

HALIFAX REGIONAL MUNICIPALITY

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HALIFAX REGIONAL COUNCIL  
MINUTES  
May 15, 2007

PRESENT:

Mayor Peter Kelly  
Deputy Mayor Sue Uteck  
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  
Sheila Fougere  
Russell Walker  
Debbie Hum  
Linda Mosher  
Steve Adams  
Brad Johns  
Robert Harvey  
Gary Martin  
Reg Rankin  
Gary Meade

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 Sloane.

**2. SPECIAL COMMUNITY ANNOUNCEMENT & ACKNOWLEDGEMENTS**

Councillor McCluskey expressed appreciation to all those who sent her best wishes to her during her recent hospital stay.

Councillor Mosher advised of a community meeting for property owners from Wyndrock Drive to Battery Drive, Purcell's Cove regarding service extension for water and sewer, scheduled for 6:00 p.m. on Wednesday, May 16<sup>th</sup> at 505 Purcell's Cove Road. She advised there will be a community police meeting to examine Neighbourhood Watch, City Watch as well as a personal safety session at the St. James Anglican Church, 2668 Joseph Howe Drive on Thursday the 17<sup>th</sup> at 7:00 p.m.

Councillor Snow advised there will be a benefit for the Silent Witness Program at the Lord Nelson Hotel on Wednesday, May 16<sup>th</sup> at 7:00 p.m. Further, there will be a Public Information meeting at 7:00 p.m. at the Wallace Lucas Community Centre regarding properties with extreme grades. There will also be a meeting of the Fall River Community Liaison Group from 10:00 a.m. to 4:00 p.m. at the Ash Lee Jefferson School on Saturday, May 19<sup>th</sup>.

Councillor Hum welcomed the World Lacrosse Championship teams to Halifax. Further, she advised there will be a Public Information Meeting at the french school on Larry Uteck Drive on Wednesday, May 16<sup>th</sup> regarding the Royal Hemlocks Estates Subdivision.

Councillor Smith advised there will be an unveiling of a memorial at the Metro Transit Depot at 200 Ilsley Avenue on Saturday, May 26<sup>th</sup> in honour of transit employees who died in the Second World War, Afghanistan and those employees that have passed away in the service of the Municipality.

Councillor Sloane advised that at 11:00 a.m. on Thursday, May 17<sup>th</sup> there will be a kick-off on Shore Road, Point Pleasant Park in awareness of Fetal Alcohol Syndrome.

Councillor Fougere noted some of the Blue Nose Marathon events scheduled for Saturday and Sunday.

**3. APPROVAL OF MINUTES - May 1, 2007**

**MOVED by Councillor Karsten, seconded by Councillor Sloane, that the minutes of May 1, 2007 be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

**4. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

Additions

- 13.1 Proclamation - Opera Week - May 22 - 27, 2007
- 13.2 Information Item - Come to Life - Request to Sign the Nova Scotia Brand Charter
- 13.3 Property Matter - Land Acquisition - Old Sackville Road
- 13.4 Contractual Matter - HRM/Railway Private Crossing License Agreement

Councillor Harvey requested item 13.3 be moved up on the agenda to be addressed immediately following the public hearing.

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

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

**6. MOTIONS OF RECONSIDERATION - NONE**

**7. MOTIONS OF RESCISSION - NONE**

**8. CONSIDERATION OF DEFERRED BUSINESS - NONE**

**9. PUBLIC HEARINGS**

**9.1 By-Law S-107, An Amendment to By-Law S-100, Respecting Sewer Charges**

- An extract from the April 24, 2007 Regional Council minutes was before Council.
- A report dated April 17, 2007, on the above noted, was before Council.

Mr. Peter Duncan, Manager, Development Engineering, presented the staff report.

In response to questions, staff advised:

- The new connections along Sackville Drive will be subject to Capital Cost charges for wastewater,
- This By-Law amendment will have no effect on any charges to the property owners, either existing or future, with respect to the Lively Project,
- The amendment will have no effect on Capital Cost charges for Lively Road,
- The Capital Cost Contribution Charge and the Wastewater Treatment Cost Contribution Charge will be levied against new properties that will be constructed

- in the future within the Lively Project area,
- There will be no impact on the property owners in Herring Cove but the wastewater treatment would have an impact on new buildings built throughout HRM,
  - Existing Capital Cost Charges are for specific areas and do not fund costs associated with wastewater treatment.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the By-Law.

**Mr. Paul Pettipas**, CEO, NS Homebuilders Association, stated permit fees will increase as a result of this By-Law and will impact construction on a entry level home. He stated it is a double fee and the only recourse would be to remove the Sewer Redevelopment Fee which is for maintenance and not for new construction.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

**MOVED by Councillor Sloane, seconded by Councillor Murphy, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor McCluskey, seconded by Councillor Rankin, that Halifax Regional Council approve By-Law S-107, A By-Law to amend the Sewer Charges By-Law, as shown in Attachment "A" of the April 17, 2007 staff report.**

In response to Councillor Streach, staff advised existing users pay for recapitalization of repair and maintenance of the existing system through the water rate. It was further noted that charges collected under the Capital Cost Charge By-Law can only be used for the purposes for which they are collected.

In response to Deputy Mayor Uteck, staff advised an infrastructure charge under this By-Law is in reference to the Regional Wastewater Charge. She suggested staff provide information for the consideration of the first time home builder.

Councillor McInroy noted this was targeting new construction not just first time home builders.

In response to Councillor Fougere, staff advised that if you are building a house anywhere within the serviced area you will pay the Sewer Redevelopment and the Regional Wastewater Charge. In master planned community areas you will pay Infrastructure and Regional Wastewater Capital Cost Charge but won't pay the Sewer Redevelopment Charge.

In response to Councillor Johns, staff advised there are different rates based upon

consumption for different uses, higher rate for single family homes and a lower rate for apartment units with the rate for commercial uses being based on square footage.

**MOTION PUT AND PASSED.**

As per the approval of the Order of Business, Council addressed item 13.3 at this time.

**13.3            Property Matter - Land Acquisition - Old Sackville Road**

- This item was addressed at an earlier In Camera session and was now before Council for ratification.

**MOVED by Councillor Harvey, seconded by Councillor Johns, that Halifax Regional Council:**

1. **Approve a withdrawal from Account Q107, Parkland Reserve, to facilitate the purchase of the subject lands as per the key terms and conditions and as per the Budget Implications section of the May 3, 2007 Private and Confidential staff report;**
2. **Approve a capital project for the acquisition of land at the intersection of the Old Sackville Road and Sackville Cross Road as per the budget implications section of the May 3, 2007 report; and**
3. **Not release the Private and Confidential report dated May 3, 2007 until the transaction has concluded.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.            CORRESPONDENCE, PETITIONS & DELEGATIONS**

**10.1           Correspondence - None**

**10.2           Petitions - None**

**11.            REPORTS**

**11.1           CHIEF ADMINISTRATIVE OFFICER**

**11.1.1        Tender 60131515 - Traffic Paint - Joint Tender with Province of Nova Scotia**

- A report dated April 27, 2007, on the above noted, was before Council.

**MOVED by Councillor Karsten, seconded by Councillor Kent, that Council:**

1. **Award Tender No. 60131515, Traffic Paint to Laurentide Atlantic Limited for a Total Tender Price of \$108,288.09 (net HST included) from Operating Account No. R747 - Traffic Maintenance, with funding as outlined in the Budget Implications section of the April 27, 2007 staff report.**
2. **Approve a withdrawal of \$53,500 from Q308 Stabilization Reserve to fund this project.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.2 Tender 07-219 - Wright Avenue Extension, Burnside Business Park**

- A report dated May 3, 2007, on the above noted, was before Council.

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

1. **Award Tender No. 07-219, Wright Avenue Extension, Burnside Business Park to Dexter Construction Company Limited for a Total Tender Price of \$4,562,153.35 (no HST included, 100% rebatable), from Capital Account CQ300741, Burnside and City of Lakes Development and from Capital Account CTU00972, Roadway Over Sizing, with funding authorized as per the Budget Implications section of the May 3, 2007 staff report.**
2. **Approve an increase in the Gross Budget of Capital Account CQ300741 by \$82,700.00 (no HST included, 100% rebatable) with no change to the Net Budget to reflect the cost sharing of the installation of a natural gas pipeline from Heritage Gas as per the Budget Implications section of the May 3, 2007 staff report.**
3. **Authorize, as per the Budget Implications section of the May 3, 2007 staff report, the appointment of CBCL Ltd. for construction inspection services for an estimated fee of \$146,650.00 (no HST included, 100% rebatable); and the appointment of Jacques Whitford Ltd. for geotechnical inspection and certification for an estimated fee of \$10,000.00 (no HST included, 100% rebatable).**

**MOTION PUT AND PASSED UNANIMOUSLY.**



### **11.1.3 Regional Capital Cost Charges Reserve**

- A report dated May 3, 2007, on the above noted, was before Council.

**MOVED by Councillor Martin, seconded by Councillor Sloane, that Council approve the Reserve Business Case to establish a Regional Capital Cost Charges Reserved as per Attachment “A” of the May 3, 2007 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

### **11.1.4 Public Transit Funding: Update and Funding Allocation**

- A report dated May 9, 2007, on the above noted, was before Council.

**MOVED by Councillor Streach, seconded by Councillor Sloane, that Regional Council:**

- 1. Approve the three year list of Transit Funding projects as per Attachment A of the May 9, 2007 staff report, and,**
- 2. Approve the reduction of the 2007-08 gross capital budget by \$2,977,000 and the corresponding realignment of projects as per Attachment B of the May 9, 2007 staff report.**

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

**MOVED by Councillor Sloane, seconded by Councillor Snow, that the item be deferred to the next meeting for staff to provide a report.**

Councillor Sloane asked the report clarify what was being referred to when mention is made of the transit corridor as well what the transit priorities are.

Mr. English, Chief Administrative Officer, advised the 2007/08 projects were approved by Council in the budget and this report is regarding the approved projects. The projection for the next two years is a part of the report but the decision on projects will rest with Council.

Ms. Cathie O'Toole, Acting Director of Finance, noted it was the intent to have the years 2008/09 and 2009/10 to be “in principle” and if Council wished to amend the motion to reflect that those years are in principle it would be acceptable.

Councillor Hendsbee requested the report include whether the acquisition of land for transit terminals would be an eligible cost.

Councillor Johns requested information on the Harbour Link proposal.

Councillor Mosher asked whether the transit proposal has looked at Peninsula traffic and the amount for the traffic link. She further requesting information as to the delay for the ferry to Purcell's Cove.

**MOTION TO DEFER DEFEATED.**

**MOVED by Councillor Mosher, seconded by Councillor Sloane, that funding for 2008/09 and 2009/10 be approved "in principle". MOTION PUT AND PASSED UNANIMOUSLY.**

The motion, as amended, was now before Council.

**MOVED by Councillor Streach, seconded by Councillor Sloane, that Regional Council:**

- 1. Approve the 07/08 Transit Funding projects as per Attachment A of the May 9, 2007 staff report, and, approve 008/09 and 09/10 funding in principle as per Attachment A of the May 9, 2007 staff report. .**
- 2. Approve the reduction of the 2007-08 gross capital budget by \$2,977,000 and the corresponding realignment of projects as per Attachment B of the May 9, 2007 staff report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

Council recessed at 7:58 p.m.

Council reconvened at 8:07 p.m.

**11.1.5      Gas Tax: Update and Funding Allocation**

- A report dated May 9, 2007, on the above noted, was before Council.

**MOVED by Councillor Adams, seconded by Councillor Snow, that Regional Council:**

1. **Approve the 2007/08 funding allocation of Gas Tax projects as per Attachment A of the May 9, 2007 staff report; and,**
2. **Approve, the 2008/09 and 2009/10 funding allocation of Gas Tax projects in principle as per Attachment A of the May 9, 2007 staff report.**

**MOVED by Councillor Adams, seconded by Councillor Sloane, that the question now be put. MOTION PUT AND PASSED.**

**MAIN MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.6      Proposed By-Law T-703, An Amendment to By-Law T-700, Respecting Tax Deferrals - Revised Income Eligibility Threshold**

- A supplementary report dated May 9, 2007, on the above noted, was before Council.

**MOVED by Councillor Walker, seconded by Councillor Sloane, that Regional Council:**

1. **Approve an amendment to Item 3.1(b) of By-Law T-700 from \$27,000 to \$28,000;**
2. **Set a date for a public hearing.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.7      Proposed Amendments to Administrative Order 10, Respecting Partial Tax Exemption for Residential Taxation - Revised Income Eligibility Threshold and Rebate Values**

- A supplementary report dated May 9, 2007, on the above noted, was before Council.

**MOVED by Councillor Walker, seconded by Councillor Kent, that Regional Council approve amendments to Administrative Order 10 as detailed in the Discussion**

section and Attachment "1" of the May 9, 2007 supplementary staff report. **MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.8        Encroachment Agreement - Ultramar Water Line, Carlisle Drive**

- A report dated May 8, 2007, on the above noted, was before Council.

**MOVED by Councillor McInroy, seconded by Councillor Kent, that Halifax Regional Council approve the Encroachment Agreement attached to the May 8, 2007 staff report to allow Ultramar Canada Inc. to maintain use and access of its waterline located in the extension of Carlisle Drive for the purpose of supplying process water to its facility. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.9        Encroachment Agreement - United Gulf Development Limited Sewage Forcemain, Citation Drive**

- A report dated May 8, 2007, on the above noted, was before Council.

**MOVED by Councillor Meade, seconded by Councillor Wile, that Halifax Regional Council approve the Encroachment Agreement attached to the May 8, 2007 staff report to allow United Gulf Development Limited to install sewage forcemains across Citation Drive. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.2        PENINSULA COMMUNITY COUNCIL**

**11.2.1        Case 00895: Halifax Municipal Planning Strategy and Peninsula Land Use By-Law Amendments for 2594 Agricola Street, Halifax**

- A report dated May 8, 2007, on the above noted, was before Council.

**MOVED by Councillor Sloane, seconded by Councillor Snow, that Regional Council:**

- 1. Move Notice of Motion to consider approval of the proposed Development Agreement as contained in Attachment B of the staff report dated February 16, 2007, to allow for a 24 (twenty-four) unit apartment building and commercial uses, and schedule a joint public hearing with Peninsula Community Council.**
- 2. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-Law as contained in Attachment A fo the staff report dated February 16, 2007, and schedule a joint public hearing with Peninsula Community Council.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3            HERITAGE ADVISORY COMMITTEE AND DISTRICT 12 PLANNING  
ADVISORY COMMITTEE**

**11.3.1        Case 00745: Development Agreement - Salter Street and Lower Water  
Street, Halifax**

- A report dated May 1, 2007 from the Heritage Advisory Committee was before Council.
- A report dated April 24, 2007 from the District 12 Planning Advisory Committee was before Council.

**MOVED by Councillor Sloane, seconded by Councillor Murphy, that Regional Council give Notice of Motion to consider an application by Centennial Group Limited and Waterfront Development Corporation Limited for a development agreement at the south-east corner of Salter Street and Lower Water Street, Halifax, and schedule a public hearing. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4            GRANT COMMITTEE**

**11.4.1        HRM Community Grants Program 2007 - 2008: Recommended Awards**

- A report dated May 7, 2007, on the above noted, was before Council.

**MOVED by Councillor Walker, seconded by Councillor Sloane, that Regional Council approve the Community Grants Program awards as detailed in the report dated May 3, 2007, for a total of 59 grants with combined total value of \$357,048.**

Councillor Meade advised St. James Anglican Church, Boutiliers Point had withdrawn its application and placed the following motion.

**MOVED by Councillor Meade, seconded by Councillor Streach, that item #44, St. James Anglican Church, Boutiliers Point, be removed from the grant awards. MOTION PUT AND PASSED UNANIMOUSLY.**

The motion as amended was now before Council.

**MOVED by Councillor Walker, seconded by Councillor Sloane, that Regional Council approve the Community Grants Program awards, excluding #44, St. James Anglican Church, Boutiliers Point, as detailed in the report dated May 3, 2007, for a total of 59 grants with combined total value of \$357,048. MAIN MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.2      Property Matter: Less Than Market Value Leases**

- A report dated May 7, 2007, on the above noted, was before Council.

**MOVED by Councillor Walker, seconded by Councillor Hum, that Regional Council enter into a less than market value lease agreement with the following as per the terms and conditions set out in the Discussion section of the reports attached to the May 7, 2007 report as Attachments 1 - 5:**

1. Canadian Mental Health Association (Halifax Branch)
2. Halifax Transition House Association (Byrony House)
3. Safe Harbour Metropolitan Church (Manna for Health)
4. Safe Harbour Metropolitan Community Church
5. Multicultural Council of Halifax-Dartmouth Metropolitan Area

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.            MOTIONS - NONE**

**13.            ADDED ITEMS**

**13.1          Proclamation - Opera Week - May 22 - 27, 2007**

The proclamation was circulated for information purposes.

**13.2          Information Item - Come to Life - Request to Sign the Nova Scotia Brand Charter**

The report was circulated for information purposes.

**13.3          Property Matter - Land Acquisition - Old Sackville Road**

This item was addressed earlier in the meeting. (See page 7)

**13.4            Contractual Matter - HRM / Railway Private Crossing License Agreement**

- This item was addressed at an earlier In Camera session and was now before Council for ratification

**MOVED by Councillor Kent, seconded by Councillor Walker, that Halifax Regional Council:**

- 1. Authorize the Mayor and Municipal Clerk to execute the License Agreement (attached as Appendix #1 to the May 1, 2007 staff report) between Canadian National Railway Company (the "Railway) and Halifax Regional Municipality for the purpose of a private crossing, for an annual fee of \$500.00 plus net HST for a total of \$517.15, with funding to be provided from the Capital Accounts #CSE00386-CSE00406, Pollution Control - Halifax Harbour Solutions Project for the first year of the agreement, as per the Budget Implications section of the May 1, 2007 report. . This annual fee may be adjusted in accordance with the market value of the land; and**
- 2. Not release the Private and Confidential staff report dated May 1, 2007 until the License is approved by Council and executed.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**14.            NOTICES OF MOTION**

Councillor Walker

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 29<sup>th</sup> day of May, 2007, I propose to move First Reading of By-Law T-703, the purpose of which is to amend By-Law T-700, the Tax Deferral By-Law.

**15.            ADJOURNMENT**

The meeting was adjourned at 8:30 p.m.

Jan Gibson  
Municipal Clerk

**The following information items were circulated to Council.**

1. Memorandum from Acting Director, Finance dated May 8, 2007 re: Sidewalks and Taxation
2. Memorandum from Acting Director, Finance dated May 9, 2007 re: Federal / Provincial Infrastructure Program Updates
3. Memorandum from Director, Environmental Management Services dated May 4, 2007 re: (Unwanted) Home Delivery of Flyers and Free Newspapers - Litter
4. Memorandum from Director, Transportation and Public Works dated April 30, 2007 re: Earle Road, Beaver Bank - Playground Update Petition
5. Memorandum from the Municipal Clerk dated May 11, 2007 re: Requests for Presentation to Council - None