

HALIFAX REGIONAL COUNCIL
MINUTES

August 9, 2011

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
Dawn Sloane
Sue Uteck
Jennifer Watts
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Tim Outhit
Reg Rankin
Peter Lund

REGRETS:

Councillors: Jerry Blumenthal
Robert Harvey

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sherryll Murphy, Acting Municipal Clerk
Ms. Jennifer Weagle, Legislative Assistant
Ms. Krista Vining, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 3:21p.m. with the Invocation being led by Councillor Nicoll.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane advised that the North End Community Garden will be holding a salad sale Thursday, August 11, 2011 at the North End Library on Gottingen Street. Salads are \$2.50 each and are made with veggies and dressing from their own gardens. Money raised goes toward an educational endowment fund, and to a community charity.

Councillor Dalrymple reminded residents that this weekend the Canadian Veterans are sponsoring the RCMP Musical Ride at Exhibition Park. The Musical Ride show also includes the RCMP Pipe and Drum Band and a display by the K-9 unit. A portion of the admission fee will be donated to the Beaverbank Kinsac Community Centre.

Councillor Rankin advised that as a part of the Peggy's Cove Bicentennial celebrations, members of the RCMP Musical Ride will be visiting Peggy's Cove on Friday, August 12, 2011 from 11:00 a.m. - 3:00 p.m. along with the RCMP Pipe and Drum Band and the K-9 unit.

Councillor Barkhouse thanked the organizers of the recent Eastern Passage/Cow Bay Summer Carnival. She announced an afternoon tea at the Community Hall in Cow Bay on August 18th at 2:00 p.m., with funds raised going to support the hall.

Councillor Lund congratulated the Hubbards Waterfront Community Association for hosting the 50th annual Schooner Races last week. He also announced that a parade will be held on Saturday, August 13th starting at 11:30 a.m. at Shatford Elementary School.

Councillor Johns reminded everyone that the Weir Rockin' Concert will be held Saturday, August 20th at the Weir Ball Field in Upper Sackville. Acts include Lee Aaron, The Headpins, Honeymoon Suite, and Sass Jordan. Tickets to the concert are going fast.

Councillor Hendsbee advised that Saturday, August 13th is North Preston Day, with a parade at 10:00 a.m., children's activities at the Community Centre and a fly-past by the Department of National Defence, with landing of a helicopter for public viewing. Also Lake and Shore Days in Porters Lake take place this week, with a pre-teen dance, bingo, comedy night, parade and children's fair, "Bittersweet Dance" on Saturday and fireworks on Sunday.

Councillor Watts announced that the Indian Festival will be held August 12 – 14 at the Halifax Forum. Also August 15 – 19 there is a photo exhibit at the Khyber "Culture not

Convention”, featuring alternative views of the convention centre. Councillor Watts thanked the Canadian Legion, particularly the Nunavut Command, for the Legion National Track and Field event recently held in Ottawa. The Canadian Legion has been supporting this program for over 35 years.

Councillor Adams advised that this weekend is the annual Sambro Sou Wester Days festival, with a ball tournament, washer toss, and chowder lunch.

Councillor Hum announced that Friday, August 12th at 6:00 p.m. the Maskwa Aquatic Club will be holding a corn boil fundraiser for their athletes that will be attending nationals later this month in Welland, Ontario. Cost is \$5/person or \$15/family.

Councillor Dalrymple congratulated the girls bantam baseball team, who recently won a bronze medal at the girls nationals.

3. APPROVAL OF MINUTES – None

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

Deletion:

- 13.1 Motion - Councillor McCluskey
“To amend the Encroachment By-Law E-200 to have encroachment fees based on market value of the encroachment area”

Additions:

- 13.2 Amendment to the Administrative Order One, Respecting the Procedures of Council
- 13.3 HRM Resolutions to UNSM Conference – Environment & Sustainability Standing Committee
- 13.4 Councillor Watts – Request for Letter to the Province re: Extension to the Deadline for submissions regarding the Five Year Review of the NS Environment Act
- 13.5 Correspondence – Request for Fly-past re: 2011 FIVB Beach Volleyball Championship
- 13.6 Deputy Mayor Smith – Volleyball Nova Scotia – Site Selection for New Outdoor Volleyball Facility
- 13.7 Councillor Harvey – Request for report re: Flooding Issues in District 20 due to August 2, 2011 Storm
- 13.8 HRM Stadium Analysis – Phase 1 Final Report

Councillor Barkhouse commented that on a go-forward basis the agenda should reflect that Regional Council begins immediately following Committee of the Whole.

Councillor Walker requested that the added item 13.3 be moved to be addressed at the same time as item 11.1.3, so that all of the UNSM resolutions are dealt with at the same time.

MOVED by Councillor Sloane, seconded by Councillor Nicoll, that the Order of Business be approved as amended. 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 Case 01213 – Municipal Planning Strategy Amendments for Industrially Zoned Lands Surrounding Drysdale Bog, Goodwood

This item was addressed later in the meeting. Refer to page 14.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence – None

10.2 Petitions

10.2.1 Councillor Johns

Councillor Johns submitted a petition on behalf of Councillor Harvey from the residents of Glendale Manor with 17 signatures requesting traffic lights or marked cross walks at the intersection of Smokey Drive and Glendale Drive.

10.2.2 Councillor Lund

Councillor Lund submitted a petition from the Greater Hammonds Plains Communities Association with approx. 2400 signatures requesting that HRM develop a multi-year strategy to finance improvements to the Hammonds Plains Road.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender 11-168 – Long Track Oval Civil Works – TP#1

A staff report dated July 20, 2011 was before Council.

MOVED by Councillor Sloane, seconded by Councillor Wile, that Halifax Regional Council award Tender No. 11-168 to the lowest bidder meeting specifications, Dexter Construction Ltd., for a Total Tender Price of \$795,180.75 (net HST included) with funding from Project No. CBX01344, Outdoor Arena Legacy Project, as outlined in the Budget Implications section of the July 20, 2011 staff report. MOTION PUT AND PASSED.

11.1.2 Tender 11-271 – New Sidewalk – Old Sackville Road (Lucasville Road to Claudia Crescent) – Central Region

A staff report dated July 18, 2011 was before Council.

MOVED by Councillor Johns, seconded by Councillor Lund, that Halifax Regional Council award Tender No. 11-271, New Sidewalk, Old Sackville Road (Lucasville Road to Claudia Crescent) – Central Region, to the lowest bidder meeting specifications, Dexter Construction Company Limited, for a Total Tender Price of \$587,025.89 (net HST included) from the 2011/12 Project No. CJU01083 – New Sidewalks, and CYX01345 – Street Recapitalization, as outlined in the Budget Implications section of the July 18, 2011 staff report. MOTION PUT AND PASSED.

11.1.3 HRM Resolutions to Union of Nova Scotia Municipalities (UNSM) Annual Conference – AND –

13.3 HRM Resolutions to UNSM Conference – Environment & Sustainability Standing Committee

The following information was before Council:

- A staff report dated July 18, 2011
- A report from the Environment & Sustainability Standing Committee dated August 4, 2011
- A revised resolution regarding Heritage Property Protection

MOVED by Councillor Walker, seconded by Councillor Sloane, that Halifax Regional Council forward the resolutions outlined in the July 18, 2011 staff report, August 4, 2011 Environment & Sustainability Standing Committee report, and circulated materials, to the Union of Nova Scotia Municipalities Annual Conference, as follows:

- Bonus Zoning
- Heritage Property Protection
- Housing for Seniors
- MGA Boundary Review Process
- Municipal Elections Act – Electronic Voting
- Code of Conduct for Municipal Officials

- **Invasive Species**
- **Eco Trust Funding**
- **Sedimentation and Erosion Control**

Councillor Nicoll read the following resolution regarding Arts and Culture Funding for inclusion in the motion:

Whereas arts and culture is an important policy asset and prosperity generator for communities;
And whereas the arts and cultural communities create jobs and produce tax revenue;
And whereas arts and culture is an important educational asset and civic catalyst;
Therefore be it resolved that the UNSM explore how municipalities across Nova Scotia fund arts and culture.

With the agreement of the Mover and Seconder, **the motion was amended to include the following resolution:**

- **Arts and Culture Funding**

Councillor Watts requested that each resolution be voted on separately.

The Mayor clarified at the request of Councillor Watts that the intention for the boundary review process resolution is to request that the UARB appoint an independent body to bring forward a recommendation on revised boundaries to the Board for consideration, without Council input. Councillor Watts noted concern in subscribing other municipalities to undertake this process, and that Council, as elected representatives, should not be removing themselves from this decision.

Councillor Mosher voiced concern with sending resolutions to the UNSM, as opposed to sending resolutions directly to the Province, noting that although HRM makes up 40% of the population of Nova Scotia, HRM has a proportionately small number of representatives on the UNSM. She suggested that resolutions for consideration by the UNSM should be focused on issues such as the Code of Conduct, that can be applied to all municipalities. Ms. Mary Ellen Donovan, Municipal Solicitor, advised that forwarding proposed legislation does not preclude HRM from also sending it to the Province, and having the backing of the UNSM may be helpful in advancing such proposals.

Councillor Hum noted that from previous Council discussions on the boundary review process resolution, the motion was intended for HRM Council, not the rest of the province. She suggested that Council may wish to defer this resolution pending further clarification.

Councillor Walker clarified that the deadline for submission of resolutions for discussion at the annual conference is this Friday.

Discussion ensued regarding the proposed resolutions.

MOVED by Councillor Lund, that the last paragraph of the boundary review process resolution be amended to read "...to remove municipal Councils as the body required to conduct their own boundary reviews and instead appoint an independent party, to consult with elected officials."

There being no seconder, the **MOTION WAS LOST.**

Councillor Watts suggested that Council may choose to vote against this resolution, which can at a later date be brought directly to the Province.

Councillors McCluskey and Karsten arrived at 4:07 p.m.

At the request of members of Council, Councillor Walker indicated that the Province looks to the UNSM to know how municipalities from across the province feel about certain issues. He clarified that if the Cape Breton Regional Municipality were to also bring forward a resolution with regard to the boundary review process, the resolutions would likely be combined.

Councillor Karsten requested that, before the Annual UNSM Conference, staff provide a briefing for Councillors attending on issues of importance to HRM.

At this time each resolution was voted on individually:

MOVED by Councillor Walker, seconded by Councillor Sloane, that Halifax Regional Council forward the resolutions outlined in the July 18, 2011 staff report, August 4, 2011 Environment & Sustainability Standing Committee report, and circulated materials, to the Union of Nova Scotia Municipalities Annual Conference, as follows:

- **Bonus Zoning. MOTION PUT AND PASSED.**
- **Heritage Property Protection. MOTION PUT AND PASSED.**
- **Housing for Seniors. MOTION PUT AND PASSED.**
- **MGA Boundary Review Process. MOTION PUT AND PASSED.**
- **Municipal Elections Act – Electronic Voting. MOTION PUT AND PASSED.**
- **Code of Conduct for Municipal Officials. MOTION PUT AND PASSED.**
- **Invasive Species. MOTION PUT AND PASSED.**
- **Eco Trust Funding. MOTION PUT AND PASSED.**
- **Sedimentation and Erosion Control. MOTION PUT AND PASSED.**
- **Arts and Culture Funding. MOTION PUT AND PASSED.**

11.2 HARBOUR EAST COMMUNITY COUNCIL

11.2.1 Case 16687 – Municipal Planning Strategy and Land Use By-Law Amendments and Development Agreement – Portland Street, Dartmouth

A report from the Harbour East Community Council dated July 12, 2011 was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Fisher, that Halifax Regional Council give First Reading to consider the proposed amendments, as highlighted on Maps 1 and 2 of the June 22, 2011 staff report, to the Downtown Dartmouth Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of the June 22, 2011 staff report and schedule a joint public hearing with Harbour East Community Council. MOTION PUT AND PASSED.

The Public Hearing is scheduled for October 4, 2011.

12. MOTIONS - None

13. ADDED ITEMS

13.1 Motion - Councillor McCluskey

“To amend the Encroachment By-Law E-200 to have encroachment fees based on market value of the encroachment area”

This item was deleted from the agenda. Refer to page 5.

13.2 Amendment to the Administrative Order One, Respecting the Procedures of Council

A copy of the proposed changes to Administrative Order One respecting the procedures of Council dated August 9, 2011 was before Council.

A motion was approved at the August 2, 2011 Regional Council meeting that the proposed changes to Administrative Order One be approved in principle.

MOVED by Deputy Mayor Smith, seconded by Councillor Sloane, that Halifax Regional Council:

- 1. Adopt the proposed new Administrative Order #1 - Respecting the Procedures of Council, incorporating the changes as outlined in Attachment “A” of the June 28, 2011 Executive Standing Committee report, with an amendment to Section 76 (1) to read ‘Unless it is an In Camera meeting, pursuant to Section 19 of the HRM Charter, all committee meetings shall be open to the public.**
- 2. Repeal the current Administrative Order #1 as adopted by Regional Council on April 2, 1996.**

At the request of members of Council, the Mayor clarified that other suggested amendments to Administrative Order #1 will be brought back to the Executive Standing Committee for consideration, and brought to Regional Council for amendment.

MOTION PUT AND PASSED.

13.3 HRM Resolutions to UNSM Conference – Environment & Sustainability Standing Committee

This item was dealt with earlier in the meeting. Refer to page 7.

13.4 Councillor Watts – Request for Letter to the Province re: Extension to the Deadline for submissions regarding the Five Year Review of the NS Environment Act

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

- 1. The Mayor, on behalf of Regional Council, send a letter to the Province of Nova Scotia requesting that the deadline for submissions for the five year review of the Nova Scotia Environment Act be extended until November 25, 2011 and ;**
- 2. That this letter outline the concern that Council has in light of the significant financial and environmental impact of the Environment Act on the Halifax Regional Municipality and its residents, that the proposed deadline of August 22, 2011, which was announced on July 22, 2011, does not provide the Municipality with adequate time to prepare an appropriate submission.**

MOTION PUT AND PASSED.

13.5 Correspondence – Request for Fly-past re: 2011 FIVB Beach Volleyball Championship

MOVED by Councillor Sloane, seconded by Councillor Uteck, that Regional Council approve the request for a fly-past of a CF-18 on Sunday, September 4, 2011 at 11:45 a.m. 500 feet over the 2011 FIVB Beach Volleyball SWATCH Junior World Championship event. MOTION PUT AND PASSED.

13.6 Deputy Mayor Smith – Volleyball Nova Scotia – Site Selection for New Outdoor Volleyball Facility

Deputy Mayor Smith clarified that this request is to direct staff to assist with site selection, which needs to be determined by the end of August to secure Provincial

funding. Volleyball Nova Scotia has an agreement with the organizers of the 2011 FIVB Beach Volleyball Championship for the use of the sand after the tournament.

MOVED by Deputy Mayor Smith, seconded by Councillor McCluskey, that Halifax Regional Council provide direction to staff to work with Volleyball Nova Scotia on the possible site selection for a new outdoor volleyball facility. MOTION PUT AND PASSED.

Councillor Mosher noted that in the background information it indicated Cunard and Crown Drive as the top two potential sites and that “the area Councillor did not give them endorsement with reasons provided”. Councillor Mosher clarified that Cunard was not recommended by the Manager of Capital Projects for a number of reasons, including that the site is already very well used for other activities and there was not enough room for a volleyball court. She also clarified that Crown Drive was not given endorsement by the Facilities Rental Manager as HRM would have to decommission a field that is currently in use, and that there are no washrooms or parking on-site.

13.7 Councillor Harvey – Request for report re: Flooding Issues in District 20 due to August 2, 2011 Storm

MOVED by Councillor Johns, seconded by Councillor Adams, that Regional Council request a joint report from HRM staff and Halifax Water regarding the flooding issues as a result of the August 2, 2011 storm. The report should include the following information:

- **What were the number of calls and emails that were logged into Hansen and how many of these calls were from District 20;**
- **How does Halifax Water receive the information once it is put through Hansen;**
- **Investigate the cause of flooding during rain storms and make determination of a remedy to the flooding situation for the list of streets in District 20 to be supplied to the Clerk’s Office.**

MOTION PUT AND PASSED.

13.8 HRM Stadium Analysis – Phase 1 Final Report

This item was addressed at a Committee of the Whole session held earlier in the day and was now before Regional Council for ratification:

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

1. **Approve in principle the recommendation directions outlined in the Final Report - Phase 1 Stadium Analysis: Halifax Stadium - Business Plan (Attachment 2 to the July 18, 2011 staff report);**

2. **Direct staff to proceed to Phase 2 Stadium Analysis: Site Selection and Preliminary Design; and**
3. **Approve an increase to project CBX01363 in the amount of \$275,000 (net HST included) for Phase 2, with funding from the Strategic Growth Reserve, Q126, as outlined in the Budget Implications section of the staff report dated July 18, 2011, and continue to seek out other funding partners;**
4. **Return to Regional Council by the end of September for capital affordability and financing options discussion.**

A recorded vote was taken.

MOTION PUT AND PASSED.

Those voting in favour were: Mayor Kelly, Deputy Mayor Smith, Councillors Dalrymple, Fisher, Hendsbee, Hum, Karsten, Lund, Nicoll, Outhit, Sloane, Streach, Uteck, Walker, and Wile.

Those voting against were: Councillors Adams, Johns, McCluskey, Rankin, and Watts.

Councillor Barkhouse clarified that her vote was recorded incorrectly, and she had in fact voted against the motion.

Councillors Blumenthal, Harvey and Mosher were absent from the vote.

14. NOTICES OF MOTION

14.1 Councillor Hendsbee

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, August 16, 2011, I propose to move First Reading of By-law S-433, the purpose of which is to amend By-law S-400, Respecting Charges for Street Improvements.

14.2 Councillor Uteck

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, August 16, 2011, I propose to introduce a Policy pursuant to Section 325 of the Halifax Regional Municipality Charter, Administrative Order SC-66, the purpose of which is to effect closure of a portion of University Avenue, west of Lemarchant Street.

Council recessed at 4:36 p.m., reconvening at 6:00 p.m.

Mayor Kelly clarified that the final recorded vote for Item 13.1 "HRM Stadium Analysis – Phase 1 Final Report" was 15 in favour and 6 opposed.

9. PUBLIC HEARINGS

9.1 Case 01213 – Municipal Planning Strategy Amendments for Industrially Zoned Lands Surrounding Drysdale Bog, Goodwood

The following was before Council:

- A report from the Western Region Community Council dated June 28, 2011
- An extract from the draft Regional Council July 5, 2011 minutes
- A copy of the presentation
- Submissions from Lloyd MacLellan, President of MacLellan Construction, and Brian W. Murphy

Mr. Richard Harvey, Senior Planner, Community Development, delivered a presentation to Council respecting the Municipal Planning Strategy amendments for industrial zoned lands surrounding the Drysdale Bog, Goodwood.

Staff responded to questions of clarification respecting the ongoing legal action by Lloyd MacLellan Construction against the Municipality. It was noted Council's decision would not have an adverse affect on the Plaintiff's claim as those matters are separate from the land use planning process.

Further clarification was provided respecting the use of the land if rezoned to Residential B-1 (RB-1) and the impacts of an open space design. The following points were noted:

- The development would be limited to eight (8) lots under an as-of-right development
- Through an open space design process, an environmental study and other studies would be undertaken to determine the lot yield, which would be consistent with the allowances over other properties with similar zoning
- Applying residential zoning, not presently permitted under the I-3 designation, could potentially have more value than there is currently under I-3, given that the development of industrial uses on that property require a second access, which it does not presently have

Mayor Kelly reviewed the public hearing procedures and opened the public hearing, calling for any speakers for or against the matter to come forward at this time.

Mr. Frank Johnston, Goodwood, spoke in favour of Case 01213. Highlights were as follows:

- rezoning of land from I-3 to Residential B-1 is a positive change for the thousands of residents who receive their water from the three watersheds fed by the Drysdale Bog wetland
- The amendment to the zoning in District 4 has widespread community support, clearly shown by the concerns raised by those who attended the January 6, 2010 public information meeting regarding the future of lands around the Drysdale Bog

- The lands in the area of the Drysdale Bog have not had proper stewardship for many generations; this is exemplified in the many abuses of the area such as the dumping of slate from downtown construction projects years ago, which polluted local wells, to the current dumping of by-products of construction debris and metal salvaging
- As this area is the headwaters for homes fed by various rivers all heading towards Prospect/Shad Bay this practice should stop or at least not be allowed to grow
- Environmentalists such as Elizabeth May and wildlife experts such as those from the Nova Scotia Bird Society have stated that this area is worthy of preservation
- If the zoning is not changed, the area could host the most undesirable business activities ranging from abattoirs to mercury smelting; the lands are next to the largest wilderness preserve in the HRM, the Western Commons and the main tourist bus route to Peggy's Cove
- Changing the zoning around the Drysdale Bog benefits the vast majority of citizens of the Prospect Area, and indeed HRM as a whole; it helps to prevent contamination of a precious water supply and preserve an ecosystem near the Western commons for all to enjoy

A copy of Mr. Johnston's comments were provided for the record.

Ms. Beth McGee, Seabright, spoke in favour of Case 01213. The following points were noted:

- In 1983 when the industrial area was created, the community did not operate in the backdrop of environmental concerns as they do in 2011
- To date many residents have huge concerns respecting the Drysdale Bog as it is the headwaters for several river systems, mainly the Prospect River
- Should there ever be an environmental disaster, such as contamination from an industrial site, the potential impact on residents and their water systems would be astronomical and HRM would not want to have to pay the bill for clean up

Mayor Kelly gave the third and final call for speakers; there being no further speakers, it was **MOVED by Councillor Johns, seconded by Councillor Sloane that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Rankin, seconded by Councillor Lund that Halifax Regional Council approve the proposed amendments to the Halifax Regional 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 contained in Attachments A, B, C and D of the June 8, 2011 staff report.

Councillor Rankin indicated that the June 8, 2011 staff report is in line with the community's vision. The first comprehensive review of the community took place in 1989. At that time, the subject lands were not part of the Goodwood community, as they were part of the former City of Halifax. He further recognized the community for coming forward to express their concerns. The community has made it clear that the

lands should not be zoned industrial. The subject lands are not inconsistent with surrounding lands and do conform to the present community planning. The Councillor requested Council's support with regard to this matter.

Councillor Adams questioned the difference for setback requirements and the protection of the Drysdale Bog between an I-3 zone and an RB-1 zone. He suggested making the entire area a conservation area to better protect the lands. Mr. Harvey advised that as a wetland, the area has special protection under Municipal and Provincial regulations. He could not confirm the exact setback requirements but noted that development would not be permitted within the wetland without special permission.

Further clarification was provided respecting the number of lots that could be developed based on an as-of-right development versus an open space development.

Councillor Adams requested additional information outlining the cost implications of making the subject lands a conservation area. He commented this option would protect the Drysdale Bog, protect the residents of the area, stop any development around the Bog, would not increase traffic and make the lands more consistent with surrounding areas. Councillor Adams clarified that he did not want to defer or delay this process but is seeking additional information. The Councillor asked what the impact would be on land value should Council approve this motion.

In response to concerns raised by Council, Ms. Mary Ellen Donovan, Municipal Solicitor, provided the following clarification:

- Industrial land values are not necessarily higher or lower than residential land values
- Currently without a second access road, it severely limits what industrial uses can be placed on the lands
- Certain residential uses of this land do not require a second access; however, Council may have to give future consideration as to whether they want to provide the easement for residential purposes that they were not prepared to grant when the use was intended for industrial development
- Commercial taxes are higher than residential taxes
- When determining assessed value there are two factors: the assessed value of the land times the rate; it is unknown what the current assessed value of the land is under an I-3 use without a second access road

Councillor Uteck concurred with Councillor Adam's comments and suggested putting the hearing in abeyance, pending the additional information respecting the environmental protection designation. Mr. Harvey advised that if the direction of Council is to not allow for development to occur through a conservation designation, this is not something that can be imposed upon a private property owner in this particular situation. The land must be zoned in such a way as to allow some use. In recognition of this, staff has undertaken a review to zone it in a way that is in keeping with the surrounding area. He suggested that Council could chose to pursue some form of acquisition.

In response to questions raised respecting fairness for the property owner, it was noted that staff was asked to examine the appropriate zoning and plan policy related to the piece of property. They do not appraise the land nor speculate on what the land's value might be after rezoning. The basis of staff's recommendation was not driven by how much money someone may or may not make, but what makes sense for the community.

Councillor Walker indicated that during the January 2010 public information meeting, as well as this evening, neither the property owner nor members of the community spoke against rezoning to RB-1.

Staff provided an overview of the map respecting the property lines between Mr. MacLellan's property and CHUM Limited. It was noted that the Drysdale Bog land is owned by CHUM Limited.

Councillor Johns noted that Council received correspondence from Mr. MacLellan requesting that Council await the Court's decision before considering a re-zoning to the property.

Further discussion ensued with Council agreeing to a recorded vote.

A recorded vote was taken.

MOTION PUT AND PASSED.

Those voting in favour were: Mayor Kelly, Deputy Mayor Smith, Councillors Barkhouse, Dalrymple, Hendsbee, Hum, Johns, Karsten, Lund, McCluskey, Mosher, Nicoll, Outhit, Rankin, Sloane, Uteck, Walker, Watts and Wile. (19)

Those voting against were: Councillors Adams and Fisher. (2)

Councillors Streach, Blumenthal and Harvey were absent for the vote.

15. ADJOURNMENT

The meeting was adjourned at 7:11 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS

1. Proclamation – Taoist Tai Chi Awareness Day – August 13, 2011
2. Memorandum from Acting Director, Finance dated June 10, 2011
re: Option of Local Transit Tax by Dwelling Unit
3. Memorandum from Director, Legal Services and Risk Management dated July 6,
2011 re: Status of By-Law Prosecutions January 1, 2011 – January 31, 2011
4. Memorandum from Director, Legal Services and Risk Management dated July
26, 2011 re: Councillor Role at Meetings Outside of Formal Council Meetings
5. Memorandum from the Municipal Clerk dated August 2, 2011 re: Requests for
Presentation to Council – None