

**HALIFAX REGIONAL COUNCIL
COMMITTEE OF THE WHOLE
MINUTES**

April 25, 2006

PRESENT:

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

STAFF:

Mr. Wayne Anstey, Acting Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Jan Gibson, Municipal Clerk
Ms. Sherryll Murphy, Legislative Assistant
Ms. Sheilagh Edmonds, Legislative Assistant

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1. **CALL TO ORDER**

The meeting was called to order a 10:10 a.m.

2. **APPROVAL OF THE MINUTES**

MOVED by Councillor McCluskey, seconded by Councillor Wile that the minutes of the Committee of the Whole Councils held on April 11th and 18th, 2006, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. **LOCAL IMPROVEMENT CHARGES, ROAD IMPROVEMENTS, COST SHARING**

< A previously circulated staff report dated March 29, 2006 was before Council. An extract of the Regional Council minutes of April 11, 2006 was also before Council.

Mr. David Hubley, Design and Construction, briefly presented the staff report including the following key highlights:

- The procedure for establishing local improvement charges was set in place in 1997,
- With recent increases in construction costs staff has determined that the resident's share is less than 50%,
- Options to change the existing local improvement policy include:
 - < Blended Actual Costs Approach
 - < Pure Actual Costs Approach
 - < Standard Cost (Adjusted to reflect an estimate of upcoming year actuals)
 - < General Tax Rate all Street Improvements,
- Advantages and Disadvantages of each option.

In response to a question from Councillor Johns, Mr. Hubley confirmed that it is cheaper to maintain a paved road than a gravel road.

Councillor Johns noted that residents were unwilling to have their streets paved due to the cost. He indicated that under the Department of Transportation guidelines, gravel roads were automatically paved after 15 years. He went on to note that his preference would be Option 4, which would see all local improvements paid for from the General Tax rate.

At 10:15 a.m. Councillor McInroy joined the meeting.

Mr. Hubley noted that the Local Improvement Policy calls for a 50/50 split of costs.

In response to a question from Councillor Wile regarding the inclusion of an engineering fee, Mr. Hubley confirmed that this fee has not been charged in the past. He noted that all Provincial projects include an engineering fee.

MOVED by Councillor Meade, seconded by Councillor Uteck that Halifax Regional Council approve Option No. 1 (Blended Actual Costs Approach) with no engineering

fee as outlined in the Discussion and Budget Implications of the March 29, 2006 staff report.

A discussion ensued with Councillors commenting as follows:

- The same practices and policies must be followed in both the core and outlying areas,
- It is important to recoup some of the engineering fees associated with projects,
- There is a benefit to the municipality in paving roads as the cost to maintain a paved road is less than to maintain a gravel road.

In response to the comments made by Councillors, Cathie O'Toole, Acting Director of Finance, advised that this report was before Council to address inequities under the present policy. As stated earlier, construction costs are on the rise and as a result in some instances residents are not paying 50% of the cost as set down in the policy. She indicated that recouping engineering costs will likely increase the capacity for projects within the budget. Ms. O'Toole clarified that HRM presently bears a portion of the cost of local improvement projects through debt funding.

At 10:35 a.m. Councillors Kent and Murphy joined the meeting.

In response to comments regarding the cost of maintaining a paved road versus a gravel road, Ms. O'Toole indicated that staff could undertake a cost benefit analysis, however, this was not the purpose of the report before Committee of the Whole today.

At 10:40 a.m. Councillors Sloane and Mosher joined the meeting.

A further discussion ensued including the following comments:

- The cost benefit analysis should be carried out over 20 years. There may be some short term benefit, however there is no confirmation of the benefits over the long term,
- Gravel sections which connect to paved roads should be paved,
- A rural standard allowing for wider shoulders for bicycles/walkers should be instituted,
- Staff will be considering an engineering fee close to the 9% fee charged by the Province.
- Staff should review the standard for the thickness of the road cap in cases where there is no infrastructure beneath the road.

MOVED by Councillor Johns, seconded by Councillor Harvey that consideration of this matter be deferred pending a report which sets out the cost of maintaining gravel roads versus paved roads. MOTION TO DEFER WAS PUT AND DEFEATED.

Councillor Snow expressed concern that gravel roads become a safety issue when HRM staff are unable to plow the road because the roadway is too soft. She suggested that staff look into the possibility of waiving the right to petition within the core area. She indicated some method was necessary to ensure that neighbours are not pitted against each other. The Councillor went on to suggest that a mechanism be developed, perhaps a By-Law, which would eliminate the need for the individual Councillor to become involved.

Councillor Mosher, agreeing with Councillor Snow, stated that it is very uncomfortable for individual Councillors to make the decision to waive the right to petition and proceed with the project. She pointed out that HRM has standards and that decisions regarding projects should be based upon the engineering and traffic principles in place, and that residents should be required to pay on that basis.

Mr. English noted that the Municipal Government Act provides for a petition, however, it is entirely up to Council whether or not to have this option. He indicated that Council can determine that it will not have a petition and set this out in policy.

The vote on the original motion, as follows, was taken:

MOVED by Councillor Meade, seconded by Councillor Uteck that Halifax Regional Council approve Option No. 1 (Blended Actual Costs Approach) with no engineering fee as outlined in the Discussion and Budget Implications of the March 29, 2006 staff report. MOTION PUT AND DEFEATED.

MOVED by Councillor Hendsbee, seconded by Councillor Snow that Halifax Regional Council approve Option No. 1 (Blended Actual Costs Approach) with an appropriate engineering fee as outlined in the Discussion and Budget Implications sections of the March 29, 2006 staff report. MOTION PUT AND PASSED.

4. 2007 COUNCIL MEETING SCHEDULE ALTERNATIVES

- This matter was matter deferred to this meeting from the April 18, 2006 meeting of Committee of the Whole Council. A Supplementary Information Report dated April 20, 2006 was before Council. A previously distributed Information Report dated April 14, 2006 and an extract of the December 13, 2005 Regional Council minutes were also before Council.

MOVED by Councillor McCluskey, seconded by Councillor Karsten that Halifax Regional Council maintain the present scheduling format for meetings of Halifax Regional Council for 2007.

Ms. Jan Gibson, Municipal Clerk, made a presentation regarding the meeting schedule for Halifax Regional Council, including the following highlights:

- An overview of the parameters currently governing Regional Council meetings,
- Assumptions regarding the proposed schedules:
 - < Council issues are addressed in a timely manner
 - < COW meeting structure is maintained
 - < COW and Regional Council will be televised
 - < Start time for first meeting of the day remains flexible
 - < Ability to hold Council meetings over successive days is maintained,
- A review of the current schedule format and the options provided in the staff report,
- A review of the advantages and disadvantages of each option.

At 11:15 a.m. Councillor Streach joined the meeting.

A discussion ensued with Councillors noting the following:

- Cost savings would in all likelihood be minor should Council choose any of the options, however, all options will realize some administrative efficiencies,
- Concerns that if Council is to meet only twice per month, reports requested from staff will be longer in coming back to Council,
- Concern that a reduced number of Council meetings will result in longer meetings
- Administrative Order 1 should be amended to provide the recommendations coming from Committee of the Whole are not debatable at Council ,
- Capital improvements to the Chamber should be undertaken to allow for similar equipment as the Nova Scotia Legislature and House of Commons enjoys including the ability to webcast Council proceedings,
- Suggestion that Council re-evaluate the approval by CAO of tenders with a view to once more increasing the dollar value,
- Members of Council request too many reports,
- Holding Committee of the Whole and Public Hearings on a day other than Regional Council, as recommended in Option 2, allows for good decision making by Council,
- If the schedule format is to remain unchanged, it was suggested that In Camera sessions only be held if required in Weeks 2 and 4,
- Focus should be on the content of the agenda in terms of whether or not an item is contentious or not.
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At 11:35 p.m. Councillor Fougere joined the meeting.

The **MOTION WAS PUT AND PASSED.**

5. TEMPORARY SIGN BY-LAW

- This matter was last considered by Council at the Committee of the Whole Council held on February 14, 2006 at which time Council approved a number of changes to the proposed By-Law.
- A Supplementary Information Report dated April 10, 2006 was before Council. A previously distributed Information Report dated February 1, 2006 and a draft By-Law Number S-800 dated February 14, 2006 were before Council.
- Circulated to Council was a memorandum dated April 12, 2006 from Paul Dunphy, Director of Planning and Development Services, an e-mail dated April 24, 2006, from Frank Thorne, President of the Atlantic Chapter of the Sign Association of Canada and an anonymous e-mail opposed to the proposal to levy fines against agencies named on handbills.

Mr. Kurt Pyle, Planner, made a brief presentation regarding the HRM By-Law for Temporary signs, including the following highlights:

- Reviewed the Draft By-law Changes and the Motions Passed
- Outlined options for planter box signs including:
 - < amend draft by-law to extend time period for planter box signs
 - < amend Land Use By-laws to permit two permanent ground signs
 - < conduct a review of all permanent sign provisions
- Option 3 deals with the issues of planter boxes most comprehensively, however, staff is not recommend proceeding with this option until the Regional Plan is approved and priorities set
- New Issues as a result of consultation with the Temporary Sign Industry Include:
 - < Use of Grand Opening and Moving Signs for one month prior to event
 - < Reduction in fee for Multi Special and Short Term Events Signs to discourage use of mobile signs
 - < Short term signs for periods of up two days for weekend events be permitted
 - < Multi Special Event Signs for short periods of time to allow for large scale advertising
 - < Ability to obtain mobile sign licenses for large apartment buildings to advertise vacancies and other issues.
- Staff support incorporation into the By-law of issues 1 and 2 above,
- Staff supports issue 3 above with limitations on the frequency and number of signs per property,
- Staff does not support issues 4 and 5,
- Implementation will include First Reading (Set date for Public Hearing), Notification, Public Hearing and Education Phase (6 months).

MOVED by Councillor Harvey, seconded by Councillor Sloane that Halifax Regional Council approve in principle By-law Number S-800 with an amendment that the Sackville Drive Secondary Plan area sign measures apply to the entire Sackville plan area.

A discussion ensued with Councillors commenting as follows:

- As all members of Council do not know the impact of Councillor Harvey's amendment it is difficult to approve the motion as amended,
- Concern that this is not a harmonization of the sign By-law and that the rules will not be the same across HRM,
- Grand Opening wording should be changed to include Closing Out,
- A nuisance measure should be applied against signs for Yard Sales, Teas, etc. that are posted for more than one month. The organization holding the event should first be given a warning and then, if the sign(s) is not removed, ticketed.

In response to questions and concerns raised by Councillors, staff provided the following information:

- Relative to the harmonization of the By-law, staff was given very clear direction from Council that this by-law was not to impact existing by-laws particular to specific areas of HRM. The intent is that the regulation of temporary signs be standardized. This By-law will not undermine the integrity of the planning process of each community,
- The By-law presently addresses Liquidation Sales,
- The By-law regulates temporary signage on HRM roads only and has no impact on Provincial highways,
- Temporary signs on roofs are prohibited for safety reasons,
- Community signs are subject to the By-law, but are not licensed under the By-law,
- The regulation of signs on commercial property exists today in the Land Use By-law, the implementation of this By-law will simply move that authority.

The Chair noted that it was 12:00 p.m and suggested that further consideration of this matter be deferred to the next meeting of the Committee of the Whole Council, **to which Council agreed.**

The meeting reconvened at 1:02 p.m. with the following members present: Councillors Streach, Snow, Hendsbee, McInroy, McCluskey, Younger, Karsten, Kent, Smith, Wile, Murphy, Sloane, Uteck, Fougere, Hum, Mosher, Adams, Johns, Harvey, Goucher, Rankin, and Meade. Deputy Mayor Walker was in the Chair.

5. REGIONAL MUNICIPAL PLANNING STRATEGY

- C A report dated April 19, 2006 by Mr. Hugh Millward, Chair of the Regional Planning Committee, was submitted.

Mr. Austin French, Manager, Regional Planning addressed Council and introduced Mr. Hugh Millward, Chair of the Regional Planning Committee and advised that he would be giving the presentation on the proposed Regional Municipal Planning Strategy.

Mr. Millward addressed Council and using a Power Point presentation outlined the main elements of the draft Regional Plan, and provided an update to Council on the changes resulting from written submissions and final review by the Regional Planning Committee. He advised that the changes have been incorporated in a third draft of the Plan, which was before Council for consideration. In his remarks, Mr. Millward reviewed the following six questions and explained how the draft plan addressed these questions: Why do we need a regional plan? Where are we in the process? What is in the draft plan? How has the Plan changed? Will the plan deliver tangible benefits? What are the next steps?

Highlights of Mr. Millward's presentation are as follows:

- C Adoption of the Regional Plan will enable the Municipality, in future, to avoid approximately \$250 million in costs.

- C The Plan will ensure sustainable and healthy growth for the Municipality.
- C The process began three years ago, and has gone through extensive public consultation, and the Committee is confident that the present document reflects the diverse views of the public.
- C The Plan is characterized by four pillars of growth which focus on protecting the natural environment and community heritage; encouraging growth in mixed use centres; linking communities through investment in transit, roads and active transportation systems; and building fiscally sustainable communities and a strong economy.

At 1:15 p.m. Councillors Mosher and Karsten entered the meeting.

- C The Regional Plan will be reviewed every five years.
- C Significant changes between the first and second draft include the following: a new regional park at Feeley Lake, in Beaver Bank; the minimum coastal elevation was reduced from 5 metres to 2.5 metres; more rural development opportunities were offered; additional growth centres were added; more long term road corridors were identified, and more project flexibility was provided for project scheduling.

At 1:16 p.m. Mayor Kelly entered the meeting at assumed the Chair.

- C Changes from the second draft to the current proposed plan include: two additional urban settlement designations in the Sandy Lake area and the Highway 102 West corridor;

At 1:19 p.m. Councillor Younger entered the meeting.

- C Additional changes from the second draft to the current proposed plan are as follows: the rural commuter designation has been expanded south of Highway 103 between Hubbards and Upper Tantallon and in lands within 500 metres of a trunk road except the areas of Highways 224 and 357 where infill is already allowed; with regard to open space and natural resources policy, draft two allowed only very large lots, whereas, the current plan prohibits new roads and existing zoning is maintained and the creation of new lots within this designation will be regulated through the new subdivision bylaw.
- C Other adjustments to the current proposed plan include: serviceable area boundaries missing the extension of piped sewer and water have been adjusted in the Middle Sackville area to extend that serviceable area in one direction but to limit development in another locale, owned by the same developer; staff are recommending reclassification of Burnside East as a Suburban District Centre, to reflect the Dartmouth Crossing retail development project currently being developed in that area.
- C The Municipality has already seen the benefit of the Plan with early deliverables such as the development of three master plans; three MetroLink rapid bus routes; the harbour plan; the cultural plan; and functional plans, such as the urban design study and active transportation plan.
- C The key benefits to the Plan are that it will provide predictable future spending; the municipality will be an attractive place to live and work; it will provide a sustainable environment for our lifestyle and economy while helping to protect ecosystems; it will provide the foundation for community planning, and access to federal and provincial

funds.

Mr. French addressed Council once again and briefly reviewed the documents which had been submitted to Council in regard to the proposed Regional Plan.

Mr. French and other members of Regional Planning staff responded to questions.

MOVED by Councillor Fougere, seconded by Councillor Karsten that this matter be forwarded to Regional Council and that Regional Council give First Reading to the Regional Municipal Planning Strategy and Regional Subdivision By-law as set out in Attachment "A", "B" and "D", respectively of the April 19, 2006 report, and schedule a public hearing.

Without the motion being put, the following discussion ensued:

Councillor Johns referred to the adjustments in the proposed Plan which had been made to the Middle Sackville area and, noting that this was a change from the last draft, advised that he would like this aspect to remain as it was in the previous draft.

In response, Mr. French advised that this change was made on recommendation from staff to the Regional Planning Committee, and was based on a request that came in with a submission. Mr. French added that it did not seem to be contrary to the Regional Plan and this was the reason for bringing it forward. He noted that, should Council direct a change to this, staff will make the change in the Plan and the advertisement for public hearing will reflect it accordingly.

MOVED by Councillor Johns, seconded by Councillor Goucher that the motion be amended to remove Recommendation 5 (Changes to Serviceable Area Boundaries) as contained in the submitted report be removed, and maintain the status quo concerning this aspect.

Speaking in support of his amendment, Councillor Johns advised that this change has happened only within the past two weeks, and is entirely contrary to what was proposed in the last draft.

In response to a question regarding the impact of proposing amendments at this time, Mr. French advised that the Regional Planning Committee has put a great deal of deliberation into the document and were hoping that Council would be prepared to go forward to Public Hearing, as is. He added that the underlying message from the public consultation was that issues that could be brought up now, may be better dealt with at the community planning level. Mr. French also noted that the impact of bringing up issues now would lengthen the process.

At 1:48 p.m. Councillor Mosher left the meeting.

Responding to comments by Council members who spoke in opposition to proposing amendments to the document at this time, Councillor Johns strongly urged Council to support

his amendment. He pointed out that the change was substantially different from what was previously proposed at Council, and noted that it was only last Thursday he became aware that it was put in the Plan. The Councillor added that he followed up on Friday with staff to try and determine why this change was made at the eleventh hour.

Mr. French explained that this item was put through the Regional Planning Committee, and although there was no direct discussion with Councillor Johns, it was given a thorough review by the Committee, and there was nothing added by staff after the Regional Planning Committee met.

Councillor Johns advised that if the change is approved, as is, he will then believe the process has been tainted. The Councillor explained that he has received political pressure from a developer since 2000 to make this change, and he suggested that bribery may be involved as he was aware of a developer who offered a community group a substantial financial contribution if they would pressure the Councillors of the area to make the change.

The Chair cautioned Councillor Johns on his allegations and emphasized that anything of this nature should be reported to the Police.

THE AMENDMENT WAS PUT AND DEFEATED.

At 1:56 p.m. Councillor Johns retired from the meeting.

Staff responded to further questions from Council, and comments were noted as follows:

- C With regard to the Airport/Hants County boundary issues, support was expressed in regard to staff's efforts to formalize discussion on the cross border issues.
- C Council expressed some concern that the School Board has not provided a submission, and felt that receiving comment is a priority.

At 2:07 p.m. Mayor Kelly left the meeting.

- C Concern was expressed that the protection of lakes and waterways did not go far enough because it allows for walkways in buffer zones.
- C Concern was expressed that HRM does not have design guidelines.

At 2:29 p.m. Mayor Kelly returned to the meeting.

- C The Plan should distinguish between freshwater and saltwater bodies.
- C It was noted that on Map 2, Highway 107 is incorrectly identified as the #7 Highway and Council requested this be corrected before it goes out to the public.
- C It was suggested that staff should identify the post Otter Lake (landfill) sites now, instead of having to go through the whole process in two decades.
- C Assurance was requested that the grandfathering status of Keltic Gardens Subdivision will continue as it exists today.

At approximately 2:44 p.m. Councillors Smith and McInroy entered the meeting.

- C It was suggested there should be a plan to extend sewer service down the #7 Highway and have it extended beyond Montague Road to, at least, the Cherrybrook Road. It was noted that, presently, commercial properties cannot develop in this area because of a lack of sewer capacity.
- C It was noted that the proposed Plan does not address future transportation corridors.
- C It was noted that the proposed Plan suggests options for rural road design standards, although it does not show the options. It was suggested that Council be informed of those options.

Councillor Meade expressed concern that rezonings that were approved in the last couple of months would have to revert to the Regional Plan standards, once the Plan is tabled. In response, Mr. French advised that it is possible some matters could get caught in the middle because of the appeal period, for example. He explained that it is not the intention of the Regional Plan to claw back decisions that Council intended to carry out. Mr. French added that it would be possible to grandfather certain projects by making a change to Policy IM-21, and this would mean that anyone found in the situation where Council recently approved a rezoning and the appeal period overlaps when the ad for public hearing is placed in the newspaper, then they would be covered.

MOVED by Councillor Meade, seconded by Councillor Kent that the motion be amended to change Policy IM-21 to allow further grandfathering for recently rezoned properties. THE MOTION TO AMEND WAS PUT AND PASSED.

- C It was noted that as-of-right development is an issue with many people and as this Plan goes through the public process, this concern will be raised.

RECESS

Committee of the Whole recessed from 2:57 p.m to 3:12 p.m.

- C Concern was expressed that walkways would be permitted within riparian buffers.

At 3:17 p.m. Councillor Johns returned to the meeting.

MOVED by Councillor McCluskey, seconded by Councillor Goucher that the Regional Municipal Planning Strategy be amended to remove walkways as a permitted use in riparian buffers and wetlands.

In response to a question, Ms. Carol Macomber, A/Director of Community, Culture and Economic Development advised that almost all of HRM's green buffers have planned trails, and to eliminate that would reduce access to open space to the public. Further, she indicated that the proposed amendment would dramatically change the vision for the whole trail system.

THE AMENDMENT WAS PUT AND DEFEATED.

At 3:33 p.m. Councillor Mosher returned to the meeting.

- C The core areas have a number of different designated centres, and this will be a challenge for the community visioning process.
- C There is a need to provide a definition of Density for the core areas.
- C Concern was expressed that zoning changes to the Burnside Park will lead to encroachment on the City of Lakes Business Park.

The motion now reads as follows:

That Halifax Regional Council give First Reading to the Regional Municipal Planning Strategy and Regional Subdivision By-law as set out in Attachments “A”, “B” and “D”, respectively, to the April 19, 2006 report, and with an amendment to Policy IM 21 to allow further grandfathering for recently rezoned properties, and to schedule a public hearing.

THE MAIN MOTION AS AMENDED WAS PUT AND PASSED.

6. ADJOURNMENT

The meeting adjourned at 3:45 p.m.

Jan Gibson
Municipal Clerk

