

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL MINUTES February 2, 2010

PRESENT:

Mayor Peter Kelly  
Deputy Mayor Brad Johns  
Councillors: Steve Streach  
Barry Dalrymple  
David Hendsbee  
Lorelei Nicoll  
Gloria McCluskey  
Darren Fisher  
Bill Karsten  
Jackie Barkhouse  
Jim Smith  
Mary Wile  
Jerry Blumenthal  
Dawn Sloane  
Sue Uteck  
Jennifer Watts  
Russell Walker  
Debbie Hum  
Linda Mosher  
Stephen Adams  
Robert Harvey  
Tim Outhit  
Reg Rankin  
Peter Lund

STAFF:

Mr. Dan English, Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Sherryl Murphy, Acting Municipal Clerk  
Ms. Barbara Coleman, Legislative Assistant

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## **1. INVOCATION**

The Mayor called the meeting to order at 6:02 with the Invocation being led by Councillor Karsten.

## **2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor Sloane announced that Q104 and 96.5 KOOL FM held a fundraiser on February 1, 2010 raising over \$82,000 to be given to the Red Cross Relief Fund for Haiti. She thanked the Councillors, who attended, Fire and Police personnel, who gave their assistance and the HRM residents for donating to this worthy cause. She reminded residents that the Waterfront Development Corporation has taken on the initiative of Park After Dark until March 12, 2010. A flat rate of \$6:00 will be charged to park a car in a secure place until 8:00 a.m. The Councillor further noted Halifax for Haiti will be held at the Halifax Metro Centre February 8, 2010 at 7:30 p.m with many local talents performing.

Councillor Streach acknowledged Q104 and 96.5 KOOL FM as well as Councillor Sloane for her efforts in the February 1, 2010 fundraiser. He announced that two events will be held at the Eastern Shore, Eastern Shore Sings for Haiti will be held on February 7, 2010 at 2:00 p.m. at the Eastern Shore Community Centre in Musquodoboit Harbour and Creating Hope for Haiti, will also be held Sunday February 7, 2010 at 2 p.m at the Musquodoboit Valley Education Centre.

Councillor Fisher announced that the Michael Wallace Elementary School, Waverley Road, East Dartmouth, is hosting a family bingo, Saturday, February 6, 2010 at 5 p.m. to 8 p.m. with all proceeds going to the Red Cross Relief Fund for Haiti.

Councillor Blumenthal wished to acknowledge the HRM Fire Department, especially Squad "D" at Lady Hammond Road. The Department's rapid response saved a man's life and contained the fire to one condominium unit in his building. He expressed gratitude to Council for allowing fire stations that were marked for closure to stay open.

Councillor Dalrymple congratulated and gave thanks to the HRM staff, organizers, and especially the youth of the area high schools for the amazing presentation, entitled the Mind Shift, regarding our environment, held on January 30, 2010 at the Fall River Recreation Centre.

Councillor Hendsbee announced the Eastern Shore Joint Emergency Management Team and Canadian Red Cross will be holding a Comfort Centre Management Training Program to instruct community volunteers in Red Cross techniques needed to facilitate a comfort centre on February 4, 2010 at 7:00 p.m. at the Calvin United Church in Lawrencetown. Also on February 4, 2010 at 7:30 p.m. the Community Justice Society

will be hosting a Kwanza Reception at the Black Cultural Centre on Cherry Brook Road. He congratulated the Chezzetcook Lions Clubs on their 25<sup>th</sup> Silver anniversary. Their Charter banquet and other celebrations will be held on February 6, 2010 at 6:00 p.m.

Councillor Lund acknowledged Reverend Anderson and the congregation of the Emmanuel Baptist Church on Pock Wock Road. They raised over \$4,000.00 in relief funds for Haiti. He indicated that the week-long 6<sup>th</sup> annual Winter Carnival in Hubbards will begin Friday, February 8, 2010.

Councillor Mosher congratulated Ms. Leona Brunt of Melville Lodge in District 17 on her 102<sup>nd</sup> birthday. She asked that a letter of congratulations be sent by the Mayor's office on behalf of Council. Councillor Mosher and several other councillors attended the Special Olympics Fund Raiser last week. She wanted to congratulate the volunteers for a very successful campaign. She also congratulated Councillor Sloane for her work on the radiothon that was held by Q104 and 96.5 KOOL FM.

Councillor Watts wished Councillor Blumenthal a very Happy Birthday.

Councillor Hum advised that she, Mayor Kelly and Councillors Watts, Uteck, Wile attended a Tea for Haiti, sponsored by Bell Aliant. Proceeds were in support of UNICEF's and the military's efforts in Haiti. Maskwa Aquatic Club is hosting their annual fundraiser and auction, in support of their athletes going to Florida to train, at Kokomos, Bayers Lake on February 6, 2010 from 4 p.m. until 9:00 p.m. The Annual Rockingham Heritage Society Dinner is being held February 6, 2010 at 5:30 p.m. at the St. Peters Hall. Captain John F. Newton, Base Commander, Canadian Forces Base Halifax will be speaking on the 100<sup>th</sup> anniversary of the Navy. The Councillor indicated that on February 6, 2010 at 6:00 p.m. Supernova, a multi cultural event, is being held at the St. Andrews Community Centre at 6995 Bayers Road.

Councillor Uteck indicated that all of Council offered congratulations to Ms. Mary Ellen Donovan, Senior Solicitor, HRM, who received her designation of Queen's Council this past week.

### **3. APPROVAL OF MINUTES - January 19, 2010**

**MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the minutes of January 19, 2010 be approved as presented. MOTION PUT AND PASSED**

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

- Additions:
- 13.1 Keefe Drive - Emergency Concerns Due to Road Condition and Lack of Seawall
  - 13.2 Request to Add February 2, 2010 Information Item # 2 to the Agenda - Expanded Green Cart Service Cost Options

- Deletions:
- 12.1 Councillor Karsten

To request Council to allow Dr. Robert Strang, Chief Public Health Officer, Province of Nova Scotia, to offer a presentation to an upcoming meeting of Committee of the Whole entitled Alcohol: A Public Health and Safety Issue.

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

- 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 - 6 p.m**

**9.1 Joint Public Hearing with Chebucto Community Council - Case 01130 - Municipal Planning Strategy and Land Use By-Law Amendments and Development Agreement - Mayor Avenue, Halifax & Re-adoption of Mainland South Generalized Future Land Use Map**

- An Extract of Regional Council Minutes - January 12, 2010 was before Council.
- A report from Chebucto Community Council, dated December 17, 2009, was before Council.

Ms. Patricia Hughes, Planner 1, provided the presentation Case 01130 - Municipal Planning Strategy and Land Use By-Law Amendments and Development Agreement - Mayor Avenue, Halifax & Re-adoption of Mainland South Generalized Future Land Use Map.

After the presentation, the following points of clarification were provided to Council:

- the subject road is a private driveway similar to that of an apartment building with parking
- no additional visitor parking would be provided

- each unit would have their own composter but would be required to leave it for pick up on Mayor Avenue
- the development engineer reviewed a preliminary lot grading plan which was deemed satisfactory with a final lot grading plan to be completed before building can occur
- how common elements would be dealt would depend on the type of ownership of the buildings
  - on an apartment setting, the owner would own all common elements
  - in a condominium corporation setting, common elements would be considered under the by-laws of the condominium corporation

Mayor Kelly reviewed the rules of procedure for public hearings, and opened the hearing for those wishing to speak to the matter.

**Mr. Rick Grant, 156 Purcells Cove Road**, speaking on behalf of Mr. Randhawa, Olympia Developments Inc., advised that the application for this development was initially made in October 2007. When the City Planning Committee approved the Mainland South Secondary Strategy, they recognized there would be anomalies which would require case by case consideration. Mayor Avenue is one of those situations.

Through listening to staff, the public input from several general public meetings, and Councillor Adams, the project has evolved into what is being proposed.

Mr. Grant thanked the residents for their opinions, openness and suggestions, Councillor Adams for his advice and assistance, and staff in general, but especially Ms. Patricia Hughes, HRM Planning Staff, for invaluable assistance, advice and her patience.

The Mayor called three times for speakers; there being none, it was **MOVED by Councillor Sloane, seconded by Deputy Mayor Johns that the public hearing close. MOTION PUT AND PASSED.**

Councillor Adams acknowledged Mr. Randhawa and Mr. Grant considering the residents input in the development of this project and congratulated Ms. Hughes for her invaluable assistance.

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

1. **Approve the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Mainland Use By-law as provided in Attachments A and B of the staff report dated November 13, 2009; and**

2. **Re-adopt the Mainland South Secondary Planning Strategy Generalized Future Land Use Map (Map 9F), as provided in Attachment D and revise Map 9 of the Halifax Municipal Planning Strategy, Maps 2, 3a , and 3b of the Mainland South Secondary Planning Strategy, and Map ZM-2 of the Halifax Mainland Land Use By-law to reflect the Mainland South Secondary Planning Area boundary as shown on Attachment D of the staff report dated November 13, 2009**

#### **MOTION PUT AND PASSED**

10. **CORRESPONDENCE, PETITIONS & DELEGATIONS**
  - 10.1 **Correspondence - None**
  - 10.2 **Petitions**

Councillor Uteck submitted a petition containing 17 names requesting that HRM and Council consider making the parking ban, that allows cars to only park on one side of Rockcliffe Street, to be made permanent

#### **11. REPORTS**

##### **11.1 CHIEF ADMINISTRATIVE OFFICER**

- 11.1.1 **Proposed By-Law L-132, An Amendment to By-Law L-100, Respecting Charges for Local Improvements - Case 01281 - Monarch Estates / Rivendale Subdivisions, Beaver Bank: Inclusion in Water Service Area Boundary**

- A report dated January 12, 2010 was before Council.

**MOVED by Councillor Dalrymple, seconded by Councillor Streach, that Halifax Regional Council:**

1. **Approve in principle and begin the process for adoption of Local Improvement By-law L-132, included as Attachment A of the report dated January 12, 2010, to set the charges for the installation of water servicing in the Monarch and Rivendale Subdivisions and adjoining lots along Windgate Drive in Beaver Bank;**
2. **Subject to approval of By-law L-132, authorize Halifax Water to be the contracting agency for the required installation of the water servicing;**



3. **Approve in principle the project budget for the Water Servicing Project in the amount of \$5,463,338 including net HST with the net residual amount funded from a Local Improvement Charge;**
4. **Give First Reading to amendments to the Regional Subdivision By-law and the Beaver Bank, Hammonds Plains, Upper Sackville Municipal Planning Strategy as provided in Attachments B and C of the report dated January 12, 2010, and schedule a Public Hearing;**
5. **Authorize staff to initiate a process to consider amending the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville to accommodate a discharge of the existing development agreement for Monarch Estates and Rivendale Subdivisions resulting from the provision of central water service, and apply zoning as deemed appropriate, and direct staff to follow the public participation program as approved by Council in February 1997; and**
7. **Not consider the extension of the Water Service Area Boundary to include the “Barrett Lands” off Windgate Drive, as shown on Map 2 of the report dated January 12, 2010, at this time.**

**MOTION PUT AND PASSED**

**11.1.2 Contribution to the Canada Games Financial Legacy Fund**

- A report dated January 4, 2010 was before Council.

**MOVED by Councillor Wile, seconded by Councillor Nicoll, that Halifax Regional Council transfer \$103,785.95 in remaining funds from the 2014 Commonwealth Games bid to the Halifax 2011 Canada Winter Games Host Society for the Financial Legacy Fund.**

Following a brief discussion the **MOTION WAS PUT AND PASSED**

**11.1.3 Proposed Amendment to Administrative Order 39, Respecting Taxi Fares & Roof Light Sign Requirements - Request from the Halifax International Airport Authority (HIAA) to Amend Schedule 3  
Motion - Councillor Dalrymple - Approve Admin. Order 39**

- A report dated December 18, 2009 was before Council.

**MOVED by Councillor Dalrymple, seconded by Councillor Sloane, that Halifax Regional Council adopt the proposed Schedule 3, Taxi Rates To and From**

**Airport, of Administrative Order 39 (attached as Appendix B to the report dated December 18, 2009)**

**MOTION PUT AND PASSED**

**11.1.4 First Reading By-Law T-141, An Amendment to By-Law T-108, Respecting Regulation of Taxis & Limousines**

The following documents were before Council.

- A letter from Mr. Ralph Doyle, Chairman of the Halifax Taxi Driver's Owner's Association dated January 10, 2010,
- A supplementary report dated January 27, 2010,
- A memo from the Taxi and Limousine Advisory Board dated February 1, 2010.

Councillor Adams advised that this matter had not been considered by the Taxi and Limousine Advisory Committee. Consequently, on January 14, 2010, it was approved unanimously by the Taxi and Limousine Advisory Committee that Halifax Regional Council retain the existing HRM Taxi Zones.

Staff clarified that if the zones were to remain status quo, a Dartmouth or County driver applying for a roof light would only need to wait until a roof light became available. Should the zones be eliminated, additional discussion would be needed as to how to proceed with the waiting lists. As it stands now, should the zones be eliminated, new applications would go to the bottom of the existing Halifax zone list comprised of approximately 315 names.

**MOVED by Councillor Karsten, seconded by Councillor McCluskey, that Halifax Regional Council:**

- 1 Approve First Reading of By-Law T-141, attached as Appendix A to the January 27, 2010 report, to amend By-law T-108, Respecting the Regulation of Taxi and Limousines, Administrative Order #39, Respecting Taxi Fares & Taxi Roof Light Sign Requirements, attached as Appendix B to the January 27, 2010 report, Administrative Order #21, Respecting the Appointment of the Taxi and Limousine Inspector, Appendix C of the January 27, 2010 report and Administrative Order #15, Respecting Licence, Permit and Processing Fees, Appendix D of the January 27, 2010 report:**
  - a. To eliminate zones within the HRM; and**
  - b. To make administrative amendments to By-law T-108, Administrative Order #39, Administrative Order #21 and Administrative Order #15.**

- **Set a date for a public hearing.**

A recorded vote was requested on the motion.

**MOTION PUT AND DEFEATED** (12 in favour, 12 against)

Those voting in favour were Councillors Dalrymple, Fisher, Harvey, Hendsbee, Karsten, McCluskey, Nicoll, Rankin, Sloane, Smith, Uteck and Watts.

Those voting against were Councillors Adams, Barkhouse, Blumenthal, Hum, Lund, Mosher, Outhit, Streach, Walker, Wile, Deputy Mayor Johns, and Mayor Kelly.

**11.2 WESTERN REGION COMMUNITY COUNCIL**

**11.2.1 Amendment to the Municipal Planning Strategy and Land Use By-Law for Planning District 5 (Chebucto Peninsula)**

- A report from the Western Region Community Council dated January 19, 2010 was before Council.

**MOVED by Councillor Adams, seconded by Councillor Walker, that Halifax Regional Council initiate the process to amend the Municipal Planning Strategy and Land Use By-Law for Planning District 5 (Chebucto Peninsula) and the Regional Subdivision By-Law to provide for clear implementation of the land use policy envisaged in the Herring Cove Area Settlement and Servicing Strategy, and that staff engage the Herring Cove Steering Committee with regard to this process.**

**MOTION PUT AND PASSED**

**12. MOTIONS**

**12.1 Councillor Karsten**

**To request Council to allow Dr. Robert Strang, Chief Public Health Officer, Province of Nova Scotia, to offer a presentation to an upcoming meeting of Committee of the Whole entitled Alcohol: A Public Health and Safety Issue.**

This item was deleted with during the approval of the additions and deletions of the agenda

### **13. ADDED ITEMS**

#### **13.1 Councillor Mosher - Keefe Drive - Emergency Concerns Due to Road Condition and Lack of Seawall**

- A series of photographs of Keefe Road were before Council.

Councillor Mosher advised that Keefe Road is a private road which, after amalgamation, continued to be maintained by HRM. She presented two photographs of Keefe Road illustrating the severity of the damage as the result of recent storms and the lack of seawall. The Councillor also raised the safety concern that emergency vehicles would not be able to cross that section of the road due to the road being washed out by storms.

She noted that after the January 2, 2010 storm, HRM staff applied eight to ten tons of crusher run to repair the damage to the road, however, she indicated that a more permanent remedy, such as asphalt is required. Councillor Mosher put the following motion on the floor.

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

- 1. Request a staff report to assess providing an appropriate asphalt surface on Keefe Drive;**
- 2. Request that the Provincial Department of Natural Resources and Transportation and Federal Governments contribute to this project;**
- 3. Request to Federal Department of Fisheries and Oceans for appropriate seawall and/or shoreline protection with a copy of the request to the Member of Parliament for that area.**

Council requested that the report include the number of non accepted private roads in HRM, the cost to repair and to maintain the roads, and to bring them up to HRM standards. It was also suggested that it was no longer acceptable that the roads that were grandfathered after amalgamation be treated any differently than other private roads. Concern was expressed regarding the inequity of service provided to private roads. It was suggested that a minimum service standard was required.

**MOTION PUT AND PASSED**

**13.2 Request to Add February 2, 2010 Information Item # 2 to the Agenda -  
Expanded Green Cart Service Cost Options**

Councillor Mosher requested that this matter be deferred to the next meeting of Regional Council at which time, the Councillor also requested that Information Item # 1, Memorandum from Acting Director, Transportation & Public Works dated January 18, 2010 re: Colour Coded Bags for Curbside Collection - By-Law S-600 also be added to the agenda at that time.

**14. NOTICES OF MOTION**

**14.1 Councillor Dalrymple**

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 9<sup>th</sup> day of February, 2010, I propose to move First Reading of By-law L-132, the purpose of which is to enact a Local Improvement Charge to enable financing of a water servicing project in the Monarch Rivendale Subdivisions and adjoining lots along Windgate Drive in Beaver Bank.

**15. ADJOURNMENT**

The meeting was adjourned at 8:02 p.m..

Cathy Mellett  
Acting Municipal Clerk

**INFORMATION ITEMS**  
**February 2, 2010**

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1. Proclamation - White Cane Week - February 7 - 13, 2010
2. Memorandum from Acting Director, Transportation & Public Works dated January 12, 2010 re: Expanded Green Cart Service Cost Options
3. Memorandum from Acting Director, Transportation & Public Works dated January 18, 2010 re: Colour Coded Bags for Curbside Collection - By-Law S-600
4. Memorandum from Director, Infrastructure & Asset Management dated January 6, 2009 re: Petition for Sidewalk Renewal, Mount Pleasant Avenue (Lakeview to Hillside) South Side - District 5, East Region
5. Memorandum from the Acting Clerk Manager dated January 29, 2010 re: Requests for Presentation to Council - None