

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES March 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 D. Adams
Robert Harvey
Tim Outhit
Reg Rankin
Peter Lund

REGRETS: None

STAFF: Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Sherrill Murphy, Acting Municipal Clerk
Ms. Chris Newson, 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 Sloane.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor McCluskey acknowledged the presence in the galley of former Councillor Clint Schofield.

Councillor Lund announced the following upcoming community events: the Art of Living Locally Pot Luck Supper and Talk on Community Gardening/Buying Locally at St. Luke's Church, Tantallon, and; a Town Hall meeting at the St. Margaret's Centre in regard to transportation issues along the Hammonds Plains Road.

Councillor Watts announced the upcoming special Peninsula Community Council meeting in regard to the Governance and District Boundary review.

Councillor Sloane announced the following upcoming community events: Symphony Nova Scotia's music of ABBA at the Rebecca Cohn and Live Art Dance's annual fundraiser entitled "Salt Truck Follies".

Upon request of Councillor Hum, Council rose for a moment of silence in remembrance of family members of Councillors Watts, Smith, Karsten and Fisher who had recently passed away.

Councillor McCluskey announced the upcoming Harbour East Community Council meeting and encouraged the public to attend and offer comment on the Governance and Boundary Review matter.

Councillor Mosher announced the following community events: a Public Information Meeting at the Captain William Spry Centre in regard to a Rogers Communications application for a communications tower in the Purcell's Cove Road area, and; in conjunction with Councillor Adams, a Free Family Skate for residents of Districts 17 and 18 at the Spryfield Rink.

Councillor Dalrymple announced a public meeting to be held at the LWF Community Hall on a proposal for an Arts and Cultural Centre in the C. P. Allen High School.

3. APPROVAL OF MINUTES - February 16, 2010

MOVED BY Councillor Wile, seconded by Councillor Blumenthal that the minutes of February 16, 2010, as presented, be approved. MOTION PUT AND PASSED.

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

The agenda, as presented, was approved.

- 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 Case 01175 - Municipal Planning Strategy / Land Use By-Law Amendment, Ferguson's Cove, Chebucto Peninsula

- A report dated February 2, 2010 was before Council.

Mr. Paul Sampson, Planner, presented the report. He noted that, upon review, staff realized that a joint public hearing with the Western Region Community Council was not required as Regional Council can make the decision on the proposed amendments.

In response to comments/concerns raised by Members of Council, Mr. Sampson advised that:

- the property owners are diligent in maintaining the property including the handling of the manure.
- the amendments, if approved, will remain with the property even if it is sold in future and will allow for two horses to be on site.
- in regard to effluent management, there is currently no requirement for water testing of the wells. Staff reviewed regulations across HRM noting that there were existing required setbacks from property lines/wells in regard to small stock zoning as outlined in Attachments A and B.
- the horses had been on the property for approximately 1.5 years with no concerns raised by area residents in regard to contamination of surrounding wells.

Mayor Kelly reviewed the procedures for public hearings then opened the public hearing calling for anyone wishing to speak to come forward at this time.

Mayor Kelly gave the third call for speakers, hearing none, it was **MOVED BY Councillor Sloane, seconded by Councillor McCluskey that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED BY Councillor Adams, seconded by Councillor Sloane that Halifax Regional Council approve the proposed amendments to the Municipal Planning

Strategy and Land Use By-Law for Planning District 5 (Chebucto Peninsula) as contained in Attachment “A” and the rezoning of Civic No. 145 Ferguson’s Cove Road as contained in Attachment “B” of the staff report dated January 12, 2010. MOTION PUT AND PASSED.

Upon request of Councillor Adams, Ms. Mary Ellen Donovan, Municipal Solicitor, confirmed that the horses could be returned to the property in anticipation of a favourable approval from the Province.

9.2 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

- An extract of the February 2, 2010 Council minutes was before Council.
- A report dated January 12, 2010 was before Council.
- A copy of a letter from Mr. Dan English, Chief Administrative Officer, to the Honourable Ramona Jennex, Minister, Department of Service Nova Scotia and Municipal Relations, dated March 1, 2010, was before Council.

Written submissions were received from the following persons and were before Council: Monarch Rivendale Community Association, Shirley Maclean, John MacLean, Sherry Best, Brian Olsvik, Max and Mary Durling, Rick Cole, Sheldon Collins, Grant and Kathryn Langdon-Burton, Paul and Nancy Shebib, Krista and Tim Sanford, Valerie Wojdylak, David MacDonald, John and Joyce Patriquin, Eric and Janice Whitworth, Rae-Lynn Warren, Jim and Denise Penwell.

Mr. Fred Wendt, Planner, presented the report. He noted that the following three issues were under review in consideration of expanding the water service boundary:

1. changes required to the Water Service Boundary to include the Monarch/Rivendale subdivision;
2. implementation of a Local Improvement Charge (LIC) to distribute the cost among the property owners;
3. changes required to the local planning documents to accommodate piped water.

He noted that the third matter may be accomplished through the Community Council, however, items 1 and 2 required Regional Council approval.

Under the Regional Plan, water service can be expanded to an existing community if the water quality/quantity issues could not be rectified by other means. Research conducted in the area has shown that the water table for Monarch Rivendale appears to be dropping and wells are yielding progressively less water. The Regional Plan also speaks to undeveloped lands, such as the Barrett Land, wherein expansion to that area would require a Secondary Planning Strategy as the area is not considered to be a new growth area.

Mr. Wendt explained that the home owners must pay 100% of the cost through an LIC that will form a lien on their property to be paid off over twenty years, or; the principal paid in full at any time. There is an LIC deferral program for certain circumstances. He noted that there was no budget in HRM, nor external funds available, to provide water service to this area. Unsuccessful requests for funding assistance had been made, most recently to the Halifax Regional School Board and the provincial Service Nova Scotia and Municipal Relations department.

Mr. Wendt advised that, after extensive community consultation and research into the issue and with overwhelming support from the community, staff recommend expansion of the water service boundary to the Monarch Rivendale area excluding the vacant Barrett lands to the east.

In response to questions of clarification from Members of Council, Mr. Wendt, assisted by Mr. Roger Wells, Supervisor, Regional and Community Planning, and Mr. Carl Yates, General Manager, Halifax Water, provided the following information:

- including the non developed adjacent areas into the water service boundary would involve a different process requiring a Secondary Planning Strategy as it would be consideration of opening those lands to development. Such discussion should be part of the five year Regional Plan review, therefore, those lands could not be included in the costing calculations at this time
- Halifax Water has a stewardship policy, that from time to time the Nova Scotia Utility and Review Board has helped with, ranging from 8-10% based on the design fees. The process would be for Halifax Water to raise the issue with their Board then forward a request to the Nova Scotia Utility and Review Board
- all properties within the LIC boundary area, shown on Map 1, would be required to pay the LIC regardless of whether they chose to access city water
- the LIC charge would be prime plus 2% and would be subject to the interest rates at the time the work was completed
- the LIC deferral program permits property owners with low income to apply for a deferral for as long as they own the property with no further interest accruing. Once the property was sold, the new owner would pay the LIC
- the Monarch Rivendale area is to the east of the new water reservoir (tower) in Beaver Bank

Mayor Kelly reviewed the procedures for public hearings then opened the public hearing calling for anyone wishing to speak to come forward at this time.

Mr. Brad Conrad, Monarch Rivendale Estates, Chair of the Monarch Rivendale Community Association, submitted his comments in writing as part of the Monarch

Rivendale Community Association package distributed to Regional Council. He referred to pictures of a second well being drilled which is a common occurrence for the area as one well does not provide sufficient water. He has two wells in excess of 680' on his property with the average well in the area being 500' when the provincial average was only 150'. 24% of the community have resorted to hydro fracturing their wells which has not worked as there is no water. Residents are resorting to desperate measures to obtain water including the use of dynamite and dry ice in the wells with no long term success. The basic necessities of life such as bathing, flushing toilets, doing laundry/dishes have been seriously compromised. He noted that the water tower was only 100' from the community and seeing the tower everyday and not being able to hook up to it has been frustrating. Mr. Conrad asked that Council make the "...*servicing Beaver Bank*" wording on the water tower a reality.

Mr. Paul Williams, Cardinal Lane, Monarch Estates, submitted his comments in writing as part of the Monarch Rivendale Community Association package distributed to Regional Council. He advised that he was not experiencing water problems at this time but knew it was only a matter of time as the static level in his well has dropped 100' since he moved into the area. He requested that Council not make him regret his decision to live in HRM and do what they could to get the much needed water to the community.

Ms. Kristina Blais, O'Leary Drive, submitted her comments in writing as part of the Monarch Rivendale Community Association package distributed to Regional Council. She advised that she was in support of the water initiative as she was a single mother with four children without adequate water to meet their daily needs. Her water problems started with having to reset the water pump switch, then replacing the reset switch, then replacing the water pump as it had torqued. She then had her well hydro fractured and has also paid to have water trucked in. She has had to rely on friends and family for water and is unable to have her fiancé and his children move in as there is not sufficient water; she has bathed her children in 1" of water. The water she is able to get from her well is black and can only be used for flushing toilets. She emphasized that the issue has not been a week of inconvenience, it has been years of stress and worry.

Ms. Kelly Peckham, O'Leary Drive, advised that she supports the city water initiative as she has run out of water three times in the last year and has replaced her pump while many neighbours have no water and are having water trucked in.

Mr. Sheldon Collins, O'Leary Drive, Chair of Water Committee for Monarch Rivendale Community Association, submitted his comments in writing as part of the Monarch Rivendale Community Association package distributed to Regional Council. He advised that he was in support of city water. He noted that the Community Association has done everything it could in regard to the water initiative and the tender would be the next step. He has two wells on his property that have been hydro fractured three times. The new well was disconnected and he reverted back to the old as there

was no water. The well produces less than 10 gallons of water per hour. He has invested \$25,000 so far trying to get water. He is unable to sell and feels like a prisoner in his home. Some water pump manufacturers will no longer honour the warranty on the pumps due to the water issues in the area and the Developer has halted development due to the water issues, unprecedented in HRM. Some residents have seen their static water levels drop 100' in six months and some have resorted to using water cisterns to capture rain water. The costs for all the temporary solutions have been substantial but they have had no choice as they cannot live in their homes without water and they cannot sell them. He advised that they will continue to lobby government for funding to assist with the costs of obtaining city water. He has obtained quotes from several contractors in regard to costs for digging the trench that start at \$19.50 per linear foot or \$64 per metre.

Mr. Vaughn Munden, Amedeen Drive, submitted his comments in writing as part of the Monarch Rivendale Community Association package distributed to Regional Council. He advised that he was 100% in support of city water.

Mr. Gary Miller, Joan Drive, Monarch Estates, advised that he was in support of city water. Although he did not currently have a water problem, he is impacted by the issue as family in the area are at his home to wash clothes and shower.

Mr. Gary Vaters, Rebecca Drive, Monarch Estates, submitted his comments in writing as part of the Monarch Rivendale Community Association package distributed to Regional Council. He advised that he was in support of city water as having your mother-in-law do your laundry is frustrating. He and his family have lived in the area for five years and have noticed an increase in water failure to the point where water is lost several times per day. His wife runs a home business caring for children and the water issue has become a concern for the home business. The family has to shower outside the home; operate the dishwasher once per week, do not water the grass nor wash their vehicles and were not able to make a backyard rink for their children in the winter. The water issue is more than a small irritation, it is unnecessary when the water tower is so close. He supports the city water initiative.

Mr. Eddie Clarke, O'Leary Drive, advised that he has not been able to take a bath in over a year and has to take less than five minute showers. They cannot flush the toilets each time and it is embarrassing when he has to explain the situation to visiting friends.

Ms. Pam Clarke, O'Leary Drive, advised that she was 100% in support of city water. The water situation has been a nightmare for her family of six. They use 70 gallons of water a day; flushing the toilet four times per day each equals 48 gallons of water. The Nova Scotia Department of Environment and Labour's information states that a home would need 75 imperial gallons *per person* per day. They have water trucked in at \$100 per fill-up and when put down the well, results in brown/grey water that is only good for flushing toilets. They continue to spend money trying to get water and do not know from

day to day if there will be water. The static level in their well is dropping at an alarming rate, currently 325' below service, as the water table is disappearing. They tried dropping dry ice down their 465' well but still ran out of water. They spent \$2000 in one month trying to get water. The water recovery rate is less than .2 gallons per minute; the Canada Mortgage and Housing Commission recommends no less than 3.6 gallons per minute and to sell your home you should be able to pump the equivalent of 119 gallons per person per day. They are stuck in their home as they cannot move and they cannot stay.

Ms. Debbie Sequin, O'Leary Drive, submitted her comments in writing as part of the Monarch Rivendale Community Association package distributed to Regional Council. She advised that she was in support of city water. She spent \$1400 in a year and a half to have water pumped in and for a new well. They have to tell guests to use the washroom before they come over.

Mr. Danny Sequin, O'Leary Drive, advised that he was in support of city water. He noted that he had not changed from his work clothes prior to the meeting as he could not shower twice. Although many residents are concerned with the cost of the initial outlay to obtain city water, they will get their money back as the property value will go up and they will be able to sell their homes with a clean conscience when they say there is lots of water. The residents are not asking for streets paved in gold, they just want water. The first topic of conversation in the neighbourhood should not be "How's your water?".

Mr. Ed Peckham, O'Leary Drive, Monarch Estates, submitted his comments in writing as part of the Monarch Rivendale Community Association package distributed to Regional Council. He advised that he does not currently have significant water problems but sees, hears and feels the pain of his neighbours each day. He is in support of city water.

Mr. Mike Clarke, O'Leary Drive, advised that they are out of water and he fully supports city water.

Mr. Roger Gauvin, advised that he supports the city water initiative although it will be at a significant cost to his family. He expressed concern with the lack of support available municipally, provincially and federally. They pay significant taxes and yet there is no support. The residents need water but also need financing as water is a necessity for the community. There should be a helping hand.

Mr. Brad Burrell, Monarch Rivendale Subdivision, advised that in the five years he has resided in the subdivision, the water issue has been getting worse by the month, week, day. He is 100% in support of the city water as it is a necessity.

Ms. Nicol Burrell, O'Leary Drive, advised that as a five year resident, there were no

water issues for the first three years but it has been a terrible situation for the last two years. She is in support of the city water and hopes that in future they will not have to worry about bathing their children and will be able to live like normal people.

Mr. Richard Billard, Monarch Drive, advised that he moved to the area in 2000 and had little or no water issues at that time. In the past two years, he has had to replace the water pump and well tank and still has to reprime the pump a few times per week. When he is not around his wife has to do it and he would be more comfortable being away if his family were on city water.

Ms. Laurie Ketch, Burden Boulevard, Monarch Estates, submitted her comments in writing as part of the Monarch Rivendale Community Association package distributed to Regional Council. She explained that they were not looking for water to water their lawns all night or wash their vehicles, they were looking for water in order to run their households in a manner that most people do. They need water in sufficient quantity to do laundry and flush toilets when needed. She noted that unless someone has had to run a household without water they would not comprehend what it is like. They do not have any other option than to obtain city water as residents have tried various means, such as hydro fracturing and drilling deeper wells, with little or no success as there is not sufficient water to support the houses in the subdivision.

Mr. Mark Marchand, O'Leary Drive, Beaver Bank, advised that his family did not have water problems until September when they noticed a drop in water pressure and then no water at all on Christmas Eve. They were excited to learn that toilets could be flushed using snow. The water issue is now an urgent issue and a quality of life issue. Currently, they have no water recovery and have resorted to filling their well on a bi-weekly basis at a cost of \$100 per trip which will soon see them facing serious financial difficulties. He has been in third world countries pulling water out of wells and his situation is not much different. He is in support of city water.

Ms. Valerie Wojdylak, Chateau Lane (flag lot), submitted her comments via e-mail dated February 15, 2010. She expressed concern with the Local Improvement Charge (LIC) distribution to flag lots. Flag lot owners are not opposed to the city water, they oppose the LIC distribution. She was disappointed that the Developer was able to continue building, until recently, even after being made aware of the water issues. The Council minutes of 2001 note that the Developer was made aware but would not be held responsible for new wells. It was disheartening that they were permitted to sell her the home without disclosing the water issue because it was a new property and did not require the completion of a Property Disclosure Form. She feels the Developer made an unethical sale in not disclosing the water issue to her yet he will get breaks in the Local Improvement Charge. She and/or her husband have attended every public meeting and voiced their concerns, completed a survey and sent e-mails. It appears that their early attempts to raise concerns were not heard. They were given an estimate at a public meeting of \$150 per metre to bring city water to her home and she has been

criticised for using those figures. She has tried to contact companies provided by the Community Association who have quoted lower rates such as \$60 per metre but has not been able to confirm that quote. Using the lower quote of \$60 per metre, her costs would be \$10,000 plus the LIC while those on regular lots would have a cost of \$2500 plus the LIC. If her neighbour decides not to connect and not to share the cost with her, she will be responsible for the full cost of bringing the water line down the lane. She faces an overall cost 40% higher than those on regular lots which will result in unreasonable monthly payments that is an unacceptable cost for those without water to incur to have water delivered. She requested that Council consider Alternative 2 from the February 2, 2010 report to provide a reduced rate for flag lot owners at an increased cost of \$47 to each of the other lots for every \$1000 reduced which would result in a \$325 increase to all the other lots but save her thousands of dollars and make city water attainable to everyone. She will have the same increased taxes but will not have equal access. Flag lot owners are a minority in the community and their interests have not been maintained.

Council recessed at 7:29 p.m.

Council reconvened at 7:39 p.m

Mr. Robin Barrett, Maplewood, Rivendale, speaking also on behalf of his father who is part owner of the abutting property, explained that an offer to contribute to the water project if the Barrett property was included had been rejected by staff. He advised that he was in support of the water project although he currently has no water issues yet he did experience water issues growing up in a house on a well that went dry each summer. He suggested that there be some allowances for those people with flag lots and long driveways. He was confused in the differentiation between a flag lot with a house on it and a flag lot without a house. He expressed concern with some of the lots where future development is planned as it is important for someone to pay for the water but it appears that you would have to pay twice, once for the LIC and again when you put in the roads and infrastructure. He noted that his family stopped developing their land when they heard of the water concerns and are a bit challenged to figure out how to proceed. They have two parcels that are not on a roadway with no frontage or direct access yet an LIC was listed on those two lots, a particular line in the By-Law specifically includes those two parcels. If those two lots go forward for development he has no problem paying; his concern is with having property that they cannot get water to and is not on a right of way, yet they will be given a bill and have to start paying interest on something that cannot be used. It is important to have the people taken care of and their water concerns addressed.

In response to Deputy Mayor Johns, Mr. Barrett confirmed that his father and two uncles, joint owners of the Barrett Lands, had offered to contribute to the water boundary expansion project but were advised by staff that it was not appropriate and the offer was rejected due to concerns that trying to expand the water boundary further

might interfere with the motion passing. He explained that the land is currently zoned industrial and there is a substantial portion of wetland on the 300-350 acres in question. If the water issues continue, the land would most likely be developed as industrial rather than residential.

In response to Councillor Walker, Mr. Barrett indicated the location of the two lots as being on the top corner of the map near Galloway Drive. He commented that the original intent was to continue the street through but they held off due to the water issue and now feel they are being penalized for being conservative.

Ms. Carey Foston, Forrestview Way, Rivendale, she is in support of the city water project as there is also a substantial water problem in the Rivendale area. They moved into their new home in 1999 and ran out of water the first day. As they were the only new street in the expanding subdivision that was not known to have water problems, they felt isolated. They did laundry elsewhere, timed their showers and eventually stopped hosting parties due to the embarrassment of asking guests not to flush. Ten years and two wells later, she is relieved that the problem has become so prevalent as there is strength in numbers and a louder voice. She challenged those without water problems to turn their water off for one day to see how well they would do. She and her neighbours have spent in excess of \$50,000 on new wells, pumps, drilling deeper wells and hydro fracturing yet still have to be mindful of water usage. They use rain water to flush toilets and melt snow to wash. Envision what this would be like if a family member were sick and you could not do laundry or flush toilets. Consider how much you would pay for this house, likely zero. It is appalling, with the amount of taxes they pay, that there is no way out of the situation. She recommended Council approve the proposal.

Mr. Norm Hanley, Joan Drive, Monarch Rivendale, advised that he is a four year resident of the area and has five children. Water issues started with having to prime the water pump; he was amazed at how many people instantly knew how to do it. The water pump had to be replaced last year. Even those without water issues lose water when the power goes out as the pumps are electrically driven. There are no fire hydrants in the area as they are not on city water. He is concerned that there would not be a sufficient quantity of water to put out a fire. He wants to buy peace of mind with the LIC knowing that when his job requires him to be away his family will be safe.

Mr. Kevin Marchand, President of Ramar Developments, advised that although he is not a resident of the area, his mother resides within the community. His development company owns 45 building lots in the area that are currently undeveloped; eleven (11) of which are flag lots. Development activity in the community has been stagnant for the last year due to the water issue. He thanked the Community Association for their fabulous work to date. Ramar Construction / Development has been developing home construction for twenty-five (25) years and are involved in at least twelve (12) unserviced developments. The Monarch Rivendale area is their first land development project and, unfortunately, circumstances have developed wherein they cannot resolve

the specific conditions of home sites. They had always been able to find resolutions to issues in other communities but the depleting hydrology level in this area is impacting the usability of the sites and quality of life. Alternative methods are no longer practical and a sustainable solution is required. Ramar fully supports the proposal and endorses inclusion of the area into the water service area boundary and the related Local Improvement Charge. If at all possible, he requested a level of priority be given to implement the most effective schedule for infrastructure implementation into the community as there is a need to proceed quickly. The most positive aspect of the situation is that the community has been united in its efforts and support the initiative whether they have water problems or not as they recognize the issue as a community issue; they should be proud of the strength of their community.

In response to Deputy Mayor Johns, Mr. Marchand confirmed that Ramar's undeveloped lots are already subdivided and new homes could be constructed. There is no extra gain to Ramar by being included in the expanded water service boundary area.

Mr. Bill Trask, Wessex Hill, Co-Chair of Community Association, advised that he did not join the Community Association to pursue city water but the matter has helped to bring the community together. He currently does not have a water issue. His home is only two years old and he has already invested \$12,000 for a well and is not thrilled with paying for city water but it is a necessity. The surveys show that an overwhelming majority of the residents are in support. The community is in crisis and they need the proposal to pass.

Mr. Eugene O'Leary, O'Leary Drive, advised that he was 100% in support of city water to Monarch. His only objection was in regard to the costing estimated at approximately \$150 per metre. He explained that for his frontage he would be paying \$7500. He is willing to pay the \$17,000 LIC to help people out and willing to pay the extra \$400 to help the flag lot owners out as it was not fair to burden one group of people in regard to the cost when they are all paying more to subsidize the larger lots. He questioned why Majestic Drive was paid for by street frontage rather than household by household.

Mayor Kelly gave the third call for speakers, hearing none, it was **MOVED BY Councillor Sloane, seconded by Deputy Mayor Johns that the public hearing be closed. MOTION PUT AND PASSED.**

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

- 1. Approve Local Improvement By-Law 132, attached as Attachment "A" to the staff report dated January 12, 2010, to set the charges for the installation of water servicing in the Monarch and Rivendale Subdivisions**

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- and adjoining lots along Windgate Drive in Beaver Bank;
2. Subject to approval of By-Law 132, authorize Halifax Water to be the contracting agency for the required installation of the water servicing;
 3. Approve 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. Approve 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 staff report dated January 12, 2010;
 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
 6. 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 staff report dated January 12, 2010, at this time.
 7. That Halifax Water investigate if any funds are available to assist in this project and if so that any funds be directed to the project overall.

It was then **MOVED BY Councillor Dalrymple, seconded by Councillor Streach** that the motion be amended to include the following:

That Clause 1 (f) of Attachment A By-Law L-132 be deleted and replaced with:

- (f) "Any monies levied under Clause (e) shall be evenly distributed among properties listed on the attached Addendum 1 and shown on Map A as "Flag Lots", to a maximum of \$2000.00 per property. Any excess amount shall be provided to Halifax Water to be used for future operating and maintenance costs of the water system."

MOTION TO AMEND PUT AND PASSED.

The motion now reads as follows:

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

1. Approve Local Improvement By-Law 132, attached as Attachment "A" to the staff report dated January 12, 2010, to set the charges for the

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- 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 132, authorize Halifax Water to be the contracting agency for the required installation of the water servicing;**
 - 3. Approve 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. Approve 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 staff report dated January 12, 2010;**
 - 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**
 - 6. 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 staff report dated January 12, 2010, at this time.**
 - 7. That Halifax Water investigate if any funds are available to assist in this project and if so that any funds be directed to the project overall.**
 - 8. That Clause 1 (f) of Attachment A By-Law L-132 be deleted and replaced with:**
 - (f) “Any monies levied under Clause (e) shall be evenly distributed among properties listed on the attached Addendum 1 and shown on Map A as “Flag Lots”, to a maximum of \$2000.00 per property. Any excess amount shall be provided to Halifax Water to be used for future operating and maintenance costs of the water system.”**

Councillor Dalrymple thanked the Monarch Rivendale Community Association and the community as a whole for all the work they have done to reach this stage. Although he does not like area rates, the water shortages in the area are critical and getting worse by the day. The process required due diligence in regard to establishing the water need; a water study was done, two hydrological studies were done, two public information meetings held, two mailouts circulated, a survey and two votes taken with both votes resulting in an 80% majority in favour of city water. He encouraged staff to continue researching to find a way to assist the flag lot owners.

In response to concerns raised by Deputy Mayor Johns, staff provided the following clarification:

- there will be no additional cost for the installation of the fire hydrants as

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- that would be included in the LIC, however, future property tax bills would include an ongoing charge for maintenance of the hydrants.
 - the applicable Canada Infrastructure Funds needed to be spent by March 31, 2008, therefore, there was no opportunity to allocate any of the remaining funds to this project.

Councillor Lund noted that this situation is why the province should honour Council's request to amend the HRM Charter in regard to a requirement for hydrological studies to ensure a similar situation does not occur in future.

Ms. Mary Ellen Donovan, Municipal Solicitor, provided clarification to Council that the undeveloped Barrett Lands could not be considered under this proposal at this time as the public hearing notice was not broad enough to include that property.

In response to Council, Mr. Yates advised that with Council's approval of the proposal, a spring tender would be issued for the project with the intent to complete the work this year by dividing the tendering of the work.

Councillor Hendsbee noted that there had been a similar issue in the Westphal area and it was unfortunate that other levels of government were not contributing to the project. Hopefully, the amendment proposed by Councillor Dalrymple will secure some funding from other levels of government to help defray the costs.

In response to Councillor Hendsbee, Mr. Yates advised that the fire hydrants would be standard fire fighting hydrants for a residential area.

Council recessed at 8:22 p.m.

Council reconvened at 8:29 p.m.

Councillor Dalrymple advised that, in regard to funding, every effort was made to have the project added to the Federal Infrastructure list but they were not picked and were also denied by the provincial government. Requests have been sent to the Halifax Regional School Board and to the province for assistance under the Provincial Capital Assistance Program (PCAP). Residents on Windgate Drive asked to be included in the water service area boundary expansion as they also had water issues. HRM policy clearly states that clean, safe, drinking water is a right.

AMENDED MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

10.1.1 Request for Ceremonial Fly-Past - Battle of the Atlantic

- A letter dated February 8, 2010 from Captain John F. Newton, Base Commander CFB Halifax, was before Council.

MOVED BY Councillor Blumenthal, seconded by Councillor Sloane that Halifax Regional Council grant permission to the Canadian Forces to fly a long range patrol aircraft directly over the Sailor's Memorial in Point Pleasant Park at an altitude of 500' above the highest obstacle, on Sunday, May 2, 2010, as part of the Battle of the Atlantic remembrance ceremony.

Councillor Uteck requested that the area residents be notified of the fly-past by mailout or advertisement.

MOTION PUT AND PASSED.

10.2 Petitions - NONE

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender 10-201 - Washmill Lake Court Extension Phase 1 - West Region

- A report dated February 17, 2010 was before Council.

MOVED BY Councillor Wile, seconded by Deputy Mayor Johns that Halifax Regional Council, pending approval from the Nova Scotia Department of Environment, award Tender No. 10-201, Washmill Lake Court Extension Phase 1 - West Region to Brycon Construction Limited for a Total Tender Price of \$2,073,751.45 (net HST included) with funding from Capital Account No. CQ300748, Washmill Lake Court/102 Underpass, as outlined in the Budget Implications section of the report dated February 17, 2010.

In response to Councillor Rankin's inquiry as to how long the project would take and how many phases would be required, Mr. David Hubley, Manager, Design and Construction Services, and Mr. Michael Wile, Real Estate, advised that there would be two phases of construction commencing with grubbing, grading and blasting on site followed by asphalt paving and construction of the bridge, curbs and servicing. The completion date for the municipal portion is March 31, 2011 as per the provincial infrastructure requirements. There are a few portions to be completed by private developers prior to connection to Regency Park Drive. Clayton Developments have committed to complete their portion, between Main Avenue and Washmill, once HRM

has completed its portion.

Councillor Sloane advised that she could not support the project at this time as building another entrance/exit to the Bayers Lake Business Park would impact the demise of the downtown core, an area that required investment in its aging infrastructure. She also noted the \$30 million budget challenge facing the municipality and suggested that some projects be deferred for a few years while developing a plan to accommodate them.

Councillor McCluskey advised that she was in support of the project as more development in the Business Parks would create more commercial taxes that would help support development.

Councillor Watts noted that the project was tied to infrastructure funding and was going forward in regard to that commitment. She suggested that, due to the hugely expensive capital investment on road infrastructure required and the current budget challenge, consideration be given to deferring projects under the Business Park Functional Plan that would drain the municipality of funds.

Councillor Hum explained that the Washmill Court underpass project had been in the works for a number of years and was needed in order to support continued growth for the area.

MOTION PUT AND PASSED.

11.1.2 Correction to Special Events Grants Funding Requests - Second Intake Date Ending June 26, 2009

- A report dated February 19, 2010 was before Council.

MOVED BY Deputy Mayor Johns, seconded by Councillor Sloane that Halifax Regional Council amend Table 1 of the October 14, 2009 report (Attachment 1) to \$2,500 for the Lazerdaze St. Margaret's Bay event which was incorrectly cited as \$500. MOTION PUT AND PASSED.

11.1.3 Canada Nova Scotia Infrastructure Program (CNSIP) Funding Reallocation

- A report dated February 18, 2010 was before Council.

MOVED BY Councillor Walker, seconded by Councillor Wile that Halifax Regional Council approve the Canada Nova Scotia Infrastructure Program (CNSIP) funding reallocation as per the Discussion Section of the report dated February 18, 2010. MOTION PUT AND PASSED.

11.2 HARBOUR EAST COMMUNITY COUNCIL

11.2.1 HRM Community Councils - Board / Committee Representation

- A report dated February 18, 2010 was before Council.

MOVED BY Councillor Smith, seconded by Councillor McCluskey that Halifax Regional Council forward the Harbour East Community Council report, dated February 18, 2010, to the Membership Selection Committee for their consideration.

Councillor Smith explained that the Harbour East Community Council area represented 120,000 residents, more than most Community Councils, therefore, they were requesting more equitable representation in future.

MOVED BY Councillor Hendsbee, seconded by Councillor Sloane that the matter be tabled until the Governance and Boundary Review Committee has completed its work.

Councillor Hendsbee explained that Community Councils are set up based on communities of interest and if you were to consider the population, Peninsula Community Council could bring forward a similar request.

MOTION TO TABLE PUT AND DEFEATED.

A vote was then taken on the main motion as follows:

MOVED BY Councillor Smith, seconded by Councillor McCluskey that Halifax Regional Council forward the Harbour East Community Council report, dated February 18, 2010, to the Membership Selection Committee for their consideration. MOTION PUT AND PASSED.

11.3 PENINSULA COMMUNITY COUNCIL

11.3.1 Case 01248: Amendments to the Halifax Municipal Planning Strategy/ Development Agreement, Cedar Street In-fill, Halifax

- A report dated February 15, 2010 was before Council.

MOVED BY Councillor Uteck, seconded by Councillor Sloane that Halifax Regional Council give first reading to the proposed amendments to the Halifax Municipal Planning Strategy as contained in Attachment B of the January 20, 2010 staff report and schedule a joint public hearing with Peninsula Community Council. MOTION PUT AND PASSED.

11.3.2 Lounges within Restaurants on Quinpool Road, Halifax

- A report dated February 15, 2010 was before Council.

MOVED BY Councillor Uteck, seconded by Councillor Sloane that Halifax Regional Council initiate the process to consider area-wide amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law to allow lounges in association with, but subordinate to restaurants through the development agreement process within the Commercial Designation of the Quinpool Road Commercial Area Plan. MOTION PUT AND PASSED.

11.4 HALIFAX REGIONAL LIBRARY BOARD

11.4.1 Capital Budget Increase - Woodlawn Library Expansion

- A report dated February 22, 2010 was before Council.

MOVED BY Councillor Uteck, seconded by Councillor Lund that Halifax Regional Council:

- 1. Allocate \$444,000.00 from Operating Account B011-4703 to Capital Account CBW00977-Woodlawn Library Expansion;**
- 2. Approve an increase to Capital Account CBW00977-Woodlawn Library Expansion by \$444,000.00 for the transfer from Operating as identified in the Budget Implications section of the report dated February 22, 2010.**

In response to Councillor Hendsbee's request for clarification on the account titles and why there were unspent funds in the account, Ms. Cathie O'Toole, Director, Finance, explained that the situation was a procedural issue. The funds were not being transferred from one capital account to another; the funds were coming from an operating budget cost centre (B011) where the revenue from the Provincial Grant was recorded and then transferred to the capital account for the Woodlawn Library project.

Mayor Kelly requested that the Provincial Grant funds be accounted for in the Library budget as part of the budget process. Ms. O'Toole advised that the Provincial Grant funds were not guaranteed, therefore, including those funds in the budget process would introduce a risk in the library budget.

MOTION PUT AND PASSED.

12. MOTIONS

12.1 Deputy Mayor Johns

Deputy Mayor Johns acknowledged the provincial contribution toward the two hybrid buses now in use in HRM and advised that more provincial support for sustainable transportation was required. He explained that there were funding opportunities to support transit and the existing ferry service through potential revenue streams that would be cost neutral to the province. He then placed the following motions for Council's consideration.

MOVED BY Deputy Mayor Johns, seconded by Councillor Outhit that Halifax Regional Council direct the Mayor to write to the Minister of Transportation and Infrastructure Renewal, the Honourable Bill Estabrooks, to request that the Provincial Government investigate funding opportunities that would generate income to offset the cost of sustainable transportation initiatives in HRM; particularly, transit operations of the Municipality. MOTION PUT AND PASSED.

12.2 Deputy Mayor Johns

MOVED BY Deputy Mayor Johns, seconded by Councillor Sloane that Halifax Regional Council direct the Mayor to write to the Minister responsible for Finance with the Nova Scotia Provincial Government, the Honourable Graham Steele, and request that the Halifax Dartmouth Bridge Commission apply to the Nova Scotia Utility and Review Board, requesting a fare increase of twenty-five cents; and that fifteen cents of this increase be provided to the Halifax Regional Municipality to offset the cost of sustainable transportation initiatives, particularly transit and existing ferry operations.

Members of Council commended Deputy Mayor Johns for his creative and innovative efforts to find alternative funding sources to support sustainable transportation.

Councillor Blumenthal advised that he was a member of the Halifax Dartmouth Bridge Commission (HDBC) and could not support the motion as the \$0.25 proposed bridge toll increase was to fund the estimated \$140 million required for continued maintenance on both the MacDonald and MacKay bridges, specifically the redecking of the MacDonald Bridge.

Councillor Harvey noted that the bridges did not belong to HRM and that Council would be exceeding its authority in asking to piggy back on the proposed toll increase as the HDBC required full use of those funds to redeck the bridges. He suggested having a Capital Transportation Authority to work on such issues.

Councillor Uteck advised that she could not support the motion as a similar discussion had already been held at the HDBC and it was determined that the bridge was already operating on a user pay system which was their only source of funding. She questioned

why those commuters coming to the peninsula via the bridge would be penalized when commuters from other areas entered the peninsula at no cost. Councillor Uteck suggested that consideration be given to expanding the MacPass system or cordon tolling on the roads to address revenue issues in regard to sustainable transportation initiatives.

Councillor Hendsbee concurred that cordon tolling at the four other pinch points onto the Peninsula, rather than targeting the two bridges, would be the direction to take in regard to supporting the transit strategy. He noted that Council had to look beyond the bridge users and include all commuters entering the peninsula. Councillor Hendsbee suggested that since HRM was not prepared to increase downtown parking fares, setting bridge fares closer to the transit fares could be an option. He commented that the HDBC had its own challenges and required the toll funds.

Councillor Outhit commented that the bridges would last longer if more people used rail, buses or ferries. He expressed concern that more road widening may occur if more people were not moved onto buses. Rather than requesting a portion of the proposed toll increase, it was **MOVED BY Councillor Outhit that Regional Council request the Halifax Dartmouth Bridge Commission remove the bridge tolls for HRM buses, a savings of \$417,000 to HRM.**

Deputy Mayor Johns suggested that the proposed amendment be a separate motion if the motion on the floor was defeated. **Having no seconder, the motion was lost.**

Mayor Kelly commented that Council could request that the Province add a section to the HRM Charter to exempt the municipality from the bridge toll charges.

Councillor Walker advised that he was not in support of the motion and noted that the Provincial government supported the whole of Nova Scotia and may distribute any revenue raised by the toll increase across the province.

Councillor Sloane suggested that it was time to send the message that commuters who use the roads have to pay. She suggested compiling all the options and creating a Strategic Plan to fund transit.

Councillor Smith expressed concern that the suggested resolution to the transit funding issue was being attached to a disproportionate amount of the population as 75% of the people who use the bridge are from Dartmouth. The proposal would take \$2 million from the Dartmouth side for transit when an overall program was required where everyone paid. He concurred with having a Strategic Plan for transit funding. He noted that requesting a portion from the provincial gasoline revenue would be more equitable.

Upon request of Councillor Barkhouse, Ms. Mary Ellen Donovan, Municipal Solicitor, advised that it was recognized that it was not the Municipality's decision to make but

there may be an option to seek an amendment to the HRM Charter to allow for the matter under consideration.

Councillor Wile expressed concern with cordon tolling as it may deter people from coming onto the peninsula to shop and dine.

MOTION PUT AND DEFEATED.

- 13. ADDED ITEMS - NONE**
- 14. NOTICES OF MOTION - NONE**
- 15. ADJOURNMENT**

The meeting adjourned at 9:34 p.m.

Cathy Mellett
Acting Municipal Clerk

INFORMATION ITEMS

March 2, 2010

1. Proclamation - Liver Health Awareness Month - March 2010
2. Proclamation - Employee Appreciation Day - March 5, 2010
3. Memorandum from Acting Director, Community Development dated February 1, 2010 re: Emerging Artist Studios Pilot Project
4. Memorandum from Acting Director, Community Development dated February 10, 2010 re: Case 15894 - Municipal Planning Strategy / Land Use By-Law Amendments, Westwood Hills Subdivision, Upper Tantallon
5. Memorandum from the Acting Clerk Manager dated February 26, 2010 re: Requests for Presentation to Council - None