

HALIFAX REGIONAL COUNCIL
MINUTES

October 9, 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
Mr. Martin Ward, Municipal Solicitor
Ms. Sherryll Murphy, Acting Municipal Clerk
Mr. Ted Aubut, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 1:06 p.m. in Room 100 of the World Trade Convention Centre, 1800 Argyle Street, Halifax, with the Invocation being led by Councillor McCluskey.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

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

3. APPROVAL OF MINUTES - NONE

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

Additions:

12.1 Proclamation – Communities Against Violence Day – October 17, 2012

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the agenda be approved as amended. 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

9.1.1 James W. Macnutt re: Designation of Province House as a UNESCO World Heritage Site

Correspondence from James Macnutt dated July 4, 2012 requesting that Council pass a motion endorsing the designation of Province House as a UNESCO World Heritage Site was before Regional Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane that Halifax Regional Council request the Mayor to write a letter in support of designating Province House a UNESCO World Heritage Site.

MOTION PUT AND PASSED (23 in favour, 0 opposed).

Those voting in favour were Mayor Peter Kelly; Deputy Mayor Karsten and Councillors Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Barkhouse, Smith, Wile, Blumenthal, Sloane, Uteck, Watts, Walker, Mosher, Adams, Johns, Harvey, Outhit, Lund, and Rankin.

Councillor Hum was not present.

9.1.2 Request for Fly-Past - Remembrance Day Ceremonies – Canadian Forces

Correspondence from Maritime Forces Atlantic dated September 27, 2012 was before Regional Council.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that Halifax Regional Council approve a fly-past of a Sea King helicopter over Grand Parade at a height of 50 feet above the highest obstacle on November 11, 2012 as part of the Remembrance Day Parade and Ceremony of Remembrance for military personnel.

MOTION PUT AND PASSED (23 in favour, 0 opposed).

Those voting in favour were Mayor Kelly; Deputy Mayor Karsten and Councillors Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Barkhouse, Smith, Wile, Blumenthal, Sloane, Uteck, Watts, Walker, Mosher, Adams, Johns, Harvey, Outhit, Lund, and Rankin.

Councillor Hum was not present.

9.2 Petitions – NONE

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 12-169 – Stone Masonry Restoration, Halifax City Hall – Phase 4

A staff report dated September 24, 2012 was before Regional Council.

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

- 1. Award tender 12-169, Stone Masonry Restoration, Halifax City Hall – Phase 4, to Coastal Restoration & Masonry Limited, for a total tender price of \$892,333.59 (net HST included) with funding from Project No. CBX01046,**

Halifax City Hall Stone Restoration, as outlined in the Budget Implications section of this report; and

- 2. Authorize the change to the scope of work to Project No. CBX01046, Halifax City Hall Stone Restoration, to utilize the balance in the account after Phase 4 is completed. Work is to include 'state of good repair' projects at both City Hall and Grand Parade as outlined in the Discussion section of this report.**

Councillor Lund asked about the approval process for projects financed with remaining funds, to which staff confirmed that normal approval procedures would apply. That is, projects above a set dollar value will come before Council for approval.

MOTION PUT AND PASSED (23 in favour, 0 opposed).

Those voting in favour were Mayor Kelly; Deputy Mayor Karsten and Councillors Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Barkhouse, Smith, Wile, Blumenthal, Sloane, Uteck, Watts, Walker, Mosher, Adams, Johns, Harvey, Outhit, Lund, and Rankin.

Councillor Hum was not present.

10.1.2 Sole Source Purchase for Council Chambers Relocation

A staff report dated September 26, 2012 was before Regional Council.

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

- 1. In accordance with the Sole Source provisions of Administrative Order 35, Section 8(11)(A) attached, award the Sole Source Purchase of Audio/Video Services to Frischkorn Audio Visual Rentals, in the maximum amount of \$75,378.96 (net HST included), with funding from Project No. CBX01046 – City Hall Stone Restoration , as outlined in the Budget Implications section of this report; and**
- 2. In accordance with the Sole Source provisions of Administrative Order 35, Section 8(11)(A) attached, award the Sole Source Rental of Meeting facilities to Trade Centre Limited, in the maximum amount of \$17,207.19 (net HST included), with funding from Project No. CBX01046 – City Hall Stone Restoration, as outlined in the Budget Implications section of this report.**

At the request of Councillors Lund and Hendsbee, staff provided an update on Council Chamber renovations, noting that the delivery time has been moved forward to December 1, 2012 as a result of tender delays as well as wiring and framing issues.

Councillor Blumenthal informed colleagues that he will not be supporting this motion as Council Chambers could have been left as is, to save money, and to leave options for the future, in the event that Council should grow.

On the matter of Council restructuring, Councillor Sloane asked for an account of how much has been spent to facilitate the transition from 23 Councillors to 16.

MOTION PUT AND PASSED (21 in favour, 2 opposed).

Those voting in favour were Mayor Kelly; Deputy Mayor Karsten and Councillors Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Karsten, Barkhouse, Wile, Sloane, Uteck, Watts, Walker, Mosher, Adams, Johns, Harvey, Outhit, Lund, and Rankin.

Those voting against were Councillors Smith and Blumenthal.

Councillor Hum was not present.

10.1.3 Community Council and Standing Committees Transition

A staff report dated September 24, 2012 was before Regional Council.

The Municipal Solicitor provided an overview of the transition plan. He explained that this housekeeping measure will allow the Municipality to carry on with business while the new Council reflects on the structure of Community Councils. He noted that during this transition period, which will begin November 5, 2012, the responsibilities of Community Councils will be brought back to Regional Council and remain with Regional Council until the new structures are established.

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

- 1. Repeal Administrative Orders: Two, Four, Seven, Twenty-Six, Twenty-Eight and Thirty-Four as set out in Appendix "A" attached hereto, effective Monday, November 5, 2012; and**
- 2. Amend the Terms of Reference for the Standing Committees of Council as set out in Appendix "B" attached hereto, effective Monday, November 5, 2012.**

Responding to questions of clarification from Councillors, staff noted the following:

- All Community Councils will remain in effect until November 5, 2012. At this point, their responsibilities will be transferred to the new Council until the latter decides on the number of Community Councils it wants to establish and the powers to delegate to them.

- All Committees, including Standing Committees and Advisory Committees, will continue until new structures have been decided by the new Council.
- Many Standing Committees must continue as they are required by legislation. To ensure continuity, the Terms of Reference for each of the six Standing Committees will be amended to provide for interim appointments following the municipal election. For five of six Standing Committees, quorum requirements will drop from eight to five Councillors, the exception being the Appeals Committee.
- Committees normally reporting to Community Councils will report directly to Council during the transition.
- Re-elected Councillors will automatically be appointed to Committees on which they had previously served. Vacant seats will be filled immediately, with new members being elected by the new Council.
- No end date is stipulated in the transition plan as the current Council has no jurisdiction to bind new Council.

Councillor Hum entered the meeting at 1: 28 p.m.

Councillor Sloane exited the meeting at 1:34 p.m.

MOTION PUT AND PASSED (22 in favour, 1opposed).

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

Councillor Outhit voted against the motion.

Councillor Sloane was not present.

10.2 TRANSPORTATION STANDING COMMITTEE

10.2.1 MusGO Rider Rural Public Transit Pilot

A report of the Transportation Standing Committee dated October 1, 2012 was before Regional Council.

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

- 1. Grant a request for \$10,000 from MusGO Rider for the operation of a community-based rural public transit pilot service in the Musquodoboit Harbour area, subject to HRM staff review of the MusGo Rider business plan and financial statements, and development of criteria to fund**

community-led rural transit initiatives, prior to the award of funding to MusGO Rider; and

2. That funding come from account CTR00908 – Transportation Demand Management Program.

Councillor Rankin regretfully informed colleagues that the motion before them did not accurately reflect the intent of the Transportation Standing Committee. He clarified that the Standing Committee wished for Council to grant \$10,000 to MusGo Rider on three conditions:

- That HRM staff review MusGO Rider's business plan
- That HRM staff review MusGO Rider's financial statements
- That staff develop and Council approve criteria for funding community-led rural transit initiatives

Council Rankin noted that the existing motion does not stipulate that criteria must be approved by Council, which was the intent of the Standing Committee.

Moved by Councillor Rankin, seconded by Councillor Hum that Part 1 of the motion be amended as follows:

1. Grant a request for \$10,000 from MusGO Rider for the operation of a community-based rural public transit pilot service in the Musquodoboit Harbour area, subject to HRM staff review of the MusGo Rider business plan and financial statements, and *subject to Council-approved criteria for community-led rural transit initiatives, prior to the award of funding to MusGO Rider*

Councillor Hendsbee expressed concern over the proposed amendment, noting that it would delay yet again the launch of this pilot project. He explained that staff had already reviewed MusGO Rider's business plan; that Council had already approved guidelines for rural transportation plans; and that a rural transportation fund in the order of \$325,000 had already been established and left untouched. He encouraged Council to approve the grant without waiting for the development of criteria, which would take some time.

To this, staff responded that they did not know how long it would take to develop criteria but that a performance measurement framework was necessary to set an even playing field moving forward. Staff similarly indicated that delaying MusGO Rider's grant request would allow for reflection on funding opportunities from other levels of government.

Referring to the report before Council, Councillor McCluskey observed that Metro Transit had not recommended that MusGO Rider be awarded the grant and wished to know why.

Staff replied that Metro Transit currently does not have the ability to grant funding to external parties and that moving forward it would prefer to have established criteria to assess future requests.

Councillors briefly discussed what criteria should be included, with Councillors Blumenthal and Wile suggesting that grant applicants should have liability insurance and Councillor Uteck, that the applicant's for-profit or not-for-profit status should be taken into account.

Councillor Hum expressed her support for the MusGO Rider pilot project. However, she noted that accountability necessitates the creation of a performance framework through which to assess funding requests from community-based transportation operators.

Councillor Dalrymple noted that Council seems to have two options. Council could award the grant and then proceed to develop criteria, having learned from the pilot project. Alternatively, Council could develop criteria first thereby delaying the project. To this, the Mayor clarified that both the original motion and the amended motion require staff to develop criteria before funding is made available.

Noting that MusGO Rider has not-for-profit status, Councillor Lund asked if they could apply for a capital grant to which the Mayor replied that the same issue remains. That is, HRM currently has no defined criteria for third-party transit providers.

Councillor Johns asked if Council could simply vote to fund or not fund MusGO Rider. To this, staff indicated that Council could defeat the motion and ask that HRM award the grant, but that this option was not recommended.

Councillor Johns noted his frustration with HRM's handling of this file, adding that MusGO Rider had been in the news for four months and, still, Council has yet to reach a decision. He worried that if Council waits much longer then HRM may have missed out on an opportunity. The Mayor responded that budget talks begin in December which means there should be a fairly quick turn-around time on this matter.

Members of Council asked for clarification on the motion, noting that proposed wording does not seem to make the motion clearer. Staff responded that the original motion was problematic because it did not clarify Council's role is in the development of criteria. If left as is, staff could simply review the matter, develop criteria, and apply it. The amendment clarifies that Council must approve the criteria developed by staff.

Councillor Barkhouse asked staff if the criteria could stipulate that it must be approved by Council. Staff responded positively, but noted that neither the original nor the amended motion speaks to that.

At the request of the Mayor, the Municipal Solicitor re-read the amended motion, noting that it calls for MusGo Rider's grant application to be subject to staff review and subject to Council-approved criteria. He noted further that the amendment, unlike the original

motion, clarifies that Council retains control of the developed criteria and that the criteria approved by Council would apply to MusGO Rider's application.

Councillor Harvey expressed his disappointment with Council's delayed response to MusGO Rider's request. Referring to the successful launch of a similar program in Shelburne County, he noted that Halifax Regional Council needs to get out of the way and allow this project to move forward.

Councillor Streach indicated that the development of criteria is necessary to assess the MusGo Rider program and project proposals of the future. He reminded colleagues that HRM had funded shuttle services in the past, like Green Rider, but that many of these projects were not successful. Council, he continued, must ensure that future projects have a strong business case and that operators are held accountable. In the absence of these safeguards, he indicated his discomfort in awarding funding before criteria is set.

Councillor Hendsbee informed colleagues that MusGo Rider staff are present and would gladly answer any of their questions. He urged Council to show their support for this project, noting that performance management tools already exist and that the sooner MusGO Rider is granted funding, the sooner it can make their vehicles accessible.

On this, the Mayor responded that the accessibility of vehicles is yet another reason why HRM needs Council-approved criteria. He also reminded Councillors that the Auditor has requested that HRM have defined processes for project approvals.

Councillor Hum explained that the Transportation Standing Committee, in May 2012, had discussed the potential for granting MusGO Rider capital funding from District Councillors Funds but found that the project did not meet set criteria.

Councillor Johns clarified that the Auditor's reports offer suggestions that Council can accept or refuse. Second, picking up on Councillor Streach's remarks, he wished to know how it was that previous shuttle services had been financed by HRM in the absence of criteria.

Councillor Rankin closed the discussion by reiterating the importance of developing Council-approved criteria to fairly assess MusGO Rider's request as well as future applications from other parties.

At this time, the question was called on the amendment.

THE MOTION TO AMEND WAS PUT AND PASSED (16 in favour, 7 opposed).

Those voting in favour were Mayor Kelly; Deputy Mayor Karsten and Councillors Streach, Nicoll, McCluskey, Fisher, Barkhouse, Wile, Blumenthal, Uteck, Watts, Walker, Hum, Mosher, Outhit, and Rankin.

Those voting against were Councillors Dalrymple, Hendsbee, Smith, Adams, Johns, Harvey and Lund.

Councillor Sloane was not present.

Regional Council then proceeded to vote on the amended motion.

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

- 1. Grant a request for \$10,000 from MusGO Rider for the operation of a community-based rural public transit pilot service in the Musquodoboit Harbour area, subject to HRM staff review of the MusGo Rider business plan and financial statements, and subject to Council-approved criteria for community-led rural transit initiatives, prior to the award of funding to MusGO Rider; and**
- 2. That funding come from account CTR00908 – Transportation Demand Management Program.**

Councillor Hendsbee requested that HRM staff treat this file with urgency.

MOTION AS AMENDED PUT AND PASSED (22 in favour, 1 opposed).

In favour were Mayor Kelly; Deputy Mayor Karsten and Councillors Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Barkhouse, Wile, Blumenthal, Uteck, Watts, Walker, Hum, Mosher, Adams, Johns, Harvey, Outhit, Lund and Rankin.

Councillor Smith voted against the motion.

Councillor Sloane was not present.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Proclamation – Communities Against Violence Day – October 17, 2012

The proclamation was added as an information item.

13. NOTICES OF MOTION - NONE

14. IN CAMERA - NONE

15. ADJOURNMENT

The meeting was adjourned at 2:17 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS
October 9, 2012

1. Proclamation – Insurance Information Campaign 2012 – October 15-21, 2012
2. Memorandum from Municipal Clerk dated October 2, 2012 re: Requests for Presentation to Council – Michelle Raymond re: Boscobel Development