

HALIFAX REGIONAL COUNCIL
MINUTES

January 31, 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. Sherryl Murphy, Acting Municipal Clerk
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 Lund.

MOVED by Deputy Mayor Karsten, seconded by Councillor McCluskey that Regional Council move In Camera at this time for an update on the Amalgamated Transit Union (ATU) Contract Negotiations. MOTION PUT AND PASSED.

Council moved In Camera at 1:06 p.m.

Council reconvened its regular session at 3:40 pm.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

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

3. APPROVAL OF MINUTES – January 10, 2012

MOVED by Councillor Wile, seconded by Councillor Blumenthal that the minutes of January 10, 2012, as amended, be approved.

Councillor Watts requested that Chebucto Road be added to her comments on Page 15 in regard to the height of a building imposing on neighborhood streets.

MOTION PUT AND PASSED.

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

Move: Item 11.1 (i) and (ii) to be dealt with immediately following item 9.2

Additions:

12.1 Councillor Lund – Paving of Knightsbridge Drive, District 23

12.2 Councillor Nicoll – Request for Staff Report re Current HRM Policies

MOVED by Councillor McCluskey, seconded by Councillor Nicoll 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. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence – NONE

9.2 Petitions

9.2.1 Councillor Sloane

Councillor Sloane submitted a petition with 114 names, in regard to the St. Patrick's Alexandra School property matter, who believe the January 24, 2012 decisions of Council to sell the St. Patrick's Alexandra School property to the developer and to rescind the HRM Policy in regard to disposal of surplus school property, should be reversed.

9.2.2 Councillor Streach

Councillor Streach submitted a petition with 494 signatures of residents opposed to the industrial wind turbine construction at East Jeddore – Oyster Pond. He requested that a copy of the petition be forwarded to HRM staff and the Provincial Minister of the Environment as well as the local Member of the Legislative Assembly.

Item 11.1 (i) and (ii) were dealt with at this time:

11.1 Councillor Mosher

The following documents were before Council:

- An extract of the September 19, 2000 Regional Council minutes
- A copy of the September 14, 2000 staff report on the Policy and Procedures for the Disposal of Surplus Schools

- (i) Repeal Policy and Procedures for the Disposal of Surplus Schools dated September 14, 2000.

“To repeal the Policy and Procedures for the Disposal of Surplus Schools dated September 14, 2000”.

- (ii) Endorse the Current Practice as Policy with Regards to the Disposal Of Surplus Schools

“To endorse the current practice as policy with regards to the disposal of surplus schools”.

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

- 1. Repeal the Policy and Procedures for the Disposal of Surplus Schools dated September 14, 2000.**

2. Endorse the current practice as policy with regards to the disposal of surplus schools.

Councillor Mosher provided a brief overview of the issue then requested that the Municipal Solicitor and Director of Planning and Infrastructure confirm the rationale for the two motions now before Council.

Ms. Mary Ellen Donovan, Solicitor, explained that the 2000 policy still stands and it is recommended that Council address that as part of its decision on the St. Patrick's Alexandra School matter.

Mr. Phil Townsend, Director, Planning and Infrastructure, advised that, pending the outcome of Council's discussion this evening, the report, in regard to a new policy and outlining existing procedures/practices is anticipated to be brought to Council prior to the summer break.

Without a vote being taken on the motion on the floor, it was **MOVED by Councillor Sloane, seconded by Councillor Uteck that Halifax Regional Council defer decision on the repeal of the disposal of former school policy until such time that the municipal staff can;**

- 1. Prepare a report relating to the motion agreed to on January 10, 2012 by Councillor Watts,**
- 2. Compare the 2000 policy to the process which staff has used for the past 11 years**
- 3. Recommend amendments to the 2000 policy that would modernise said policy**

Councillor Sloane expressed concern for two other school properties that have been deemed surplus as they also have community non profit interest groups in the space. She emphasised the need for HRM to allow communities the ability to provide input on buildings in their communities; buildings that the residents have been paying taxes on for many years. Councillor Sloane commented that repealing the policy would be shutting the door to community consultation/input. Conversations with the community on these assets is desired.

In response to a concern raised by Councillor Uteck, Ms. Donovan advised that a Motion to Defer was always in order.

Mayor Kelly ruled that the **Motion to Defer was in order.**

Councillor Streach advised that he was not in support of the motion to defer and was in support of the motion on the floor. He noted that five other school properties have been disposed of in the same manner with some of those properties going to community groups.

Councillor Walker explained that he was against the Motion to Defer as staff is already working on the issue as per the motion put forward previously by Councillor Watts. The September 14, 2000 policy has never been implemented, however; the procedures followed have included community input. A new policy, one that is not ambiguous, with new guidelines needs to be brought forward.

Councillor Watts explained that she was against the deferral as the existing policy resulted from issues raised in the community in regard to a lack of consultation on surplus school properties. HRM dropped the ball and the community should not have to wait until summer when the report is before Council. People want to be able to comment on the surplus school property; she requested that the community groups be provided the ninety days to figure things out as they do have experience and skill and are ready to step up for their community. She noted that legal action will come into play no matter what decision is in place. Suspending the policy for four months in order to take the action outlined is insulting. This is an opportunity for Council to do something in respect of what the policy was.

Councillor Mosher advised that she was not in support of the deferral and that it was erroneous to think that public consultation has not been done in regard to the disposal of surplus schools.

Deputy Mayor Karsten explained that he was not in support of the deferral as all sides of this issue have been discussed by Council. He requested that the issue be settled once and for all today.

In response to a request for clarification from Councillor Hendsbee on the RFP for two schools in Chezzetcook and Cole Harbour, Mr. Peter Stickings, Manager, Real Estate, explained that one property did not receive qualified bids and would be closed out of the RFP while a report on the remaining school and the bids received would be brought forward to Regional Council with updates provided to the area Councillor.

In response to concerns raised by Councillor Hendsbee, Mr. Townsend clarified that the transition of directorship has been planned for; his impending retirement will have no impact on the delivery of the new policy.

In response to a question raised by Councillor Hendsbee, Mr. Stickings advised that if the St. Patrick's Alexandra School property were to be sold, the property conveyed would be subject to a rezoning change in the Municipal Planning Strategy and there would be a development agreement process.

Councillor Lund advised that he was in support of the deferral as there may be some amendments to be made to the existing policy and he would like to view those proposed amendments prior to any decision to repeal the existing policy.

In response to a question by Councillor Uteck on the composition of the evaluation team, Mr. Stickings reviewed the composition of the Evaluation Team.

In response to further questions of clarification by Councillor Uteck on the intent of the procedure in regard to evaluating all options together for the disposal of surplus property, Mr. Stickings explained that the practice has been for staff to bring forward information to Council in regard to the value of a property.

Councillor Uteck, referencing page 5 of the September 2000 report, indicated that she was not aware that the policy was “optional”.

In reference to the document of September 2000, Councillor Watts commented that the impression is that it is all optional, however; the appendix shows a specific process to be followed by staff. There appears to be two different processes to be used.

Councillor Nicoll commented that staff did follow a process. She understands why the area Councillor would request a deferral although she was not certain whether she was in support of a deferral.

Councillor Sloane requested a recorded vote:

Deputy Mayor Karsten inquired how the motion to defer could be in order when three *items have been added and it is contrary to the motion on the floor.*

Ms. Donovan, Solicitor, advised that the motion to defer is for the purposes of additional information, explained in parts two and three of the motion, as the reasons for the deferral.

MOTON TO DEFER PUT AND DEFEATED. (7/17)

Those voting for the motion were Councillors: Barkhouse, Johns, Lund, Nicoll, Rankin, Sloane and Watts. (7)

Those voting against the motion were Mayor Kelly, Deputy Mayor Karsten, Councillors: Adams, Blumenthal, Dalrymple, Fisher, Harvey, Hendsbee, Hum, McCluskey, Mosher, Outhit, Smith, Streach, Uteck, Walker and Wile. (17)

Discussion ensued on the main motion as follows:

MOVED by Councillor Mosher, seconded by Deputy Mayor Karsten that Halifax Regional Council request a staff report to:

- 1. Repeal the Policy and Procedures for the Disposal of Surplus Schools dated September 14, 2000.**
- 2. Endorse the current practice as policy with regards to the disposal of surplus schools.**

Councillor Blumenthal commented that he was not sure if he was in support of the repeal as the organizations' mandates are federal or provincial. He questioned why they

did not work with the province or federal governments to have the property provided to them. This is not in the municipal mandate.

Councillor Watts advised that some of the organizations that have come forward do work in the sphere of the provincial/federal mandate however HRM cannot narrow itself down as the municipality is here to assist as the groups provide service to our community and assist with the cultural development of our community. The overarching goal of the Regional Plan is to support diverse communities. She requested clarification on the following: where the funding for the property sale would go, into a general land reserve fund (Q101), if so, what does the reserve fund actually fund.

In response to Councillor Watts, Mr. Stickings explained that the net proceeds of the sale would flow to the land reserve fund which is a capital reserve used to offset the municipality's capital budget.

Councillor Watts noted that the funds would be going to general reserve and not to lower the general tax rate.

Councillor Sloane commented that not for profits would most likely have more success in rural and suburban areas as the pressure on the urban areas is to densify. She questioned where people on the peninsula were to go if they required services such as a health centre. She expressed concern with repealing a policy that has never been used. Councillor Sloane advised that when she requested information on the surplus school policy no one knew it existed. If the policy is repealed it will affect other properties being deemed surplus. The community wants this quality of life in their community, therefore; the existing policy should be implemented not repealed.

Councillor Rankin advised that he was not in support of the repeal. There has been acknowledgement that there was not compliance to the existing policy; there is now an opportunity to correct that wrong. A community relied on the existing policy. The right thing to do would be to find a remedy.

Councillor Hendsbee noted that an opportunity does remain for the community groups as the developer has offered to work with them to develop a concept for community use.

Councillor Barkhouse advised that she was not in support of the repeal as the matter would be over and done with for the community. She commented that Council should follow the money.

In response to a question by Councillor Wile, Mr. Stickings explained that the annual property taxes for the property would go to the general revenue for the municipality.

Councillor Lund commented that the policy indicates that if there were sufficient interest by a community group HRM was to entertain that option through such means as community grants. The opportunity should have been given to the community groups prior to the RFP stage as they then become disadvantaged due to the cost issue. Not-

for-profits should not have been treated the same as for profits in the RFP as they would be automatically disadvantaged. One of the not for profits scored higher on one RFP in regard to understanding the objectives/vision of HRM and they fit within HRM's service delivery. He advised that he was against the repeal of the policy as the policy does appear to work.

Councillor Nicoll commented that a needs assessment should be done first as she had requested in Cole Harbour as each community is unique in regard to its own needs, and; that there has to be that communication with the communities.

Councillor Sloane advised that the policy was brought into existence due to issues with other schools that were sold on the peninsula. She noted the success of the former Chebucto Road School property that is now a Muslim Academy and Conservatory of Music as they were able to show that they could do something with those buildings.

Councillor Rankin noted that the community was not asking for Council to evaluate their applications, they were asking for the full opportunity for consultation in ninety days which was not provided to them. He questioned the precedent this would set if Council did not stand up for this community today.

In response to a request for clarification by Councillor Uteck, Ms. Donovan explained that the current motion would make the sale conditional upon the repeal of the 2000 policy and also adopt the current practice as the policy as per the two notices of motion given. With 2/3 majority vote, Council could direct that the sale of the property proceeds go to the District 12 community initiative fund.

Councillor Mosher noted that the report dated January 31, 2012 outlined the details of past files and that no member of Council has had any dispute with the process before. There is no criteria in place for evaluating community requests as it appears that parts of the policy are optional. The criteria should be clear that when considering the sale of a surplus school that community groups be consulted.

Councillor Sloane requested a recorded vote.

In response to a question of clarification by Councillor Nicoll, Ms. Donovan explained that the repeal, if it passed, would make the policy defunct.

MOTION TO REPEAL PUT AND PASSED. (15/8)

Those voting for the motion were Mayor Kelly, Deputy Mayor Karsten, Councillors: Adams, Blumenthal, Dalrymple, Fisher, Hendsbee, Hum, McCluskey, Mosher, Smith, Streach, Uteck, Walker and Wile. (15)

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

Councillor Johns was absent for the vote. (1)

MOVED by Deputy Mayor Karsten, seconded by Councillor Streach that Council recess for ten minutes then reconvene until the agenda is completed. MOTION PUT AND PASSED.

Council recessed at 5:04 p.m.

Council reconvened at 5:24 p.m. with Councillor Johns and Dalrymple not in attendance.

Councillor Lund advised that his vote should have been recorded as "NAY: not "YEAH".

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Proposed 2012 Aid to Municipality Program

The January 6, 2012 staff report was before Council.

MOVED by Councillor Adams, seconded by Councillor McCluskey that Halifax Regional Council approve the list of streets submitted to the Nova Scotia Transportation and Infrastructure Renewal (NSTIR) for the 2012 Aid to Municipality cost shared paving program at the estimated cost of \$1,000,000.00. This work is to be equally funded between the Province and the HRM Project No. CXU00585, New Paving Subdivision Streets Outside Core. HRM's portion is to be recovered via the Local Improvement Process and the list of streets is presented in Table 1 of the January 6, 2012 staff report. MOTION PUT AND PASSED.

10.1.2 Encroachment Agreement – Cumbria Investments Limited – 2589 Windsor Street, Halifax

The January 3, 2012 staff report was before Council.

MOVED by Councillor Watts, seconded by Councillor Hendsbee that Halifax Regional Council approve the Encroachment Agreement as provided in Attachment A to allow Cumbria Investments Limited to install landscaping planters and entrance steps within the sidewalk area of Windsor Street and North Street.

Councillor Dalrymple entered the meeting at 5:27 pm.

Councillor Blumenthal requested that in future consultation be held with representatives of organizations for vision/handicapped persons such as VISTA.

MOTION PUT AND PASSED.

10.1.3 BMO Centre Life Cycle Reserve – Q141

The October 24, 2011 staff report was before Council.

MOVED by Councillor Outhit, seconded by Councillor Lund that Halifax Regional Council approve the establishment of the BMO Centre Life Cycle Reserve, A141, as per the attached business case (Attachment 1).

In response to a question by Councillor McCluskey, Ms. Denise Schofield, Manager, Community and Recreation Services, explained that regular financial information is received from the BMO Centre and other multi-district facilities with the information coming shortly to Council.

In response to a question by Councillor Walker, Ms. Schofield advised that she would provide information on where the funds for the naming rights were being held during the transition year.

MOTION PUT AND PASSED.

10.2 GRANTS COMMITTEE

10.2.1 Proposed Co-location of 211 Information and Referral Service (211 Nova Scotia)

The January 10, 2012 Grants Committee report was before Council.

Mayor Kelly advised that this motion would require 2/3 vote as it concerned a less than market value lease.

MOVED by Councillor Dalrymple, seconded by Councillor Fisher that Halifax Regional Council approve the terms and conditions, as outlined in Table 1 of the December 19, 2011 staff report attached as Attachment 1 to the January 10, 2012 Committee report, to co-locate the 211 Non–Emergency Information and Referral Services (211 Nova Scotia) at Halifax Regional Municipality’s Call Center and Dispatch Services at 21 Mount Hope Avenue, Dartmouth, and execute a formal memorandum of Agreement with 211 Nova Scotia based on these terms and conditions.

Councillor Dalrymple provided a brief overview of the service to be provided by 211 Nova Scotia.

In response to questions raised by members of Council, Mr. Brad Anguish, Director, Community and Recreation Services, advised that the HRM Corporate Call Centre and the 211 Nova Scotia service will share the same space with calls coming in through

separate lines. 211 Nova Scotia will commence moving into the HRM space shortly with the expected launch for their service to be in February 2013.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3 TRANSPORTATION STANDING COMMITTEE

10.3.1 Second Reading - Amendments to Administrative Order 15 – Parking Permit Fees

The January 12, 2012 Transportation Standing Committee report was before Council.

MOVED by Councillor Rankin, seconded by Councillor Sloane that Halifax Regional Council approve:

1. **An amendment to Administrative Order 15, as outlined in the October 25, 2011 report, and presented to the Transportation Standing Committee on January 9, 2012, to reduce the cost of Parking Permits; and**
2. **Using the revenue from Parking by Permit Only to create and enhance options for commuting to and from the Regional Centre by other modes of travel.**

MOTION PUT AND PASSED.

11. MOTIONS

11.1 Councillor Mosher

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

11.2 Councillor Dalrymple

MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee that Halifax Regional Council request a staff report regarding acquisition of water front property located between Highway 2 and Lake Thomas in Fall River for the purpose of parkland. MOTION PUT AND PASSED.

12. ADDED ITEMS

12.1 Councillor Lund – Paving of Knightsbridge Drive, District 23

MOVED by Councillor Lund, seconded by Councillor Blumenthal that Halifax Regional Council request a staff report to approve waiving the paving survey and have the gravel road, Knightsbridge Drive, District 23, submitted for paving in the 2012/13 budget. And bring forward during capital budget

Deputy Mayor Karsten requested that the staff report include staff's priority rating for this matter.

Councillor Hum expressed concern with the way this matter was being brought forward as the process was to discuss such matters once Design and Construction services brought forward their list for Council's review/discussion.

Mayor Kelly clarified that the decision to provide approval, or not, to waive a survey for paving is a decision of Council.

MOTION PUT AND PASSED.

12.2 Councillor Nicoll – Request for Staff Report re Current HRM Policies

MOVED by Councillor Nicoll, seconded by Councillor Sloane that staff provide a staff report on current HRM policies to include a list of current policies, the process in place for developing and disseminating policy to staff and elected officials and the difference between policy and Administrative Orders. MOTION PUT AND PASSED.

13. NOTICES OF MOTION

13.1 Councillor Watts

“Take Notice that at the next meeting of Halifax Regional Council to be held on Tuesday, February 7, 2012 I intend to put forward a Motion of Rescission of the agreed upon purchase and sale of the St. Patrick Alexandra School site with the sole purpose of amending the terms and condition so that there are similar terms and conditions as those employed in HRM business park sales of land such as specific time lines for building permit approval, initiation of construction and substantial completion of the project that if not met would then allow HRM to purchase back the land at a previously agreed upon price”.

On a Point of Order, Councillor Hendsbee requested that Council deal with the motion of rescission at this time.

Ms. Donovan explained that a Notice of Motion is not owned by Council, however; a motion, once seconded, is owned by Council. It is up to the Councillor him/herself to ask for the rules to be waived in order for the motion to be put forward at this time.

Mayor Kelly clarified that another Councillor may move the motion to waive the rules of order.

MOVED by Councillor Adams, seconded by Councillor Blumenthal that Halifax Regional Council waive the rules of order and consider the Notice of Motion for

Rescission, as put forward by Councillor Watts, at this time. MOTION PUT AND PASSED.

MOVED by Councillor Adams, seconded by Councillor Blumenthal that Halifax Regional Council rescind the agreed upon purchase and sale of the St. Patrick Alexandra School site with the sole purpose of amending the terms and condition so that there are similar terms and conditions as those employed in HRM business park sales of land such as specific time lines for building permit approval, initiation of construction and substantial completion of the project that if not met would then allow HRM to purchase back the land at a previously agreed upon price.

Councillor Adams explained that if Council wishes the sale of the property to proceed as approved this afternoon then they are to vote to defeat this motion of rescission.

Mayor Kelly clarified that only the mover of the motion is to speak to the motion.

Councillor Sloane requested a recorded vote.

MOTION TO RESCIND PUT AND DEFEATED. (6/17)

Councillor Barkhouse noted that her vote did not record and that she had voted Yes.

Those voting in favour of the motion were Councillors: Barkhouse, Lund, Nicoll, Rankin, Sloane and Watts.(6)

Those voting against the motion were Mayor Kelly, Deputy Mayor Karsten, Councillors: Adams, Blumenthal, Dalrymple, Fisher, Harvey, Hendsbee, Hum, McCluskey, Mosher, Outhit, Smith, Streach, Uteck, Walker and Wile. (17)

Councillors: Johns was absent for the vote.

13.2 Councillor Adams

“Take notice that at the next regular session of Halifax Regional Council to be held on Tuesday, February 14, 2012, I intend to bring forward a motion requesting a staff report on aligning notices of rescission/reconsideration in Administrative Order 1 with Roberts’ Rules of Order.”

14. IN CAMERA

14.1 In Camera Minutes – January 10, 2012

MOVED by Councillor Walker, seconded by Councillor McCluskey that the In Camera minutes of January 10, 2012, as presented, be approved. MOTION PUT AND PASSED.

14.2 Personnel Matter

14.2.1 Citizen Appointments to Associated Boards and Committees – Private and Confidential Report – Design Review Committee

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

- 1. Adopt the recommendations of the Standing Committees regarding the Citizen Appointments as outlined in Attachment 1 of the January 23, 2012 Private & Confidential Report.**
- 2. By way of this motion, Council expresses their appreciation to all residents who have put forward their names to serve on Boards and Committees of Council.**
- 3. Release the list of citizen appointments to the public following Council ratification.**

Ms. Mary Black, Ms. Sue Sirrs and Mr. Kevin Conley were appointed to the Design Review Committee for a term to November 2014.

MOTION PUT AND PASSED.

14.3 Labour Relations

14.3.1 ATU Contract Negotiations

This item was dealt with during an earlier In Camera session.

15. ADJOURNMENT

The meeting was adjourned at 5:53 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS
January 31, 2012

1. Proclamation – African Heritage Month – February 2012
2. Memorandum from Director, Planning and Infrastructure dated January 3, 2012
re: Advanced Funding for the 2012/13 Capital Budget
3. Memorandum from Director of Finance & Information Technology and Managing
Director, Government Relations and External Affairs dated December 13, 2011
re: Canada-European Comprehensive Economic and Trade Agreement (CETA)
4. Memorandum from the Municipal Clerk dated January 20, 2012
re: Requests for Presentation to Council - None