

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES June 27, 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 Sloane
Sue Uteck
Sheila Fougere
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Reg Rankin
Gary Meade

REGRETS:

Len Goucher

STAFF:

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

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1. INVOCATION

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

2. APPROVAL OF MINUTES - June 13, 2006

MOVED by Councillor McCluskey, seconded by Councillor Sloane, that the minutes of June 13, 2006 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Deletions

9.1.2 Tender 06-356 - Sullivan's Pond Outlet Pipe, CSP (Corrugated Steel Pipe) Repairs

Additions

- 11.1 Taxi and Limousine Advisory Committee - Amendment Administrative Order 38, Committee Composition
- 11.2 Halifax Regional School Board Supplementary Funding
- 11.3.1 2006/2007 Capital Operating Budget Summation
- 11.3.2 2006/2007 Parking Lot items
- 11.4 Contractual Matter - Aerotech Park and Wastewater Services
- 11.5 Contractual Matter - Governance of Wastewater Services
- 11.6 Property Matter - Sale of Land, Hammonds Plains Road
- 11.7 Legal Matter - Settlement of Claim
- 11.8 Citizen and Councillor Appointments to Boards/Committees & Commissions
- 11.9 Councillor Mosher - By-Election Bedford, District 21

Councillor Mosher requested that an item entitled "Armdale Rotary Information" be added to the agenda.

Deputy Mayor Walker requested Item 7.1, Regional Plan, be moved to the end of the agenda.

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

Mayor Kelly and Councillor Harvey, on behalf of Council, expressed appreciation and thanked former Councillor Len Goucher for his contribution as part of the HRM Council.

4. **BUSINESS ARISING OUT OF THE MINUTES - NONE**

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS - June 13, 2006**

7.1 **Regional Plan - Supplementary Reports**

This matter was addressed at a later point in the meeting. (See page 17)

8. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

8.1 **Correspondence**

Councillor Streach advised he was in receipt of correspondence relating to the Eastern Shore bus service. The Councillor submitted the correspondence and placed the following motion.

MOVED by Councillor Streach, seconded by Councillor Hendsbee, that the Mayor write the Province of Nova Scotia requesting they reconsider their position to cease funding to the Community Transportation Program and further, request the funding be reinstated to allow for extended services. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Karsten, seconded by Councillor Uteck, that the Mayor write the Province of Nova Scotia requesting that the Premier reconsider holding a plebiscite on Sunday shopping in conjunction with the 2008 municipal election, as it is not a municipal issue.

Without a vote being taken on the motion on the floor, the following motion was placed.

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey, that the motion be tabled. MOTION DEFEATED.

MAIN MOTION PUT AND PASSED.

8.2 **Petitions**

8.2.1 Councillor Adams

Councillor Adams submitted a petition containing 289 signatures in support of the third and reversing lane on Chebucto Road.

8.2.2 Councillor Mosher

Councillor Mosher submitted a petition containing 670 signatures in support of the third and reversing lane on Chebucto Road.

8.3 Presentations

8.3.1 Halifax-Dartmouth Canada Day Committee

Ms. Carol Dobson, Chair, Halifax-Dartmouth Canada Day Committee, outlined the activities to be held throughout HRM in celebration of Canada Day.

Mayor Kelly, on behalf of Council, thanked Ms. Dobson for her presentation.

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

At this time Council agreed to address items 11.2, 11.3.1 and 11.3.2

11.2 Halifax Regional School Board Supplementary Funding

MOVED by Councillor Streach, seconded by Councillor Sloane, that Halifax Regional Council Reinstate the 10% supplementary funding to Halifax Regional School Board and 1) that the tax bill reflect not just the mandatory and supplementary funding but also the portion for arts and music 2) staff come back with a report addressing the deficit in Bedford and Halifax County that has accumulated through Supplementary Funding last year. MOTION PUT AND PASSED.

11.3 2006 / 2007 Capital Operating Budget Summation

11.3.1 Budget and Business Plan Questions from Committee of the Whole

MOVED by Councillor Streach, seconded by Deputy Mayor Walker, that Regional Council approve the information contained in the June 27, 2006 information report with the following amendments:

1. That for the months of July and August HRM re-establish the Saturday Service for community based transit for Lake Echo/Porters Lake, via the designated transit rate for the area.
2. That Appendix "C" of the June 27, 2006 Information Report be amended to increase the following construction fees to \$.30/sq. ft:
 - All floors extending below but not beyond 5.5 ft. of the mean finished grade surrounding the building
 - Finished/Unfinished Basement
 - Attached/Detached Garages
 - Grade Alteration fee be increased to \$100.00.
3. That noon hour transit service to the Hammonds Plains area be provided, and funded by an area rate.

MOTION PUT AND PASSED.

11.3.2 2006/07 Parking Lot Items

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

1. Approve the strategy presented in the Discussion section of the June 27, 2006 staff report.
2. Approve the changes to the Operating, Reserve, and Capital budgets, as outlined in the Budget section of the June 27, 2006 report.
3. Support the development of an HRM Building Recapitalization Program for 2007/08 and consider it as a Council Focus Area in development of the 2007/08 budget.

MOTION PUT AND PASSED.

9.1.1 2006/2007 Capital and Operating Budget Approval

MOVED by Councillor Streach, seconded by Councillor Sloane, that it is hereby resolved that:

- a) The Capital Budget in the amount of \$196,145,500 be approved,

- b) **The Operating Budget in the amount of \$630,353,037 gross expenditures, \$502,375,792 non-departmental revenues, and \$127,977,245 departmental revenues be approved, which reflects all adjustments approved by Council to the Capital Budget tabled May 2, 2006 and the Operating Budget tabled on May 30, 2006 and further,**
- c) **That the general rates of taxation on commercial and business occupancy be set at**
 - (i) \$3.352 for the urban area;**
 - (ii) \$3.352 for the suburban area; and**
 - (iii) \$3.055 for the rural area****applied to the full assessed value of the property,**
- d) **That the general rates of taxation on residential and resource property be set at**
 - (i) \$1.228 for the urban area;**
 - (ii) \$1.125 for the suburban area; and**
 - (iii) \$1.119 for the rural area****applied to the full assessed value of the property,**
- e) **That the boundary of the urban, suburban and rural areas is as delineated in the “Tax Structure Map” attached to the resolution,**
- f) **That Area rates shall be set on taxable residential, resource, commercial assessment, including business occupancy, as per the Schedule of Area Tax Rates attached to the resolution,**
- g) **That Supplementary Education, under Section 530 of the Municipal Government Act, shall be set at the rate of \$0.071 to the residential and resource assessment and \$0.222 to the commercial assessment including business occupancy of the former City of Halifax; and \$0.060 to the residential and resource assessment and \$0.188 to the commercial assessment including business occupancy of the former City of Dartmouth. Total discretionary funding, excluding prior year deficits, shall be set at \$15,329,400. That the dollar allocations for former City of Halifax equal \$10,661,400, former City of Dartmouth equal \$4,668,000,**
- h) **That Music and Arts Education shall be set at the rate of \$0.016 to the residential, resource, and commercial assessment including business occupancy of the former City of Halifax; and \$0.013 to the residential, resource and commercial assessment including business occupancy of the former City of Dartmouth. Total discretionary funding, excluding prior year**

deficits, shall be set at \$2,204,800. That the dollar allocations for former City of Halifax equal \$1,633,600, former City of Dartmouth equal \$571,200,

- i) That Education Area Rate shall be set at the rate of \$0.031 to the residential, resource, and commercial assessment including business occupancy of the former Town of Bedford and Halifax County. That the total discretionary funding, excluding prior year deficits, shall be set at \$3,312,000,
- j) That Fire Protection rates shall be set at \$0.087 for all commercial assessable property, including business occupancy; and at a rate of \$0.032 for all residential and resource property which is within 1,200 feet of a hydrant that is designed and operated for public fire protection purposes,
- k) That the final tax bills will become due on Friday, September 29, 2006,
- l) That the interest rate on the Special Reserve Funds, designated as requiring interest under Section 100(2) of the Municipal Government Act, be set at the rate of return on funds invested by HRM for the period April 1, 2006 to March 31, 2007,
- m) That the interest rate on the Pollution Control Reserves be set at the rate of return on funds invested HRM for the period April 1, 2006 to March 31, 2007,
- n) That the interest rate on all reserves except for those identified in L and M will be set at the rate of return on funds invested from HRM for a period April 1, 2006 to March 31, 2007,
- o) That the interest rate on trust funds will be set at the annual rate of return on specific investments held by the trusts.

Councillor Smith requested clarification on the Local Improvement Charge for District 9. In response, the Chief Administrative Officer advised the Councillor could remove that portion from the budget approval pending clarification from staff.

MOVED by Councillor Smith, seconded by Councillor Karsten, that staff provide a report on the Local Improvement Charge Mapped Area of District 9 (Project 05-281) and that it be removed as part of the overall approval at this time. MOTION PUT AND PASSED UNANIMOUSLY.

MAIN MOTION PUT AND PASSED.

9.1.2 Tender 06-356 - Sullivan's Pond Outlet Pipe, CSP (Corrugated Steel Pipe) Repairs

This item was deleted under the approval of the Order of Business.

9.1.3 Tender 06-229 - Main Street (Trunk 7) - East Region

- A report dated June 19, 2006, on the above noted, was before Council.

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

1. **Approve an increase in the Gross Budget for Capital Account No. CZU00782, Resurfacing by \$4,447 with no change to the Net Budget to reflect the cost sharing of the water main related work from the Halifax Regional Water Commission,**
2. **Approve the recovery of Local Improvement Charges for the upgrade of asphalt sidewalk to concrete sidewalk on Main Street - East Region by an area rate for District 4,**
3. **Award Tender No. 06-229, Main Street (Trunk 7) East Region to Basin Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$872,837 including net HST from Capital Account Nos. CZU00782, Resurfacing and CTR00905 Intersection Improvement Program, with funding authorized as per the Budget Implications section of the June 19, 2006 report.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.4 Tender 06-256 - St. Margaret's Bay Road, New Sidewalk, West Region

- A report dated June 19, 2006, on the above noted, was before Council.

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

1. **Approve the recovery of Local Improvement Charges for the new concrete sidewalk on St. Margaret's Bay Road - West Region by a mapped area rate for District 22.**
2. **Award Tender No. 06-256, St. Margaret's Bay Road, New Sidewalk - West Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$252,822 including net HST from Capital Account No. CJU00785, New Sidewalks, with funding authorized as per the Budget Implications section of the June 19, 2006 report.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.5 Interim Award Policy - 2006

- A report dated June 19, 2006, on the above noted, was before Council.

MOVED by Councillor Smith, seconded by Councillor Kent, that Council approve the Interim Award Policy as set out in the Discussion Section of the report dated June 19, 2006 to allow the CAO to award tenders and authorize property transactions during the period of Council summer recess. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.6 Project 00327 - By-Law S-800 - Respecting Requirements for the Licensing of Temporary Signs

- A report dated June 20, 2006, on the above noted, was before Council.

MOVED by Councillor McInroy, seconded by Councillor Wile, that Regional Council:

- 1. Approve, in principle, By-Law S-800 “A By-Law Respecting Requirements for the Licensing of Temporary Signs”, as shown in Attachment 1, and schedule a public hearing,**
- 2. Give First Reading to amend all Municipal Planning Strategies and Land Use By-Laws to reference By-Law S-800, as shown in Attachments 2 to 42, of the report dated June 20, 2006, and schedule a public hearing,**
- 3. Give First Reading to repeal the former City of Dartmouth Sign By-Law (By-Law S-800) and Halifax Sign Ordinances (19 and 166), and schedule a public hearing,**
- 4. Approve, in principle, amendment to By-Law E-200 “The Encroachment By-Law” as shown in Attachment 43, of the report dated June 20, 2006, and schedule a public hearing,**
- 5. Amend Administrative Order 15 “Respecting License, Permit, and Processing Fees”, upon adoption of By-Law S-800, to adopt license fees for temporary signs and permit fees for permanent signs as shown in Attachment 44 of the June 20, 2006 report.**

Without a vote being taken on the motion, the following motions were placed.

MOVED by Councillor McInroy, seconded by Councillor Hendsbee, that the Cole

Harbour Westphal Municipal Planning Strategy and the lands abutting Highway #7, Main Street from Salmon River to Montague Road be excluded from Clause L (items 5 and 6) on page 12 to allow for planter box style signs. MOTION PUT AND PASSED.

MOVED by Councillor Harvey, seconded by Councillor Johns, that Clause L (items 3 and 4) be deleted to allow for planter box signs in the Sackville Drive Secondary Planning Strategy areas and the Sackville Municipal Planning Strategy areas. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Adams, seconded by Councillor Johns, that items 1, 2, 7 and 8, Clause L be deleted to allow for uniformity for planter boxes across the municipality. MOTION DEFEATED.

Councillor Fougere joined the meeting at 7:14 p.m.

MAIN MOTION, AS AMENDED, PUT AND PASSED.

9.1.7 Illegal and Irregular Conduct Policy - Administrative Order 40 & Ethical Conduct Policy - Administrative Order 41

- A report dated May 31, 2006, on the above noted, was before Council.

MOVED by Councillor Karsten, seconded by Councillor Sloane, that Regional Council approve the Illegal and Irregular Conduct Policy - Administrative Order 40 & Ethical Conduct Policy - Administrative Order 41. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 GRANTS COMMITTEE

9.2.1 HRM Community Grants Program 2006 - 2007 Recommended Awards

- A report dated June 15, 2006, on the above noted, was before Council.

MOVED by Deputy Mayor Walker, seconded by Councillor Sloane, that Regional Council approve the Community Grants Program awards as detailed in Attachment 1 of the June 15, 2006 report for a total of 83 awards with a combined total value of \$488,851 for 2006-07.

Without a vote being taken on the motion on the floor, the following motion was placed.

MOVED by Councillor Adams, seconded by Councillor Sloane, that the funds

allocated to the MacIntosh Run Watershed Association for water testing and equipment be referred to staff to ensure these funds are not tied up for water testing only and can be used for equipment. **MOTION PUT AND PASSED UNANIMOUSLY.**

MAIN MOTION PUT AND PASSED UNANIMOUSLY.

9.3 MEMBERS OF COUNCIL

9.3.1 Councillor Mosher - Co-ordination with Utilities - Construction Projects

Councillor Mosher noted that work undertaken in conjunction with utility companies is being held up due to the utility company not having their portion of the work completed when the HRM portion is ready to be started.

MOVED by Councillor Mosher, seconded by Councillor Sloane, that staff provide a report regarding better coordination in the design phase so that projects can be done on a timely basis and in a coordinated fashion with the utility companies. MOTION PUT AND PASSED UNANIMOUSLY.

10. MOTIONS - NONE

11. ADDED ITEMS

11.1 Taxi and Limousine Advisory Committee - Amendment Administrative Order Thirty-Eight, Committee Composition

MOVED by Councillor Mosher, seconded by Councillor Sloane, that Regional Council approve in principle an amendment to Administrative Order 38, to change Section 4 (h) to read as follow: "One member appointed from a Business Association within Halifax Regional Municipality". MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Halifax Regional School Board Supplementary Funding

This item was addressed in conjunction with item 9.1.1. (See page 6)

11.3.1 2006/2007 Capital Operating Budget Summation

This was addressed in conjunction with item 9.1.1. (See page 6)

11.3.2 2006/2007 Parking Lot Items

This was addressed in conjunction with item 9.1.1 (See page 7)

11.4 Contractual Matter - Aerotech Park and Wastewater System

- The following item was addressed at an earlier In Camera Session and was now before Council for ratification.

MOVED by Councillor McInroy, seconded by Councillor Kent, that Halifax Regional Council:

- 1. Refuse all requests for extension of water and sewer services for the Bennery Lake Water System and the Aerotech STP outside of the HIA and Aerotech Business Park until capacity upgrade solutions are secured for both the water and sewage treatment facilities.**
- 2. Direct staff to conduct a servicing review of all proposed Aerotech Business Park land sales on a case by case basis and to promote on-site services when feasible.**
- 3. Authorize staff to commission an engineering study in 2007-2008 in order to determine the assimilative capacity of the Aerotech Sewage Treatment Plant receiving water and review alternate sewage treatment options to support Halifax International Airport and Aerotech wastewater servicing.**
- 4. Not release the April 18, 2006, Private and Confidential report until the capacity limitations have been appropriately discussed with all potentially impacted stakeholders.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.5 Contractual Matter - Governance of Wastewater Services

- The following item was addressed at an earlier In Camera Session and was now before Council for ratification.

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

- 1. Authorize Halifax Regional Water Commission (HRWC) and Halifax Regional Municipality (HRM) staff to pursue an amendment to the HRWC Act (included as Attachment A to the May 25, 2006 Private and Confidential staff report),**

through a Private Members or Provincial Government Bill, which will enable the Nova Scotia Utility and Review Board (NSUARB) to regulate HRM's waste water system with associated rates recommended by the HRWC Board and approved by the NSUARB.

2. Not release the May 25, 2006, Private and Confidential report until July 4, 2006.

MOTION PUT AND PASSED.

11.6 Property Matter - Sale of Land, Hammonds Plains Road

- The following item was addressed at an earlier In Camera Session and was now before Council for ratification.

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

1. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the proposed purchaser subject to the key terms and conditions outlined in the June 19, 2006, Private and Confidential Report.
2. Not release the June 19, 2006, Private and Confidential Report until the property transaction has closed.

MOTION PUT AND PASSED UNANIMOUSLY.

11.7 Legal Matter - Settlement of Claim

- The following item was addressed at an earlier In Camera Session and was now before Council for ratification.

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

1. Settle this claim brought by the Plaintiff as set out in the Private and Confidential Report dated June 16, 2006 in the amount of \$18,000 to achieve a full and final settlement of the Plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of the accident of August 8, 2001.

2. Not release the June 16, 2006 Private and Confidential Report.

MOTION PUT AND PASSED UNANIMOUSLY.

11.8 Citizen and Councillor Appointments to Boards/Committees and Commissions

- The following item was addressed at an earlier In Camera Session and was now before Council for ratification.

MOVED by Councillor Rankin, seconded by Councillor Sloane, that Halifax Regional Council:

- 1. Approve the Citizen and Councillor appointments to Boards, Committees and Commissions as outlined in Attachment 1 of the staff report with the following amendments:**
 - **Increase membership on the Commonwealth Games Advisory Group by one Councillor.**
- 2. Combine the Energy and Underground Services Committee with the Harbour Solutions Committee.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.9 Councillor Mosher - Special Election

MOVED by Councillor Mosher, seconded by Councillor Johns, that the by-election date to fill the vacancy in District 21, Bedford, be set for Saturday, August 19, 2006.

MOTION PUT AND PASSED UNANIMOUSLY.

11.10 Councillor Mosher - Armdale Rotary

Councillor Mosher provided an update to Council with regards to the Rotary as determined by the Provincial Department of Transportation.

12. NOTICES OF MOTION

Councillor Snow

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the

4th day of July, 2006, I propose to move First Reading of By-Law S-800, the purpose of which is to establish and regulate the requirements for the licensing of Temporary Signs throughout the entire Municipality.

Further, I propose to move First Reading of By-Law E-201, and amendment to By-Law E-200 Encroachment By-law, Respecting Encroachment of Sandwich Board Signs within HRM Public Right of Ways.

And also to amend Administrative Order 15, Respecting License, Permit and Processing Fees, the purpose of which is to establish:

1. license fees for temporary signs within HRM
2. permit fees for permanent signs in Dartmouth and Halifax

Councillor Adams

Take Notice that at the next regular meeting of Halifax Regional Council to be held on July 4, 2006, I propose to introduce an amendment to Administrative order 38, Taxi and Limousine Committee, the purpose of which is to amend Section 4 (H) Committee Composition, to support a member from a Business Association to serve on the Committee.

RECESS

Council recessed from 8:00 p.m. to 8:15 p.m.

As per the Approval of the Order of Business, Council addressed item 7.1 at this time.

7.1 Regional Plan - Supplementary Reports

- Extracts from the minutes of the May 16 and June 13, 2006 Regional Council minutes were before Council.
- Supplementary report dated June 7, 2006 on the above noted, was before Council.
- Supplementary report dated June 9, 2006, on the above noted, was before Council.

Mr. Austin French, Project Manager, Regional Planning, described the sixteen changes in the supplementary report and the changes proposed in the addendum. Mr French noted that a May 16th motion relating to the Regional Plan is on the floor which states:

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

1. **Approve the Regional Plan as set out in Attachments “A-D” of the Regional Planning Committee’s April 19, 2006 report, as amended by:**
2. **Attachment “A” of the supplementary report dated May 11, 2006,**
3. **Attachment “B” of the supplementary report dated May 11, 2006,**
4. **Designate the Burnside East area as a Suburban District Centre on Map 1 - Settlement and Transportation.**

Mr. French noted this motion carries forward as Council is now dealing with the deferred item at this time. He advised that in order for Council to consider the changes that were outlined in his presentation, an amending motion is required.

Without a vote being taken on the motion on the floor, the following amending motion was placed.

MOVED by Councillor Rankin, seconded by Councillor Harvey, that Halifax Regional Council amend its motion of May 16, 2006, to adopt the Halifax Regional Plan, by adopting amendments “A”, “B” and “C” of the supplementary report dated June 7, 2006 and amendments “A”, “B” and “C” of the supplementary report dated June 9, 2006.

Without a vote being taken on the motion, the following amendments were placed.

MOVED by Councillor Smith, seconded by Councillor Sloane, that Part 1 of Section 5.5.3.2 City of Lakes Business Park be amended to insert the word “accessory” before the words “business service location”. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor McInroy referenced item 6 of the June 13th report regarding the Middle Sackville Holding Zone and placed the following motion.

MOVED by Councillor McInroy, seconded by Councillor Sloane. that the R-1 zone be reinstated on the Sunset Ridge Lands on the west side of Sackville Drive.

Councillor Harvey stated Sackville is not opposing this land becoming part of the serviceable boundary but rather the process by which this development would take place. He stated he is asking for community protection and community involvement in the process.

Councillor McInroy clarified that this is not adding 21 hectares to the serviceable boundary but rather it is exchanging 21 hectares that have the right of serviceable development for 21 other hectares.

MOTION DEFEATED. (10 in favour, 10 against)

Those voting **in favour** were Councillors Streach, McInroy, Karsten, Kent, Murphy, Fougere, Mosher, Adams, Rankin and Meade.

Those voting **against** were Mayor Kelly and Councillors Snow, Hendsbee, McCluskey, Younger, Smith, Wile, Sloane, Hum and Harvey.

Deputy Mayor Walker and Councillors Uteck and Johns were absent for the vote.

MOVED by Councillor McInroy, seconded by Councillor Hendsbee, that Policy SU-13 be clarified to also consider expansions of Water Service Areas as may be necessary for development under Policy IM-18. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Hum requested clarification be provide regarding page 20 in the book "Response to Regional Plan Public Hearing Report" with respect to the Blue Mountain Birch Cove Lakes Park. She stated some issues and concerns have been brought forward by the Wilderness Society Committee and requested staff provide clarification on the recommendations for the future land use designation of the Sandy Lake area and the proposed park boundary in the Birch Cove Lakes area, the Hamshaw, MacDonald and Kearney Lake lands. She requested clarification as to why there was a change in that particular map, dated February 15th.

In response, Mr. French advised the entire plan was brought to the Committee before it was brought to Council. He advised he did not recall the exact nature of the conversation but the maps dealing with that particular issue were significant to the Committee and the overall issue was to ensure that those lands were properly delineated as the private lands going to the urban settlement designation. He advised staff gave thought to this issue as it was raised and re-examined the maps noting, staff is comfortable that they have accurately reflected the Committee's intent although he does not have the information in front of him to confirm. He advised he has not researched the minutes but staff is confident they have upheld the wishes of the Committee in that regard.

Councillor Hum requested that the comments be recorded for the record in the minutes.

MOVED by Councillor Hendsbee, seconded by Councillor Streach, that a reference be included in the Regional Plan to the Lands of Kellswater Holdings Limited in

Lake Echo in Policy S-22 and its preamble and, to include the same reference in the Regional Subdivision By-law in subsection (4) fo Section 10. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Streach, seconded by Councillor Snow, that the word “penalize” be replaced with “discourage” in item 5, Attachment “A” of the June 7, 2006 Supplementary Report. MOTION PUT AND PASSED UNANIMOUSLY.

In response to Councillor Meade regarding buffers and watercourse setbacks, Mr. French advised that where a lot is in existence prior to the date of the Regional Plan being approved, there is a policy which states you can vary the buffer so that no existing lot is rendered useless. This means that if you don't have enough room to place your house on the land, but still meet the twenty foot setback, the development officer, according to the Regional Plan, is authorized to allow that house to go into that area but set it back as far as possible.

MOVED by Councillor Fougere, seconded by Councillor Sloane, that the wording “Chebucto Road Reversing Lanes” be changed to “Access and Egress Improvements”. MOTION PUT AND PASSED UNANIMOUSLY.

Mr. Dan English, Chief Administrative Officer, recognized and thanked members of Council and staff for their development of the Plan.

In response to Councillor McInroy regarding the placement of a motion of reconsideration regarding the Sunset Ridge lands, Ms. Mary Ellen Donovan, Municipal Solicitor, advised the motion is out of order as the adoption of planning documents is a process which is structured based upon the provisions of the Municipal Government Act which is subject to appeal to the UARB. She advised difficulties would arise if decisions of Council with respect to planning documents were subject to motions of reconsideration and rescission. She noted all planning documents are subject to the statutory provisions respecting the procedures in the MGA and are not open to this type of motion.

In response to Councillor Hendsbee with regards to a tie vote, the Municipal Solicitor advised a tie vote is one that is lost which is consistent with the practice in the Chamber and, with respect to an error in pressing the incorrect voting button, the practice of the Chamber has been that the error has to be declared at the time of the vote.

MOVED by Councillor Fougere, seconded by Councilor Streach, that Council extend beyond 10:00 p.m. MOTION PUT AND PASSED.

In response to Councillor Adams as to whether or not Council could suspend the Rules to address the matter, the Municipal Solicitor advised that having lost the time in taking a

second look at the vote and correcting the error, Council has moved out of its jurisdiction to deal with that vote. She advised Council cannot now suspend the rules in order to do that which Council can no longer do. She advised there are no options available to Council.

MOVED by Councillor Sloane, seconded by Councillor Younger, that the motion now be put. MOTION PUT AND PASSED.

The motion as amended was now before Council.

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

1. Approve the Regional Plan as set out in Attachments "A-D" of the Regional Planning Committee's April 19, 2006 report, as amended by:
 2. Attachment "A" of the supplementary report dated May 11, 2006:
 3. Attachment "B" of the supplementary report dated May 11, 2006
 4. Designate the Burnside East area as a Suburban District Centre on Map 1 - Settlement and Transportation.
1. Amend the motion of May 16, 2006 to adopt by by-law the following amendments:
 1. Attachments "A", "B" and "C" of the Supplementary Report dated June 7, 2006
 2. Attachment "A", "B" and "C" of the Supplementary Report dated June 9, 2006
2. Amend part 1 of section 5.5.3.2 City of Lakes Business Park to insert the word "accessory" before the words "business services location"
3. Policy SU-13 be clarified to also consider expansion of Water Service Areas as may be necessary for development under Policy IM-18
4. To include a reference in the Regional Plan to the Land of Kellswater Holdings Limited in Lake Echo in Policy S-22 and its preamble. And, to include the same reference in the Regional Subdivision By-Law in subsection (4) of Section 10.
5. The word "penalize" be replaced with "discourage" in Item 5, Attachment A of the June 7, 2006 Supplementary Report.
6. The wording "Chebucto Road Reversing Lanes" be changed to "Access and

Egress Improvements”

MOTION PUT AND PASSED.

13. ADJOURNMENT

The meeting was adjourned at 10:10 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council:

1. Memorandum from Acting Director, Community, Culture & Economic Development dated June 6, 2006 re: Boating Restriction Regulations for Russell Lake
2. Memorandum from Acting Director, Community, Culture & Economic Development dated June 20, 2006 re: Hakodate / HRM Twinning - 25th Anniversary Planning
3. Memorandum from Acting Director, Community, Culture & Economic Development dated June 12, 2006 re: Grand Parade & Scheduling Use
4. Memorandum from General Manager, Halifax Regional Water Commission dated June 21, 2006 re: Probability of Water Extension from former "Rehab Centre" to Bissett Lake Road
5. Memorandum from the Municipal Clerk dated June 23, 2006 re: Requests for Presentation to Council - None