

HALIFAX REGIONAL COUNCIL
MINUTES

July 5, 2011

PRESENT:

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

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Mr. Mike Labrecque, Deputy Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Sherryll Murphy, Acting Municipal Clerk
Ms. Shawnee Gregory, Acting Municipal Clerk
Ms. Jennifer Weagle, Legislative Assistant
Ms. Krista Tidgwell, Legislative Assistant
Ms. Chris Newson, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 10:08 a.m. with the Invocation being led by Councillor Dalrymple.

It was noted that Councillors Johns and Harvey send regrets for the morning session due to a prior commitment.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Wile indicated she would make an announcement later in the meeting after the arrival of Councillor McCluskey.

Councillor Watts advised that a public information meeting has been scheduled for Wednesday, July 6, 2011, at 7:00 p.m. at the Halifax Forum (Maritime Hall), 2901 Windsor Street, Halifax regarding the redevelopment of the St. John's United Church site at the corner of Willow and Windsor Streets.

Councillor Watts also advised that there is a meeting of Peninsula Community Council on Monday, July 11, 2011, at 7:00 p.m. An update on the Bayers Road widening will be provided. She encouraged residents with questions to email them to the Councillors or come to the meeting.

Councillor Dalrymple thanked the Beaverbank Kinsac Canada Day Committee, the Fall River Canal Days Committee, and the Lakeview Flag Raising Committee for putting on great events over the Canada Day weekend.

Councillor Blumenthal congratulated and thanked organizers of the Northwood Manor Canada Day program, the Multicultural Festival, and the Canada Day pancake breakfast.

3. APPROVAL OF MINUTES – June 14, 2011

Councillor Watts indicated that she had amendments to the minutes she would provide to the Clerk after the meeting.

MOVED by Councillor Wile, seconded by Councillor that the minutes of June 14, 2011, as amended, be approved. MOTION PUT AND PASSED.

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

Additions:

- 13.1 Councillor Rankin – Request for First Reading for Case 01213: Municipal Planning Strategy Amendments for the Industrially Zoned Lands Surrounding Drysdale Bog, Goodwood
- 13.2 Deputy Mayor Smith – Construction of Nantucket Transit Terminal in Dartmouth
- 13.3 Councillor Outhit – Request for Staff Report – Public Tennis Facilities

MOVED by Councillor Sloane, seconded by Councillor Fisher, that the agenda, 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

9.1 By-Law N-200, Respecting Noise – Exemption Application

(i) 2011 FIVB Beach Volleyball, SWATCH Junior World Championship

This item was addressed later in the meeting.

(ii) Wright & Burnside Business Campus Construction

This item was addressed later in the meeting.

9.2 Case 15940: Forest Hills Planned Unit Development

This item was addressed later in the meeting.

9.3 Project 00953: Wind Energy Facilities in HRM

This item was addressed later in the meeting.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

10.1.1 Request for Fly-Past – North Preston Days

A letter dated June 21, 2011 from Captain BWN Santarpia, Base Commander, Canadian Forces Base Halifax, was before Council.

**MOVED by Councillor Hendsbee, seconded by Councillor Wile, that Halifax Regional Council grant permission to the Joint Task Force Atlantic to fly a Sea King on August 13, 2011 over the city at an altitude of no less than 500 feet above the highest obstacles, with the aircraft flying into Preston at 11:10 a.m. and following the parade route, landing at the Community Centre at 11:25 a.m..
MOTION PUT AND PASSED.**

10.2 Petitions

10.2.1 Councillor Streach

Councillor Streach submitted a petition with approximately 550 signatures opposed to the proposed industrial wind farm in Jeddore.

10.3 Presentation

10.3.1 2011 Canada Games Final Report & Presentation

A copy of the Final Corporate Report for the Halifax 2011 Canada Games was before Council.

Mr. Jean-Paul Deveau, Chair, Board of Directors, presented the final corporate report to Council.

Councillor Barkhouse arrived at 10:22 a.m.

The Mayor thanked Mr. Deveau and his team for a job well done in the execution of the 2011 Canada Games. Mr. Deveau presented the Mayor with a 2011 Canada Games commemorative medal set.

11. REPORTS

At the request of Councillor McCluskey, Council agreed to address Item 11.4.1 as the next order of business.

11.4 AUDIT & FINANCE STANDING COMMITTEE

11.4.1 Audited Financial Statements – March 31, 2011

The June 28, 2011 Audit and Finance Standing Committee report was before Council.

A Revised Consolidated Statement of Cash Flows was circulated to members.

Mr. Louis de Montbrun, Manager, Accounting Operations, reviewed the HRM Consolidated Financial Statements (year ended March 31, 2011).

MOVED by Councillor McCluskey, seconded by Councillor Walker, that Halifax Regional Council accept, pending approval of the Halifax Water Commission Financial Statements for Year Ended March 31, 2011, the Consolidated Financial Statements for Year Ended March 31, 2011; the Miscellaneous Trust Funds Financial Statements for Year Ended March 31, 2011, and; the General Rate Surplus Financial Information for Year Ended March 31, 2011, as attached to the June 28, 2011 report. MOTION PUT AND PASSED.

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Request for Proposal – 11-153 – Athletic Track, Resurfacing Beazley Field – Dartmouth and Metropolitan Field, Sackville

The June 13, 2011 staff report was before Council.

MOVED by Councillor Fisher, seconded by Councillor Lund, that Halifax Regional Council:

- 1. Authorize a transfer of \$50,000 from Project No. CPX01200 – Field Upgrades, to Project No. CPX01178 – Track and Field Upgrades; and**
- 2. Award Request for Proposal No. 11-153 to the highest scoring proponent, Playteck Enterprises, for a Total Project Cost of \$956,302.62 (net HST included), with funding from Project No. CPX01178, as outlined in the Budget Implications Section of the June 13, 2011 report.**

MOTION PUT AND PASSED.

11.1.2 Tender 11-227 – Pavement Resurfacing – Bedford Highway (Fourth Street to Dartmouth Road) – Central Region

The June 8, 2011 staff report was before Council.

MOVED by Councillor Outhit, seconded by Councillor Wile, that Halifax Regional Council:

- 1. Authorize a budget increase of \$149,128.98 (net HST included) to Project No. CYX01345 – Street Recapitalization, funded through cost sharing with the NSTIR.**

2. **Award Tender No. 11-227, Pavement Resurfacing Bedford Highway (Fourth Street to Dartmouth Road) – Central Region, to the lowest bidder meeting specifications, Dexter Construction Company Ltd., for a Total Tender Price of \$699,759.06 (net HST included) with funding from Project No. CYX01345 – Street Recapitalization, as outlined in the Budget Implications section of the June 8, 2011 report.**

Councillor Hendsbee noted disappointment that there are no bicycle lanes included in this portion of the project.

MOTION PUT AND PASSED.

11.1.3 Tender 11-156 – Beaver Bank / Kinsac Community Centre Rebuild

The June 16, 2011 staff report was before Council.

MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee, that Halifax Regional Council:

1. **Increase Project No. CBX01281 – Beaver Bank/Kinsac Recreation Centre, by \$1,566,000 with funding provided from the existing area rate for the facility; and**
2. **Award Tender No. 11-156, for Beaver Bank/Kinsac Community Centre Rebuild, to the lowest bidder meeting specifications, Dora Construction Ltd., for a Total Tender Price of \$6,298,874.40 (net HST included), with funding from Project No. CBX01281, Beaver Bank / Kinsac Community Centre, as outlined in the Budget Implications section of the June 16, 2011 report.**

Councillor Dalrymple thanked the current and past Chairs of the Beaver Bank/Kinsac Community Centre, present this evening, for their work on this over the past 18 months.

Staff responded to questions of clarification from members of Council.

MOTION PUT AND PASSED.

11.1.4 Sole Source Award for UPS Battery Backup for Traffic Signals

The June 16, 2011 staff report was before Council.

MOVED by Councillor Karsten, seconded by Councillor McCluskey, that Halifax Regional Council, in accordance with the Sole Source Policy (Administrative Order 35, Section 8(11) sub-sections (a) and (b) attached), award the Sole Source Purchase of UPS Battery Backup equipment, via Quotation No. G5531rev1, in the amount of \$79,674.50 (net HST included) to Tacel Limited, with funding from

Project Account Nos. CTU00419 – Traffic Signal Rehabilitation and CTU01085 – Traffic Signal Installation as outlined in the Budget Implications section of the June 16, 2011 report.

Councillor Fisher inquired whether the battery backup would allow colour changing signals to continue during a power outage instead of the flashing yellow which currently occurs with a power outage. The Mayor indicated that staff are not currently present and will have to get back to the Councillor with an answer.

MOTION PUT AND PASSED.

11.1.5 Proposed Amendment to Administrative Order 35, Respecting the Procurement Policy – Interim Award Policy

The June 27, 2011 staff report was before Council.

MOVED by Deputy Mayor Smith, seconded by Councillor McCluskey, that Halifax Regional Council amend Section 9, Awards of Contracts, Subsection (5), Administrative Order 35, Procurement Policy to include the condition that the CAO or his/her designate may approve the award of contracts during the summer months (July – September) and December Holiday break periods “where the purchase is a sole source/single source purchase not to exceed \$50,000”.

MOTION PUT AND PASSED.

11.1.6 Proposed By-Law L-134, An Amendment to By-Law L-100, Respecting Charges for Local Improvements – Mount Hope Avenue Extension – Formal Street Acceptance

The May 5, 2011 staff report was before Council.

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

- 1. Accept ownership of the new Mount Hope Avenue Extension as described on Attachment C, subject to acceptance of the municipal service systems by the Municipal Engineer, Halifax Water, Heritage Gas, and the Province of Nova Scotia.**
- 2. Approve in principle the adoption of Local Improvement By-Law L-134, Respecting Charges for Local Improvement Projects attached hereto as Attachment “A”, to set charges for the recovery of a portion of the capital cost of the Mount Hope Avenue/Highway 111 Interchange, to be recovered from the owners of properties depicted on the attached schematic plan (Attachment “B”), and also give notice of motion to begin the formal adoption process; and**

3. **Approve a change to the funding source for Project No. CTU00530 – Highway 111/Mount Hope Avenue Interchange in the amount of \$483,328 from Capital Cost Contribution revenue to Local Improvement Charge revenue.**

Staff responded to questions of clarification from members of Council.

MOTION PUT AND PASSED.

11.1.7 Proposed By-Law S-431, An Amendment to By-Law S-400, Respecting Charges for Street Improvements

The June 16, 2011 staff report was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Fisher, that Halifax Regional Council:

1. **Approve the 2011 Local Improvement Charges as outlined on the attached Schedule “A”;**
2. **Approve in principle the adoption of By-Law S-431, Respecting Charges for Street Improvements as attached, and also give notice of motion to begin the formal adoption process;**
3. **Apply the new charges to all completed 2010/11 Projects where such charges apply; and**
4. **Direct staff to review the current LIC By-Law and Policy requirements for possible improvement to the process, and to present to Council varying options for discussion.**

Staff responded to questions of clarification from members of Council.

MOTION PUT AND PASSED.

11.1.8 Proposed By-Law S-432, An Amendment to By-Law S-400, Respecting Local Improvement Charges – New Paving Projects Outside the Core Area – 2010

The May 30, 2011 staff report was before Council.

MOVED by Councillor Rankin, seconded by Council Sloane, that Halifax Regional Council approve in principle the adoption of By-Law S-432, an amendment to By-Law S-400, Respecting Charges for Street Improvements, relating to New Paving of Subdivision Streets Outside the Core Area – 2010, and to give notice of motion to begin the formal adoption process.

Staff responded to questions of clarification from members of Council.

With the agreement of the Mover and Seconder, it was **MOVED by Councillor Hendsbee, seconded by Councillor Streach, that the motion be amended to defer the following three streets from District 3 - Mannede Court, Sandy Point Road, and Joan Elizabeth Way – pending the results from a public meeting in Porters Lake hosted by Councillor Hendsbee on July 19th to discuss a unified rate for these three streets. MOTION TO AMEND WAS PUT AND PASSED.**

The original motion was then **PUT AND PASSED.**

11.1.9 Case 01298 – Extension of Central Water Service to Giles Drive, Bedford and Proposed By-Law L-133, An Amendment to By-law L-100, Respecting Charges for Local Improvements

An extract of the November 16, 2010 Regional Council minutes was before Council.

The June 1, 2011 Supplementary staff report was before Council.

The October 28, 2010 staff report was before Council.

At the request of Council, Ms. Mary Ellen Donovan, Municipal Solicitor, clarified that with a 2/3rd agreement, Council can agree to waive the requirement for Notice of Motion. She noted that By-law amendments require a notice of motion and a first reading.

MOVED by Councillor Outhit, seconded by Councillor Rankin, that Halifax Regional Council waive the requirement for Notice of Motion for Case 01298 - Extension of Central Water Service to Giles Drive, Bedford and Proposed By-Law L-133, An Amendment to By-law L-100, Respecting Charges for Local Improvements. MOTION PUT AND PASSED.

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

- 1. Approve in principle and begin the process for adoption of Local Improvement By-Law L-133, attached hereto as Attachment A of the June 1, 2011 Supplementary staff report, to set the charges for the installation of central water servicing on a portion of Giles Drive, Bedford;**
- 2. Subject to approval of By-Law L-133, authorize Halifax Regional Municipality and Halifax Water to be the contracting agencies for the required installation of the water servicing;**
- 3. Approve in principle the project budget for the Giles Drive Water Servicing Project in the amount of \$150,000 including net HST, with \$50,000 to be**

provided from West Bedford Holdings Ltd., and \$50,000 from Operating Cost Centre M421, with the net residual amount funded from a Local Improvement Charge as per By-Law L-133;

- 4. Schedule a public hearing to consider the proposed amendment to the Regional Subdivision By-Law to extend the Water Service Area Boundary, as illustrated in Attachment B of the June 1, 2011 Supplementary Report.**

MOTION PUT AND PASSED.

11.1.10 Appointment of Parking Infraction Ticket Administrator

The June 9, 2011 staff report was before Council.

MOVED by Councillor Watts, seconded by Councillor Blumenthal, that Halifax Regional Council appoint Sandra Pickrem and Chad Oliver to the position of Parking Infraction Ticket Administrator, as required under the Province of Nova Scotia Summary Proceedings Act Regulations, Part 2, Section 12.

Staff responded to questions of clarification from members of Council.

MOTION PUT AND PASSED.

11.1.11 2011-12 Operating Budget Allocations

The June 13, 2011 staff report was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that Halifax Regional Council approve the attached changes to revenue and expenditure allocations to various cost centres and cost elements as outlined in Appendix "A" of the June 13, 2011 staff report.

Councillor Uteck suggested that a chart outlining what was changed in the budget from one year to another would be very helpful to Councillors.

MOTION PUT AND PASSED.

11.1.12 Festival and Events Grant Funding Request – First Intake

The June 24, 2011 staff report was before Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Halifax Regional Council approve the 2011/12 Festival & Events grant awards (1st intake) for a total of \$25,000, funded from operating account C760 – Community/Civic Events as identified in Table 1 of the June 24, 2011 staff report.

Staff responded to questions of clarification from members of Council.

MOTION PUT AND PASSED.

11.1.13 Grants – Summer Festival Grant Recommendations

The June 24, 2011 staff report was before Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Halifax Regional Council approve 2011/12 Summer Festival grant awards for a total of \$25,000, funded from the Civic Events Operating budget (C760) as follows:

- (a) \$4,500 for Cole Harbour Harvest Festival
- (b) \$8,000 for the Hubbards Cove Waterfront Festival
- (c) \$4,500 for the Lake & Shore Days
- (d) \$8,000 for the Seaside Harvest Festival

MOTION PUT AND PASSED.

11.1.14 Operating Fund – St. Margaret’s Centre

A report dated June 22, 2011 was circulated.

MOVED by Councillor Lund, seconded by Councillor Wile, that Halifax Regional Council authorize the CAO to sign a short-term, interest-bearing loan agreement with the Board of the St. Margaret’s Centre for a term of no more than Five (5) years, up to a maximum amount of \$125,000 and at an interest rate equal to no more than the 5-year Municipal Finance Corporation debenture rates. This loan will be repayable upon demand.

Staff responded to questions of clarification.

Mr. Mike Labrecque, Deputy CAO, clarified that during 2011/2012 budget deliberations Council approved a motion for staff to provide a report to the Audit & Finance Standing Committee on the status of the management agreements and any financial risks going forward relating to all multi-district facilities. The status of the two loans to the St. Margaret’s Centre will be included in the report.

MOTION PUT AND PASSED.

11.1.15 Request for Proposal 10-335 – Supply of Vacuum Mechanical Sweepers

A report dated April 29, 2011 was circulated.

MOVED by Councillor Mosher, seconded by Councillor Sloane, that Halifax Regional Council award RFP No. 10 – 335, Four (4) Vacuum/Mechanical Street

Sweepers to the highest scoring proponent, Saunders Equipment, for a total cost of \$1,008,237.05 (net HST included), with funding from Project No. CVD01087 – Fleet Vehicle Replacement, as outlined in the Budget Implications section of this report.

Staff responded to questions of clarification from members of Council.

MOTION PUT AND PASSED.

11.2 PENINSULA COMMUNITY COUNCIL

11.2.1 Amendment to the HRM Charter – Pilot Projects

The June 20, 2011 Peninsula Community Council report was before Council.

MOVED by Councillor Sloane, seconded by Councillor Watts, that Halifax Regional Council request a staff report with regard to pursuing amendments to the HRM Charter to enable Pilot Projects.

Staff responded to questions of clarification from members of Council.

Council recessed at 11:53 a.m.

Council reconvened at 1:05 p.m. with Deputy Mayor Smith as Chair.

Councillor Wile presented Councillor McCluskey with a gift from the Royal Nova Scotia International Tattoo, in recognition of receiving the first salute from Tattoo performers and the Military on June 29, 2011.

Discussion on the motion from Item 11.2.1 continued, with Councillor Rankin requesting a recoded vote be taken.

During the discussion the following points, concerns and suggestions were noted:

- The staff report would provide clarification of the legal mechanism; Council would review options and choose whether to advance
- Identify whether there should be a limitation to pilot projects
- HRM does not enforce subdivision covenants; HRM could review possible violations under a pilot program
- Identify the definition of pilot projects (example: does HRM have the authority to challenge traffic authority regarding crossing programs for flags as a pilot project)
- Concerned with test pilots becoming an example for using certain types of programs or products; Council needs to ensure there are limitations
- Pilot projects provide a better opportunity and ability to be more flexible to serve the Municipality
- Clarify the difference between a pilot project and a trial project; previous HRM programs have been identified as a pilot project

Ms. Mary Ellen Donovan, Municipal Solicitor, further clarified that the genesis of the Peninsula Community Council's request appears to come from an interest in exploring amendments to the Land Use By-law (LUB). The challenge with undertaking any kind of pilot related to LUB changes is that once a LUB amendment is implemented, a non-conforming use is established. The concept of a pilot project is to try something out without establishing a permanent non-conforming use scenario should the concept not workout. Ms. Donovan further clarified pilots are well within HRM's existing authority respecting service and infrastructure decisions.

Respecting the nature of Peninsula Community Council's request, Councillor Sloane clarified that during a District 12 Planning Advisory Committee meeting, a question was raised regarding the Community Council's authority on issues under the Land Use By-law. She provided an example of a resident who is trying to sell his condos through the use of a model home but is being told to move the model home because it is not permitted in its current location under the LUB. The Community Council would like to identify ways where there can be more flexibility.

Ms. Donovan indicated that the staff report would identify whether there are any mechanisms to do short term land use changes that do not have long term implications.

Councillor Johns entered the meeting at 1:33 p.m.

Councillor Hum suggested forwarding this matter as part of HRM's recommendations to the Nova Scotia Utility and Review Board for consideration during its review of HRM's districts and governance model. The UARB could incorporate the issue of pilot projects as part of the Community Council's powers and authorities.

Ms. Donovan advised that although the subject of the powers of Community Councils was raised during the district boundary hearing, it was also noted that this subject is outside of the jurisdiction of the UARB and is a matter for the legislature to consider. In the event that the Province puts the amendment in place, it would be Council's or the Community Council's decision to move forward with a pilot project.

Mayor Kelly resumed as chair at 1:35 p.m. and Deputy Mayor Smith took his seat.

Councillor Harvey entered the meeting at 1:39 p.m.

A recorded vote was taken.

MOTION PUT AND PASSED. (15 in favour, 8 against)

Those voting in favour were: Deputy Mayor Smith, Councillors Adams, Barkhouse, Blumenthal, Dalrymple, Fisher, Hendsbee, Hum, Johns, Lund, Nicoll, Outhit, Sloane, Uteck and Watts.

Those voting against were: Mayor Kelly, Councillors Harvey, Karsten, McCluskey, Mosher, Rankin, Walker and Wile.

Councillor Streach was absent from the vote.

11.2.2 Business Improvement District for Agricola, Hydrostone, Gottingen

The June 20, 2011 Peninsula Community Council report was before Council.

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

- 1. Endorse the establishment of a Business Improvement District for Agricola, Gottingen and Hydrostone area, in accordance with the Boundary contained in Attachment 1 of the May 18, 2011 staff report;**
- 2. Approve the proposed area rate levy of \$0.18 per \$100.00 of assessed value for commercial assessment to be applied within the Business Improvement District effective in the 2011-12 fiscal year with a minimum of \$50 and a maximum of \$2,500 per property;**
- 3. Authorize the Mayor and Municipal Clerk to execute the Business Improvement Districts Service Agreement as set out in Attachment 4 of the May 18, 2011 staff report for one year, effective June 8, 2011; and**
- 4. Defer BID eligibility for HRM discretionary contributions funding until the 2012-2013 fiscal year.**

During the discussion concern was raised regarding the creation of another BID without increasing the BID discretionary grant funding. Mr. Andrew Whittemore, Manager, Community Relations & Cultural Affairs, Community Development, advised that staff is aware of this challenge within the BID program.

Councillor Streach entered the meeting at 1:58 p.m.

Mr. Whittemore responded to questions of clarification respecting the BID-specific HRM discretionary funding and draft Contributions Policy.

Councillor Blumenthal commented that Gottingen Street, Agricola Street and the Hydrostone area have different communities of interest. He commented that it is difficult to support the motion when the owner of the Hydrostone Market is against the BID in his area. Councillor Blumenthal noted that he is not against BIDs but could not see how it would assist the Hydrostone area by including them in this particular BID.

MOVED by Councillor Blumenthal, seconded by Councillor Rankin, that the motion be amendment to remove the Hydrostone area from the Business Improvement District (BID).

Mr. Whittemore suggested that Council may want to direct staff to go back to the business community to provide clarification, as the amendment would change the budget by approximately \$5,000.

Ms. Mary Ellen Donovan, Municipal Solicitor, clarified that the boundaries of the BID is Council's decision.

Council entered into discussion on the amendment.

MOVED by Councillor Sloane, seconded by Councillor McCluskey to defer the motion, pending further information as to what impact the removal of the Hydrostone area would have on the BID.

Upon clarification from Mr. Bruce Fisher, Manager, Fiscal & Tax Policy, Finance, respecting the time frame of the tax bill mail out and the ability to levy in the 2011-2012 fiscal year, Councillor Sloane removed her motion of deferral from the floor.

Staff responded to questions of clarification respecting the balloting process and the overall response rate.

Discussion ensued as to what would comprise the "Hydrostone" area to be removed from the BID.

A recorded vote was taken on the amendment.

MOTION ON AMENDMENT PUT AND PASSED. (16 in favour, 8 against)

Those voting in favour were: Mayor Kelly, Councillors Streach, Dalrymple, Nicoll, McCluskey, Fisher, Karsten, Wile, Blumenthal, Walker, Hum, Mosher, Adams, Johns, Rankin and Lund.

Those voting against were: Deputy Mayor Smith, Councillors Hendsbee, Barkhouse, Sloane, Uteck, Watts, Harvey and Outhit.

The motion before Council now reads:

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

- 1. Endorse the establishment of a Business Improvement District for the Agricola and Gottingen area, with a corresponding amendment to the**

Boundary contained in Attachment 1 of the May 18, 2011 staff report to remove the Hydrostone area;

- 2. Approve the proposed area rate levy of \$0.18 per \$100.00 of assessed value for commercial assessment to be applied within the Business Improvement District effective in the 2011-12 fiscal year with a minimum of \$50 and a maximum of \$2,500 per property; and**
- 3. Authorize the Mayor and Municipal Clerk to execute the Business Improvement Districts Service Agreement, as set out in Attachment 4 of the May 18, 2011 staff report, for one year effective June 8, 2011.**
- 4. Defer BID eligibility for HRM discretionary contributions funding until the 2012-2013 fiscal year.**

A recorded vote was taken.

MOTION PUT AND PASSED. (23 in favour, 1 against)

Those voting in favour were: Mayor Kelly, Deputy Mayor Smith, Councillors Streach, Dalrymple, Nicoll, McCluskey, Fisher, Karsten, Barkhouse, Wile, Blumenthal, Sloane, Uteck, Watts, Walker, Hum, Mosher, Adams, Johns, Harvey, Outhit, Rankin and Lund.

Those voting against were: Councillor Hendsbee.

Council recessed at 2:36 p.m.

Council reconvened at 2:50 p.m.

11.3 WESTERN REGION COMMUNITY COUNCIL

11.3.1 Uniform Charge for Ketch Harbour Area Residents Association

The June 28, 2011 Western Region Community Council report was before Council.

The following was distributed to Council:

- Background material regarding SmartTrip
- Email submissions from John A. Burns, John Himmelman, Dan Welch and Steve Farmer

MOVED by Councillor Adams, seconded by Councillor Fisher that Halifax Regional Council approve an annual uniform charge of \$66.67 to be applied against each of the residential properties with dwellings within the mapped area depicted in Appendix A of the June 10, 2011 staff report effective with 2011/12 fiscal year for the purpose of funding the activities of the Ketch Harbour Area Residents Association.

Councillor Sloane advised that members of the community have expressed concern with the voter turnout and questioned whether neighbours received the information. She suggested this matter be deferred for three weeks. Mr. Bruce Fisher, Manager, Fiscal & Tax Policy, Finance, raised similar concerns respecting the time frame of the tax bill mail out as identified during the Business Improvement District discussion earlier in the meeting.

In response to concerns raised by Council, Mr. Fisher provided an overview of the ballot tabulation and the Association's business plan and budget as identified in the June 10, 2011 staff report.

MOTION PUT AND PASSED.

11.5 TRANSPORTATION STANDING COMMITTEE

11.5.1 HRM SmartTrip Program and Memorandum of Understanding

The June 24, 2011 Transportation Standing Committee report was before Council.

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

- 1. Authorize the Manager, Strategic Transportation Planning to enter into a Memorandum of Understanding on behalf of Halifax Regional Municipality with businesses who agree to participate in the SmartTrip program; and**
- 2. Approve the fees set out in Table 1 of the June 1, 2011 staff report for business participating in the program.**

MOTION PUT AND PASSED.

11.5.2 Taxi & Limousine Advisory Committee

The June 24, 2011 Transportation Standing Committee report was before Council.

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

- 1. Repeal Administrative Order #38 Respecting the Creation of a Taxi & Limousine Advisory Committee, and;**
- 2. Provide direction to the CAO to have staff of Community Projects, Halifax Regional Police, constitute an Industry/Staff Liaison Committee with revisions to the proposed Terms of Reference as outlined in Attachment A of the June 21, 2011 Supplementary Report.**

During the discussion it was noted that the Committee would be permitted to elect its own Chair.

Deputy Mayor Smith expressed concern with the composition of the new Committee. Ms. Andrea MacDonald, Manager, Animal and Taxi/Limousine Services, advised that through consultation with the Chief Administrative Officer, it was determined that the Committee would have to have representation from each of the three zones, as well as citizens-at-large. Based on Council's request, staff has reduced representation from the Airport Authority, TIANs and the hotel industry from the previous Committee.

Mr. Mike Labrecque, Deputy Chief Administrative Officer, further clarified that the concept of the Committee is modeled after the development liaison group.

Ms. Mary Ellen Donovan, Municipal Solicitor, clarified that staff would bring forward recommendations respecting legislative amendments from the liaison group to the Transportation Standing Committee prior to going forward to Regional Council.

Further clarification was provided respecting keeping the key stakeholders informed, as well the membership open call process.

MOTION PUT AND PASSED.

12. MOTIONS – NONE

13. ADDED ITEMS

13.1 Councillor Rankin – Request for First Reading of Case 01213: Municipal Planning Strategy Amendments for the Industrially Zoned Lands Surrounding Drysdale Bog, Good Wood

MOVED by Councillor Rankin, seconded by Councillor Lund that Halifax Regional Council Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy, the Land Use By-law for Mainland Halifax, the municipal Planning Strategy for Planning District 4, and the Land Use By-Law for Planning District 4, as provided in Attachments A, B, C and D of the June 8, 2011 staff report and schedule a public hearing.

MOTION PUT AND PASSED.

Public Hearing date scheduled for August 9, 2011.

13.2 Deputy Mayor Smith – Construction of Nantucket Transit Terminal in Dartmouth

Deputy Mayor Smith requested clarification respecting should the tenders come in on budget, that the Chief Administrative Officer have the ability to approve the tenders.

Mr. Phil Townsend, Manager, Infrastructure and Asset Management, advised that there are two outstanding issues that staff would like to correct prior to proceeding with an award:

- Storm water drainage

Issue raised during the building permit application process. Drawings have been changed to accommodate the drainage and staff has an estimate of what the additional work will cost.

- Pyritic Slate Management Plan

Drawings were tendered based on the Plan. It is understood that the plans have received tentative approval from the Nova Scotia Department of Environment and Labour. Staff is awaiting final written approval before proceeding. If there are changes to the plans there may be financial implications that staff would want to address prior to awarding a tender. If approved, there would be no financial implications and staff would be in a position, using HRM's procurement process and within the authority of the Chief Administrative Officer, to make an award during Council's break. If an award is not issued, this matter will be brought back to Council in a timely manner.

Item 10.2 – Petitions was addressed at this time.

10.2.2 Councillor Johns – Petition

Councillor Johns submitted a petition containing 70 signatures in support of, and requesting that the extension of services include the Springfield Estates Mobile Home Park. Further that Halifax Regional Council:

1. Include Springfield Estates on any future infrastructure priority lists in an effort to obtain Provincial and/or Federal funding;
2. Request that the Province of Nova Scotia take a leadership position and identify other sources of funding to offset the costs of this burden to residents and work with other levels of government to find a funding resolution for the residents of Springfield Estates; and
3. Request that the Federal Government assist in funding support to offset the costs through any means they have at their disposal.

13.3 Councillor Outhit – Request for Staff Report – Public Tennis Facilities

MOVED by Councillor Outhit, seconded by Councillor Sloane that Halifax Regional Council direct staff to:

- 1. Meet with Tennis Canada and Tennis Nova Scotia officials to determine the public requirements for Tennis Facilities in HRM and how those might be accomplished; and**
- 2. Provide a report to Council for discussion.**

MOTION PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor Johns

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 2nd day of August, 2011, I propose to move First Reading of By-Law S-431, the purpose of which is to amend schedule “A”, Respecting Charges for Street Improvements.

14.2 Councillor Barkhouse

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 2nd day of August, 2011, I propose to move First Reading of By-Law L-134, the purpose of which is to amend Schedule “A” of By-law L-100, the Local Improvement By-law, to set charges for the recovery of a portion of the capital cost of the Mount Hope Ave/Highway 111 Interchange.

14.3 Councillor Hendsbee

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 2nd day of August, 2011, I propose to move First Reading of By-Law S-432, Respecting Charges for Street Improvements relating to New paving of Subdivision Streets Outside the Core Area – 2010.

Council recessed at 3:31 p.m.

The meeting reconvened at 6:00 p.m.; absent were Councillors Mosher and Outhit.

9. PUBLIC HEARINGS

9.1 By-Law N-200, Respecting Noise – Exemption Application

- (i) 2011 FIVB Beach Volleyball, SWATCH Junior World Championship**

The May 16, 2011 staff report was before Council.

Superintendent Colleen Kelly, Halifax Regional Police, presented the report.

Mayor Kelly opened the public hearing calling for any speakers for or against the proposal.

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

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Halifax Regional Council approve the 2011 World Beach Volleyball Host Society Application for an exemption from the provisions of the Noise By-Law pursuant to the contents of the May 16, 2011 staff report and any matters raised at the public hearing. MOTION PUT AND PASSED.

(ii) Wright & Burnside Business Campus Construction

The June 16, 2011 staff report was before Council.

Superintendent Colleen Kelly, Halifax Regional Police, presented the report.

Mayor Kelly opened the public hearing calling for any speakers for or against the proposal.

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

MOVED by Deputy Mayor Smith, seconded by Councillor Karsten that Halifax Regional Council approve Dexter Construction Company Limited's application for an exemption from the provisions of the Noise by-Law pursuant to the contents of the June 16, 2011 staff report and any matters raised at the public hearing. MOTION PUT AND PASSED.

9.2 Case 15940: Forest Hills Planned Unit Development

A copy of staff's presentation dated July 5, 2011 was before Council.

An extract of the June 7, 2011 Regional Council minutes was before Council.

The May 17, 2011 Harbour East Community Council report was before Council.

Mr. Austin French, Acting Director, Community Development, and Mr. Mitch Dickey, Planner, presented the report.

Staff responded to questions of clarification from Members of Council.

Mr. Dickey clarified that, in regard to food take out service at the Auburn Drive Convenience Store, the existing use(s) would have to have been approved by an approval unit at some point and would have to be legally in existence in order for it to be allowed to continue (grandfathered-in).

Mayor Kelly opened the public hearing calling for any speakers for or against the proposal. He then explained the procedures for public hearings.

Lloyd Robbins, Halifax, advised that he was the lawyer for the owner of the convenience store located at 272 Auburn Drive and was speaking on his behalf. He explained that in an effort to remain a viable business, the owner wants to have food take out service, a natural evolution of convenience store use, due to the loss of other business such as video rentals. They were advised that they could apply for an amendment to permit the food take out use through a development agreement process, however; they feel the development agreement process is time consuming and expensive. He requested that Council amend the definition of convenience stores in the C1 zone to allow for food take out to be recognized as a permitted use. If the amendment were approved, they could then make an application as of right to add food take out to the convenience store. In regard to garbage issues and hours of operation, Mr. Robbins explained that people take things out of the convenience store now in packaging and the food take out would be no different. There are other by-laws that could control issues such as garbage rather than the planning by-laws. In regard to hours of operation, convenience stores are rarely open 24 hours a day and a clause could be added to the C1 zone permitted uses in regard to hours of operation.

In response to a question of clarification raised by Councillor Hendsbee, Mr. Dickey explained that the C2 zone would apply to the commercial strip along Cole Harbour Road only and that C1 is the only zone permitted in a residential area.

Mr. Robbins explained that he had gone to the Nova Scotia Housing Commission attempting to address the food take out issue and was advised of the permitted uses for C1 and C2 zones and that perhaps the C2 zone, at that time, had a wider definition of where it could be applied.

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

MOVED by Councillor Nicoll, seconded by Councillor Karsten that Halifax Regional Council approve the proposed amendments to the Municipal Planning Strategy and Land Use By-Law for Cole Harbour/Westphal, to replace provisions pertaining to the Forest Hills Planned Unit Development with new policies and standard zoning, as contained in Attachments "A" and "B" of the April 16, 2011 staff report.

Councillor Nicoll explained that residents of the area did not know that the HRM zoning did not apply to them, therefore; it is urgent for this to move forward in order to provide that clarity. She noted that there are grave concerns with the proposed food take out as there is a school located near the store and there has been litter along Auburn Drive. In response to a question by Mayor Kelly, Mr. Dickey explained that the options available to Council, if they wished to permit the food take out service use, would be to approve the recommendation as presented as the Harbour East Community Council has the ability to change the C1 permitted uses and definitions in the Land Use By-Law at a later date, or; Council could defer the matter and request a staff report addressing the food take out service issue as the province has indicated this is not a time sensitive matter.

MOVED by Councillor Hendsbee that the matter be deferred pending a staff report clarifying the provincial C1 and C2 use on site and how the issue could be resolved if the provincial Department of Housing had indicated that the food service take out was a permitted use on this site.

Councillor Karsten noted that he was not in support of the deferral as the Harbour East Community Council could decide on the proposed amendment to the C1 zoning at a later date if the MPS and LUB amendments were approved by Regional Council.

In response to a request for clarification by Councillor Uteck, Ms. Donovan explained that the proposed amendment to the C1 Zone was not within the scope of what was advertised for the public hearing. There would be a reasonable time frame if consideration of the amendment were left up to the Harbour East Community Council. She cautioned Council to move with care in regard to any kind of change from the floor of Council as there were quite significant risks.

Councillors Walker and Sloane advised that they were not in support of the motion to defer as amendments to C1 zones are not cut and dry, therefore; the matter should be left to the Harbour East Community Council.

Mayor Kelly clarified that there being no seconder; **THE MOTION TO DEFER WAS LOST.**

Discussion ensued on the main motion.

Councillor Hendsbee advised that he was in support of the motion, however; he had concerns with the process the convenience store owner will have to go through to continue his activities and whether or not he will be required to pay the full fees and administrative costs to request the change.

Mr. Dickey explained that the key point that must be considered is what the province originally approved for the convenience store site which is unknown at this point. If there was no explicit approval for take out food service, and the owner wishes to do that, he would have to commence the development agreement process that would be enabled

by the amendments before Council, or; alternatively, the Harbour East Community Council has the ability to amend uses in the C1 Zone. In regard to a timeframe for the development agreement process, it would be six months minimum.

MOTION PUT AND PASSED.

9.3 Project 00953: Wind Energy Facilities in HRM

An extract of the May 24, 2011 Regional Council minutes was before Council.

The April 11, 2011 staff report was before Council.

The March 8, 2011 Environment and Sustainability Standing Committee report was before Council.

The April 4, 2011 Regional Plan Advisory Committee report was before Council.

The February 2, 2011 staff report was before Council.

Written submissions from the following persons were before Council: Rhys Harnish, Heather Doyle, Leslie Hauck and Friends of Jeddore.

Mr. Austin French, Manager, Planning Services, and Mr. Shayne Vipond, Planner, Community Development, presented the staff report.

Council recessed at 6:44 p.m.

Councillors Jerry Blumenthal and Dawn Sloane retired from the meeting at 6:44 p.m.

Council reconvened at 6:53 p.m.

Staff responded to questions of clarification from Members of Council.

Mayor Kelly opened the public hearing calling for any speakers for or against the proposal. He then explained the procedures for public hearings.

Wayne Stobo, Waverley, President of Chebucto Wind Field Inc., a Community Economic Development Investment Fund Corporation (CEDIF) that raises capital from Nova Scotians to invest in the development of renewable energy within Nova Scotia. Mr. Stobo submitted his comments in writing. He expressed concern with the proposed setback provisions for small and medium wind turbines and the difference in setbacks between the urban and rural areas. He proposed the following three changes: 1. That all setbacks be calculated based on turbine height; 2. That the three setback categories applied to urban areas also be applied to rural areas; 3. That the setback from property lines be 1.0 times the turbine height, the setback from non-sensitive buildings be 1.5 times the turbine height, and the setback from sensitive buildings be 3 times the turbine

height. These revisions would ensure the rationale for safety and noise is consistently applied and fair to all landowners interested in participating in renewable energy development.

Terry Norman, Stoneridge, Shareholder and Director of Chebucto Wind Field Inc. Mr. Norman submitted his comments in writing. He expressed concern with the proposed maximum height for small and medium wind turbines as the restrictions would create the following situations:

- locally and Canadian manufactured 50 kilowatt wind turbines would exceed the height restrictions
- prohibit developers from using the Nova Scotia Wind Atlas to substantiate wind speeds
- issues in regard to power line capacity as small wind turbines need to be located close to three phase power which, in HRM, means close to a major road and most rural roads along the coast have only single phase power lines and in most cases those lines do not have the capacity to receive power from small wind turbines.

Mr. Norman suggested that the maximum height for a small wind turbine be increased to 50 metres.

In response to a question of clarification by Councillor Hendsbee, Mr. Norman advised that in regard to return on investment, the rate to be paid for small wind turbines is a fixed rate for ten to twenty years; it is a very long term investment.

Alastair Saunders, West Jeddore, representing the group "Friends of Jeddore". Mr. Saunders submitted his comments in writing. He expressed concern with a proposed industrial sized wind farm for lands located immediately behind the village of West Jeddore and the potential impact on:

- human health
- the land including the road system and emergency response capabilities
- ecology and their water supply
- property values and opportunities for economic growth.

Ms. Saunders encouraged Council to adopt the Precautionary Principle and to err on the side of caution where the science is not clear. The proposed "one size fits all" approach will not work as each wind farm site has its own unique characteristics stemming from the nature of the land. The same requirement for development agreements, with public input, for large resource related developments should also be applied to large wind turbines and industrial wind farms.

MOVED by Councillor Hendsbee, seconded by Councillor Streach that, if required, Council extend its meeting beyond 10:00 p.m. MOTION PUT AND PASSED.

Council recessed at 8:01 p.m.

Council reconvened at 8:08 p.m.

John Plant, West Jeddore, submitted his comments in writing. He expressed concern with the effects of wind turbines on the health of those living near them, particularly effects generated by noise and shadow flicker. He referenced numerous studies from around the world (Germany, Denmark, USA, France, and Britain) in regard to the impact on health for residents who live near large wind turbines. He suggested that Council, taking into account the size and number of turbines, consider an adequate setback to minimize the danger of adverse consequences from noise and shadow flicker as the proposed 550m setback is inadequate.

Leonard Milne, West Jeddore, submitted his comments in writing. He noted that he is a Marine Engineer Artificer working with turbines and health monitoring (vibration analysis) and is also a Volunteer Firefighter in the rural community. He expressed concern with the 550m setback and the risks associated with wind turbine complexes of two or more in regard to:

- construction, hazardous materials, mechanical failures, health monitoring and compliance with standards
- ground vibration due to construction/blasting may result in disturbance of the natural water table which is the only source of water supply in the rural area
- larger turbines would have coolants that may leak and be caught by the wind and dispersed to the nearby areas
- a leak of grease or lubricants could cause fires and rural fire departments do not have equipment or training to handle a fire at the top of a 150m tower
- mechanical failures occur which may cause issues such as blade separation
- severe winter weather conditions could produce the risk of ice throw with the potential for ice chunks to be hurled hundreds of meters from a 150m+ turbine

Mr. Milne noted that Denmark, Europe's leader in wind technology use, has recently decided that any future wind turbine complexes must be placed in the sea not onshore. He suggested a 2000m setback rather than the proposed 550m setback.

Andrea Marshall, West Jeddore, advised that she has twelve years experience in Environmental Science. She expressed concern that the proposed By-Law was inadequate in addressing ecological concerns in regard to large scale utility wind farm development in rural HRM, specifically, in regard to protection of rural community water sources. Rural area residents rely on numerous ground and surface water areas to filter and provide well water yet these areas are not typically designated as protected wetlands. The hydrological importance of these areas needs to be addressed in the proposed By-Law as residents of rural HRM do not have access to municipal water services. The proposal does not take into consideration the hydrological cycle and the impact construction, roads, ground water displacement and turbines will have on ground water flow, groundwater availability and groundwater quality. She requested that the By-law include a municipally mandated requirement for Dye Testing of possible effects of a development on or near rural water sources. The addition of this requirement would set a minimum safety standard for valuable ground water preservation and would also

acknowledge the importance of preserving the rural water source and quality. An appropriate setback from protected and conservation areas is also needed. She quoted sections of the proposed By-law as outlined in the May 2011 staff report (page 18) noting that staff do not recommend a 550m buffer area for lands abutting the restricted zones and indicates it is assumed that the designating agencies would have incorporated a sufficient buffer zone to protect intrinsic asset of the land in regard to protected Regional Park areas. Considering the date that some protected area boundaries were established, long before 21st century technology was considered, those boundaries did not take into account wind turbines of up to 200m high nor wind farm formations. In regard to duplication of provincial/federal jurisdictions, minimum standards should be in place which could be increased by the provincial Environmental Assessment processes if necessary. She requested that Council consider a 2000m setback for buffer zones for large utility grade wind turbine farms. She noted that renewable energy does not necessarily mean green energy. The pivotal point is that there is substantial pressure to meet the provincial wind energy goals yet effort should be taken to ensure HRM's wind farm development story is positive.

David Kerr, West Jeddore, submitted his comments in writing. Mr. Kerr expressed concern with the serious negative economic impact wind farms would have on property value. He retired to the village three years ago but would not have bought a home there if there had been a wind farm present. Studies suggest that villages and populated areas that experience wind farm industrialization within 5 km would see little or no economic growth for perhaps as long as the wind farm exists. He recommended that large scale wind turbine farms not be permitted in the suburban and rural commuter shed areas and that all such development proposals in rural HRM, outside the rural commuter shed, should be subject to discretionary approval.

Heather Doyle, West Jeddore, commented that the same process used for large and intrusive industrial development in HRM must be applied to wind turbine development within HRM including a public hearing as part of the development agreement process. This process encourages public input for the setting of conditions and adjustments specific to the development. Development of a dog kennel in HRM requires a public hearing due to the noise associated with kennels as sound levels in animal shelters regularly exceed 100 decibels. An industrial electricity generating complex of 40 plus storey high wind turbines each emit 106.5 decibels yet an as of right process is being considered for such developments. No other intrusive industrial developments are approved as of right. She also expressed concern with the "one size fits all" setback distances from habitable dwellings in rural HRM with no opportunity for community input regarding health or environmental concerns. It appears that the UNSM model for a Wind Turbine By-Law that includes community input has been ignored. She referenced the February 2011 staff report in which staff did not recommend discretionary approval for each wind turbine development as it would consume significant staff, community and Council resources as well as overlap with the provincial Environmental Assessment process for large scale wind turbine entailing duplication of effort. The same could be said for every other resource related development as Environmental Assessments are required yet no concern has been expressed in regard to the "duplication of effort".

Denying a development approval process for wind turbine development is denial of a just and fair process. Page 14 of the staff report notes staff's concern that the cumulative impact of more than one turbine may result in a quality of life and enjoyment issue therefore no wind turbines are permitted in any urban dwellers backyard; only in industrial parks or similar locations and with a maximum height. In contrast to this statement, page 1-4 of the By-law states that rural HRM is recommended for a full range of wind turbine categories. There is a double standard here which will leave the rural residents paying the price for meeting the province's wind energy goals and that price will be their health, safety and the right to a clean environment and an optimistic economic future. Ms. Doyle advised that she was not opposed to wind energy, however; she recommended amendments to the By-law to include a development agreement process and appropriate setback distances to protect the environment and people of rural HRM.

Maureen Kirk, West Jeddore, submitted her comments in writing. She summarized the comments and recommendations of previous speakers from the community of West Jeddore and requested that Council consider the following:

- development approvals should treat one turbine differently from a wind farm
- the separation distance should be 2000m from habitable buildings for wind farms and turbines
- there should be similar setbacks from non participating property lines and protected areas
- large turbines and wind farms should not be allowed in suburban and rural commuter sheds
- the HRM development agreement process should be extended to include large turbines and arrays of turbines such as a wind farm
- if the approval process is amended, that Council call a halt, in the interim, to the granting of development permits for wind farms and large turbines
- when a development application for a large wind turbine or industrial wind farm is received, neighbours living within 3 kilometers of the development and HRM Councillors should be notified
- HRM mandate dye-testing during the environmental assessment process for possible effects on neighbouring wells
- the developer should survey participating properties to ensure certainty in regard to the starting point for separation distances/setbacks
- no access roads should be permitted across wetlands and other sensitive protected areas
- designated periods of operation per year or automatic turn-offs of turbines, as appropriate should be required
- ensure locally available and fully equipped fire and emergency responders trained in dealing with hazardous materials and fire problems unique to wind turbines
- developers should post substantial financial bonds to guarantee they will adhere to an environmental management regime and tear down obsolete or out of use wind turbines and remediate the area.

- HRM, in partnership with the provincial and federal governments should consider off shore wind turbine/wind farm development which would provide a substantial boost to local ship building and marine fabrication industries and provide employment in HRM/province.

Ms. Kerr also requested that HRM place more stewardship and oversight measures in place for rural constituents and their communities for their protection.

Gordie Moulton, Pleasant Point, submitted his comments in writing. He expressed concern with the cumulative impacts of wind turbine machines and that HRM's proposed By-law offers protection to the urban residents from wind energy development but silences the rural residents. He compared the potential wind turbine farm development in the West Jeddore area with the tallest building in Halifax, Fenwick Towers, and the Purdy's Wharf building placed on top with the resulting structure being only six feet higher than a wind turbine; twenty such turbines are proposed in his area. He expressed concern with blasting that will occur to construct the towers and the disturbance to the ground water flow. He noted that urban dwellers may be conditioned to the constant background noise in the city, however; the constant *whoosh whoosh* of the turbines, although at a low decibel, would cause an annoyance similar to a leaky faucet when trying to sleep. He urged Council to reflect on the impact wind turbine development would have on the quality of life for rural areas and that the proposed By-law be amended as follows:

- to include a setback of 2 kilometres from the nearest habitable building
- that wind turbines not be permitted to be developed as of right as the residents need the right to comment.

Mr. Moulton requested an immediate moratorium on wind turbines to ensure no wind farms were grandfathered in.

Paul Pynn, Halifax, President of EON WindElectric, advised that he was in favour of the proposed By-Law and that a 550m setback for large wind turbines was reasonable and responsible. He advised that he has seventeen years experience as a professional Engineer and has been involved with installing 200 megawatts of wind energy; 70 to 80 wind turbines. A 1.5 megawatt wind turbine was recently installed in the Watt Section area of Sheet Harbour, a community owned project, with an 85m tower, 38m blades and a 550m setback from the nearest residence. After a few months of the project being online, follow-up was done with the nearest resident to the turbine with no negative impact or annoyance expressed. The province of Nova Scotia has recently announced a program to encourage responsible development of community based/owned energy projects which would be difficult, if not impossible, if the setback were increased beyond 550m and would be disadvantageous to HRM in comparison to other jurisdictions.

Helen Browne, Dartmouth, CEO of Wind Prospect Inc. explained that Wind Prospect Inc. is part of an international renewable energy company that has developed over 2 gigawatts of operating wind energy world wide. She advised that she was in support of the initiative to establish a wind energy By-Law as it would be a great framework to

base development decisions. The proposed By-Law has been the result of extensive research/public consultation by HRM staff. The proposed 550m setback from residential dwellings is suitable and appropriate for the siting of large wind turbines in rural areas. Any wind energy project greater than 2 megawatts is subject to an Environmental Assessment process for which a Wind Developer would be required to study noise output, ice flow and all concerns expressed by residents this evening, and; to meet industry standard noise regulations. The 550m setback is only in regard to single or small wind turbines less than 2 megawatts in size; everything else would fall under the provincial Environmental Assessment jurisdiction. The proposed property line setback of 1.5 times the height of the wind turbine is extreme; the waiver for wind development of more than one property, and the setback there, is absolutely essential, otherwise, the way land is divided in HRM, there would be hardly any wind turbine development in the HRM. Wind energy development generates clean, sustainable electricity and that electricity generation will allow us to continue to use our everyday luxury items for generations to come.

Barry Zwicker, Dartmouth, President of Scotian Windfields, a community based renewable energy company based in Nova Scotia and owned exclusively by Nova Scotia residents, commented that processing these applications as of right is the correct way to go. He expressed concerns with the proposed By-Law as follows:

- the current definition of a small wind turbine requires that it is an accessory use to an existing building which means that anything from 10 kw to 50 kw would not be eligible for the provincial Community Feed-in Tariff (COMFIT) program which requires that the turbine must be connected directly to the distribution system
- setbacks as outlined in Table 1.0 of the staff report make sense, however; it does not make any sense, nor is it consistent with the principles utilized in setting these setbacks, to vary the setbacks when you move to the rural area as it does not matter if the lot is big or small, the impacts, if there are any, are the same
- Business Parks and Industrial Parks are suggested as the right locations to encourage small wind turbine development, however; based on the criteria proposed in regard to setbacks and building separations there would be very limited locations in the Burnside Industrial Park and no turbines would be permitted in the Woodside, Bayers Lake or Atlantic Acres parks. He suggested that Council reconsider the setback/separation distances as they do not work.
- there are approximately six wind turbines within HRM that are 50 kw or larger and, under the proposed setbacks, four of those would not be permitted. Mr. Zwicker noted that there have been no complaints in regard to the existing turbines.
- Provincial Environmental Assessment: he noted that he has gone through the process for a 30 megawatt wind turbine farm and would be available to respond to any questions in regard to that process.

In response to a question from Councillor Watts, Mr. Zwicker explained that the setback for anything that gets built in Burnside is zero as you can build to the lot line except for the public street front, therefore; he questioned from a safety perspective the logic of the proposed setback/separation distances for wind turbines of 1 to 1.5 times the height of

the turbine from a property line as other things could collapse/fall over in Burnside such as power lines/poles/ buildings so the same logic should be applied for wind turbines.

Folton Bayer, Jeddore, explained that he was not against wind energy as alternatives to fossil fuels are needed. He expressed concern with the impact on property values as the largest investment the average individual has is their private dwelling and if it is devalued by 20% or 30% that is a hardship and has to be given some consideration in regard to the decisions on setbacks. As a resident of a rural area, he feels like a second class citizen after hearing some of the comments this evening. HRM has several jewels such as Peggy's Cove, Martinique Beach, Jeddore Harbour and the Pleasant Point area. If the proposal goes ahead, the development would be less than 2 kilometres from Martinique Beach and would be similar to having the same project go ahead at the same distance in Peggy's Cove. He feels Council is basically charged with the protection of some of these things from a tourism perspective. The comments he has heard this evening from those in support of the proposed setbacks from houses in the rural areas do not live in the rural areas, they live within the HRM urban area. The proposal as put forward would not only affect people in the Jeddore area but in future, other areas such as Peggy's Cove.

Lisa Colsen, West Jeddore, expressed concern with the possibility of contention in the community if the proposal is approved as not everyone is in support of the wind turbine farm. Some residents will have wind turbines on their land because they have agreed to it but their neighbour, who does not have the amount of land required, may not have an opportunity to say "I don't want it here." This will cause problems in the community. It is important to keep the community united.

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

MOVED by Councillor Rankin, seconded by Councillor Lund that Halifax Regional Council defer decision pending completion of a supplementary staff report to address issues raised by speakers and Members of Council at the public hearing, and; that the supplementary report be presented to Council no later than August 16, 2011.

Members of Council requested that the following information be addressed in the supplementary report:

- re-examine the proposed separation distances in urban areas particularly for Business Parks
- clarification was requested in regard to what impact a change in setback distance of 750m, 1000m, 1.5 km and 2km setbacks would have on wind turbine development in HRM.
- explain/justify the differences between separation distances for urban and rural areas

- research countries involved in the windmill industry who have retreated on “in land” turbines
- provide information on the effects of misting and other hazards such as coolants and risk of fire
- clarification on the proposed small/medium turbine sizes in comparison to the manufacturer’s requirements: consider making small/medium turbines slightly larger so as not to eliminate the local industry
- consider an amendment to increase the separation distance for large scale wind farms, and the cumulative effects of multiple turbines, on a sliding scale as multiple large turbines should be separate from and have different separation distances from single large turbines
- consider a method to offer a site specific application process such as a development agreement that would deal with issues identified such as water sources, noise, height, aesthetics and public safety
- request that no application be entertained until completion and approval of this By-Law is in place
- clarification requested on transmission and easement corridors including what rules and regulations would be in place
- review the Urban Reserve designated areas under the Regional Plan as they should not be excluded when there is a moratorium on development of those lands for 25 years; consider permitting wind turbines in urban reserve areas as they are outside the municipal service boundaries, and; the return on investment could take 10 to 20 years
- the seven urban reserve areas are not treated equally as some are zoned Urban Wind 1 and other areas are restricted areas such as Governors Lake North although it is near a business park
- clarification on the process surrounding large windmill proposals to ensure it is understood that if more than 2 megawatts of power is to be produced the application would automatically require that a provincial Environmental Assessment be done
- clearly outline what an Environmental Assessment entails including the time frame for this process
- ensure urban issues are addressed such as the Wright’s Cove area as there appears to be some large areas of land designated as of right for turbines
- if there are any changes to the distances/development agreement process for rural areas in regard to large scale farms then the urban areas should not be treated any different as some of these areas are abutting residential areas
- review the separation distances for the Burnside proper area as there are only two areas that could have turbines and businesses in Burnside were only interested in small scale wind turbines.
- include information on the health effects of wind turbines such as the experiences of the family from Pubnico, NS
- information requested on the potential impact to (water) wells

- clarification requested on the 250m setback for medium sized turbines and how it relates to noise effects when Ontario decided that 40 decibels was considered for a 550m setback
- include information on the UNSM's model By-law for comparison between what they proposed and what staff have proposed
- consider a development agreement process for medium turbines as they could provide power for up to 20 or 30 homes
- have buffers around protected areas, related to height of turbine rather than just separation distance
- separation distances for protected areas should be considered the same as a habitable building

Councillor Johns advised that he would contact staff directly with his list of questions. He then requested clarification on whether or not all new permits would be halted now that the public hearing process has been started.

In response to Councillor Johns, Ms. Donovan advised that any new application would have to meet the new rules under consideration.

Mr. Kurt Pyle, Supervisor, Community Development, explained that new applications would not be halted. Any new application would have to meet both the current regulations and the proposed regulations.

Councillor Adams expressed concern with deferring the matter for one month as an application could be submitted and regardless of what occurs in August, the 550m setback would be what HRM would have to adhere to. He suggested a motion be put forward to amend the setback distance to a minimum of 1 km.

Councillor Streach noted that if Council could not have assurances that no new applications would be accepted until this matter was decided he would place a motion on the floor for a moratorium on applications until the matter has been decided.

Council recessed at 9:34 p.m.

Council reconvened at 9:51 p.m.

In response to a question raised by Councillor Adams, Ms. Donovan advised that Council could not impose a temporary moratorium until such time as the supplementary staff report came back, however; there are other options that staff will explain.

Mr. French advised that if Council approved a setback increase to 1000m from the proposed 550m it would not be temporary as it would become law and would be permanent under HRM's By-Law. In order to remove/change that setback distance the process would have to be re-initiated including a public hearing. The type of development the residents spoke to during the public hearing is a large wind turbine project requiring a provincial Environmental Assessment and public consultation would be included as part of that process.

Councillor Johns commented that he would support a motion to amend the setback distance to 1000m due to a potential loophole that would permit someone to submit an application now permitting the 550m setback.

Councillor Nicoll clarified that the Urban Reserve area in District 4 is going through a master plan process, therefore; she does not consider that area urban reserve.

In response to a question by Councillor Watts, Ms. Donovan explained that an amendment to 1000m could be considered by Council as the advertisement for this meeting was broadly drafted so as to include this option for Council.

Councillor Walker cautioned Council to wait for the staff report responding to all the questions/concerns raised rather than making a hasty decision in regard to the setback distance without all information before them. He noted that a provincial Environmental Assessment process would take some time and the report would be back to Council prior to the completion of that process.

In response to a question by Councillor Streach, Ms. Donovan explained that addressing this matter in a two step process by approving the proposal, with the 1000m setback amendment, and to also request the staff report responding to all questions raised would be clumsy and not within the normal practice of Council. It is not the recommended approach. There has been no application filed and a development agreement process would take six months or more. The staff report is expected back within one month, therefore; there appears to be ample time within which to address the staff report.

Ms. Donovan responded to a question of clarification by Councillor Karsten explaining that in regard to the previous moratorium sought for the implementation of the Regional Plan, special legislation was obtained for that purpose and that is what Council does not have in order to deal with a moratorium request today.

In response to concerns raised by Councillor Adams, Ms. Donovan explained that the existing regulations in place, and the ones proposed before Council when the permit is issued, would be the rules in place. If Council decides today on 1000m then that would be the number that would apply and not 550m.

In response to a question of clarification by Councillor Lund, Ms. Donovan explained that when a matter has been deferred it has been deferred and that is the end of discussion until the matter is brought back. Council can determine its own process with 2/3 majority vote and place a new motion on the floor.

Mr. French confirmed that before an application would be considered complete, surveys would have to be provided.

A vote was then taken on the motion as follows.

MOVED by Councillor Rankin, seconded by Councillor Lund that Halifax Regional Council defer decision pending completion of a supplementary staff report to address issues raised by speakers and Members of Council at the public hearing, and; that the supplementary report be presented to Council no later than August 16, 2011. MOTION TO DEFER PUT AND PASSED.

15. ADJOURNMENT

The meeting was adjourned at 10:26 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS
July 5, 2011

1. Proclamation – Drowning Prevention Week – July 16 – 23, 2011.
2. Memorandum from Chair, Audit & Finance Standing Committee dated June 16, 2011 re: Investment Policy Advisory Committee Report – Quarter Ending March 31, 2011.
3. Memorandum from Chair, Audit & Finance Standing Committee June 16, 2011 re: Investment Activities – Quarter Ending March 31, 2011.
4. Memorandum from Chair, Transportation Standing Committee dated June 14, 2011 re: Roundabouts – Aesthetics and Design
5. Memorandum from the Municipal Clerk dated June 28, 2011 re: Requests for Presentation to Council – Destination Halifax – Visit Halifax Mobile Application (app).
6. Memorandum from Director, Infrastructure & Asset Management dated June 30, 2011 re: Consideration of Dartmouth Transit Terminal.