

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL DECEMBER 14, 2004 MINUTES

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Goucher
Councillors: Steve Streach
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
Russell Walker
Debbie Hum
Stephen D. Adams
Robert P. Harvey
Reg Rankin
Gary Meade

REGRETS:

Councillors: Linda Mosher
Brad Johns

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Municipal Clerk
Ms. Patti Halliday, Legislative Assistant

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1. INVOCATION

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor McCluskey.

ACKNOWLEDGEMENTS

The presence in the gallery of Mr. Tim Olive, Executive Director, Downtown Dartmouth Business Commission and Mr. Gary Hines, MLA, Waverley/Fall River/Beaver Bank was acknowledged.

MOMENT OF SILENCE

A **Moment of Silence** was observed by Council in memory of the late Mr. Grant Mosher, father of Councillor Linda Mosher.

2. APPROVAL OF MINUTES - November 2, 2004

MOVED by Councillor McCluskey, seconded by Councillor Meade, that the minutes of November 2, 2004 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were deleted from the agenda:

- 8.3 Case 00431 - Plan Amendment to the Planning Districts 14 & 17 Municipal Planning Strategy

(The Municipal Clerk read into the record a letter dated December 14, 2004 from Caohmin Consulting regarding this item advising that they have been instructed by their client, L. Archibault Holdings Limited, to withdraw its application to Halifax Regional Council and all of the amendments and recommendations outlined in the November 16, 2004 staff report before Council this evening.)

- 10.4.1 Regional Planning Consultation and Communication Plan January to April 2005 (addressed at Committee of the Whole - see item 12.6)

The following items were added to the agenda:

- 12.1 Proclamation - The Greatest Nova Scotian Through a Little Girl's Eyes - December 17, 2004
- 12.2 Councillor Younger - Municipal Government Act Park Provisions
- 12.3 Councillor Kent - Mount Hope Extension and Caldwell Road Connector Road
- 12.4 Memorandum from Chair, Grant Committee, dated Dec. 6, 2004 re: HRM Community Grants Program 2005-2006, Recommended Changes to Program Eligibility Criteria
- 12.5 Committee of the Whole Recommendation: Preferred Alternative for the Regional Plan
- 12.6 Committee of the Whole Recommendation: Regional Planning Consultation and Communication Plan January to April 2005
- 12.7 In Camera Recommendation: Citizen Appointments to Boards/Committees and Commissions
- 12.8 Councillor Smith - HRM Hosting FCM Event

Councillor Adams requested that the Spryfield Lions Club be sent a copy of Information Item #5 with a reaffirmation that it is a priority of staff to continue on with the negotiations and to work towards a management agreement with that group.

MOVED by Councillor Sloane, seconded by Councillor Adams, that Regional Council approve the Agenda, as amended. 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. PUBLIC HEARINGS

8.1 By-Law L-120, An Amendment to By-Law L-100, Respecting Charges for Watermains for a Portion of Halfway Lake Drive, Kippawa Crescent, a

Portion of Huron Drive and Longburn Avenue, Maplewood on the Lakes Subdivision, Hammonds Plains

C A staff report dated October 22, 2004 was previously circulated to Council.

Mr. Jamie Hannam, Chief Engineer, Halifax Regional Water Commission, presented the staff report to Council.

Mayor Kelly called three times for members of the public wishing to speak either in favour of or against the by-law amendment. Hearing none, the following motion was put:

MOVED by Councillor Walker, seconded by Councillor Sloane, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Meade, seconded by Councillor Rankin, that By-Law L-120, An Amendment to By-Law L-100, Respecting Charges for Watermains for a Portion of Halfway Lake Drive, Kippawa Crescent, a Portion of Huron Drive and Longburn Avenue, Maplewood on the Lakes Subdivision, Hammonds Plains be given Second Reading. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00702 - MPS and LUB Amendments - 6139 Young Street, Halifax

C Correspondence from Mr. Ken O'Brien, Atlantic Road and Traffic Management, dated December 13, 2004, was circulated to Council for its consideration.

C Correspondence from Mr. Gilbert Lussier, Manager, Real Estate Development, Petro-Canada, dated December 14, 2004, was circulated to Council for its consideration.

C Correspondence from Mr. Carl Myers, dated December 13, 2004, was circulated to Council for its consideration.

C A revised report from the Peninsula Community Council, dated October 5, 2004, was previously provided to Council.

Mr. Angus Shaffenburg, Planner, presented the report to Council.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the amendments.

Mr. Alan Ruffman, Halifax

Mr. Ruffman addressed Council noting the address of the property was incorrectly advertised as the map indicates 6193 Young Street and the advertisement stated the address as being 6139 Young Street. Therefore, he suggested the public hearing would have to be readvertised.

Following consultation with the Municipal Solicitor, Mayor Kelly confirmed that Mr. Ruffman was correct and the Public Hearing would have to be readvertised and held at a later date.

8.3 Case 00431 - Plan Amendment to the Planning Districts 14 & 17 Municipal Planning Strategy

This item was deleted during Approval of the Order of Business.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor Younger - Operations of Bus Boy/Perry Rand Compound Operations, 198 Waverley Road

Councillor Younger served a petition signed by 47 residents of District 6 requesting that Regional Council take immediate steps to order Bus Boy/Perry Rand Compound Operations, 198 Waverley Road, to cease operations and requesting that amendments be made to HRM Noise and Nuisance related By-Laws to make them more easily enforceable by staff.

9.2.2 Councillor Streach - Additional Crosswalks, Sheet Harbour

Councillor Streach served correspondence from the Sheet Harbour and Area Chamber of Commerce requesting additional crosswalks in Sheet Harbour, both crossing Hwy. 7, one near the Bluewater Building and the other at the intersection of Church Point Road and Hwy. 7 near the schools.

9.3 Presentations

9.3.1 Alderney Landing Board of Directors

- (i) Paul Robinson, President**
- (ii) Bea MacGregor, Executive Director**

Mr. Paul Robinson and Ms. Bea MacGregor, Alderney Landing Board of Directors, made a

presentation to Council, copies of which were provided. The Board stated they were seeking advice from HRM staff and Council in advance regarding continued capital work, and they are looking forward to finding a solution together.

Councillor McCluskey thanked the representatives for their presentation and expressed congratulations to staff and the Board for their commitment to make Alderney Landing successful. The Councillor also stated HRM is fortunate to have this great facility on the waterfront.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Alderney Landing

C A staff report dated November 29, 2004 was before Council for its consideration.

MOVED by Councillor McCluskey, seconded by Councillor Kent, that Regional Council direct HRM staff to work with the Alderney Landing Board of Directors to identify specific options which will address the future payments on the facility debt and the long term success of the facility and to complete these options by the end of January 2005, returning to Council with a report no later than February 15, 2005.

Following a brief discussion, the vote was taken.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 2005 Regional Council Meeting Schedule

C A staff report dated December 10, 2004 was before Council for its consideration.

MOVED by Councillor Sloane, seconded by Deputy Mayor Goucher, that Council adopt the 2005 Regional Council Meeting Schedule, as attached to the staff report dated December 10, 2004. MOTION PUT AND PASSED.

10.1.3 Tender 04-343, Replacement of Air Handling Units at Halifax Metro Centre

C A staff report dated December 6, 2004 was before Council for its consideration.

MOVED by Councillor Sloane, seconded by Deputy Mayor Goucher, that Halifax Regional Council award Tender 04-343 to Sayers and Associates Ltd. for the

Replacement of seven (7) Air Handling Units at the Halifax Metro Centre at a total cost of \$757,825.00 (net HST included) with funding from Capital Projects No. CHZ00207 and CB300555, as outlined in the Budget Implications Section of the December 6, 2004 staff report.

Following a brief discussion, the vote was taken.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Tender 04-282, Aerotech Sewage Treatment Plant Upgrade/Central Biosolids Dewatering Facility

C A staff report dated December 1, 2004, was before Council for its information.

MOVED by Councillor Streach, seconded by Deputy Mayor Goucher, that Regional Council approve:

- 1. An increase to the gross budget for Capital Account No. CSE00700, Aerotech Central Biosolids Dewatering Facility, in the amount of \$3.5 million with no change to the net budget to reflect incremental funding from CSIF;**
- 2. An increase to the gross budget for Capital Account No. CSE00700, Aerotech Central Biosolids Dewatering Facility, in the amount of \$374,158, with no change to the net budget to reflect funding from the Wastewater Treatment Plant Infrastructure Reserve, Q122;**
- 3. The award of Tender #04-282 in the amount of \$5,825,381 to L&R Construction for the construction and commissioning of the Aerotech Sewage Treatment Plant Upgrade/Biosolids Dewatering Facility;**
- 4. An allowance for testing of materials and unforeseen work that is likely to arise with a capital project of this size and complexity, in the amount of \$503,875;**
- 5. The appointment of Dillon Consulting/ABL Environment for the amount of \$356,158 for construction inspection, contract administration and commissioning services.**

*** Funding for items 3, 4, and 5 is available in Capital Account No. CSE00138, Aerotech Sewage Treatment Plant Upgrade and Capital Account No. CSE00700, Aerotech Central Biosolids Dewatering Facility, as outlined in the budget implications section**

of the December 1, 2004 staff report.

Mr. Alan Brady, Manager, Wastewater Treatment, responded to questions of Council.

MOTION PUT AND PASSED.

10.1.5 Maritime Museum - Sewer Outfall Repairs

C A staff report dated December 3, 2004 was before Council for its consideration.

MOVED by Councillor Sloane, seconded by Councillor Walker, that Regional Council approve an increase to the 2004/05 Capital Budget in the amount of \$432,230 for a new capital account, Maritime Museum - Sewer Outfall Repairs with funding from the Sewer Redevelopment Reserve Account Q104, as outlined in the Budget Implications Section of the December 3, 2004 staff report.

Following a brief discussion, the vote was taken.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.6 Proposed Advance Funding Approval - 2005/2006 Capital Budget

C A staff report dated December 3, 2004 was before Council for its consideration.

C A revised Schedule "A" was circulated to Council.

MOVED by Councillor McInroy, seconded by Councillor Walker, that Halifax Regional Council provide advance funding approval of the proposed 2005/06 Capital Roads & Sidewalk, Traffic and Transportation Services and Metro Transit Budgets for Public Works and Transportation Services (PWT), and the Capital Sewer Budget for Environmental Management Services (EMS), in the amounts of \$6,691,000; \$1,243,000; \$3,626,000 and \$1,515,000 respectively, as outlined within the revised Schedule "A" and as per the Discussion and Budget Implications Sections of the December 3, 2004 staff report.

Councillor Hendsbee suggested more tendering should take place in the off-season.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.7 By-Law S-416, Respecting Local Improvement Charges, New Paving Projects Outside the Core Area - 2003

C A staff report dated December 3, 2004 was before Council for its consideration.

MOVED by Councillor Meade, seconded by Councillor Hendsbee, that Council:

1. **Approve an increase in the budget of Capital Account No. CXR00483, New Paving of Subdivision Streets Outside the Core Area by \$54,974.18 to cover the total project cost, which is recovered through cost sharing with Nova Scotia Department of Transportation and Public Works (NSDOT&PW) and HRM, with no effect on the Net Budget.**
2. **Approve, in principle, and begin the formal process for the adoption of By-Law S-416 Respecting Charges for Street Improvements, on Capital Account No. CXR00483, New Paving of Subdivision Streets Outside the Core Area. MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.8 Community Based Reduced Idling Program

C A staff report dated December 9, 2004 was before Council for its consideration.

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Council approve an increase to the gross budget for Capital Account No. CS100691, Community Based Reduced Anti-Idling Program, in the amount of \$106,300, with no change to the net budget to reflect incremental funding from the NRCan Contribution Agreement. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.9 Case 00698 - Amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law - Lake Protection

C A staff report dated December 9, 2004 was before Council for its consideration.

MOVED by Councillor McCluskey, seconded by Councillor Younger, that:

1. **Regional Council authorize staff to initiate a process to amend the Dartmouth Municipal Planning Strategy and Land Use By-Law to establish a maximum height restriction for development around Lake Banook; and,**
2. **Request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997. MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.10 Parking - Grand Parade

C A staff report dated December 6, 2004 was before Council for its consideration. The report recommended the following:

That Halifax Regional Council:

1. *Explore the long term program for the Grand Parade, including future vehicular use, in the context of an overall site management and enhancement plan for the Grand Parade to be undertaken during 2005.*
2. *In the interim, direct the relocation of dedicated councillor/staff parking from the Grand Parade to an alternate municipal property on the former Birk's site to be effective April 1, 2005.*

Councillor Streach stated he preferred Alternative 1 of the staff report and put forth the following motion:

MOVED by Councillor Streach, seconded by Councillor Hendsbee, that Council defer a decision to further limit parking in the Grand Parade until the completion of the Grande Parade Management Plan and refer the staff report to the Councillors' Office for further comment.

Councillors speaking against the deferral made the following points:

- C This matter has been before Council numerous times and it is time to address it.
- C Many residents have indicated they do not want parking permitted in the Grand Parade.
- C Council members should be parking on the old Birk's site rather than Grand Parade.

Responding to a question of Councillor Hum regarding improvements to the Grand Parade, Mr. McLellan stated once the study is done it would come back to Council. If Council supports the recommendations of the report, the intent would be to try and represent that in the Capital Budget.

In response to a question of Councillor Karsten, Ms. Jacqueline Hamilton, Manager, Capital District, explained the two recommendations being put forth by staff.

A **Recorded Vote** was taken. **MOTION PUT AND PASSED. (11 in favour, 10 against)**

Members of Council voting **in favour** of the motion: Deputy Mayor Goucher, Councillors:

Streach, Hendsbee, McInroy, Karsten, Smith, Wile, Uteck, Walker, Adams and Rankin.

Members of Council voting **against** the motion: Mayor Kelly, Councillors: McCluskey, Younger, Kent, Murphy, Sloane, Fougere, Hum, Harvey and Meade.

(Councillors Snow, Mosher and Johns were absent.)

Later in the meeting, Councillor Sloane served a **Notice of Motion of Reconsideration**, seconded by Councillor Meade, for January 11, 2005.

10.1.11 Halifax Regional Water Commission - 2003 - 2004 Annual Report

C The eighth annual report, dated March 31, 2004, from the Halifax Regional Water Commission was before Council for its information.

Ms. Cheryl Newcombe, Chair, Halifax Regional Water Commission, and Mr. Carl Yates, General Manager, Halifax Regional Water Commission, presented the annual report to Council. Copies of the presentation were provided.

Responding to questions of Council, Mr. Yates and Mr. Blaine Rooney, Chief Financial Officer, Halifax Regional Water commission, made the following points:

- C To date, an extra \$100,000 per year has been spent on water testing to meet federal and provincial water regulations. It is anticipated that this will continue to increase as instrumentation needs to be installed to allow continual monitoring. In total, \$200,000 to \$250,000 per year in additional testing could be spent to ensure compliance to all the new guidelines.
- C With respect to Hurricane Juan clean up, the Commission is working to find some options to clean the area up by breaking even.
- C With regard to generating energy from wind turbines, this is still in the conceptual stages, and there are a lot of issues still to be resolved.
- C Security measures at all plants are similar.
- C Runoff related to Hurricane Juan has not been significant to date.
- C There is a priority rating system in place to replace water lines which looks at age, break history and coordination with HRM capital works.
- C Under By-Law S-100 there is a provision for users of agricultural water, and golf courses may be eligible to apply to HRM for a rebate.
- C With respect to cross subsidization opportunities, the HRWC is putting forth a small subsidy, but it was noted that the Public Utilities Act stipulates full cost recovery for stand alone systems.
- C Consumption of water per household across HRM is average in comparison to other municipalities in Canada.

- C 90 percent of the land around Lake Major is public land.
- C Regulatory compliance is currently HRWC's biggest challenge.

In response to a question of Councillor Streach regarding the relationship between HRM and the HRWC, Mr. McLellan stated staff are working with the Commission and suggesting some changes to ensure both parties are working as closely as possible on neutral administrative matters to avoid redundancies and duplication.

Mayor Kelly thanked the Halifax Regional Water Commission representatives for their presentation.

RECESS

A recess was taken at 8:00 p.m. The meeting reconvened at 8:15 p.m.

10.2 CHEBUCTO COMMUNITY COUNCIL

10.2.1 Case 00485: Amendment to the Halifax Municipal Planning Strategy - Spencer Avenue Area

- C A report from the Chebucto Community Council dated December 9, 2004 was before Council for its consideration.

MOVED by Councillor Adams, seconded by Councillor Walker, that Regional Council terminate the process to amend the Halifax Municipal Planning Strategy and Land Use By-Law to re-designate and re-zone the area generally bounded by the Old Sambro Road, Dentith Road, the Dentith Road/Herring Cove Road Commercial area and Catamaran Pond to Low Density Residential and R-2. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 GRANTS COMMITTEE

10.3.1 By-Law T-214, An Amendment to By-Law T-201, Respecting Appeals 2004-2005

- C A report from the HRM Grants Committee dated December 6, 2004 was before Council for its consideration.

MOVED by Councillor Walker, seconded by Councillor Hendsbee, that Regional Council approve the changes in exemption level for the Marine Drive Community Care Association and Khyber Arts Society as detailed in the Discussion Section and

Schedule 26 of the Committee report dated December 6, 2004, effective April 1, 2004.
MOTION PUT AND PASSED UNANIMOUSLY.

10.3.2 HRM Community Grants Program 2004-2005, Appeal - Community Care Network, Halifax

C A supplementary report from the HRM Grants Committee dated December 6, 2004 was before Council for its consideration.

MOVED by Councillor Walker, seconded by Councillor Hum, that Regional Council approve payment of a grant in the amount of \$12,500 to Community Care Network in 2004-05, conditional upon the submission of annual financial statements to the HRM Grants Committee to demonstrate the need for public funding in accordance with the original criteria set forth in awarding the grant. MOTION PUT AND PASSED UNANIMOUSLY.

10.4 REGIONAL PLANNING COMMITTEE

10.4.1 Regional Planning Consultation and Communication Plan January to April 2005

During Approval of the Order of Business, this item was deleted from the agenda.

10.5 MEMBERS OF COUNCIL

10.5.1 Councillor Younger - Noise and Nuisance By-Laws

Councillor Younger stated in discussions with various staff he has been advised that it is difficult to enforce noise and nuisance by-laws (N-200 and N-300) as it is difficult to define standards and what constitutes unreasonable noise or nuisance.

MOVED by Councillor Younger, seconded by Councillor Sloane, that Council request a staff (Legal, By-Law Enforcement, Police and Planning) report on both the noise and nuisance by-laws and how problems with enforcement may be addressed and whether or not a new by-law to replace them would be appropriate. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

11.1 Councillor McCluskey - Accessible Cabs

C 2004 Monthly Statistical information regarding Access-a-Bus was circulated to Council.

MOVED by Councillor McCluskey, seconded by Councillor Wile, that Council request staff to bring forward the necessary Administrative Order and/or By-law changes to allow HRM to offer license incentives to taxi companies to provide accessible cabs by granting additional licenses for dual-use cabs only; with the primary focus being on accessible cabs.

Councillor McCluskey explained that the purpose of the motion was to encourage taxi companies to put on accessible cabs, and, for each one they put on, HRM would grant an additional license for a cab to be used for any purpose. The Councillor noted there were 910 people in October 2004 that were not able to be accommodated by Access-a-Bus. She expressed concern with the detrimental effect this has on persons with disabilities. Councillor McCluskey stated the Access-a-Bus has to be booked two weeks in advance, eliminating the opportunity for travel that cannot be planned well beforehand which stresses the importance and need of accessible cabs.

Councillor Adams stated he did not believe that this would be an incentive, as there were four accessible cabs on the road, two of which went out of business quickly, and the remaining two were not successful. In response, Councillor McCluskey stated it was anticipated that the additional license would help offset the cost of an accessible cab. Councillor Adams expressed concern with the potential leasing of the additional license which goes against the spirit of the By-Law, and stated he would not support the motion.

Councillor Hendsbee suggested the issue of accessible services should be raised at the Program and Service Review Committee for discussion.

Councillor McInroy noted the majority of users of Access-a-Bus are those that use it on a regular basis for travel to work, medical appointments, etc. He stated HRM will never have enough resources to provide on-demand Access-a-Bus service. Councillor McInroy noted Council has not received any comment from the Taxi and Limousine Committee on this issue as of yet. Therefore, he suggested that it be referred to the Committee at this time.

MOVED by Councillor McInroy, seconded by Councillor Kent, that this issue be referred to the Taxi and Limousine Committee.

Councillor Adams suggested the Committee could also look at the issue of demand.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Councillor Fougere - Community Councils

- C Correspondence from Mr. Bernard Smith, Spring Garden Area Business Association, dated December 14, 2004, was circulated to Council.
- C A revised Administrative Order was circulated to Council for its consideration.

MOVED by Councillor Fougere, seconded by Councillor Walker, that, as a policy pursuant to the Municipal Government Act, Council adopt an Administrative Order to amend Administrative Order Two, the North West Region Community Council Administrative Order; Administrative Order Four, the Harbour East Community Council Administrative Order; Administrative Order Seven, the Chebucto Community Council Administrative Order; Administrative Order Twenty-six, the Western Region Community Council Administrative Order; Administrative Order Twenty-eight, the Peninsula Community Council Administrative Order and Administrative Order Thirty-four, the Marine Drive Valley and Canal Community Council Administrative Order to incorporate changes to the community council boundaries made necessary by the changes in the Polling District Boundaries ordered by the Nova Scotia Utility and Review Board effective November 2004 and to delete the Halifax Central Business District (Section III), the Halifax Waterfront Plan area (Section IV), and the Spring Garden Road (Section IX) from the Peninsula Community Council.

Councillor Fougere stated the motion is not asking for decision-making ability to be taken away from Peninsula Community Council. The unique nature of the central business district within HRM is what has prompted this issue. Councillor Fougere noted approximately 48 percent of residents who work outside of their homes work in the downtown area of Halifax. In addition, many large civic events take place on the waterfront. Councillor Fougere stated both proponents and opponents of large scale development expressed concern that they are not having the broader regional perspective that they desire in development they feel affects the entire region.

Councillor Fougere noted that, since 1996, there have been fewer than three years that Peninsula Community Council decisions have come solely to the four members of the Community Council. The entire portion of District 12 was not part of the original Peninsula Community Council, and, in later years, the Community Council was comprised of eight Districts, and then six. In 2002, it was further downsized to four members at which time the controversy arose.

Speaking against the motion, Councillor Sloane suggested it would create a double standard. The Councillor expressed concern with Councillors from other Districts making decisions respecting the downtown, noting the area has a different lifestyle than other areas of the

municipality. Councillor Sloane suggested, as an alternative, an ad hoc committee be struck, consisting of the urban Councillors, to only meet to review the larger developments.

Councillor Smith expressed concern that all planning issues in these areas will come to Regional Council, and, due to the number, they may not get a fair hearing.

Councillor Hendsbee suggested that Council should be seeking amendments to the Municipal Government Act to provide for separation of duties for large and small planning issues, perhaps by dollar values. The Councillor stated he would support the motion, but indicated he will be seeking such amendments in the future.

Speaking in support of the motion, Councillor Murphy stated people were clearly not happy with the way things were working with a small group of Councillors making decisions on downtown development. The Councillor also agreed with Councillor Hendsbee that changes to the Municipal Government Act are needed as there are a number of large scale developments taking place across the Municipality on which all members of Council should be able to express an opinion.

Councillor Uteck noted the Municipal Government Act cannot separate responsibility for decision making on developments by dollar value.

Councillor Goucher inquired about public information meetings and whether or not all Councillors will be required to attend them for issues in the areas being excluded from the Peninsula Community Council.

Councillor Wile referenced the correspondence from the Spring Garden Road Business Association and suggested Council should grant their request for a deferral.

Councillor Streach agreed Council needs input into larger developments but expressed concern with all planning issues in the affected area coming before Regional Council. He requested that the motion be split to vote on the Peninsula Community Council Administrative Order separately.

With respect to Councillor Sloane's suggestion of an ad hoc committee, Mr. Wayne Anstey, Municipal Solicitor, stated that under the MGA, there are only two bodies that can make planning decisions: Regional Council or a Community Council. An ad hoc committee would not be authorized to do so.

Councillor Harvey stated he supported the motion, but stated he would prefer that the entire Capital District be included.

Responding to a question of Councillor Murphy, Mr. Anstey stated there is no legal

requirement for Councillors to attend public information meetings. Mr. Paul Dunphy, Director, Planning and Development Services, added there have been from 0-3 public information meetings per year in the last several years in the affected areas.

As requested, the motion was split as follows:

MOVED by Councillor Fougere, seconded by Councillor Walker, that, as a policy pursuant to the Municipal Government Act, Council adopt an Administrative Order to amend Administrative Order Two, the North West Region Community Council Administrative Order; Administrative Order Four, the Harbour East Community Council Administrative Order; Administrative Order Seven, the Chebucto Community Council Administrative Order; Administrative Order Twenty-six, the Western Region Community Council Administrative Order; and Administrative Order Thirty-four, the Marine Drive Valley and Canal Community Council Administrative Order to incorporate changes to the community council boundaries made necessary by the changes in the Polling District Boundaries ordered by the Nova Scotia Utility and Review Board effective November 2004. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Fougere, seconded by Councillor Walker, that, as a policy pursuant to the Municipal Government Act, Council adopt an Administrative Order to amend Administrative Order Twenty Eight, the Peninsula Community Council Administrative Order to incorporate changes to the community council boundary made necessary by the changes in the Polling District Boundaries ordered by the Nova Scotia Utility and Review Board effective November 2004 and to delete the Halifax Central Business District (Section III), the Halifax Waterfront Plan area (Section IV), and the Spring Garden Road (Section IX) from the Peninsula Community Council.

A **Recorded Vote** was requested. **MOTION PUT AND PASSED. (15 in favour, 5 against)**

Members of Council voting **in favour** of the motion: Councillors: Hendsbee, McInroy, McCluskey, Karsten, Kent, Smith, Wile, Murphy, Uteck, Fougere, Walker, Hum, Adams, Harvey and Meade.

Members of Council voting **against** the motion: Mayor Kelly, Deputy Mayor Goucher, Councillors: Streach, Younger and Sloane.

(Councillors Snow, Mosher, Johns and Rankin were absent.)

Later in the meeting, Councillor Sloane served a **Notice of Motion of Reconsideration for**

January 11, 2005, seconded by Deputy Mayor Goucher, with respect to Administrative Order Twenty-Eight, the Peninsula Community Council Administrative Order.

12. ADDED ITEMS

12.1 Proclamation - The Greatest Nova Scotian Through a Little Girl's Eyes - December 17, 2004

This was an Information Item only.

12.2 Councillor Younger - Municipal Government Act Park Provisions

Councillor Younger withdrew his request for a staff report as he was advised that staff will be bringing forward a subdivision harmonization by-law which will address this issue.

12.3 Councillor Kent - Mount Hope Extension and Caldwell Road Connector Road

Councillor Kent stated that as HRM approaches major decisions around the Morris/Russell Lake Plan and how it all connects to the proposed Hwy. 111 Interchange, she felt Council needed some clarity on these issues. She stated she would like specific details regarding where HRM stands with Canada Lands Corporation.

MOVED by Councillor Kent, seconded by Councillor Walker, that Council request a staff report on the following:

- 1) The feasibility and time line on extension of Mount Hope Ave, Woodside Industrial Park to the proposed Hwy. 111 Interchange.**
- 2) The status of the two proposed routes for completion of the Connector Rd. from the proposed Hwy. 111 Interchange through to Caldwell Rd, Eastern Passage. MOTION PUT AND PASSED UNANIMOUSLY.**

12.4 Memorandum from Chair , Grant Committee, dated Dec. 6, 2004 re: HRM Community Grants Program 2005-2006, Recommended Changes to Program Eligibility Criteria

C A report from the Grants Committee dated December 6, 2004 was before Council for its consideration.

MOVED by Councillor Walker, seconded by Councillor Goucher, that Regional

Council:

1. **Approve the recommended revisions to the HRM Community Grants Program as detailed in the Discussion Section of the December 6, 2004 Committee report.**
2. **Approve the implementation of revised eligibility criteria for the HRM Community Grants Program effective April 1, 2005. MOTION PUT AND PASSED UNANIMOUSLY.**

12.5 Committee of the Whole Recommendation: Preferred Alternative for the Regional Plan

- C** This item was discussed at Committee of the Whole and was now before Council for ratification.

MOVED by Councillor Fougere, seconded by Councillor Walker, that Halifax Regional Council, after discussion at Committee of the Whole on December 14, 2004 endorse the recommended alternative - the proposed regional plan, for the purposes of:

- **detailed policy development**
- **public consultation on the final level of Regional Plan detail**
- **preparation of a detailed regional planning financial analysis**

Following a brief discussion, the vote was taken.

MOTION PUT AND PASSED UNANIMOUSLY.

12.6 Committee of the Whole Recommendation: Regional Planning Consultation and Communication Plan January to April 2005

- C** This item was discussed at Committee of the Whole and was now before Council for ratification.

MOVED by Councillor Walker, seconded by Councillor Fougere, that Regional Council endorse the consultation and communication plan for the “regional plan preferred alternative - the proposed plan” as outlined in Attachment B of the staff report dated December 6, 2004.

Councillor Hendsbee stated additional public information meetings are needed in his District

as well as other rural areas. Councillor Walker advised that all concerns raised at Committee of the Whole will be taken back to the Regional Planning Advisory Committee for a decision.

Councillor McCluskey also expressed concern with the limited amount of public participation and consultation.

MOTION PUT AND PASSED.

12.7 In Camera Recommendation: Citizen Appointments to Boards/Committees and Commissions

C This item was discussed at an In Camera Session and was now before Council for ratification.

MOVED by Councillor Younger, seconded by Councillor Walker, that Regional Council:

- 1. Approve the Citizen appointments to Boards/Committees/Commissions as outlined in Attachment I of the December 13, 2004 report from the Membership Selection Committee.**
- 2. The current industry and citizen representation on the Regional Taxi and Limousine Committee continue and Councillors Linda Mosher and Gloria McCluskey be appointed to the Committee, until the requested staff report relating to the composition and mandate of the Committee comes forward to Council.**
- 3. This report be released to the public. MOTION PUT AND PASSED UNANIMOUSLY.**

12.8 Councillor Smith - HRM Hosting FCM Event

Councillor Smith requested that staff follow up on HRM's request to host the FCM conference in 2011 and ensure that it is forwarded on to FCM.

13. NOTICES OF MOTION

13.1 Councillor Uteck - Administrative Order SC-38

TAKE NOTICE that at the next regular Regional Council meeting, to be held on January 11, 2005, I propose to introduce for consideration by Council as a Policy pursuant to Section 315

of the Municipal Government Act, Administrative Order SC-38, the purpose of which is to effect closure of a portion of Bland Street, Halifax, NS.

13.2 Councillor Sloane - Notice of Motion of Reconsideration re: Item 10.1.10 - Grand Parade Parking

TAKE NOTICE that, at the next regular meeting of Regional Council to be held on Tuesday, the 11th day of January, 2005, I intend to introduce a Motion of Reconsideration, the purpose of which is to reconsider the motion adopted by Council on December 14, 2004 regarding Item 10.1.10 - Grand Parade Parking.

13.3 Councillor Sloane - Notice of Motion of Reconsideration re: Administrative Order 28

TAKE NOTICE that, at the next regular meeting of Regional Council to be held on Tuesday, the 11th day of January, 2005, I intend to introduce a Motion of Reconsideration, the purpose of which is to reconsider the motion adopted by Council on December 14, 2004 respecting Administrative Order Twenty-Eight, the Peninsula Community Council Administrative Order.

13.4 Councillor Younger - Amendment to Administrative Order One

TAKE NOTICE that, at the next regular meeting of Regional Council to be held on Tuesday, the 11th day of January, 2005, I intend to introduce a motion to create an amendment to Administrative Order One, resulting in items debated and referred from Committee of the Whole to Regional Council to be added to the Regional Council agenda without further debate, and that such Administrative Order be only overridden by an affirmative Recorded Vote of two-thirds of the members present and voting.

13.5 Councillor Meade - By-Law S-416

TAKE NOTICE that, at the next regular Regional Council meeting, to be held on Tuesday, the 11th day of January 2005, I propose to introduce for First Reading By-Law Number S-416, respecting Charges for Local Improvements, the purpose of which is to amend By-Law Number S-400, the By-Law Respecting Charges for Street Improvements, by imposing revised Local Improvement Charges for street improvement projects outside the core.

13.6 Councillor Walker - By-Law T-214

TAKE NOTICE that, at the next regular Regional Council meeting, to be held on Tuesday, the 11th day of January 2005, I propose to move First Reading of By-Law T-214, an amendment to By-law T-201: Appeals 2004-05.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 9:35 p.m.

Jan Gibson
Municipal Clerk