

**CITY OF IQALUIT  
CITY COUNCIL MEETING #22  
December 13, 2011 at 6:00 PM  
CITY COUNCIL CHAMBERS**

**PRESENT FROM COUNCIL**

Mayor Madeleine Redfern  
Deputy Mayor David Ell  
Councillor Mary Ekho Wilman  
Councillor Jimmy Kilabuk  
Councillor Romeyn Stevenson  
Councillor Stephen Mansell  
Councillor Simon Nattaq

**ABSENT**

Councillor Joanasi Akumalik  
Councillor Mat Knickelbein

**PRESENT FROM ADMINISTRATION**

John Hussey, Chief Administrative Officer  
John Mabberi-Mudonyi, Senior Director, Corporate Services  
Tracy Cooke, City Clerk  
Arif Sayani, Director, Planning and Development  
Stephen Mailloux, Building Inspector  
Valerie Collin, Recorder  
Jeanie Eeseemailee, Senior Interpreter/Translator  
Rachel Ootoova, Senior Interpreter/Translator

**PRAYER**

Councillor Nattaq opened the meeting with a prayer at 6:00pm.

**SWEARING IN**

None

**ADOPTION OF AGENDA**

**Motion #11-335**

Moved by: Councillor Stevenson  
Seconded by: Councillor Wilman

Council approved to adopt the agenda as amended:

Add            9 (d) – Mayor’s Activity Report  
                    9 (e) – McLennan Ross Memo re: In Camera meetings

Change the agenda order – Item 11 Council Correspondence will be conducted before item 9 New Business.

**Unanimously Carried**

**1.    MINUTES**

- a)    Engineering and Public Works Committee of the Whole Meeting #02 – April 13, 2011

**Motion #11-336**

Moved by: Councillor Wilman  
Seconded by: Deputy Mayor Ell

Council approved Engineering and Public Works Committee of the Whole Minutes #02 dated April 13, 2011.

**For – Kilabuk, Stevenson, Wilman, Ell  
Abstained – Mansell, Nattaq  
Carried**

**Councillors Mansell and Nattaq abstained to the motion as they were not in attendance.**

- b)    City Council Meeting Minutes #17 – September 13, 2011

**Motion #11-337**

Moved by: Deputy Mayor Ell  
Seconded by: Councillor Stevenson

Council approved City Council Meeting Minutes #17 dated September 13, 2011.

**For – Kilabuk, Stevenson, Wilman, Ell, Mansell  
Abstained – Nattaq  
Carried**

**Councillor Nattaq abstained to the motion as he was not in attendance.**

- c) City Council Meeting Minutes #18 – September 27, 2011

**Motion #11-338**

Moved by: Deputy Mayor Ell  
Seconded by: Councillor Mansell

Council approved City Council Meeting Minutes #18 dated September 27, 2011.

**Unanimously Carried**

- d) City Council Meeting Minutes #19 – October 11, 2011

**Motion #11-339**

Moved by: Councillor Wilman  
Seconded by: Councillor Stevenson

Council approved City Council Meeting Minutes #19 dated October 11, 2011.

**Unanimously Carried**

- e) Finance Committee of the Whole Meeting Minutes #06 – October 20, 2011

**Motion #11-340**

Moved by: Deputy Mayor Ell  
Seconded by: Councillor Stevenson

Council approved Finance Committee of the Whole Minutes #06 dated October 20, 2011.

**Unanimously Carried**

- f) City Council Meeting Minutes #20 – October 25, 2011

**Motion #11-341**

Moved by: Councillor Wilman  
Seconded by: Councillor Mansell

Council approved City Council Meeting Minutes #20 dated October 25, 2011.

**For – Kilabuk, Stevenson, Wilman, Ell, Mansell**

**Abstained – Nattaq**

**Carried**

**Councillor Nattaq abstained to the motion as he was not in attendance.**

**2. DECLARATION OF INTEREST**

None

**3. DELEGATIONS**

a) Colin Kilabuk – Citizen at large

The delegate was not in attendance.

**4. AWARDS AND RECOGNITIONS**

None

**5. STATEMENTS**

Councillor Stevenson noted that the Inuksuk High School has been very busy during the past week with concerts and should be done by Wednesday. The Municipal Enforcement Department has agreed to assist with traffic and parking during these events.

He noted that the Recreation Committee met last week and there were several discussions and comments made regarding the Federal Government's P3 Canada Fund; the Federal Government changed the requirements for applicants and is no longer accepting the City's application as they had promised. Councillor Stevenson believed that this was very disappointing to a lot of individuals.

Councillor Stevenson reminded all committee Chairpersons to remind the members at large that applications are now being accepted and to also advise the public.

Councillor Kilabuk agreed with Councillor Stevenson regarding the P3 Canada Fund and also expressed his disappointment. He believed that the City should now explore other funding options and possibly approach the Members of the Legislative Assembly for their assistance.

Councillor Mansell expressed his disappointment, as Co-Chair for the Recreation Committee, regarding the P3 Canada Fund and noted that a lot of time and effort was put into the proposal.

He congratulated Solomon Tagak and his family for the new addition of twins to their family.

Councillor Nattaq stated that he was in Ontario for a few days to provide counseling services to inmates and believed that this was a very useful and positive service for these individuals.

Mayor Redfern congratulated Okalik Eegeesiak for her elected position as President of Qikiqtani Inuit Association as well as Simon Nattaq for his elected position as Community Representative for Qikiqtani Inuit Association.

She noted that the P3 Canada Fund submission was for the three capital assets of the City including a new City Hall, Emergency and Protective Services facility and a new Recreational facility. P3 Canada Fund had also denied the Emergency and Protective Services centre. She stated that shortly after the City received this information, Honourable Denis Lebel, Minister of Transportation, Infrastructure and Communities, made an announcement indicating that the Federal Government has committed to doing an infrastructure needs assessment across the country.

Mayor Redfern thanked the staff for being diligent and noted that the City is well placed with a draft needs assessment for the City; this information will be shared with the Government of Nunavut, Department of Community and Government Services, the Federal Government, Members of the Legislative Assembly and the Federation of Canadian Municipalities, as the City moves forward in their five year Block Capital Funding application.

**6. DEFERRED BUSINESS AND TABLED ITEMS**

None

**7. BYLAWS**

**a. First Reading of By-law (s)**

None

**b. Second Reading of By-law (s)**

None

**c. Third and Final Reading of By-law (s)**

- i) Land Acquisition By-law No. 725  
Arif Sayani, Director, Planning and Development

**Motion #11-342**

Moved by: Councillor Stevenson

Seconded by: Councillor Kilabuk

Council approved Third and Final Reading of Land Acquisition By-law No. 725.  
**Unanimously Carried**

- ii) Land Disposal By-law No. 726  
Arif Sayani, Director, Planning and Development

**Motion #11-343**

Moved by: Councillor Stevenson  
Seconded by: Councillor Wilman

Council approved Third and Final Reading of Land Disposal By-law No. 726.  
**Unanimously Carried**

- iii) Unightly Land By-law No. 714  
Arif Sayani, Director, Planning and Development

Councillor Mansell expressed his support for the by-law and suggested that a good education program be held to educate the public on the by-law and its purpose.

Councillor Kilabuk agreed with Councillor Mansell and expressed his support for the by-law.

Councillor Nattaq asked how the Iqaluit Housing Authority would be approached on this matter as they own several housing units in the city.

Mayor Redfern noted that Arif Sayani, Director of Planning and Development, would be meeting with them as well as other public housing organizations to inform them of the by-law and their requirements to comply.

Councillor Wilman asked how the issue of shacks and cabins would be addressed.

Arif Sayani, Director of Planning and Development, noted that the by-law is for homes and properties only and that the issue of shacks and cabins will be addressed in a different manner.

**Motion #11-344**

Moved by: Councillor Wilman  
Seconded by: Councillor Kilabuk

Council approved Third and Final Reading of Unightly Land By-law No. 714.  
**Unanimously Carried**

## 11. **CORRESPONDENCE**

### a) Snowmobile Hunting Trails

Mayor Redfern noted that boulders have been installed at the bottom of a snowmobile trail this past summer and snowmobiles can no longer go through. The Hunters and Trappers Association is asking that the City be more cautious when removing snow from the roads and to not block the access to snowmobile trails. She noted that they are requesting that the City remove the boulders installed at the far end of the graveyard before the sea ice is ready to allow access to snowmobiles and ensure that the hunters can pass through safely.

Councillor Stevenson noted that Council has been discussing this matter for a long time and requesting that snowmobile trails be created and identified. The City is growing and roads are paved but snowmobile travel must also be accommodated within City boundaries.

Councillor Nattaq believed that Council should meet to discuss this matter in detail as it is very important.

Mayor Redfern suggested that the Public Works and Planning and Development Departments meet and work with the Hunters and Trappers Association to discuss and address current issues regarding the snowmobile trails as indicated in their letter as well as any ongoing issues.

### **Motion #11-345**

Moved by: Councillor Stevenson  
Seconded by: Councillor Wilman

Council directed the Public Works and Planning and Development Departments to meet and work with the Hunters and Trappers Association to discuss and address current issues relating to snowmobile hunting trails as well as any ongoing issues.

**Unanimously Carried**

### b) Application: Irvine Inlet, Nunavut Aeromagnetic Survey

### **Motion #11-346**

Moved by: Councillor Stevenson  
Seconded by: Councillor Wilman

Council approved the NRI application "Irvine Inlet Aeromagnetic Survey", Warner Miles, Geological Survey of Canada.

**Unanimously Carried**

**8. OLD BUSINESS**

None

**9. NEW BUSINESS**

- a) Request for Decision – Variance for Lot 122, Plan 3677, Plateau Arif Sayani, Director, Planning and Development

Arif Sayani, Director of Planning and Development, stated that the applicant has applied for a development permit to build a two storey single-detached dwelling with a secondary suite on Lot 122, Plan 3677, in Phase 2 of the Plateau Subdivision. The lot is located at the intersection of Qaqqaliaq Street and Qajisarvik Road, fronting onto Qajisarvik Road. It is triangular in shape and slopes approximately two point eight (2.8) metres from the front yard to the rear yard. He stated that a variance is required to accommodate an encroachment into the front yard setback. The applicant has stated that the additional space in the front vestibule is necessary to accommodate an internal staircase to access the lower level. This application meets all remaining zoning provisions and Plateau Development Standards.

He noted that leaseholders within thirty (30) metres of the lot were notified of the variance request on November 30, 2011.

To address the encroachment in to the front yard a variance is required to reduce the front yard setback to five point four zero three (5.403) metres from the required six (6) metres.

Councillor Mansell noted that residents nearby had been notified and asked if any comments were received.

Arif advised that no comments were received.

**Motion #11-347**

Moved by: Councillor Stevenson  
Seconded by: Councillor Kilabuk

Council approved a variance to Section 8.4 of Zoning By-law No. 703 (2010) to reduce the front yard setback from the required six (6) metres to five point four zero three (5.403) metres.

**Unanimously Carried**

b) Request for Decision – Variances for Lot 7, Plan 3604, Plateau  
Arif Sayani, Director, Planning and Development

Arif stated that the applicant has applied for a development permit to build a two-storey row dwelling with four (4) two-bedroom units on Lot 7, Plan 3604. The lot is located along Pingua Street in Phase 1 of the Plateau Subdivision and is currently vacant.

He noted that a total of four (4) parking spaces are provided in two driveways accessed from Pingua Street. The proposal requires three variances to the Zoning By-law:

- Front Yard Setback: To permit a minimum front yard setback of two point eight (2.8) metres, whereas the minimum permitted front yard setback is six (6) metres.
- Interior Side Yard Setback: To permit a minimum side yard setback of one (1.0) metre on the north side of the lot, whereas the minimum permitted side yard setback is three (3) metres.
- Rear Yard Setback: To permit a minimum rear yard setback of one point five (1.5) metres, whereas the minimum permitted rear yard setback is three (3) metres.

**Motion #11-348**

Moved by: Deputy Mayor Ell  
Seconded by: Councillor Nattaq

Council approved a variance for Lot 7, Plan 3604 to Section 10.6 of Zoning By-law No. 704 to permit a decrease in the minimum permitted front yard setback from six (6) metres to two point eight (2.8) metres; and  
-a variance for Lot 7, Plan 3604 to Section 10.6 of Zoning By-law No. 704 to permit a decrease in the minimum permitted interior yard setback from three (3) metres to one (1.0) metre; and  
-a variance for Lot 7, Plan 3604 to Section 10.6 of Zoning By-law No. 704 to permit a decrease in the minimum permitted rear yard setback from three (3) metres to one point five (1.5) metres.

**For – Kilabuk, Nattaq, Stevenson, Ell, Mansell**  
**Abstained – Wilman**  
**Carried**

**Councillor Wilman abstained to the motion as she did not agree with the design and location of the building.**

- c) Request for Decision – Variances for Lot 145, Plan 3896, Plateau Arif Sayani, Director, Planning and Development

Arif stated that the applicant has applied for a development permit to build a two-storey condominium four-plex (4 units) on Lot 145, Plan 3896. The lot is located along Qajisarvik Road in Phase 3 of the Plateau Subdivision and is currently vacant.

He noted that a total of four (4) parking spaces are provided in a parking area located south of the building. The parking spaces are accessed from Qajisarvik Road via a common driveway. The proposal requires four (4) variances to the Zoning By-law:

- Minimum Rear Yard Setback: To permit a minimum rear yard setback of two point two (2.2) metres, whereas the minimum permitted rear yard setback is three (3) metres.
- Minimum Lot Area: To permit a minimum lot area of one hundred forty three (143) square metres per unit, whereas the minimum permitted lot area is two hundred (200) square metres per unit.
- Minimum Lot Frontage: To permit a minimum lot frontage of twenty two point seven (22.7) metres, whereas the minimum lot frontage is thirty (30) metres.
- Maximum Driveway Width: To permit a maximum driveway width of ten point eight (10.8) metres, whereas the maximum driveway width is nine (9) metres.

Councillor Wilman believed that the City should consider standard quality living for developments and asked if he believed that the size of this development was a standard quality living development.

Arif noted that the current Zoning By-law No. 704 does not have a requirement for minimum dwelling unit area; the previous Zoning By-law had a minimum dwelling unit area requirement of sixty (60) square metres. These particular units are approximately eighty seven (87) square metres and ninety (90) square metres and would be above the minimum required dwelling unit area as per the old Zoning By-law.

Councillor Stevenson agreed with Councillor Wilman and believed that the area was too small for this development and that it is not a suitable area for individuals to live in and around. Individuals need space for snowmobiles, all terrain vehicles or other things they would like to have on their properties.

Councillor Mansell expressed his concern with individuals living in this development. He noted that the development is on an affordable housing lot and will be a condo; he supports the development due to the shortage of housing units. He believed that the smaller unit will allow lower income families to purchase a unit that they may not otherwise be able to afford. He understood the concerns raised by Councillors Wilman and Stevenson but believed that this development should move forward to address the shortage of units.

Councillor Wilman did not believe that Council was taking the time to properly decide on development taking place in the Plateau Subdivision and that individuals often complain about how the subdivision has been developed.

Councillor Kilabuk stated that he often feels that Council rushes development due to the shortage of housing units and the shortage of land available and believed that Council should take the appropriate time to make decisions relating to development.

Mayor Redfern noted that the housing policy needed review and amendment as per Council's discussions in the past. She asked what the lot price and subsidy rate was.

Arif stated that the lot price was sixty eight thousand six hundred forty (\$68,640.00) dollars and the subsidy rate was approximately fifteen (15) per cent.

He noted that the leases have been signed and payments have been paid based on the current policy. He agreed that the policy needed to be reviewed and amended in the future and noted that the policy must be followed as is until it has been amended.

### **Motion #11-349**

Moved by: Deputy Mayor Ell  
Seconded by: Councillor Mansell

Council approved Development Permit Application #11-067 for Lot 145, Plan 3896 to permit the development of a 2-storey condominium four-plex. Council also approved:

-a variance for Lot 145, Plan 3896 to Section 10.5 of Zoning By-law No. 704 to permit a decrease in the minimum permitted rear yard setback from three (3) metres to two point two (2.2) metres; and

-a variance for Lot 145, Plan 3896 to Section 10.5 of Zoning By-law No. 704 to permit a decrease in the minimum lot area per unit from two hundred (200) square metres to one hundred forty three (143) square metres; and  
-a variance for Lot 145, Plan 3896 to Section 10.5 of Zoning By-law No. 704 to permit a decrease in the minimum lot frontage from thirty (30) metres to twenty two point seven (22.7) metres; and  
-a variance for Lot 145, Plan 3896 to Section 6.10 of Zoning By-law No. 704 to permit an increase in the maximum driveway width from nine (9) metres to ten point eight (10.8) metres.

**For – Kilabuk, Nattaq, Mansell, Eil  
Against – Wilman, Stevenson  
Carried**

d) Mayor's Activity Report

Mayor Redfern presented her activity report and noted that the meeting with the Iqaluit Humane Society needed to be removed from the list as it was rescheduled for a later date.

e) McLennan Ross Memo re: In Camera meetings

Ms. Teresa Haykowsky, Legal Counsel with McLennan Ross, noted that Council requested a legal opinion regarding In Camera meetings and whether they are necessary in the conduct of business by Council for the City. As a general rule Council should perform their duties in an open and transparent way, however, there are times when Council must conduct matters In Camera to ensure the interests of the City are properly protected both legally and practically; In Camera meetings are the exception to the general rule that Council should conduct its meetings in public.

Mr. David Risling, Legal Counsel with McLennan Ross, believed that past Councils recognized that having the flexibility for In Camera meetings was necessary and passed the Council Procedures By-law No. 526 noted that In Camera meetings should be heard in circumstances that are confidential. The by-law includes a couple of things that are confidential but it does not include a complete list.

He explained that solicitor-client privilege exists when the Council's legal counsel provides legal advice to Council, or when Council seeks legal advice from their legal counsel, which is intended to be confidential between them. The purpose of the privilege is to create a zone of privacy in relation to the legal advice so that Council may discuss legal issues without interference and without fear of premature disclosure. Courts from all levels and all jurisdictions recognize the importance of solicitor-client privilege in allowing institutions and individuals to seek legal advice about potential or existing litigation without the substance of that advice becoming public or requiring it to be disclosed in the litigation.

Ms. Haykowsky stated that another reason for having In Camera meetings, as required, would be as per the Nunavut Privacy Legislation, which in essence does not allow a public body to disclose personal information about someone; this would be an unreasonable invasion or disclosure about that individual. The Nunavut Privacy Legislation sets out several situations where information should not be disclosed and one of them relates to a personnel's information such as health information. She stated that the Shakun decision, which inferentially underscores the importance of in camera meetings, highlights the following principles:

1. City Councillors who deliberately violate privacy legislation may be successfully prosecuted; and
2. City Councillors and Mayors must not disclose confidential personal information they have acquired in the conduct of their business which is not subject to disclosure under privacy legislation.

She noted that a list of matters that should be discussed in camera is included in their memo provided to Council. She suggested that Council assess whether it is necessary to:

- review, reaffirm or update its procedures and practices regarding the conduct of its in camera meetings to ensure it is properly addressing when it should or should not go in camera;
- implement a specific policy or guidelines which define how and when Council may conduct in camera meetings;
- develop a privacy protocol addressing how Council, individual Councillors and the Mayor are to deal with personal information as defined in the *Privacy Act* that is handled by Council;
- draft Council's Code of Conduct/Code of Ethics in relation to the conduct of in camera meetings and Council's use of confidential and privileged information related to City business;
- review its practices regarding Council's individual Councillors' and the Mayor's use of electronic communications equipment, including the City's electronic equipment and their personal equipment.

Councillor Mansell expressed his concern with the direction given to the lawyer and believed that Council's issue is not being able to receive the In Camera documents before the session; he did not believe that any council member had ever questioned the utility of going In Camera. Council would like to receive information on the matter to be discussed In Camera prior to the meeting or prior to voting to go In Camera. He did not believe that the questions asked to legal counsel were the ones that Council had requested.

Ms. Haykowsky stated that as a general principle, the same principles apply. The details as to how the information is shared with Council could be discussed further if Council so wishes.

Mr. Risling noted that Council could go In Camera and discuss the matter and then decide to return to Regular Session if it can be discussed publically. Council could have discussions via email as well providing that it is a secure network and personal email; Council would then need to ensure that these discussions are not shared with anyone.

Councillor Stevenson explained that there is an In Camera Session section on the agenda and Council is not aware of the matter to be discussed before the In Camera Session other than the nature of the item; land, labor or legal. He believed that Council should be given the opportunity to discuss the In Camera item prior to the meeting. Council should have a clear policy in place for In Camera discussions.

Ms. Haykowsky stated that she would recommend looking at a policy or a guideline in place prior to proceeding in order to protect Council, Mayor and the City. She would not be comfortable if Council proceeded without a guideline or policy in place that identifies how Council is to address in camera meetings.

Councillor Stevenson noted that Council would appreciate a short brief on the In Camera item or on why they are asked to go In Camera.

Mayor Redfern noted that there are recommendations to Council from the legal counsel and this will be considered.

Councillor Mansell noted that Council could choose to return to Regular Session when In Camera Session if they feel that the matter can be discussed publically; this would be Council's best option until a policy is in place.

Councillor Nattaq asked if the vote to go In Camera Session needed to be unanimous.

Ms. Haykowsky noted that Council is guided by their voting by-law and that the *Cities, Towns and Villages Act* says that the resolution must have at least two thirds of the Council members present; Council must act in accordance with the quorum requirement. Council members who do participate in the in camera meeting do not have the right to share the information with a Council member who chooses not to participate in the in camera meeting.

Mayor Redfern asked if a Council member choose not to participate in an in camera meeting, would they then be obligated to leave the room and not be briefed on the discussion afterwards.

Ms. Haykowsky stated that she was unsure of the answer but would look further and advise Council at a later date.

**10. COMMITTEE REPORTS**

None

**12. IN CAMERA SESSION**

**Motion #11-350**

Moved by: Councillor Stevenson  
Seconded by: Councillor Mansell

Council approved to go In Camera at 7:30pm.

**Unanimously Carried**

**Motion #11-351**

Moved by: Councillor Stevenson  
Seconded by: Councillor Wilman

Council approved to return to Regular Session at 8:17pm.

**Unanimously Carried**

**13. ADJOURNMENT**

**Motion #11-352**

Moved by: Councillor Stevenson  
Seconded by: Councillor Mansell

Council approved to adjourn City Council Meeting #22 at 8:20pm.

**Unanimously Carried**

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Madeleine Redfern  
Mayor

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John Hussey  
Chief Administrative Officer

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Tracy Cooke  
City Clerk

Approved by City Council on the 28<sup>th</sup> day of February, 2012, AD.