

HALIFAX REGIONAL COUNCIL
MINUTES

May 15, 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
Brad Johns
Robert Harvey
Tim Outhit
Reg Rankin
Peter Lund

REGRETS:

Councillors: Stephen Adams

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Ms. Martin Ward, Q.C., Acting Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sherryll Murphy, Deputy Clerk
Ms. Jennifer Weagle, Legislative Assistant
Ms. Krista Vining, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 1:05 p.m. with the Invocation being led by Councillor Walker.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of acknowledgements and community events.

3. APPROVAL OF MINUTES – April 17 & 24, 2012

MOVED by Councillor McCluskey, seconded by Councillor Wile, that the Halifax Regional Council minutes of April 17 and April 24, 2012 be approved as circulated. MOTION PUT AND PASSED.

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

Deletion:

15.2.1 NSUPE Contract Negotiations Update – Oral (In Camera item)

Addition:

Councillor Hum – Release of In Camera minutes related to Occupy Nova Scotia

MOVED by Councillor Hum, seconded by Councillor Sloane, that the following item be added to the agenda: “Release of In Camera minutes related to Occupy Nova Scotia”. MOTION DEFEATED.

The agenda was agreed upon, as amended.

5. BUSINESS ARISING OUT OF THE MINUTES – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. HEARINGS

9.1 APPEAL HEARING – 1:00 P.M.

**Case 17534: Appeal of Decision of the Design Review Committee
Substantive Site Plan Approval, 1592 Barrington Street**

The following information was before Regional Council:

- Email from Mr. Martin Ward, Q.C., HRM Legal Services, to the Appellant and Applicant dated May 7, 2012.
- Draft extract from the March 8, 2012 Design Review Committee minutes.
- Information report dated April 24, 2012.
- Staff report dated April 23, 2012.
- Part VIII – Planning and Development - of the *Halifax Regional Municipality Charter* was circulated to Council.
- A copy of the staff presentation was circulated to Council.

Mr. Martin Ward, Acting Municipal Solicitor, addressed Council, noting that this is the first appeal of its kind under HRM by Design legislation, referring to Part VIII Planning and Development of the Halifax Regional Municipality Charter, which was circulated to Council for reference. Mr. Ward reviewed the procedural outline he emailed to the Appellant and Applicant on May 7, 2012, and which was before Council.

Mr. Sean Audas, Development Officer, reviewed the appeal of the decision of the Design Review Committee for Case 17534: Substantive Site Plan Approval 1592 Barrington Street, Halifax, as outlined in the April 23, 2012 staff report.

The Mayor invited members of Council to ask any points of clarification at this time.

Councillor Uteck commented that Mr. Audas indicated that the encroachment matter was a private property matter between two land owners and outside the jurisdiction of the Design Review Committee. She questioned why the appeal is before Council at this time.

The Mayor indicated that this will be clarified by the Appellant and his solicitor.

Mr. Shaun MacMillan, Solicitor with Blois, Nickerson & Bryson, representing the Appellants, Mr. Willard Strug, Trustee for the Owner Morris Strug, and Mr. Morris Strug, Owner. Mr. MacMillan commented that the Appellants disagree with the staff report which indicates that Council cannot consider with many of the issues put forward in Mr. Stug's appeal. The Appellants argue that the grounds for appeal are exactly the type of issues the Design Review Committee and Council should be considering when an application is put before them. The staff report's interpretation of the Land Use By-law is in their opinion at odds with the HRM Charter. Section 246(a)(3) of the Charter provides the Design Review Committee with a broad ability to substitute its decision with that of the development officer with respect to the HRM by Design downtown plan area. This extends to the following applicable items in the site plan as set out in s.246(3) of the Charter, as follows: s.246(3) A site-plan approval may deal with:

- (a) the location of structures on the lot;
- (d) the type, location and height of walls, fences, hedges, trees, shrubs, ground cover or other landscaping elements necessary to protect and minimize the land-use impact on adjoining lands;

- (i) the location of easements;
- (l) the external appearance of structures in the HRM by Design Downtown Plan Area;
- (m) provisions for the maintenance of any of the items referred to in this subsection.

Mr. MacMillan continued that the interpretation contained in the staff report would unduly fetter the abilities of the Design Review Committee and by extension, HRM Council on appeal, to exercise the powers that have been expressly conferred upon it by the legislature with respect to the HRM by Design downtown plan area. The Design Manual to be used by the Design Review Committee sets out criteria in the Barrington Street Heritage Conservation District that are relevant in the present appeal. This includes item 2.5(d) in the design manual which reads as follows:

“Conserve the historic character of Barrington Street and ensure that new development is supportive of, and harmonious with it in terms of height, massing, size, scale, proportion, materials, and architectural features, while not necessarily mimicking heritage architecture.”

Mr. MacMillan continued that the Tramway Building is within the Barrington Street Heritage District. It and other neighbouring properties should be taken into meaningful consideration when developing a site plan. The Land Use By-law for downtown Halifax specifically directs the Design Review Committee to seek and consider the advice of the Heritage Advisory Committee. All of the grounds for appeal set out by the Appellants are expressions of concern that the new building will not be supportive of and harmonious with the Tramway Building’s status as a building with historical significance.

Mr. MacMillan noted that the staff report correctly indicates that Mr. Strug’s easement would have to be established by a court of law. That being said, they do not feel that the existence of an easement is necessary to discuss the uses with which the right of way has been put in the past.

Mr. MacMillan reviewed that Mr. Strug’s appeal is primarily concerned with the effects the proposed plan will have on his property, particularly on its aesthetic value, its marketability as an historic building and its ability to be maintained and repaired in the future.

Mr. MacMillan commented that the Tramway building was constructed in 1916 from an Andrew Cobb design. It is Halifax’s only modern neo-gothic building and, because of its age, architecture and historical association, contributes to the historical character of Barrington Street. Mr. MacMillan indicated that “HRM evaluation notes” describe the architecture of the Tramway building as contributing well to the gothic character of the Khyber building on the other side of the subject property and provides a visual anchor to the block in a scale comparable to many buildings in the immediate surroundings.

Mr. MacMillan advised that Mr. Strug attempted to make his concerns known to the Heritage Advisory Committee but they are not aware to the extent that these views were

considered and to what extent his views were ultimately passed along to the Design Review Committee.

Mr. MacMillan reviewed Policy 6 of the Conservation District Revitalization Plan with regard to “HRM shall make every effort to seek the retention, preservation, rehabilitation, and restoration of buildings, streetscapes, features, space and areas with heritage value in the Barrington Street Heritage Conservation District”, in particular policy 6.1 which encourages suitable re-uses.

Mr. MacMillan indicated that property maintenance of the Tramway building is of particular concern in Mr. Strug’s appeal. If the proposed building is constructed in its proposed form, Mr. Strug will be permanently prevented from accessing the side of his building in order to maintain or repair it. Since Mr. Strug acquired the building in the 1970’s, he remembers being able to access the right of way to maintain his building, particularly the light-well area. A cut out area can be seen on the south side of the building in the aerial shots, which contain windows in the Tramway building. The design of the proposed building may also cause additional stresses on the roof of the Tramway building and the light-well area in particular, through snow loads. They are concerned that the requirements of the National Building Code, section 4.1.6.2 may not have been observed. They feel that this is a concern that has not been addressed thus far, although they do not have any expert evidence on this point.

Mr. MacMillan noted that Mr. Strug is also concerned that the proposed building may make it difficult to observe and appreciate some of the architectural details of the Tramway building. The buildings in the Heritage Conservation District must prove attractive to current and future tenants, as outlined in city-wide policy 6.1. Mr. Strug further believes that if he wanted to cover the south side of his building with a large piece of sheet metal, that would not be permissible.

Mr. MacMillan commented in conclusion that Mr. Strug does not wish to challenge the demolition of the Tip Top building, only that the proposed design is inappropriate. He asks that if the proposed design does go forward, that he be permitted to access the right of way to help maintain and preserve his historically significant building and that it not cover up the light well in a manner that would make the building less attractive or possibly damage it.

Councillor Uteck inquired why the Tramway building is not a registered heritage building. Mr. MacMillan indicated that Mr. Strug would be able to answer this question. He also clarified that the right of way can only be viewed by an aerial shot, and cannot be seen from the street. He further clarified that the right of way has not been able to be accessed since the extinguishment of the right of way in 1998.

Councillor Mosher noted that all buildings have to adhere to the National Building Code Guidelines for snow loads and asked that the Applicant address these concerns.

Councillor Nicoll inquired whether the light well had ever been covered. Mr. MacMillan noted that he was not aware of the light well being covered since the construction of the

Tip Top building in the 1950's but Mr. Strug may be able to speak on the light well pre-1950.

Mr. Morris Strug, Inglewood Drive, Halifax, Appellant, noted that he has been in the construction industry for the past 60 years, and it was a difficult decision for him to appeal the proposal for the Tip Top site. He noted that Halifax has been very good to him and he has tried to be a good resident of Halifax in return. He noted that putting up a wall covering the existing Tramway building will cause many difficulties already discussed, including ruining the air conditioning system for the building. The alley has been there for over 37 years, and he would like to maintain the right to the alley.

Councillor Hendsbee inquired how snow loads are currently handled in the light well. Mr. MacMillan indicated that the eight foot right of way is currently adjacent to the light well and the snow and rain fall into this right of way.

Ms. Nancy Rubin, Solicitor with Stewart MacKelvie, representing the Applicant, indicated that she had no questions for the Appellant. Ms. Rubin noted that the appeal is limited to the Design Review Committee decision, which is very narrow in its focus. She noted that the purpose of the Design Manual is to be the primary reference during the design review component of the site plan approval process for downtown Halifax development applications. Under site plan approval, any development application proceeds in two parts. The first part being the quantitative elements of the application, which is the height, set backs, step backs, lot coverage, etc., which are subject to the review of the development officer, and are covered under the Land Use By-law. The second part of the application is the qualitative elements, such as the architectural design, the streetscape presence and the public realm contribution. These discretionary elements are what are considered by the Design Review Committee, which is a very specialized Committee made up of professionals in the industry. Ms. Rubin pointed out that the Design Review Committee had before them at the time of their decision the recommendation from the Heritage Advisory Committee in favour of demolition of the building.

Ms. Rubin reviewed that there are two grounds for this appeal. The first being that the proposed building will encroach on a passage and right of way which is adjacent to the south of the Tramway building. Secondly, the proposed building is stated to interfere with or block the view of the south side of the Tramway building, including what is described as its architectural features and light from the interior of the building. As pointed out by the Development Officer, the existence of a right of way is not a matter for consideration by the Design Review Committee or Council to make a decision upon. Neptune Theatre at one time did have an easement over this passage way, but at no time did the owner of the Tramway building have an easement. Even when it existed, the Neptune easement was eight feet wide and ten feet high, still allowing for the property owner to build over the easement. The Neptune easement was released September 3, 1997 and recorded at the Registry of Deeds. The passageway has been inaccessible since 1997 and the owners of the Tramway building have never requested access. If Mr. Strug wants to obtain a prescriptive right, he must obtain that from a

Judge, not the Design Review Committee or Council. If the second ground for appeal is meant to assert that there is a right to light of the building, as a matter of law the ability to obtain a right to light by prescription has been unavailable in the City of Halifax since 1860. If it was intended to speak to the height, the mass, or the set back of the building, in terms of blocking the view of the Tramway building, these are matters within the Land Use Bylaw that the Development Officer has determined have been met. Ms. Rubin further commented that there is clearly no expert evidence regarding snow load concerns, solely speculation. Such a matter would be addressed during the permitting process

Councillor Hendsbee inquired whether there was a storm water management plan or any mitigating measures being taken, in terms of constructing the building up against the light wells of the Tramway building, which may divert water or snow into the light wells.

The Mayor indicated that the architect may be able to speak to that matter.

Mr. Eugene Pieczonka, Architect for Lydon Lynch, on behalf of the Applicant, reviewed with Council a brief PowerPoint presentation. Mr. Pieczonka reviewed an aerial photo and street view of 1592 Barrington Street and the Tramway building. He pointed out that the south side of the Tramway building is really a blank wall with no architectural treatments. He noted that some windows in the alley provide light to the building. Mr. Pieczonka reviewed further photographs of the condition of the subject building and its context with surrounding buildings. They feel that the proposed building does meet the requirements of the Design Manual, contrary to the position of the Appellant, which is why it received approval by both the Design Review Committee and the Heritage Advisory Committee.

Mr. Pieczonka commented that their challenge was to design a building that complimented both the Khyber building and the Tramway building on either side, both of which have distinctly different architectural designs. Their aim was not to mimic, but reflect the heritage architecture of the buildings, which is in keeping with the direction of the Design Manual. Mr. Pieczonka reviewed the design framework of the proposed building and how they reflected the framework in the shop front and office levels with regard to window patterns, etc. There are roof terraces at the fifth floor where there is a set back, and a larger terrace on the roof. Mr. Pieczonka reviewed the outline of the light well with Council. He noted that the repetition of the brick façade against the Khyber building, mixed with the modern glass highlights how the design fits within the Design Manual.

Responding to a question from Councillor Wile, Mr. Pieczonka indicated that originally there was an entrance from Barrington Street to the alley, but after the right of way was removed, the area had been blocked off with an ATM.

Responding to questions from Councillor Sloane, Mr. Pieczonka advised that the alley is deeded to the owners of 1592 Barrington Street.

Responding to Councillor Hendsbee's previous question relating to storm water management of the site, Mr. Pieczonka indicated that he can only be responsible to his client's property, and is not responsible for the neighbouring properties. He noted that the roof of the building would be designed so that rainwater would be collected and drained into the storm system.

Ms. Rubin added a point of clarification that the easement alongside the Tramway building was never granted in favour of the Tramway building owner. The easement was extinguished in 1997 and was at the time in favour of Neptune Theatre. That easement was only ½ foot wide on the eastern side of the building.

Mr. MacMillan indicated he did not have any questions for the Applicant's representatives. He clarified that the Tramway building's easement has never been a matter of deed. The only easement that was deeded was in favour of Neptune Theatre.

Mr. Martin Ward at this time clarified for Council that the issue presented is whether the grounds brought forward by the Appellant are grounds that could be brought forward for an appeal of this nature. Mr. Ward indicated that Council have had an opportunity to hear staff's position, the Appellant's position, and the Applicant's position. He summarized that there were two issues brought forward by the Appellant. The first being the question of the easement and whether it should have been considered by the Design Review Committee or by Council. The second issue was that of mass and scale of the proposal and whether it would block light and obscure the view of the Tramway building. The Appellant attempted to connect the issues to four items in the site plan section 246(3) of the Charter. Mr. Ward reviewed each of these items in relation to the two main grounds for appeal brought forward by the Appellant:

- (a) the location of structures on the lot (in relation to mass and scale). Mr. Ward noted that mass and scale are not a matter for consideration by the Design Review Committee, but is a matter for consideration by the Development Officer under the Land Use By-law.
- (d) the type, location and height of walls, fences, hedges, trees, shrubs, ground cover or other landscaping elements necessary to protect and minimize the land-use impact on adjoining lands. Mr. Ward indicated that this does not have any relevance to the appeal as it relates to landscaping elements.
- (i) the location of easements. Mr. Ward noted that the difficulty is not with the location of easements, but the existence of the easement, which would be a private civil matter and not a matter for consideration by the Design Review Committee but through the Courts.
- (l) the external appearance of structures in the HRM by Design Downtown Plan Area. Mr. Ward noted that this refers to the external appearance of the subject property and not the external appearance of the building next door.

In conclusion, Mr. Ward indicated that neither of the grounds for appeal brought forward by the Appellant fit within the jurisdiction of the Design Review Committee and he would not recommend an appeal on this basis. Mr. Ward clarified that Council now has the opportunity to decide whether to proceed or not to proceed with the appeal hearing.

MOVED by Deputy Mayor Karsten, seconded by Councillor Sloane, that Halifax Regional Council not proceed any further with the appeal hearing and uphold the decision of the Design Review Committee to approve, with two requested variances and a condition of approval, the qualitative elements of the substantive site plan approval application, as identified in Attachment "A" of the staff report to the Design Review Committee dated February 24, 2012, for the proposed development of 1592 Barrington Street, Halifax.

Responding to an earlier inquiry from Councillor Uteck as to why the appeal was brought forward to be heard although the Development Officer had indicated in the report that the grounds for appeal were not for consideration by the Design Review Committee or Council, Mr. Ward indicated that even though that information was in the staff report, the Appellant may have had further information to displace the opinion of the Development Officer.

MOTION PUT AND PASSED.

Regional Council recessed at 2:30 p.m., reconvening at 2:45 p.m. without Councillor Harvey in attendance.

**9.2 PUBLIC HEARING – 6:00 P.M.
Administrative Order SC-69 Street Closure - A Portion of Wyse Road,
Dartmouth**

A staff report dated March 13, 2011 was before Council.

This matter was dealt with at 6:00 p.m. Refer to page 17.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - None

10.2 Petitions - None

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Request for Proposal 12-023 – Halifax Regional Municipality (HRM) 2012 Insurance Renewal

A staff report dated April 27, 2012 was before Council.

MOVED by Councillor Johns, seconded by Councillor Nicoll, that Halifax Regional Council:

- 1. Award RFP 12-023, HRM 2012 Insurance Renewal to Aon Reed Stenhouse Inc. for a one year term, effective June 1, 2012, renewable annually for a period not to exceed five (5) years, at a cost in the first year of \$1,650,388.00 (HST exempt) with funding from Operating Account M320-8003 Insurance Claims-Insurance Policy/Premium, as outlined in the Budget Implications section of this report; and**
- 2. Direct staff to negotiate the remaining coverages with the recommended proponent as outlined in the Discussion Section of the April 27, 2012 report.**

Mr. Joel Plater, Acting Manager, Risk & Insurance Services, responded to questions of clarification from members of Council regarding the 2012 HRM insurance renewal.

Councillor Hendsbee inquired whether there is a way for organizations under Facility Lease Agreements with HRM to obtain HRM's insurance rates through our insurance provider. Mr. Plater indicated he would have to speak with staff about this, and will get back to Council with an answer.

Councillor McCluskey inquired whether the \$420,000 figure indicated under Errors and Omissions from last year was unusually high. Mr. Plater indicated he would check on the historical premium.

Councillor Walker inquired why, at a cost of \$1.6 million, is HRM not insuring itself. He asked what was claimed through the insurance policy last year, with regard to "big ticket" items. Mr. Plater indicated he will obtain this information and bring it back to Council.

MOTION PUT AND PASSED.

11.1.2 First Reading Proposed Administrative Order SC-67, Portion of Granite Cove Drive, Parcel RR-2, Hubley

A staff report dated April 19, 2012 was before Council.

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

1. **Move First Reading of Administrative Order SC-67, Street Closure of a portion of Granite Cove Drive, Hubley as outlined in Attachment "A" of the April 19, 2012 staff report; and**
2. **Set a date for a public hearing.**

MOTION PUT AND PASSED.

The public hearing will be held on June 12, 2012.

11.1.3 Second Reading Proposed By-Law S-435, An Amendment to By-Law S-400, Respecting Charges for Street Improvements

A staff report dated March 15, 2012 was before Council.

MOVED by Councillor Johns, seconded by Deputy Mayor Karsten, that Halifax Regional Council approve By-Law S-435, an amendment to By-Law S-400, as outlined in Attachment "A1" of the March 15, 2012 staff report.

Mr. Ken Reashor responded to questions of clarification to members of Council, noting that the sidewalks outlined in the report are new sidewalks, not existing.

Responding to Councillor Johns, Mr. Reashor clarified that the improvements in the area of Claudia Crescent will be covered by HRM, and not by the tax payers.

MOTION PUT AND PASSED.

11.2 PENINSULA COMMUNITY COUNCIL

11.2.1 Schmidville as a Heritage Conservation District

A report from Peninsula Community Council dated April 17, 2012 was before Council.

An email from Dr. Larry Haiven dated May 14, 2012 was circulated to Council.

MOVED by Councillor Uteck, seconded by Councillor Nicoll, that Halifax Regional Council request that staff expedite the Schmidville application on the priority listing of Heritage Conservation Districts so that it could be dealt with immediately following the review of the Barrington South district.

Councillor Uteck indicated that this initiative has been worked on for the past seven or eight years by volunteer residents. She noted that it is imperative that the Schmidville Heritage Conservation District be given priority because of upcoming development in the area.

Responding to questions from Deputy Mayor Karsten regarding the Barrington South Heritage Conservation District, Mr. Austin French, Manager, Planning Services, indicated that the Barrington South district is anticipated to be completed in eight months.

MOTION PUT AND PASSED.

11.3 AUDIT AND FINANCE STANDING COMMITTEE

11.3.1 Adoption of Proposed Amendments to Administrative Order 35, Respecting Procurement Policy

A report from the Audit and Finance Standing Committee dated April 19, 2012 was before Council.

MOVED by Councillor Walker, seconded by Councillor McCluskey, that Halifax Regional Council approve the amendments to Administrative Order 35, as outlined in Attachment "A" of the April 1, 2012 staff report with the inclusion of the following bullet for Section 9 Award of Contracts, Sub-sections 4 & 5, as amended on April 18, 2012 by the Audit a& Finance Standing Committee, to read:

"Where, the Request for Tender is awarded to a supplier based on achieving best value, with best value being determined by an evaluation method and weighted scale of each factor that is contained within the tender documents."

Ms. Anne Feist, Manager, Procurement, and Mr. Richard Butts, CAO, responded to questions from members of Council regarding surplus HRM assets.

MOTION PUT AND PASSED.

11.3.2 First Reading Proposed Amendments to Administrative Order 18, Revenue Collections Policy - Tax Sale Reserve Bid

A report from the Audit and Finance Standing Committee dated April 19, 2012 was before Council.

MOVED by Councillor Walker, seconded by Councillor McCluskey, that Halifax Regional Council:

- 1. Approve a minimum acceptable reserve bid in the amount outlined in the March 28, 2012 Private and Confidential staff report;**
- 2. Give notice of motion to approve the amendments to Administrative Order 18, the Revenue and Collection Policy; and**

3. Not release to the public the March 28, 2012 Private and Confidential staff report.

Mr. Jerry Blackwood, Manager, Revenue, responded to questions of clarification from members of Council.

Mr. Blackwood clarified that there is reference made in the Charter to bringing the property forward three times after taxes are in arrears for one year before selling the property at auction. He indicated that staff take a humanistic approach to provide ample opportunity for the property owner or family to pay the taxes, and often direct property owners to the tax deferral and low income programs within HRM and the senior's program with the province.

Mr. Blackwood responded to further procedural questions from members of Council.

MOTION PUT AND PASSED.

11.4 ENVIRONMENT AND SUSTAINABILITY STANDING COMMITTEE

11.4.1 HRM Street Light Review

A report from the Environment and Sustainability Standing Committee dated May 1, 2012 was before Council.

MOVED by Councillor Dalrymple, seconded by Councillor Nicoll, that Halifax Regional Council direct staff to:

- 1. Develop an implementation plan for taking ownership and converting all municipal streetlights to Light Emitting Diode (LED) technology in accordance with recent amendments to the *Energy-Efficient Appliance Act*; and**
- 2. That the Streetlight Conversion Plan be approved by Regional Council prior to implementation.**

Mr. Angus Doyle, Utilities Coordination Manager, responded to questions of clarification from members of Council regarding ownership of streetlights and conversion of municipal streetlights to LED technology.

Several members of Council noted that this initiative has been brought about by changes to provincial legislation, and they hope that there will be provincial contributions to the cost of this project.

MOTION PUT AND PASSED.

11.5 EXECUTIVE STANDING COMMITTEE

11.5.1 Alignment with Robert's Rules of Order

A report from the Executive Standing Committee dated April 30, 2012 was before Council.

MOVED by Councillor Rankin, seconded by Deputy Mayor Karsten, that Halifax Regional Council continue its alignment with Roberts Rules of Order relative to Administrative Order #1. MOTION PUT AND PASSED.

11.6 MEMBERS OF COUNCIL

11.6 .1 Councillor Smith – Request for Staff Report re: Cyril Smith Park Trail Expansion and Park Development

MOVED by Councillor Smith, seconded by Deputy Mayor Karsten, that Halifax Regional Council request a staff report for public consultation on a Development Plan for the Cyril Smith Park trail expansion and completion. MOTION PUT AND PASSED.

12. MOTIONS - None

13. ADDED ITEMS - None

14. NOTICES OF MOTION

14.1 Councillor Rankin

“Take notice that, at the regular Regional Council meeting to be held on June 12, 2012, I propose to move approval of Administrative order SC-67, the purpose of which is to effect closure of a portion of Granite Cove Drive, Hubble, Nova Scotia.”

14.2 Councillor Walker

“Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, May 22, 2012, I propose to move approval of the proposed amendments to Administrative Order 18.”

14.3 Councillor McCluskey

“Take notice that at the next regular meeting of Regional Council to be held on May 22, 2012, I intend to put forward the following motion: That Metro Transit come to Regional Council one month prior to budget presentations to present any proposed changes to Metro Transit service so that Council has ample time to debate the proposed changes before the budget comes to Council.”

14.4 Councillor Smith

“Take notice that at the next regular meeting of Regional Council to be held on May 22, 2012, I intend to put forward the following motion: That Regional Council approve a staff report regarding the revision of public information meeting procedures regarding resident mail-out notification, that all residents, whether owners or renters or otherwise living in a mailout zone are to be sent notification of public meetings in that area.”

15. IN CAMERA

No in camera session was held.

15.1 Labour Relations

15.1.1 NSUPE Contract Negotiations Update – Oral

This matter was deleted from the agenda during the approval of the order of business.

The meeting recessed at 3:52 p.m.

Council reconvened at 6:00 p.m. with Councillor Watts in attendance. Councillors Streach, Uteck, Hum, Mosher, Adams, Johns, Harvey and Rankin were absent for the Public Hearing.

9.2 PUBLIC HEARING – 6:00 P.M. Administrative Order SC-69 Street Closure - A Portion of Wyse Road, Dartmouth

A staff report dated March 13, 2011 was before Council.

Mr. Nathan Hines, Real Estate Officer, Planning and Infrastructure delivered a presentation to Council.

Mr. Hines responded to questions of clarification raised by Council on Sobeys lease with HRM, the encroachment lease that would be granted if approved, and the potential for widening a portion of Wyse Road in the future.

Mayor Kelly explained the Rules of Procedure for public hearings and called for speakers to come forward at this time to speak for or against the matter.

Ms. Mary Walsh of 11 Faulkner Street, Dartmouth noted this was the first she had heard of the matter and expressed confusion as to why a portion of Wyse Road would be closed. Ms. Walsh commented on being a past customer of the Wyse Road Tim Hortons and provided her support to close a portion of the street, if Council felt it necessary.

There being no further speakers, it was **MOVED by Councillor Barkhouse, seconded by Councillor Sloane that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Smith, seconded by Councillor McCluskey that Halifax Regional Council approve Administrative Order SC-69, Street Closure of a portion of Wyse Road Right of Way, Dartmouth, as outlined in Attachment "A" and "B" of the March 13, 2012 staff report. MOTION PUT AND PASSED.

16. ADJOURNMENT

The meeting was adjourned at 6:06 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS

1. Proclamation – National Public Works Week – May 20-26, 2012
2. Memorandum from Director, Transportation and Public Works dated April 23, 2012
re: National Public Works Week – May 20-26, 2012
3. Memorandum from Traffic Authority dated April 23, 2012
re: Removal of No Parking and Loading Zone – Dutch Village Road, Halifax
4. Memorandum from Acting Director, Planning and Infrastructure dated April 19, 2012
re: North West Arm Riparian Buffer (Watercourse Protection)
5. Memorandum from Director, Transportation and Public Works dated April 11, 2012
re: Maintaining Urban Park Walkways Year Round (Northbrook Park)
6. Memorandum from Acting Director, Legal and Risk Management dated April 24, 2012
re: Status of By-Law Prosecutions – January 1, 2012 – January 31, 2012
7. Memorandum from Acting Director, Finance and Information Technology dated April 18, 2012
re: Award of Contracts - CAO (Chief Administrative Officer) Approval
8. Memorandum from the Municipal Clerk dated May 7, 2012
re: Requests for Presentation to Council – Our HRM Alliance re: Regional Plan

PRIVATE AND CONFIDENTIAL INFORMATION ITEMS

1. Private and Confidential In Camera Information Report dated April 19, 2012 – Tax Sale Reserve Bid - Amendments to Administrative Order 18, Revenue Collections Policy
2. Private and Confidential In Camera Information Report dated April 19, 2012 – Street Closure - Portion of Granite Cove Drive, Parcel RR-2, Hubley
3. Private and Confidential In Camera Information Report dated April 10, 2012 – Settlement of Claims \$0 to \$100, 000