



**HALIFAX REGIONAL COUNCIL
MINUTES
February 16, 2016**

PRESENT: Mayor Mike Savage
Deputy Mayor Matt Whitman
Councillors: David Hendsbee
Bill Karsten
Lorelei Nicoll
Gloria McCluskey
Tony Mancini
Waye Mason
Jennifer Watts
Russell Walker
Stephen Adams
Reg Rankin
Brad Johns
Steve Craig
Tim Outhit

REGRETS Councillors: Barry Dalrymple
Linda Mosher

STAFF: Mr. John Traves, Acting Chief Administrative Officer
Ms. Karen Brown, Acting Municipal Solicitor
Mr. Kevin Arjoon, Municipal Clerk
Ms. Sheilagh Edmonds, Legislative Assistant
Ms. Phoebe Rai, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

A video recording of this meeting is available:
http://archive.isiglobal.ca/vod/halifax/archive_2016-02-16-live.mp4.html

The agenda, supporting documents, and information items circulated to Council are available online:
<http://www.halifax.ca/council/agendasc/160216rc-agenda.php>

The meeting was called to order at 11:48 a.m. and moved into an In Camera (In Private) session at 1:47 p.m. Council reconvened at 6:00 p.m. and recessed at 8:00 p.m. Council reconvened at 8:12 p.m., moved into an In Camera (In Private) session at 9:10 p.m. and reconvened to public session at 9:20 p.m. Council adjourned at 9:21 p.m.

1. CALL TO ORDER

The Mayor called the meeting to order at 11:48 a.m. and Council stood for a moment of reflection.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of special community announcements and acknowledgements.

3. APPROVAL OF MINUTES – January 12, 2016

MOVED by Councillor McCluskey, seconded by Councillor Whitman

THAT the minutes of January 12, 2016 be approved.

MOTION PUT AND PASSED.

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

Additions:

- 17.1 Ratification of Motion from Committee of the Whole – 2016/17 Budget Consultation Parking Lot

Deputy Mayor Whitman noted that Councillor Dalrymple sent regrets for this meeting. He suggested **agenda item 14.2.3 be deferred** to a meeting when Councillor Dalrymple is able to be present, to which Council agreed.

At the request of Deputy Mayor Whitman, **Council agreed to convene in camera immediately following the Appeal Hearing** to deal with a Personnel Matter regarding two citizen complaints.

MOVED by Councillor Johns, seconded by Councillor Rankin

THAT the agenda be approved as amended.

Two-third majority vote required.

MOTION PUT AND PASSED.

- 5. BUSINESS ARISING OUT OF THE MINUTES - NONE**
- 6. CALL FOR DECLARATION OF CONFLICT OF INTERESTS - NONE**
- 7. MOTIONS OF RECONSIDERATION – NONE**
- 8. MOTIONS OF RESCISSION – NONE**
- 9. CONSIDERATION OF DEFERRED BUSINESS – NONE**
- 10. NOTICES OF TABLED MATTERS – NONE**

11. APPEAL HEARING

11.1 Case 20227 – Appeal of the Design Review Committee’s Approval of the substantive Site plan Application for the Margareta Development at 1447 Dresden Row, Halifax

This was dealt with later in the meeting. See page 4.

PUBLIC HEARING

11.2 Case 20072 – Amendments to Municipal Planning Strategy and Land Use By-law for Planning District 5, 786 and 792 Old Sambro Road, Harrietsfield

This was dealt with later in the meeting. See page 6.

12. CORRESPONDENCE, PETITIONS & DELEGATIONS

12.1 Correspondence

The Clerk noted that correspondence was received for items: 11.1 and 14.1.8. This correspondence was circulated to Council.

12.1.1 Fly-Past Request – 25th Anniversary of the Liberation of Kuwait

The following was before Council:

- Correspondence dated January 27, 2016 from C.F. Sutherland, Captain, CFB Halifax Base Commander.

MOVED by Councillor Mason, seconded by Councillor McCluskey

That Halifax Regional Council grant permission for a Sea King helicopter flypast at a height of 500 feet above the highest obstacle on Friday, February 26, 2016 at 10:18 am over the NB jetty, Halifax as part of the ceremony to remember military personnel who served in the Gulf War.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Whitman; and Councillors Dalrymple and Mosher.

12.2 Petitions

12.2.1 Councillor Watts

Councillor Watts submitted a petition with 26 signatures requesting a Nuisance Smoke By-law to reduce negative impact smoke from indoor wood burning appliances, electric smokers or any other device that emits smoke. Councillor Watts requested that the petition be sent to staff for report and recommendation.

13. INFORMATION ITEMS BROUGHT FORWARD – NONE

14. REPORTS

14.1 CHIEF ADMINISTRATIVE OFFICER

14.1.1 Award – P15-081 Halifax Transit Ferry Terminal Security and Fare Collection

The following was before Council:

- A staff recommendation report dated January 26, 2016.

MOVED by Councillor Karsten, seconded by Councillor Rankin

THAT Halifax Regional Council award Request for Proposals #P15-081 Halifax Transit Ferry Terminal Security and Fare Collection to the highest scoring proponent, Independent Security Services Atlantic Inc. for three (3) years with the option to extend for two (2) additional one-year terms subject to satisfactory performance of the contract for a three (3) year cost of \$1,085,952 (net HST included) with funding from Operating Account No. R661-6310 – Outside Personnel, as outlined in the Budget Implications section of the staff report dated January 26, 2016.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Deputy Mayor Whitman; and Councillors Dalrymple and Mosher.

Council recessed at 12:10 p.m.

Council reconvened at 1:02 p.m.

11. APPEAL HEARINGS

11.1 Case 20227 – Appeal of the Design Review Committee’s Approval of the substantive Site plan Application for the Margareta Development at 1447 Dresden Row, Halifax

The following was before Council:

- A Power Point Presentation from staff dated February 16, 2016
- A staff recommendation report dated February 2, 2016
- A submission from Mrs. Lillian Breckenridge (appellant)
- Correspondence submitted by Patricia Cassels and Teresa Cassels (appellant).
- Copies of appeal letters sent to the Applicant and Appellants
- Extract of the HRM Charter Part VIII Planning and Development

Ms. Dali Salih, Planner, provided the staff presentation with regard to the appeal of the Design Review Committee’s decision on the substantive site plan approval application by W.M. Fares Group to develop a 9-storey mixed-use development consisting of residential and commercial uses at 1447 Dresden Row, Halifax, known as the Margareta Site. The Design Review Committee reviewed the application on December 10, 2015 and approved it with conditions. The Committee’s decision was appealed by four property owners and was now before Council for consideration and decision. Prior to the start of her presentation, Ms. Salih clarified an error in the staff report. She referred to page 6 of the staff report, item 2) and noted that the title should read *Building Envelope & Schmidville Neighbourhood* and not *Building Design & Schmidville Neighbourhood*.

In her remarks, Ms. Salih explained the appeal process, and advised that the quantitative aspects of the proposal, i.e. parameters relating to land use and building envelope are determined by the Development Officer and are not subject to appeal. The qualitative aspects of the proposal, i.e. the design manual which provides guidelines relating to building design are the decision of the Design Review Committee and are subject to appeal. Ms. Salih noted the five reasons given by the appellants for their appeal as follows: landscaping and placement of permanent benches, building envelope and Schmidville neighbourhood, wind impacts, on-street and underground parking, and impacts of construction. She pointed out that four are not relevant to the qualitative aspect and that the matter before Council for decision is in regard to the elements of landscaping and the placement of permanent benches along Clyde Street

The Mayor then invited the appellants to come forward at this time.

Mr. Christopher Breckenridge, 5514 Clyde Street, representing Ms. Lillian Breckenridge addressed Council and read from Ms. Breckenridge's submission. He stated his reasons for appeal were in regard to concerns of the following: transitioning and design of the proposal; issues pertaining to wind, sunlight, livability and human scale; the impact construction will have on the residents and businesses; the impact of increased commercial use along Clyde Street and the affect it will have on traffic and development; concern regarding the impact on the heritage of Schmidville; and the effects of construction on Schmidville. Mr. Breckenridge concluded his remarks by requesting Council not approve the application, but that if it did approve the proposal, it apply conditions outlined in the written submission.

Ms. Ann McCollough, 1351 Dresden Row addressed Council and advised that she was representing the HCCC #122, the condominium building which is located at the Corner of Clyde Street and Dresden Row. She advised that their concern was with the design and construction of the Margareta Building, specifically about noise pollution, air pollution, and traffic associated with the site. She questioned what measures will be taken to mitigate construction noise and pointed out that By-law 200 has not been adhered to during the construction of the Mary Ann Building, advising that construction often started before 7 a.m. Ms. McCollough expressed concern that the project will not be completed on time and referenced the Mary Ann building site, noting that it was supposed to be 18 months of construction but it has been at least 38 months. She added that the outdoor common area design is a concern because it will create a constant disturbance and the proposed benches will result in loitering. Ms. McCollough suggested that the architecture of the Margareta building is not in keeping with the historic area of Schmidville; and that the setback of the building is not in keeping with other buildings in the area like The Greystone.

Mayor Savage advised that the two other appellants were Ms. Patricia Cassels and Ms. Teresa Cassels. They were not in attendance today but had provided a submission which has been circulated to Council.

The Mayor invited the applicant to come forward at this time to provide a response.

Mr. Cesar Saleh, addressed Council advising that he was a professional engineer with W.M. Fares Group, who is acting on behalf of Clyde Street Developments. He also advised that he was a past member of the Design Review Committee, serving for four years. In his remarks, Mr. Saleh stated that his team was very knowledgeable with the site plan approval process, and since the inception of the Downtown Halifax Land Use Bylaws, they have completed three applications which are all under construction, and currently have four applications underway, one of which is the subject of this hearing. Mr. Saleh advised that the proposed development meets all requirements of the Downtown Halifax Land Use Bylaws, the design guidelines, and met all the requirements of the site plan approval process. Mr. Saleh added that he agrees with the staff recommendation and asked that Council uphold the decision of the Design Review Committee. Mr. Saleh noted that his team members for the project were in attendance and would respond to any questions Council may have.

Mayor Savage asked the Acting Municipal Solicitor to review the procedure by which Council provides its decision.

Ms. Karen Brown, Acting Municipal Solicitor explained that the rules of procedure were similar to that of Variance Appeals, in that Council is required to place the motion on the floor to allow the appeal even though the staff recommendation is to deny the appeal and uphold the decision of the Design Review Committee. She pointed out that the implication for Council if it votes for the motion is that Council would be overturning the decision of the Design Review Committee.

MOVED by Councillor Mason, seconded by Councillor Karsten

THAT Halifax Regional Council allow the appeal of the Design Review Committee's decision for case 20227 – Substantive Site Plan Application for the Margareta Development at 1447 Dresden Row, Halifax and therefore overturn the Design Review Committee decision.

MOTION PUT AND DEFEATED UNANIMOUSLY.

Not Present: Councillors Dalrymple and Mosher

MOVED by Deputy Mayor Whitman, seconded by Councillor Johns

That Council convene in camera.

MOTION PUT AND PASSED.

Council convened in camera at 1:47 p.m.

Council reconvened at 6:00 p.m.

PUBLIC HEARING

11.2 Case 20072 – Amendments to Municipal Planning Strategy and Land Use By-law for Planning District 5, 786 and 792 Old Sambro Road, Harrietsfield

The following was before Council:

- A recommendation report dated December 18, 2015 submitted by the Chair of the Halifax and West Community Council, with attached staff recommendation report dated November 24, 2015
- An extract of draft minutes from the Regional Council meeting of January 12, 2016
- A staff presentation dated February 16, 2016
- A submission from the applicant dated February 16, 2016

Ms. Jillian MacLellan, Planner, delivered the staff presentation outlining the proposed amendments to the Municipal Planning Strategy, to change the designation from residential to industrial/commercial, and Land Use By-law, to rezone from and R-2 Zone to the C-5 Zone, for Planning District 5.

Mayor Savage invited the applicant to come forward and address Council. The applicant declined to provide comments.

The Mayor read the rules of procedure respecting public hearings and called for anyone wishing to speak to come forward.

Mr. Danny Steele, Harrietsfield expressed his opposition to the staff recommendation. He suggested that rather than approving MPS and LUB amendments, an alternate location should be sought for the proposed development.

The Mayor called three times for anyone else wishing to speak; there being none, it was MOVED by Councillor Mason, seconded by Councillor Watts

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Adams, seconded by Councillor Rankin

That Halifax Regional Council approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Planning District 5 as set out in Attachments A and B of the staff report dated November 24, 2015.

Ms. Jillian MacLellan responded to questions of clarification from Council, noting that if the MPS and LUB amendments are approved, the existing residential structure could remain but no further residential development could take place. She further clarified that the dwelling could be replaced if needed.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Dalrymple and Mosher.

14.1.2 East Dartmouth Community Centre – Facility Lease Agreement Amendment

The following was before Council:

- A staff recommendation report dated January 8, 2016

MOVED by Councillor Mancini, seconded by Councillor McCluskey

THAT Halifax Regional Council authorize the Mayor and Municipal Clerk to amend the Facility Lease Agreement with Boys and Girls Club of Greater Halifax for the facility located at 50 Caledonia Road, Dartmouth, as per the proposed amendments set out in Table 1 in the Discussion section of the staff report dated January 8, 2016.

Councillors had questions of clarification and Council agreed to return to the matter later in the meeting when staff could be present to respond. See page 8 for details.

14.1.3 Lease Agreement South End Community Day Care, 5594 Morris Street, Halifax

The following was before Council:

- A staff recommendation report dated January 5, 2016

MOVED by Councillor Mason, seconded by Deputy Mayor Whitman

THAT Halifax Regional Council direct staff to negotiate a Lease Agreement with the South End Community Day Care to transition the Tenant to market rent.

Councillor Mason provided commentary with respect to the history of the property. He advised that five years ago, the South End Community Day Care used their own capital contribution to expand the building resulting in a significant increase to the square footage. Councillor Mason suggested that if the tenant is transitioned to market rent, they may need to raise their rates and would no longer be suitable for low income clients.

Mr. Peter Stickings, Manager, Corporate Real Estate responded to questions of clarification, noting the following:

- The premises was constructed as part of a partnership with funding from the South End Community Day Care and the federal, provincial, and municipal governments;
- Operating costs and taxes are paid by the tenant;
- Since 2008 there has been a 5% annual increase in rent. In the recommended transition to market rent, the increase in year one would be less than \$1000; and
- The tenant has not expressed formal interest in acquiring the property. If this course of action were pursued, Administrative Order 50 would be applied.

A brief discussion ensued. Some Councillors noted that day care services are not within the municipal mandate and that defeating the motion could create an unfair competitive advantage to the day care. Other Councillors spoke in favour of defeating the motion, suggesting that day cares are a user group that can benefit from municipal infrastructure, particularly in the urban core where day care is a major concern for residents.

MOVED by Councillor Mason, seconded by Councillor Watts

THAT the motion be deferred pending preparation of a staff report regarding the opportunities and financial implications of establishing a Child Care Policy similar to Richmond BC to support the integration of not for profit daycares at below market rent into new and existing recreation facilities.

Highlights of the discussion on the motion of deferral include:

- Concern regarding competition with day cares in commercial locations;
- In the Density Bonusing Study, one recommendation was to consider adding day care facilities as a bonusable item;
- The report should include a broad analysis of day cares in HRM including information on the premises, subsidies, tax relief, and other related considerations; and
- The report should consider alternatives to below market rent including divestment of the building.

MOTION TO DEFER PUT AND PASSED. (13 in favour, 2 against)

In favour: Mayor Savage, Deputy Mayor Whitman, Councillors: Hendsbee, Karsten, Nicoll, Mancini, Mason, Watts, Walker, Adams, Rankin, Johns and Outhit.

Against: Councillors McCluskey and Craig.

Not present: Councillors Dalrymple and Mosher.

Council agreed to resume consideration of agenda item 14.1.2 at this time.

14.1.2 East Dartmouth Community Centre – Facility Lease Agreement Amendment

The following motion was placed on the floor earlier in the meeting:

THAT Halifax Regional Council authorize the Mayor and Municipal Clerk to amend the Facility Lease Agreement with Boys and Girls Club of Greater Halifax for the facility located at 50 Caledonia Road, Dartmouth, as per the proposed amendments set out in Table 1 in the Discussion section of the staff report dated January 8, 2016.

Denise Schofield, Manager, Program Support Services responded to questions of clarification, noting that the Boys and Girls Club is in support of the recommendation from staff, and Halifax Regional Police would provide a monthly service fee to the tenant in return for access to certain facility amenities.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Dalrymple and Mosher.

14.1.4 Street Right of Way Acceptance, Crescent Avenue, Halifax, NS

The following was before Council:

- A staff recommendation report dated January 5, 2016

MOVED by Councillor Adams, seconded by Councillor Rankin

THAT Halifax Regional Council designate a portion of HRM-owned property, PID 41218777, as right-of-way for the purpose of consolidation with Crescent Avenue.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Dalrymple and Mosher.

14.1.5 Water and Sewage Project Applications – Musquodoboit Harbour

The following was before Council:

- A staff recommendation report dated August 27, 2015

MOVED by Councillor Hendsbee, seconded by Councillor Johns

THAT consideration of this matter be deferred until the Community Master Plan is complete and the Secondary Planning process for Musquodoboit Harbour has commenced.

Mayor Savage noted that a Musquodoboit Harbour central water and sewer project is not currently on the priority list for the Building Canada Fund.

Ms. Anne Totten, Corporate Policy Analyst, responded to questions of clarification, noting that the community may not submit their own application, as projects under the Building Canada Fund must involve government.

Ms. Totten also advised that after the previous priority list was approved by Regional Council in 2014, submissions for each project were completed. Staff are preparing to bring forward a new list of recommended projects for Council's consideration once the federal budget is presented.

A brief discussion ensued regarding the motion to defer. Concern was expressed regarding the lack of water infrastructure in Musquodoboit Harbour. It was noted that a deferral could raise expectations of residents of the area, when it is not clear that such a project will be placed on the priority list. The question was raised whether a deferral would elevate the status of this project over other projects that could be a higher priority for Council.

Mayor Savage remarked that a deferral should not be seen to elevate the project and that the matter would need to return to Regional Council before being placed on the priority list.

MOTION TO DEFER PUT AND PASSED. (13 in favour, 2 against)

In favour: Mayor Savage, Deputy Mayor Whitman, Councillors: Hendsbee, Karsten, Nicoll, McCluskey, Mancini, Mason, Watts, Adams, Rankin, Johns, and Outhit.

Against: Councillors Walker and Craig.

Not present: Councillors Dalrymple and Mosher.

14.1.6 Councillor Appointments to Various Boards/Committees/Commissions

The following was before Council:

- A staff recommendation report dated January 4, 2016

MOVED by Councillor Karsten, seconded by Councillor Nicoll

THAT Halifax Regional Council appoint Councillor Tony Mancini to the Crosswalk Safety Advisory Committee and the Shubenacadie Canal Commission for a term to November, 2016.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Dalrymple and Mosher.

14.1.7 Surplus Municipal Property at 18 Scotia Drive, Bedford

The following was before Council:

- A staff recommendation report dated January 25, 2016

MOVED by Councillor Outhit, seconded by Councillor Nicoll

THAT Halifax Regional Council

- 1. Retain approximately 8,500 square feet of land at the southern end of the former Waverley School property PID# 00428961 for a future pocket park;**
- 2. Retain approximately 51,000 square feet of PID# 00428961 across Highway 1, the Bedford By-pass, as a portion of the Bedford Educational Centre soccer field; and**
- 3. Declare the balance of PID# 00428961 as surplus in accordance with Regional Council's motion of September 9, 2014.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Dalrymple and Mosher.

14.1.8 New South Peninsula School – Proposed Gym Enhancements

The following was before Council:

- A staff recommendation report dated February 11, 2016
- Correspondence dated February 11, 2016 from Scott Reinhardt

MOVED by Councillor Mason, seconded by Councillor Nicoll

THAT Halifax Regional Council direct staff to inform the Halifax Regional School Board and Department of Education and Early Childhood Development that Halifax Regional Municipality will not be participating in a gym enhancement for the new South Peninsula P-6 School.

Councillor Mason advised that if the motion is defeated, he will move a modified version of the second alternative motion contained in the staff report.

Council entered into a discussion with several Councillors commenting that the municipality should capitalize on these kinds of opportunities due to looming shortages in community recreational facilities. Other Councillors expressed concern with the potential cost and lack of needs assessment.

Denise Schofield, Manager, Program Support Services, responded to a question from Council, indicating that should an enhancement be approved, disbursement of funds would take place upon project completion and establishment of the Joint Use Agreement.

MOTION PUT AND DEFEATED. (3 in favour, 12 against)

In favour: Deputy Mayor Whitman, Councillors Walker and Adams.

Against: Mayor Savage, Councillors: Hendsbee, Karsten, Nicoll, McCluskey, Mancini, Mason, Watts, Rankin, Johns, Craig and Outhit.

Not present: Councillors Dalrymple and Mosher.

MOVED by Councillor Mason, seconded by Councillor Watts

THAT Regional Council approve a community enhancement of a junior high sized 6580 square foot gymnasium at the new South Peninsula P-6 School and direct staff to reallocate funding in the draft 2017/18 capital budget to accommodate funding for the enhancement, subject to a satisfactory Joint Use Agreement being negotiated, approved and signed by HRM, HRSB and Provincial representatives.

Responding to a question concerning the budget process, Mr. John Traves, Acting Chief Administrative Officer indicated that if approved, the motion would instruct staff in preparing the 2017/18 budget to allocate monies to this project in priority to investments in other municipal assets. Mr. Traves advised that it is always open to Council to determine its priorities when the budget comes forward.

MOTION PUT AND PASSED. (12 in favour, 3 against)

In favour: Mayor Savage, Councillors: Hendsbee, Karsten, Nicoll, McCluskey, Mancini, Mason, Watts, Rankin, Johns, Craig and Outhit.

Against: Deputy Mayor Whitman, Councillors Walker and Adams.

Not present: Councillors Dalrymple and Mosher.

Council recessed at 8:00 p.m. and reconvened at 8:12 p.m.

The Mayor suggested that Council may wish to defer some agenda items due to time constraints.

MOVED by Councillor Rankin, seconded by Deputy Mayor Whitman

THAT the following items be deferred to the Regional Council meeting of February 23, 2016:

- 14.2.1 Planning and Development – Public Consultation Renewed**
- 14.2.2 Recommended Legislative Authority to Suspend Potential Development in the Barrington South (Old South Suburb) while Establishing a Heritage Conservation District**
- 14.3.1 Public Boat Launch – Dartmouth Shoreline**
- 14.3.2 First Reading, Proposed By-law T-1001, Amendments to By-law T-1000, Respecting Taxis, Accessible Taxis and Limousines and Administrative Order 39, Respecting Taxis and Limousines Regulation**
- 14.3.4 Vending By-law Types of Goods and Permit Fee Structure**

MOTION TO DEFER PUT AND PASSED.

14.2 COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT STANDING COMMITTEE

14.2.1 Planning and Development – Public Consultation Renewed

The following was before Council:

- A recommendation report dated February 4, 2016 submitted by the Chair of the Community Planning and Economic Development Standing Committee, with attached staff recommendation report dated January 6, 2016

This matter was deferred to the Regional Council meeting of February 23, 2016 due to time constraints.

14.2.2 Recommended Legislative Authority to Suspend Potential Development in the Barrington South (Old South Suburb) while Establishing a Heritage Conservation District

The following was before Council:

- A recommendation report dated February 3, 2016 submitted by the Chair of the Community Planning and Economic Development Standing Committee, with attached staff recommendation report dated September 20, 2015

This matter was deferred to the Regional Council meeting of February 23, 2016 due to time constraints.

14.2.3 Rural Benchmarks and Service Levels (Presentation)

The following was before Council:

- An information report dated January 25, 2016 submitted by the Chair of the Community Planning and Economic Development Standing Committee, with attached staff information report dated December 8, 2015
- A staff presentation dated February 16, 2016

This matter was deferred during the setting of the order of business to the March 8, 2016 meeting of Regional Council.

14.3 TRANSPORTATION STANDING COMMITTEE

14.3.1 Public Boat Launch – Dartmouth Shoreline

The following was before Council:

- A recommendation report dated January 26, 2016 submitted by the Chair of the Transportation Standing Committee, with attached recommendation report dated January 11, 2016 from the Chair of the Harbour East Marine Drive Community Council, with attached staff recommendation report dated November 2, 2015

This matter was deferred to the Regional Council meeting of February 23, 2016 due to time constraints.

14.3.2 First Reading, Proposed By-law T-1001, Amendments to By-law T-1000, Respecting Taxis, Accessible Taxis and Limousines and Administrative Order 39, Respecting Taxis and Limousines Regulation

The following was before Council:

- A recommendation report dated January 22, 2016 submitted by the Chair of the Transportation Standing Committee, with attached staff supplementary report dated December 22, 2015

This matter was deferred to the Regional Council meeting of February 23, 2016 due to time constraints.

14.3.3 Mitigation of Development and Construction Impacts

The following was before Council:

- A recommendation report dated January 22, 2016 submitted by the Chair of the Transportation Standing Committee, with attached staff supplementary report dated January 7, 2016

MOVED by Councillor Mason, seconded by Councillor McCluskey

THAT Halifax Regional Council direct staff to:

- 1. Develop Construction Mitigation Guidelines, as well as appropriate by-law provisions necessary to implement the guidelines;**
- 2. Amend By-Law S-300, the Streets By-Law to include clear definitions of “Applicant” and “Contractor” as well as improved enforcement provisions, as outlined in the staff report dated January 7, 2016;**
- 3. Develop for possible inclusion in the Administrative Order a policy that outlines binding notification timeline requirements and a standard process for notification of abutting property owners and other stakeholders regarding construction related full and partial temporary street closures; and**
- 4. Report back to the Transportation Standing Committee no later than the May 26, 2016 meeting.**

Councillors brought forward the following points to be considered in the staff report:

- Providing detailed information on required encroachments when the development agreement is brought forward;
- Whether these guidelines would be binding for the Halifax Regional Water Commission; and
- Accessibility concerns.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Dalrymple and Mosher.

14.3.4 Vending By-law Types of Goods and Permit Fee Structure

The following was before Council:

- A recommendation report dated January 25, 2016 submitted by the Chair of the Transportation Standing Committee, with attached staff recommendation report dated November 26, 2015

This matter was deferred to the Regional Council meeting of February 23, 2016 due to time constraints.

14.4 MEMBERS OF COUNCIL

14.4.1 Councillor Rankin – Effects of a Medical Marijuana Cultivation Operation on Neighboring Property

The following was before Council:

- A Request for Council’s Consideration form submitted by Councillor Rankin

MOVED by Councillor Rankin, seconded by Councillor Walker

That Regional Council give consideration and request a staff report on the adequacy of by-laws and regulations Federally, Provincially or Municipally that deals with regulations to address the operation of a medical marijuana cultivation operation and its effect on a neighbouring property. How such operations can adversely affect the health of one’s neighbours. Moreover, is there recognition that the cumulative and/or the persistence of wayward effluents/malodours constitute adverse quality of life in the enjoyment of the receiving neighbour's property.

Councillor Rankin spoke in favour of the motion, sharing that in the context of the federal government granting licenses for the cultivation of medical marijuana, Council should have clarity regarding by-laws and regulations that may be applied regarding the level of operations and features of these facilities.

Councillors suggested that there may be applicable noxious odour bylaws.

Mr. John Traves, Acting Chief Administrative Officer advised that if the motion carries, staff will prepare a report to bring clarity to the role of the municipality regarding medical marijuana cultivation, and to a lesser extent lay out the federal and provincial roles.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Dalrymple and Mosher

15. MOTIONS

15.1 Councillor Mason

The following was before Council:

- A Request for Council's Consideration – Notice of Motion form submitted by Councillor Mason

MOVED by Councillor Mason, seconded by Councillor Nicoll

THAT Halifax Regional Council request a staff report regarding a possible one time capital contribution to the Army Museum for \$75,000 in matching funds, contingent on successful fundraising from Federal and/or Provincial sources.

MOTION PUT AND PASSED. (13 in favour, 2 against)

In favour: Mayor Savage, Deputy Mayor Whitman, Councillors: Hendsbee, Karsten, Nicoll, McCluskey, Mancini, Mason, Watts, Rankin, Johns, Craig and Outhit.

Against: Councillors Walker and Adams.

Not present: Councillors Dalrymple and Mosher.

15.2 Deputy Mayor Whitman

MOVED by Deputy Mayor Whitman, seconded by Councillor Nicoll

THAT Halifax Regional Council request a staff report on the creation of a red tape reduction strategy for Halifax Regional Municipality. The report is to include consideration of a broad strategy inclusive of public engagement, stakeholder consultation to define red tape, best practices for its reduction, and an accountability framework inclusive of cost reductions and process enhancements.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Dalrymple and Mosher.

16. IN CAMERA (IN PRIVATE)

Council convened to an In Camera (In Private) session earlier in the meeting. See page 6.

Council agreed to consider additional In Camera (In Private) matters later in the meeting. See pages 15-18 for details.

17. ADDED ITEMS

**17.1 Ratification of Motion from Committee of the Whole - 2016/17 Budget Consultation
Parking Lot**

MOVED by Councillor Johns, seconded by Councillor McCluskey

THAT Halifax Regional Council:

- 1. Remove the matter of volunteer honorariums from the deferral pending a staff report being brought to Council in June 2016 and with the understanding that should Council approve an increase to the honorarium the funding will be found in the 2016/17 budget.**
- 2. Defer the decision on the Green Cart extension Parking Lot item to the 2016/17 business cycle for consideration of inclusion in the 2017/18 Budget.**
- 3. Defer the decision on the Blue Bag extension Parking Lot item to the 2016/17 business cycle for consideration of inclusion in the 2017/18 Budget.**

MOTION PUT AND PASSED. (12 in favour, 3 against)

In favour: Mayor Savage, Councillors Karsten, Nicoll, McCluskey, Mancini, Mason, Watts, Walker, Rankin, Johns, Craig and Outhit.

Against: Deputy Mayor Whitman, Councillors Hendsbee and Adams.

Not present: Councillors Dalrymple and Mosher.

18. NOTICES OF MOTION

18.1 Councillor Walker

“TAKE NOTICE that, at the next meeting of Halifax Regional Council to be held on February 23, 2016, I propose to introduce amendments to Administrative Order Number 2014-001-ADM, Respecting Tax Relief to Non-Profit Organizations, the purpose of which is to repeal and replace schedules 26, 27, 28, 29 and 30.”

18.2 Councillor McCluskey

“TAKE NOTICE that, at the next regular Regional Council meeting, to be held on February 23, 2016, I propose to introduce a Policy pursuant to Section 325 of the Halifax Municipality Charter, Administrative Order SC-81, the purpose of which is to close a portion of Portland Street, Parcel PS-B, Dartmouth in front of 520-530 Portland Street, Dartmouth.”

18.3 Councillor Hendsbee

“TAKE NOTICE that, at the next meeting of Halifax Regional Council to be held on February 23, 2016, I propose to move amendments to Administrative Order 29, Respecting Civic Addressing Policies, the purpose of which is to approve the naming of ten private lanes and seven public streets.”

18.4 Councillor Watts

“TAKE NOTICE that, at the next regular Regional Council meeting, to be held on February 23, 2016, I propose to introduce a Policy pursuant to Section 325 of the Halifax Municipality Charter, Administrative Order SC-80, the purpose of which is to close a portion of Robie Street, Parcel R-1, Halifax that is in front of 2859 Robie Street.”

16. IN CAMERA (IN PRIVATE)

Council proceeded to consider the following items in public session.

16.1 In Camera (In Private) Minutes – January 12, 2016

MOVED by Councillor McCluskey, seconded by Councillor Karsten

THAT the In Camera (In Private) minutes of January 12, 2016 be approved as circulated.

MOTION PUT AND PASSED.

16.2 Contract Negotiations

16.2.1 Award - Sole Source SAP Environment, Health and Safety Management Software – Execution of an “Affiliate Use Agreement” – *Private and Confidential Report*

The following was before Council:

- A private and confidential staff recommendation report dated January 4, 2016

MOVED by Councillor Mason, seconded by Deputy Mayor Whitman

THAT Halifax Regional Council:

1. **Approve the sole source procurement of software licenses from the Province of Nova Scotia for SAP’s Environment, Health and Safety Management software for a five year term at a cost of \$166,858 (net HST included) with funding from Project No. CI990010 – Health and Safety Incident Reporting with an annual expenditure for software maintenance of \$36,709 (net HST included) from Operating Account A732;**
2. **Approve the Affiliate Use Agreement between the Halifax Regional Municipality, SAP Canada Inc. and the Province of Nova Scotia, as set out in Attachment B of the private and confidential staff report dated January 4, 2016;**
3. **Direct the Chief Administrative Officer to execute the Affiliate Use Agreement, on behalf of the Halifax Regional Municipality; and**
4. **Not release the private and confidential staff report dated January 4, 2016 to the public.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Dalrymple and Mosher.

16.3 Property Matter

16.3.1 Property Disposal – 3182 Highway No. 2, Fall River – *Private and Confidential Report*

The following was before Council:

- A private and confidential staff recommendation report dated January 18, 2016

MOVED by Councillor Rankin, seconded by Councillor Walker

THAT Halifax Regional Council:

1. **Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for Civic No. 3182, Highway No. 2, Fall River (PID No. 00507442 and 41426347), as per the terms and conditions outlined in Table 1 of the private and confidential staff report dated January 18, 2016; and**
2. **That the private and confidential staff report dated January 18, 2016 not be released until the transaction has closed.**

MOTION PUT AND PASSED. (14 in favour, 1 against)

In favour: Mayor Savage, Deputy Mayor Whitman, Councillors Karsten, Nicoll, McCluskey, Mancini, Mason, Watts, Walker, Adams, Rankin, Johns, Craig and Outhit.

Against: Councillor Hendsbee.

Not present: Councillors Dalrymple and Mosher.

16.4 Personnel Matter

16.4.1 Citizen Appointment to Regional Watersheds Advisory Board – *Private and Confidential Report*

The following was before Council:

- A private and confidential recommendation report dated February 10, 2016 submitted by the Chair of the Environment and Sustainability Standing Committee

MOVED by Councillor Watts, seconded by Councillor Nicoll

That Halifax Regional Council:

1. Approve the appointment to the Regional Watersheds Advisory Board as set out in the Discussion Section of the February 10, 2016 private and confidential report from the Environment and Sustainability Standing Committee.
2. Release the names of the appointment to the Regional Watersheds Advisory Board following Council's decision and notification of successful candidate.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Dalrymple and Mosher.

16.4.2 Citizen Appointments to Boards and Committees – Private and Confidential Report

The following was before Council:

- A private and confidential recommendation report dated February 10, 2016 submitted by the Chair of the Executive Standing Committee

MOVED by Councillor Rankin, seconded by Councillor Nicoll

THAT Halifax Regional Council:

1. Approve the appointment to the Community Monitoring Committee as set out in the discussion section of the February 10, 2016 private and confidential report from the Executive Standing Committee.
2. Release the name of the appointment to the Community Monitoring Committee following Council's decision and notification of the successful candidate.
3. Approve the nomination to the Halifax International Airport Authority Board as set out in the Discussion Section of the February 10, 2016 private and confidential report from the Executive Standing Committee.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Dalrymple and Mosher.

Referencing the private and confidential information report dated December 10, 2015, Councillor Mason requested the justification for the report coming forward as a private and confidential report rather than a public report. The Mayor indicated that staff would follow up directly with the Councillor on the matter.

MOVED by Councillor McCluskey, seconded by Councillor Mancini

THAT Halifax Regional Council convene to an In Camera (In Private) session to address item 16.5.

MOTION PUT AND PASSED.

Council recessed at 9:02 p.m. to convene an In Camera (In Private) session and reconvened to public session at 9:20 p.m. to ratify the following matter. Councillors Rankin and Johns did not return to the meeting.

16.5 Personnel Matter

MOVED by Councillor Walker, seconded by Councillor Karsten

THAT Halifax Regional Council, having reviewed all of the documentation and having heard from Deputy Mayor Whitman, Council finds that the social media communications of the Deputy Mayor did not show the respect expected of a public official, accordingly Council directs the Deputy Mayor to issue an apology.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors: Dalrymple, Mosher, Rankin, and Johns.

19. ADJOURNMENT

The meeting adjourned at 9:21 p.m.

Kevin Arjoon
Municipal Clerk