rail was thought to be too expensive. She noted that the proposed feasibility study may challenge the discussion on road widening in regard to costs. The proposed study will assist in determining how to deal with the issue of moving people in and around the peninsula as well as whether commuter rail is a feasible option.

Councillor Dalrymple commented that the proposed study is long overdue and required in order to clear up years of confusion. He clarified that commuter rail is not light rail and that the tracks are still in place that dayliners use on a daily basis. In regard to costs, the dayliners are maintained and repaired in Moncton so buildings will not be required only parking lots. He noted that the intent is not to have train stops in every community due to time management and the goal of a quick route to the downtown. There are close to 100,000 people in the train corridor now. Councillor Dalrymple advised that he had attended a meeting on road widening and the residents were encouraging Council to talk about rail. He noted that it is all areas, not just the rural and suburban areas, that want this feasibility study.

Councillor Blumenthal questioned whether accessible service has been considered as part of the study.

Councillor Mosher noted that recently a development was approved for the Bedford planning area, a growth area outlined in the Regional Plan, and that the Bedford highway was already at capacity. She requested more data on proposed trips for commuter rails similar to data provided for buses. Councillor Mosher requested that the motion be amended to include "if CN agrees."

Mayor Kelly clarified that staff have advised that CN is willing to participate.

Mayor Kelly noted that Council was approaching 10:00 p.m. and inquired whether they wished to extend beyond that time frame to complete the agenda.

**MOVED by Councillor Rankin, seconded by Councillor Sloane that Halifax Regional Council extend the Council meeting beyond 10:00 p.m. until such time as the agenda is completed. MOTION PUT AND PASSED.**

Councillor Sloane expressed her support for the study as there is congestion on the roads, mostly from single occupant vehicles, and no one wants to see the roads widened. Commuter rail works in other cities and may resolve parking issues in HRM.

Councillor Lund advised that he used a dayliner service in years past to travel from the Annapolis Valley area to Halifax and back again. He acknowledged his support for the proposal due to the vast geographic area of HRM and the need to encourage people to use public transit. He requested that staff consider multi-modal transportation with an emphasis on reliable, efficient service. He inquired when the study could commence as the report indicates funding would come from another fiscal year.

Mr. Reage clarified that Metro Transit does have funding in the current budget that could be allocated to this study, however; the timeline was dependent on CN's involvement.

Councillor Outhit advised that he was in support of the study as there is a need for HRM to do something to get more people downtown considering the recent Irving Ship Building contract announcement.

Councillor Harvey referenced the January 1996 Commuter Rail Feasibility Study commenting that the 2012 study may come to the same conclusion.

Councillor Hum requested that staff review all previous reports to capture what is still relevant including the statistics.

Councillor Barkhouse advised that she is on the Transportation Standing Committee and that it was too early to be entering into the amount of detail being discussed at this time. She expressed concern that the proposed study may impact existing projects. In regard to concerns raised about the budget and engaging a Consultant, Mr. Reage advised that the report indicates the cost being brought forward as part of 2012/13 budget, however; if the decision is made to go ahead immediately, funding from the strategic reserve could be used.

Councillor Smith advised that if the decision is to go ahead with the study it should be done immediately.

Councillor Hendsbee suggested that the public be engaged through social media to encourage the local Members of Parliament and CN/VIA Rail to engage in the study.

In response to a question of clarification from Councillor Watts, Mr. Reage explained that if approved, the next step would be to work with CN to create the RFP which could take several months before returning to Council.

Without a vote being taken on the motion on the floor, it was **MOVED by Councillor Watts, seconded by Councillor Sloane that Council direct staff to obtain funding from the strategic reserve in order to advance the Commuter Rail study.**

Councillor Walker expressed concern with the motion as there was no staff report before Council outlining where the funding would come from and the whether or not the strategic reserve was already committed.

Mr. Mike Labrecque, Deputy Chief Administrative Officer, explained that it would not be consistent with a business case to use the strategic growth reserve. The original motion on this matter will provide the direction required by staff.

Mayor Kelly ruled that the **Motion was Out of Order.**

A vote was then taken on the main motion as follows: **MOVED by Councillor Rankin, seconded by Councillor Outhit that Halifax Regional Council:**

1. **Consider directing staff to engage a consultant through a Request for Proposal for a full feasibility analysis of Commuter Rail in the Halifax to Windsor Junction and Enfield Corridor as part of the 2012/13 budget process.**
2. **To appropriately engage CN/VIA Rail in participation in the study.**

**MOTION PUT AND PASSED.**

Council recessed at 10:05 p.m.

Council reconvened at 10:21 p.m.

**12. MOTIONS**

**12.1 Councillor Watts**

**MOVED by Councillor Watts, seconded by Councillor Sloane that Halifax Regional Council request a staff report to review the current surplus Property Disposal Policy, addressing issues of Municipal mandate / requirements and public consultation. MOTION PUT AND PASSED.**

**13. ADDED ITEMS**

**13.1 Non Annual Events Grant Program – Second Intake**

This matter was added during the setting of the agenda.

The January 4, 2012 Special Event Advisory Committee report was before Council.

**MOVED by Councillor Uteck, seconded by Councillor Dalrymple that Halifax Regional Council approve an increase to operating cost centre C772 in the amount of \$43,500 with funding as a 2011/12 withdrawal from the Marketing Levy Special Event Reserve, Q315 to fund a grant award to the National Basketball League of Canada All Star Weekend.**

Councillor McCluskey explained that she was not in support of the motion as there are many not for profit groups who would like funding and this group is a not for profit arm of the Halifax Rainmen.

Councillor Sloane expressed her support for the proposal due to the amount of community outreach that is done by the Halifax Rainmen and that the All Star Weekend event will bring people to HRM who will use the hotels. She explained that it is through the hotel use, market levy reserve, that the funds are obtained for these awards. She then proposed an increase to the recommendation before Council as follows:

**MOVED by Councillor Sloane that Halifax Regional Council award \$50,000 to the National Basketball League of Canada All Star Weekend event.**

Having no seconder, the **MOTION WAS LOST.**

Discussion ensued on the main motion.

Councillor Adams commented that the group applying has professional players who are paid to play. He explained that he could not support providing a grant to professional basketball players when other sporting events are not being supported.

Councillor Fisher advised that he cannot support the recommendation as the hotel levy is about 'heads in beds' and he could not see the numbers happening for this event.

Councillor Smith advised that he was not in support of the recommendation as he was not in support of professional teams skirting the rules and Members of Council are the stewards of the hotel marketing levy reserve fund.

Councillor Dalrymple advised that he was a member of the Special Events Advisory Committee and that the National Basketball League of Canada All Star Weekend event application was submitted as all other applications have been submitted and was reviewed by the Committee according to the policy and scoring process. The score qualifies the event for the funding proposed. As long as the process is there it has to be followed; the group has applied properly and scored according to policy.

Councillor Uteck commented that if Council wishes to review the process she would be open to that, however; the group has applied like all other applicants. She noted that the Mooseheads are subsidized by HRM.

Councillor Walker questioned whether HRM subsidizes the Mooseheads and requested a staff report responding to that issue.

Councillor Smith requested a recorded vote.

**MOTION PUT AND PASSED (18/4).**

Councillor Smith clarified that his vote was a No vote.

Those voting in favour of the motion were Councillors: Mayor Kelly, Deputy Mayor Karsten and Councillors Barkhouse, Blumenthal, Dalrymple, Harvey, Hendsbee, Hum, Lund, Mosher, Nicoll, Outhit, Rankin, Sloane, Uteck, Walker, Watts and Wile. (18)

Those voting against the motion were Councillors: Adams, Fisher, McCluskey and Smith. (4)

Those absent for the vote were Councillors: Johns and Streach (2)



**13.2 Councillor Fisher - Request for staff report re: Changes to HRM booking / payment system for arena users.**

This matter was added during the setting of the agenda.

**MOVED by Councillor Fisher, seconded by Councillor Hendsbee that Halifax Regional Council request that staff deliver a report on the feasibility and effectiveness of a web based booking and payment system for arena users with the ultimate goal of including all indoor and outdoor sports facilities (ie: ball diamonds, sports fields, courts, etc.) with Phase 1 to include HRM owned and operated arenas; Phase 2 include Multi District facilities and also facilities operating under management agreement and Phase 3 would include all other arenas in HRM should the owners or operators wish to participate.**

In response to the request by Councillor Fisher that the staff report be submitted to Council prior to the 2012/13 budget deliberations, Mr. Richard Butts, Chief Administrative Officer, explained that staff would make every effort to have the report before Council as requested, however; the budget deliberations would be commencing within eight weeks.

Councillor Hendsbee noted that this issue has also been part of the arena strategy report discussed at the Standing Committee.

In response to concerns raised by Councillor Walker, Councillor Fisher explained that the intent is to have a centrally based website where residents can click online to determine what is available, book the time, and; pay for it online with a process such as PayPal.

Councillor Walker requested that the report include information on who would be administering/monitoring the service.

Councillor Nicoll suggested that the report be done concurrently with the multi-district report as there may be some improvements recommended as a result of that report.

Councillor Wile requested that, if this request goes forward, regular ice maintenance time be built into the schedule of availability so that it will be clear if the ice is available.

**MOTION PUT AND PASSED.**

**13.3 Proclamation: Nova Scotia Crime Stoppers Awareness Month January 2012**

This matter was added during the setting of the agenda.

A Proclamation declaring January 2012 as Nova Scotia Crime Stoppers Awareness Month was before Council.

**13.4 Councillor Watts – Request Stay in Proceedings re: St. Patrick’s Alexandra School pending Staff Report**

This matter was added during the setting of the agenda.

Mr. Richard Butts, Chief Administrative Officer, advised Council that they should consider moving In Camera to receive legal advice prior to dealing with the St. Patrick’s Alexandra School matter.

Ms. Mary Ellen Donovan, Municipal Solicitor, concurred with the CAO’s advice.

**MOVED by Councillor Hendsbee, seconded by Deputy Mayor Karsten that Halifax Regional Council move In Camera at this time to hear legal advice.**

Council recessed at 10:50 p.m.

Council reconvened at 10:54 p.m.

Mayor Kelly explained to Council that they could not proceed further until they hear the legal advice of the Solicitor.

Ms. Donovan explained that it was appropriate for the Council to receive some legal advice on this matter and the only form this could be provided is In Camera.

In response to a question of procedure by Councillor Rankin on whether the motion to move In Camera was debateable, Ms. Donovan advised that the review of the rules show that the motion is debateable.

Discussion ensued on the motion to move In Camera for Council to obtain legal advice.

Councillor Sloane commented that it was disrespectful to be advised at 11:00 p.m. that they should move In Camera to receive legal advice after members of the community had been seated in the Council Chamber for the last five hours. Council could have been advised earlier of the need to move In Camera. She questioned the direction staff had received one week earlier to not respond to questions of Council when Councillors were attempting to obtain answers to questions on this issue. Councillor Sloane noted that she had twelve questions that she would like answered in public.

Councillor Watts expressed concern that staff were advised not to respond to their questions when Councillors were seeking information to make decision; questions which were important for the public to hear. A reasonable motion may have been prepared if access to staff had been allowed. She noted that the e-mail released this afternoon in regard to the St. Joseph’s Daycare, four hours after the issue was raised, was insulting as Councillors who had asked those questions were not able to obtain that information. Councillor Watts noted that she would request that the Executive Standing Committee place this matter on their agenda and request a staff report as to why this

happened with the report to come back to Regional Council. She noted that the process has been disturbing as HRM has to deal with these issues in an upfront way by having discussion this evening.

Councillor Uteck noted that there had been several breaks this evening and many opportunities for Council to have been advised that they would be required to move In Camera for legal advice.

Councillor Adams commented that Councillor Watts was simply seeking response to her questions and how could Council know if it would be necessary to move In Camera if they do not know what the questions are. He noted the question is whether or not the process was followed for disposing of property. It does not appear to be an In Camera matter.

Mayor Kelly clarified that staff have a piece of information for Council that must be provided In Camera as it is legal advice.

Councillor Barkhouse expressed concern with the current process noting it was difficult to determine whether to agree to move In Camera or not as Council may be advised not to discuss this matter in public. She inquired whether Council could obtain more information on this matter at this time.

Councillor Hum expressed concern that her request of December 20th, for HRM to release communication in regard to the St. Patrick's Alexandra School matter and whether or not policy/process had been followed, had received no response. The media release that was issued in regard to the St. Joseph's Daycare is what should have occurred with the St. Patrick's Alexandra School matter. The Councillor explained that she wanted the residents to leave today knowing there is some sort of resolution or report coming forward.

Councillor Sloane requested a recorded vote on the motion to move In Camera to receive legal advice.

Councillor Watts explained that her motion is to seek a stay in proceedings in regard to the sale of the St. Patrick's Alexandra School in order to obtain response to questions. She requested clarification on the nature of the legal advice and whether it was in regard to the stay in proceedings or the questions that will be asked.

Ms. Donovan advised that it was neither. She further advised that in the absence of legal advice, the first item on the public agenda is whether or not the motion is in order. She suggested that Council may want to consider the larger situation rather than procedural issues. Prior to Council dealing with this procedural issue, staff are requesting an opportunity to provide some legal advice.

Councillor Outhit inquired whether Council could decide by 2/3 vote whether they wish to receive the legal advice In Camera or not.

Mayor Kelly advised that staff could not disclose the information unless Council were In Camera and Council cannot make exception to that.

Councillor Blumenthal noted that the public is here and should hear what is being done, however; if HRM could be sued on something then they should move In Camera to receive the legal advice.

Deputy Mayor Karsten commented that the elected officials have the best intentions for the public they serve. He requested respect to allow them to move In Camera to receive the legal advice as has been requested. He noted that he would not place the tax payer in jeopardy by not going In Camera and urged Council to adhere to legal's request to move In Camera to obtain legal advice.

Councillor Sloane commented that she was not in support of moving In Camera. She explained that she wants the answers to her twelve questions in regard to whether or not the policy/process was followed.

Ms. Cathy Mellett, Municipal Clerk, explained that because the item was not placed on the In Camera agenda, Section 12.4 of the Administrative Order 1 comes into play where a 2/3 majority vote is required for an item without notice to be added to the In Camera agenda.

Councillor Sloane requested a recorded vote.

**MOTION TO MOVE IN CAMERA PUT AND DEFEATED (14/8).**

Those voting in favour of the motion were Councillors: Mayor Kelly, Deputy Mayor Karsten and Councillors Barkhouse, Blumenthal, Dalrymple, Hendsbee, Hum, McCluskey, Mosher, Nicoll, Smith, Uteck, Walker and Wile. (14)

Those voting against the motion were Councillors: Adams, Fisher, Harvey, Lund, Outhit, Rankin, Sloane and Watts. (8)

Those absent for the vote were Councillors: Johns and Streach. (2)

**MOVED by Councillor Hendsbee, seconded by Councillor Mosher that Council be adjourned.**

Councillor Sloane requested a recorded vote.

In response to questions of clarification, Mayor Kelly and Ms. Donovan, Municipal Solicitor, explained that the original instruction of Regional Council was for the purchase of sale to be signed within thirty (30) days, which will be Friday, January 13, 2012. The reasonable conclusion would be that if Council adjourned at this time, there would be no further opportunity for discussion on this matter prior to the conclusion of the sale.

Mayor Kelly clarified that, as per legal's advice, the motion to adjourn takes precedent and must be dealt with prior to any further motions, such as a motion to reconsider moving In Camera, being brought forward. A motion to reconsider moving In Camera would require a 2/3 vote of Council.

**MOTION TO ADJOURN PUT AND DEFEATED (3/19).**

Those voting in favour of the motion were Councillors: Smith, Walker and Wile. (3)

Those voting against the motion were Councillors: Mayor Kelly, Deputy Mayor Karsten, Adams, Barkhouse, Blumenthal, Dalrymple, Fisher, Harvey, Hendsbee, Hum, Lund, McCluskey, Mosher, Nicoll, Outhit, Rankin, Sloane, Uteck and Watts. (19)

Those absent for the vote were Councillors: Johns and Streach. (2)

**MOVED by Councillor Barkhouse, seconded by Councillor Blumenthal that Regional Council reconsider moving In Camera at this time.**

Councillor Hendsbee requested a recorded vote.

**MOTION TO RECONSIDER PUT AND PASSED (17/4).**

Those voting in favour of the motion were Councillors: Mayor Kelly, Deputy Mayor Karsten, and Councillors Adams, Barkhouse, Blumenthal, Dalrymple, Harvey, Hendsbee, Hum, McCluskey, Mosher, Nicoll, Smith, Uteck, Walker, Watts and Wile.(17)

Those voting against the motion were Councillors: Fisher, Lund, Rankin and Sloane. (4)

Those absent for the vote were Councillors: Johns, Outhit and Streach. (3)

Council moved In Camera at 11:43 p.m.

Council reconvened at 12:31 a.m.

Discussion on Item 13.4 continued at this time.

Ms. Donovan explained that in order to affect a rescission 2/3 majority vote of Council will be required with Council first suspending the rules and would then voting on the issue. By rescinding the motion currently in place from the December 13, 2011 Council meeting, Council would be back where they were on the evening of December 13th and the matter would be back on the floor as if it had not been dealt with on December 13th.

**MOVED by Councillor Watts, seconded by Councillor Barkhouse that Halifax Regional Council suspend the Rules of Order in order to consider rescinding the December 13, 2011 motion of Regional Council.**

Councillor Sloane requested a recorded vote.

**MOTION TO SUSPEND RULES OF ORDER PUT AND PASSED (20/1).**

Those voting in favour of the motion were Councillors: Mayor Kelly, Deputy Mayor Karsten and Councillors Adams, Barkhouse, Dalrymple, Harvey, Fisher, Hum, Lund, McCluskey, Mosher, Nicoll, Outhit, Rankin, Sloane, Smith, Uteck, Walker, Watts and Wile. (20)

Those voting against the motion were Councillors: Fisher. (1)

Those absent for the vote were Councillors: Blumenthal, Johns and Streach. (3)

Deputy Mayor Karsten questioned why the motion to suspend the rules was necessary noting it was not the same motion that was added to the agenda He asked what happened to that motion and why the wording was changed.

Ms. Donovan explained that the motion has the same effect and achieves the same effect with more legal precision.

Mayor Kelly explained that the rules were being suspended to allow Council to consider rescinding the motion of December 13th. If that motion is rescinded and a report comes back to Council, Council will be in the same situation as they were on December 13th prior to the motion being placed on the floor and voted on. The motion before Council at this time has been revised slightly from what was presented by Councillor Watts during the approval of the agenda to provide greater legal clarity.

**MOVED by Councillor Watts, seconded by Councillor Sloane that the Halifax Regional Council decision of December 13, 2011 be rescinded and the matter referred to staff for a report.**

Mayor Kelly clarified that a simple majority was required in regard to this vote.

**MOTION TO RESCIND AND REFER TO STAFF PUT AND PASSED (17/5).**

Those voting in favour of the motion were Councillors: Mayor Kelly, Deputy Mayor Karsten and Councillors Adams, Barkhouse, Dalrymple, Hum, Lund, McCluskey, Mosher, Nicoll, Outhit, Rankin, Sloane, Uteck, Walker, Watts and Wile. (17)

Those voting against the motion were Councillors: Blumenthal, Fisher, Harvey, Hendsbee and Smith. (5)

Those absent for the vote were Councillors: Johns and Streach. (2)

**14. NOTICES OF MOTION**

#### **14.1 Councillor Sloane**

*“Take notice that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, January 24, 2012, I intend to introduce a motion to request a staff report to design a “buy local” policy for the procurement of services for the Halifax Regional Municipality.”*

#### **14.2 Councillor Sloane**

*“Take notice that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, January 24, 2012, I intend to introduce a motion to request that Council:*

- 1. Authorize staff to include, as part of the first annual review of the Downtown Halifax Secondary Municipal Planning Strategy and the Downtown Halifax Land Use By-Law, the consideration of potential amendments to the Maximum Pre-Bonus and Maximum Post-Bonus Height Maps to increase the allowable height on properties identified by civic addressees 5161-5175 South Street, 1161-1203 Hollis Street, and 1075-1145 Barrington Street, Halifax to 22 metres, as was originally recommended by the Urban Design Task Force, and for the maximum height of these properties to be calculated as per the definition of building height, as contained under Part 2 of the Land Use By-Law.*
- 2. Authorize staff to also consider amendments to the requirement for the provision of landscaped open space for the properties identified by civic addresses 5161-5175 South Street, Halifax, to allow for a full transfer to rooftops and a decrease in the required amount of landscaped open space from 11.24 square metres per dwelling unit to 5 square metres per dwelling unit.*
- 3. Request that staff follow the public participation program approved by Council on February 25, 1997.”*

#### **14.3 Councillor Smith**

*“Take notice that at the next regular meeting of the Halifax Regional Council to be held on January 24, 2012, I will introduce the following motion: That Regional Council support the formation of a citizen led and membership focused, including those residents in areas particularly affected by violent crime, Committee or Task Force, tasked with compiling resident and other stakeholder input and solutions in regard to reversing the Culture of Violent Crime in HRM, and that Regional Council request the support and involvement of the provincial government of Nova Scotia support in the Committee/Task Force formation with HRM, and that both levels of Government agree to consider and adopt the recommendations from this entity recognizing the need to come forward in a timely manner (within 3 months) in regards to a focus on addressing the root causes of Crime in the Halifax Regional Municipality.”*

**14.4 Councillor Fisher**

*“Take notice that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, January 24, 2012, I intend to introduce a motion requesting a staff report detailing the planned reduction/changes to the hours of operation for the Dartmouth area arenas, The Bowles and The Gray, and how these serve changes will impact user groups during the spring and especially early fall (month of September) during hockey tryouts.”*

**MOVED by Deputy Mayor Karsten, seconded by Councillor Wile that Regional Council move In Camera at this time to deal with Items 15.1 and 15.2. MOTION PUT AND PASSED.**

Council moved In Camera at 12:44 a.m.

**15. IN CAMERA**

**15.1 In Camera Minutes – December 13, 2011**

This item was dealt with In Camera.

**15.2 Labour Relations**

**15.2.1 ATU Contract Negotiations**

This matter was dealt with In Camera.

Council reconvened its regular session at 1:30 a.m.

**16. ADJOURNMENT**

The meeting was adjourned at 1:30 a.m.

Cathy J. Mellett  
Municipal Clerk



INFORMATION ITEMS  
January 10, 2012

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1. Memorandum from Traffic Authority dated November 16, 2011 re: Crosswalk and Crosswalk Controls – Barrington Street at Young Street and Devonshire Avenue at Young Street.
2. Memorandum from Traffic Authority dated December 5, 2011 re: Light for the Crosswalk at the Intersection of Windsor Street and Hood Street, Halifax
3. Memorandum from Director, Transportation and Public Works dated December 6, 2011 re: No Parking and Traffic Calming Request – Sunnybrae Avenue
4. Memorandum from Director, Legal Services and Risk Management dated December 13, 2011 re: Status of By-Law Prosecutions – August 1, 2011 – August 31, 2011
5. Memorandum from Chair, Audit and Finance Standing Committee dated December 15, 2011 re: Investment Activities – Quarter Ending September 30, 2011
6. Memorandum from the Municipal Clerk dated January 3, 2012 re: Requests for Presentation to Council – None