

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
MINUTES
January 10, 2006

PRESENT:

Mayor Peter Kelly
Deputy Mayor Russell Walker
Councillors: Krista Snow
David Hendsbee
Harry McInroy
Gloria McCluskey
Andrew Younger
Bill Karsten
Becky Kent
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sue Uteck
Sheila Fougere
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Len Goucher
Reg Rankin
Gary Meade

REGRETS:

Councillor Steve Streach

STAFF:

Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Jan Gibson, Municipal Clerk
Ms. Julia Horncastle, Legislative Assistant

TABLE OF CONTENTS

1.	INVOCATION	04
2.	APPROVAL OF MINUTES - December 6 and 13, 2005	04
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	04
4.	BUSINESS ARISING OUT OF THE MINUTES	04
5.	MOTIONS OF RECONSIDERATION - NONE	04
6.	MOTIONS OF RESCISSION - NONE	04
7.	CONSIDERATION OF DEFERRED BUSINESS - none	04
8.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	
8.1	Correspondence - None	04
8.2	Petitions	04
9.3	Presentations	
9.3.1	Juno Awards - Stuart Jolliffe - Halifax Play Hard Committee	05
9.	REPORTS	
9.1	CHIEF ADMINISTRATIVE OFFICER	
9.1.1	Request for Proposal 05-145 Award, Vehicle Tracking & Communications	05
9.1.2	Tender 05-280, Paving and Sidewalk Renewal, Salter St. West Region	06
9.1.3	Tender 05-162, Architectural Services - East Dartmouth Recreation Centre	06
9.1.4	Case 00854 - amendment to the MPS for Dartmouth (Brightwood Golf & Country Club Lands - School Street)	06
9.1.5	First Reading By-Law S-419, Respecting Local Improvement Charges - New Paving Projects Outside the Core Area - 2004 ...	09
9.2	CHEBUCTO COMMUNITY COUNCIL	
9.2.1	MPS Amendments Respecting Dwellings and Rooming Houses For Halifax Mainland	09
9.3	HARBOUR EAST COMMUNITY COUNCIL	

9.3.1	Case 00851 - Amendments to the Dartmouth MPS and LUB - Adult Entertainment	09
9.4	HERITAGE ADVISORY COMMITTEE	
9.4.1	Barrington Street Conservation District	10
9.5	BIKEWAYS ADVISORY COMMITTEE	
9.5.1	Proposed Federal Surtax on Imported Bicycles	11
9.6	MEMBERS OF COUNCIL	
9.6.1	Councillor Fougere - Damage from Municipal Trees	11
10.	MOTIONS	12
11.	ADDED ITEMS	
11.1	Council Focus Area - Community Recreation	12
11.2	Council Focus Area - Public Safety	12
11.3	Legal Matter - Settlement of Claim Against HRM	12
12.	NOTICES OF MOTION	13
13.	ADJOURNMENT	13

1. INVOCATION

The meeting was called to order at 6:00 p.m. with the Invocation being led by Councillor Harvey.

At this time Council observed a Moment of Silence for taxi driver Mr. Ken Purcell who passed away on Christmas Day.

2. APPROVAL OF MINUTES - December 6 & 13, 2005

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the minutes of December 6 & 13, 2005 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 11.1 Council Focus Area - Community Relations
- 11.2 Council Focus Area - Public Safety
- 11.3 Legal Matter - Settlement of Claim Against Halifax Regional Municipality

MOVED by Councillor Sloane, seconded by Councillor Wile, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. CORRESPONDENCE, PETITIONS AND DELEGATIONS

8.1 Correspondence - None

8.2 Petitions

8.2.1 Councillor Harvey

Councillor Harvey served a petition containing eighty names representing forty households opposing the construction or upgrading of any greenbelt walking trail around First Lake, Lower Sackville. The petition will be forwarded to staff for response.

8.2.2 Councillor Harvey

Councillor Harvey served a petition from the directors of the “Friends of First Lake” indicating their desire to upgrade the walking trail around First Lake. The petition will be forwarded to staff for response.

8.2.3 Councillor Smith

Councillor Smith served a petition containing 3000 signatures requesting Council not change the use of the lands of the Brightwood Golf Course. The petition will be forwarded to staff.

8.2.4 Councillor Goucher

Councillor Goucher served a petition on behalf of the residents of Bedford regarding a proposed development behind Cushing Hill. The petition will be forwarded to staff for response.

8.3 Presentations

8.3.1 Juno Awards - Stuart Jolliffe - Halifax Play Hard Committee

Mr. Stuart Jolliffe, made a presentation to Council regarding the Juno Awards taking place in March, 2006.

Following the presentation, Mayor Kelly thanked Mr. Jolliffe for his presentation.

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 Request for Proposal 05-145 Award, Vehicle Tracking and Communications

- A report dated January 10, 2006, on the above noted, was before Council.

MOVED by Councillor McInroy, seconded by Councillor Goucher, that Council authorize the award of the Bus Rapid Transit Go-Time and Automatic Vehicle

Location component of Request for Proposal #05-145 Vehicle Tracking and Communications to Aliant, the highest scoring proponent, subject to staff's negotiation and acceptance of contract terms for a total cost of \$1,569,302 including net HST from capital account number CHA00160, Vehicle Tracking & Communications, as outlined in the Budget Implications section of the January 10, 2006 report. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 Tender 05-280, Paving and Sidewalk Renewal, Salter Street, West Region

- A report dated January 3, 2006, on the above noted, was before Council.

MOVED by Councillor Sloane, seconded by Councillor Murphy, that Council award Tender No. 05-280, Paving and Sidewalk Renewal, Salter Street - West Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$135,803 including net HST from Capital Account No. CYU00716, Paving Renewal Program and Capital Account No. CDG00490, Capital District Urban Design Study, with funding authorized as per the Budget Implications section of the January 3, 2006. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.3 Tender 05-162, Architectural Services - East Dartmouth Recreation Centre

- A report dated January 4, 2006, on the above noted, was before Council.

MOVED by Councillor Younger, seconded by Councillor Karsten, that Council award RFP No. 05-162 Architectural Services, East Dartmouth Recreation Centre, to Sperry & Partners Architects for architectural services for the design and construction phases for a total tender award of \$279,566 including net HST. Funding is available from Capital Account No. CB200453, East Dartmouth Recreation Centre, as per the Budget Implications section of the January 4, 2006 report. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.4 Case 00854 - Amendment to the Municipal Planning Strategy for Dartmouth (Brightwood Golf & Country Club Lands - School Street)

- A report dated December 28, 2005, on the above noted, was before Council.

Mr. Shayne Vipond, Planner, presented the report to Council, noting the Terms of Reference were revised such that the recommended public participation committee composition be

changed to reflect one representative from the group "Citizens for Brightwood:", one representative from Clayton Developments as a non-voting member, and the quorum for regular meetings shall be six members.

Mr. Vipond noted this recommendation is to initiate a process and study the area in question.

Mr. Paul Dunphy, Director, Planning and Development Services, further clarified that the proposal is to change the planning policy for Dartmouth. He noted any decision by Council would not be binding and was not appealable. The owner is intending to vacate the property and Council can decide how it will be developed. He clarified that if Council chooses not to go forward, the land will continue as a golf course and retain its current zoning.

MOVED by Councillor Karsten, seconded by Councillor Rankin, that Regional Council:

- 1. Initiate the process to amend the Dartmouth Municipal Planning Strategy and Land Use By-Law to establish a Comprehensive Development District on the Brightwood Gold and Country Club lands at 227 School Street in Dartmouth.**
- 2. Approve Attachment A of the December 28, 2005 staff report - Terms of Reference for the creation of the Brightwood Public Participation Committee in accordance with the Dartmouth Municipal Planning Strategy.**
- 3. Adopt a public participation program as presented in Attachment A of the December 28, 2005 staff report.**

Councillors expressed concern with:

- How development will impact the view planes,
- The speed of the initiation process,
- The proposal does not address community concerns,
- The proposal is not compatible with housing types in the surrounding neighbourhood,
- Development may have an adverse effect on the property values of the surrounding neighbourhood,
- To do this now would be premature,
- Will there be adequate water supply and pressure to address the needs of any new development,
- There are traffic concerns currently and development would add additional traffic.

At the request of Councillor Rankin, Council agreed to amend the wording of recommendation #1 to state *"Initiate the process to consider, but not limited to, amending the Dartmouth*

Municipal Planning Strategy and Land Use By-Law to establish a Comprehensive Development District on the Brightwood Gold and Country Club lands at 227 School Street in Dartmouth”

Councillor Adams clarified that the committee can come back to Council with any number of alternatives as there is nothing pre-set. The Councillor suggested the mandate of the committee be to look at any and all alternatives for the development of the site.

At the request of Councillor Adams, the mover and seconder agreed to amend the mandate of the committee to include the wording “to come back with alternatives other than what is proposed”.

MOTION AS AMENDED

MOVED by Councillor Karsten, seconded by Councillor Rankin, that Regional Council:

- 1. Initiate the process to consider, but not limited to, amending the Dartmouth Municipal Planning Strategy and Land Use By-Law to establish a Comprehensive Development District on the Brightwood Gold and Country Club lands at 227 School Street in Dartmouth**
- 2. Approve Attachment A of the staff report dated December 28, 2005 - Terms of Reference for the creation of the Brightwood Public Participation Committee in accordance with the Dartmouth Municipal Planning Strategy; and further the committee be mandated to come back with alternatives other than what is proposed.**
- 3. Adopt a public participation program as presented in Attachment A of the December 28, 2005.**

Councillor McCluskey requested a recorded vote.

MOTION DEFEATED. (7 in favour, 16 against)

Those voting **in favour** were Deputy Mayor Walker and Councillors Karsten, Uteck, Adams, Goucher, Rankin and Meade.

Those voting **against** were Mayor Kelly and Councillors Snow, Hendsbee, McInroy, McCluskey, Younger, Kent, Smith, Wile, Murphy, Sloane, Fougere, Hum, Mosher, Johns and Harvey.

Councillor Streach was absent from the meeting.

9.1.5 First Reading By-Law S-419, Respecting Local Improvement Charges - New Paving Projects Outside the Core Area - 2004

- A report dated December 2, 2005, on the above noted, was before Council.

MOVED by Councillor Rankin, seconded by Councillor Hendsbee, that Council give First Reading to By-Law S-419, Respecting Local Improvement Charges - New Paving Projects Outside the Core Area - 2004. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 CHEBUCTO COMMUNITY COUNCIL

9.2.1 Municipal Planning Strategy Amendments Respecting Dwellings and Rooming Houses for Halifax Mainland

- A report dated December 12, 2005, on the above noted, was before Council.

MOVED by Councillor Hum, seconded by Deputy Mayor Walker, that Regional Council:

- 1. Initiate a process to consider amendments to the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-Law to amend the definitions related to dwellings and rooming houses in the vicinity of Mount St. Vincent University.**
- 2. Request staff to follow the public participation program as approved by Council on February 25, 1997.**

Deputy Mayor Walker requested all of District 15 be included in this amendment process.

MOTION PUT AND PASSED UNANIMOUSLY.

9.3 HARBOUR EAST COMMUNITY COUNCIL

9.3.1 Case 00851 - Amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law - Adult Entertainment

- A report dated January 6, 2006, on the above noted, was before Council.

MOVED by Councillor Smith, seconded by Councillor Kent, that Regional Council give First Reading to the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law as provided in Attachments A and B of the December 29, 2005 staff report and schedule a public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Rankin referenced the criteria on page 4 of the staff report and placed the following motion.

MOVED by Councillor Rankin, seconded by Councillor Fougere, that the issues raised in the criteria that would be applied to Dartmouth be applied for consistency to the balance of Municipal Planning Strategies. Further, these issues be addressed in a staff report. MOTION PUT AND PASSED UNANIMOUSLY.

9.4 HERITAGE ADVISORY COMMITTEE

9.4.1 Barrington Street Conservation District

- A report dated December 8, 2005, on the above noted, was before Council.

Mr. Jarvis, Chair, Barrington Street Historic District Steering Committee, presented an overview to Council.

MOVED by Councillor Harvey, seconded by Councillor Sloane, that Regional Council accept in principle the Barrington Street District Revitalization Plan and refer it to staff for review and recommendations.

The following issues and concerns raised are to be addressed in a supplementary report to Council:

- How long a time frame would staff recommend for implementation,
- How will this affect the Grant Committee budget,
- A rationale behind the ten year tax freeze incentive,
- What is the time frame on the alternate building code compliance,
- Transfer of development rights be confirmed,
- With respect to the demolition policy the question was raised that if HRM had an independent engineer and the owner has an independent engineer and it is agreed that a building has to come down, could the demolition be effective immediately,
- Transit volume reduction due to rerouting,
- What are the implications of \$290,000 per year over five years with respect to awnings, facades, storefront signs, etc.

- What are the implications of providing property tax incentives,
- What will the traffic volume reduction initiatives for Barrington Street cost,
- Does restoration refer to a facade, interior, exterior, etc.
- How does this proposal affect some of the current sites such as the Birks site and Dennis Building,
- Will this be precedent setting with regard to the tax freeze,
- What are the implications of freezing taxes,
- Make sure the language describing the properties included is clear,
- The report include all associated costs,
- Is there a guarantee that if HRM spends the money for street improvements the businesses will do the work.

MOTION PUT AND PASSED UNANIMOUSLY.

9.5 BIKEWAYS ADVISORY COMMITTEE

9.5.1 Proposed Federal Surtax on Imported Bicycles

- A report dated December 12, 2005, on the above noted, was before Council.

MOVED by Councillor Fougere, seconded by Councillor Karsten, that Halifax Regional Council write a letter to the Federal Minister of Finance in opposition to the a proposed 30% surtaxes on imported bicycles. MOTION PUT AND PASSED UNANIMOUSLY.

9.6 MEMBERS OF COUNCIL

9.6.1 Councillor Fougere - Damage from Municipal Trees

Councillor Fougere noted that under the Municipal Government Act, municipalities are not liable in any way for failure to remove diseased or dangerous limbs from trees nor responsible or liable for damage caused by municipal trees on private property. She noted there are issues in areas where large limbs or entire trees fall on cars or houses which cause expense to the resident.

MOVED by Councillor Fougere, seconded by Councillor Sloane, that a staff report be requested regarding HRM's policy as it relates to municipal trees damaging private property. The report should address implications, financial or otherwise, of changing that policy.

The Councillor requested the report examine what the policy is and how the matter of due

diligence is addressed in order to mitigate some of the risks to private property owners. What is being done in terms of risk management on behalf of the citizens to protect them from some of the issues with trees, how often are there situations reported and addressed, is there any reason why HRM should look at whether or not there is responsibility shown to the residents.

Councillor Younger requested the report include what situations would be covered under private insurance and whether it is the responsibility of the home owner adjacent to the HRM right of way to maintain the tree in the right of way.

Councillor McCluskey asked if a homeowner can cut down a tree if he/she believes it to be unsafe.

MOTION PUT AND PASSED.

10. MOTIONS - NONE

11. ADDED ITEMS

11.1 Council Focus Area - Community Recreation

- This item was addressed at an earlier Committee of the Whole meeting held prior to the regular session and was now before Council for ratification.

MOVED by Deputy Mayor Walker, seconded by Councillor Sloane, that Regional Council direct staff to open discussion with the School Board in regard to improved access to schools for recreation purposes and that staff also discuss ways to improve entrance access to existing schools. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Council Focus Area - Public Safety

- This item was addressed at an earlier Committee of the Whole meeting held prior to the regular session and was now before Council for ratification

MOVED by Councillor Johns, seconded by Councillor Sloane, that Regional Council:

- 1. Request that the Board of Police Commissioners review HRM Policing Services with a view to developing an effective, long- term police resourcing strategy.**

2. **Request that the Board of Police Commissioners assess the impact of any changes to the service delivery model of policing resulting from upcoming negotiations of the Provincial Policing Contract.**
3. **Initiate dialogue with the three orders of government to determine roles and responsibilities for national, provincial and municipal policing.**
4. **Request that the Board of Police Commissioners report to Council regarding the need for increased resources and police funding to ensure an effective level of policing which meets public expectations and which addresses the complex environment of the police service delivery model.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.3 Legal Matter: Settlement of Claim Against Halifax Regional Municipality

- This item was addressed at an earlier In Camera meeting held prior to the regular session and was now before Council for ratification

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

1. **Settle the claim, as set out in the December 22, 2005 Private and Confidential staff report, brought by the Plaintiff in the amount of \$35,000.00 to achieve a full settlement of the Plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of the accident of May 1, 2002.**
2. **Not release the December 22, 2005 report to the public.**

MOTION PUT AND PASSED UNANIMOUSLY.

12. NOTICES OF MOTION

Councillor Rankin

Take Notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday, January 17, 2006, I propose to move that staff provide Council with a report addressing adopting a restriction on the erection of signs along the Prospect Road between the St. Margaret's Bay Road and Exhibition Park.

13. ADJOURNMENT

The meeting was adjourned at 9:50 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council:

1. Memorandum from Director, Transportation and Public Works dated December 30, 2005 re: Petition for Street Repaving, Spring Avenue District 6 and 7
2. Memorandum from Director, Transportation and Public Works dated December 16, 2005 re: Petition - Transit Service - Woodside, Dartmouth
3. Memorandum from Director, Transportation and Public Works dated December 16, 2005 re: Extension of Route #3, Manors, MacDonald - Laurier Place
4. Memorandum from Director, Transportation and Public Works dated December 15, 2005 re: Car Pool Parking Lot - Fall River
5. Memorandum from Director, Transportation and Public Works dated January 3, 2006 re: Transportation Authority Update
6. Memorandum from the Municipal Clerk, dated January 6, 2006 re: Requests for Presentations to Council

Date of Request(s)	Name of Delegation(s)	Disposition of Request(s)
January 3, 2006	Citizens of Brightwood Society - Gerry Perusse, Chair and Geoff Turnbull, Chair of Petition Committee re: Presenting a petition and speaking to the redevelopment application for Brightwood Golf and Country Club Lands in Dartmouth	Group will contact District Councillor to submit the petition on their behalf at the January 10, 2006 Regional Council meeting. Group also advised that if approved by Council opportunities to speak to this matter would occur during the Public Participation Process.

