# HALIFAX REGIONAL MUNICIPALITY

# HALIFAX REGIONAL COUNCIL MINUTES

February 21, 2012

PRESENT:	Deputy Mayor Bill Karsten Councillors: Steve Streatch David Hendsbee Lorelei Nicoll Gloria McCluskey Darren Fisher Jackie Barkhouse Jim Smith Mary Wile Jerry Blumenthal Dawn Sloane Sue Uteck Jennifer Watts Russell Walker Debbie Hum Linda Mosher Stephen Adams Robert Harvey Tim Outhit Reg Rankin Peter Lund
REGRETS:	Mayor Peter Kelly Councillors: Barry Dalrymple Brad Johns
STAFF:	Mr. Richard Butts, Chief Administrative Officer Ms. Mary Ellen Donovan, Municipal Solicitor Ms. Cathy Mellett, Municipal Clerk Ms. Shawnee Gregory, Legislative Assistant Ms. Jennifer Weagle, Legislative Assistant

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# 1. INVOCATION

Deputy Mayor Karsten called the meeting to order at 1:00 p.m. with the Invocation being led by Councillor Hendsbee.

# 2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of community announcements and acknowledgements.

# 3. APPROVAL OF MINUTES – NONE

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

Additions:

12.1 Councillor Barkhouse – Request for staff report re: Annual Posting of Salaries for all of the Halifax Regional Municipality Executive Management Team and Senior Management

Councillor Fisher requested than an item regarding the November 23, 2010 motion of Council in reference to the Halifax Comedy Festival's Hallmark status be added to the agenda.

Councillor Uteck advised that the Special Events Advisory Committee would be reviewing this matter; noting that she and staff would discuss this further with Councillor Fisher.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the agenda be accepted 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 February 14, 2012
- 8.1 Request for Fly Past FIVB Beach Volleyball SWATCH Junior World Championships 2012

Correspondence dated February 1, 2012 from Mr. Derek Martin, President of Sports & Entertainment Atlantic (SEA) was before Council.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Halifax Regional Council grant permission for Canadian Forces aircraft to conduct a flypast at 500 feet over the Municipality in the Halifax Waterfront area in conjunction with the FIVB Beach Volleyball SWATCH Junior World Championships taking place on September 2, 2012. MOTION PUT AND PASSED.

# 8.2 Budget Overview 2012/2013 (Staff Presentation) (Revised)

A revised presentation dated February 17, 2012 was before Council.

Mr. Richard Butts, Chief Administrative Officer, provided opening comments to the 2012/2013 Budget Overview. He stated that staff had focused on fiscal management and efficiencies; noting that wages represent the largest portion of HRM's budget and the biggest savings would come through that area.

Councillor Streatch entered the meeting at 1:11 p.m.

Mr. Bruce Fisher, Manager of Financial Policy Planning, and Mr. Mike Labrecque, Deputy Chief Administrative Officer, provided the Budget Overview 2012/2013 presentation.

Councillor Hum entered the meeting at 1:14 p.m.

In response to questions posed by Councillor Rankin, Mr. Fisher clarified that the multiplier did not change at all from last year to this year; however, what has changed is that the commercial assessment has risen a bit faster than the residential assessment so while the single family home will stay flat, there will be a slight increase for the average commercial business.

MOVED by Councillor Sloane, seconded by Councillor Walker that staff return with:

- an operating budget that maintains municipal services
- a transit budget that increases transit service in the Region and focuses on greater efficiencies
- a Capital Budget that emphasizes the State of Good Repair

# and that the General Tax Rates and Transit Tax rates be set as per Option B, that is, the average tax bill per Single Family Home does not increase from 2011-2012.

A discussion on the motion ensued with staff responding to questions.

Councillor Sloane advised that, regarding commercial tax, she would like to see more fairness between taxation on the Peninsula and in business parks.

Councillor Mosher stated that she would be requesting a report on overtime and any improvements coming out of the report of the Auditor General.

Several members of Council expressed concern over the difference between the residential and commercial tax rates.

Councillor Uteck requested an update on the Councilors' questions and ideas that were submitted during the 2011/2012 budget open house sessions that were to be carried forward to the 2012/2013 budget. Mr. Labrecque advised that these recommendations would be taken into account.

Mr. Labrecque advised that staff have to put some assumptions and place holders in to build the budget for transit in light of the strike and would move forward on that basis.

Mr. Fisher re-stated that there would be approximately a one percent increase on the commercial tax burden.

Councillor Outhit proposed the following amendment to deal with the impact of the commercial tax rate on businesses:

MOVED by Councillor Outhit, seconded by Councillor Sloane to request a staff report on what reductions would be required in the proposed 2012/2013 budget or legislative changes to also result in no increase in the average commercial property tax bill.

The motion to amend was approved by Council.

The motion now reads:

MOVED by Councillor Sloane, seconded by Councillor Walker that staff return with:

- an operating budget that maintains municipal services
- a transit budget that increases transit service in the Region and focuses on greater efficiencies
- a Capital Budget that emphasizes the State of Good Repair

and that the General Tax Rates and Transit Tax rates be set as per Option B, that is, the average tax bill per Single Family Home does not increase from 2011-2012.

And to return with a staff report on what reductions would be required in the proposed 2012/2013 budget or legislative changes to also result in no increase in the average commercial property tax bill from 2011-2012.

Discussion on the motion continued.

Councillor Smith clarified that the average residential tax payer would receive a hold or decrease on their tax bill; however, there could be a wide variance of who will benefit and who will not.

The meeting recessed at 2:59 p.m.

The meeting reconvened at 3:12 p.m. with the same members present with exception of Councillor Blumenthal.

Following further discussions, the motion was **PUT AND PASSED.** 

#### 8.3 Motion - Councillor Watts

MOVED by Councillor Watts, seconded by Councillor Sloane that Halifax Regional Council request a staff report on key reserve funds that explains how funds are transferred into the specific accounts, what is the criteria for the dispersal of the funds and documentation that shows the funds received and disbursed for a 10 year period for the identified reserves.

Mr. Butts stated that, from an audit point of view, reporting back on an annual basis was appropriate; however, all reserves should be included in the report.

#### MOTION PUT AND PASSED.

## 9. CORRESPONDENCE, PETITIONS & DELEGATIONS

#### 9.1 Correspondence

## 9.1.1 Request for Fly-Past - Blue Nose Marathon 2012

Correspondence dated February 7, 2012 from Mr. Chris Larsen, General Manager of the Scotiabank Blue Nose Marathon was before Council.

MOVED by Councillor Sloane, seconded by Councillor Smith that Halifax Regional Council grant permission for Canadian Forces aircraft to conduct a flypast at 500 feet over the Municipality in the Sackville Street area in conjunction with the Bluenose Marathon taking place on Sunday, May 20, 2012. MOTION PUT AND PASSED.

#### 9.2 Petitions

#### 9.2.1 Councillor Wile

Councillor Wile submitted a petition containing 284 signatures on behalf of residents of Clayton Park West who oppose the construction of a 30 metre high telecommunication tower with equipment shelter at 30 Chipstone Close, Halifax.

## 9.2.2. Received by Office of the Municipal Clerk

A petition containing 580 signatures, received by the Office of the Municipal Clerk, was submitted in support of United Gulf's revised plans for the former TexPark site located at 1591 Granville Street, Halifax.

## 10. **REPORTS**

# 10.1 CHIEF ADMINISTRATIVE OFFICER

# 10.1.1 Case 17446 – Amendments to the Various Planning Documents – 1591 Granville Street, Halifax

A report dated January 23, 2012 was before Council.

Mr. Richard Harvey, Senior Planner, provided the presentation on Case 17446 – Amendments to the Various Planning Documents – 1591 Granville Street, Halifax.

MOVED by Councillor Sloane, seconded by Councillor Watts that Halifax Regional Council not initiate amendments to HRM's planning documents to permit a 48 storey mixed use building, comprised of two towers, at 1591 Granville Street, Halifax.

Discussion on the motion ensued with staff responding to questions.

Councillor Sloane advised that while she realizes that HRM needs density in downtown Halifax, she would rather Council not entertain this proposal based on staff's reasons as outlined on pages 4 and 5 of the report and instead continue the review of HRMbyDesign in May. She stated that it was premature to bring such a proposal forward prior to looking at the Centre Plan to investigate more density in corridors.

Mr. Harvey advised that the Downtown Plan already seeks to achieve the items listed in the application; noting there were different ambitions for growth in the downtown.

Several members of Council stated that this application should be taken to the community rather than voting down the proposal prior to a public hearing and, for this reason, they could not support the motion.

Councillor Watts cautioned Council that starting such a debate may compromise the Regional Plan review.

Several members of Council, in favour of public consultation, noted that the current business landscape currently shows that creating smaller buildings was not economically feasible.

Councillor Harvey stated that many hours had been spent on HRMbyDesign and it was supposed to end the height debate; suggesting that the lack of buildings being created in downtown Halifax had little to do with HRM's planning documents. He advised that

Council had approved a number of downtown developments, such as the Waterside Centre, which had not been built.

In response to a request made by Councillor Watts regarding the status of some of the development in downtown Halifax, Mr. Andy Fillmore, Project Manager of Urban Design, advised that, since the adoption of the Downtown Plan, six major projects have been approved and two more were on the way; noting the Plan was working so well that cranes were now hard to find. He stated there was a large amount of capacity within the HRMbyDesign height structure. He indicated that staff had received 138 development proposals in 2011.

Several members of Council in support of the motion expressed concern that significant public consultation had already been done via the HRMbyDesign process.

Mr. Fillmore advised that economic density was a fundamental consideration in the Downtown Plan; noting that it included a whole suite of possible living arrangements rather than just height. He stated that heights in the Downtown Plan were designed to allow for future capacity.

A recorded vote was taken on the motion.

#### **MOTION DEFEATED.** (6 in favour, 14 against)

Those voting in favour of the motion were Councillors Barkhouse, Harvey, Hum, Sloane, Uteck, and Watts.

Those voting against were Deputy Mayor Karsten and Councillors Adams, Fisher, Hendsbee, Lund, McCluskey, Mosher, Nicoll, Outhit, Rankin, Smith, Streatch, Walker, and Wile.

Mayor Kelly and Councillors Blumenthal, Dalrymple, and Johns were absent for the vote.

MOVED by Councillor Streatch, seconded by Councillor Hendsbee that Halifax Regional Council initiate the amendments to HRM's Planning documents to permit a 48 storey mixed use building, comprised of two towers, at 1591 Granville Street, Halifax.

A recorded vote was requested.

#### MOTION PUT AND PASSED (14 in favour, 6 against)

Those voting in favour were Deputy Mayor Karsten and Councillors Adams, Fisher, Hendsbee, Lund, McCluskey, Mosher, Nicoll, Outhit, Rankin, Smith, Streatch, Walker, and Wile. Those voting against were Councillors Barkhouse, Harvey, Hum, Sloane, Uteck, and Watts.

Mayor Kelly and Councillors Blumenthal, Dalrymple, and Johns were absent for the vote.

# 10.2 HERITAGE ADVISORY COMMITTEE

# 10.2.1 Case H00361 – Substantial Alteration to 5651 Inglis Street, Halifax, a Municipally Registered Heritage Property

A report dated January 26, 2012 from the Heritage Advisory Committee was before Council.

A presentation was before Council.

MOVED by Councillor Uteck, seconded by Councillor Nicoll that Halifax Regional Council approve the substantial alteration to 5651 Inglis Street, Halifax, a registered heritage property as outlined in Attachments A to D of the December 28, 2011 staff report. MOTION PUT AND PASSED.

# 10.2.2 Case H00362 - Substantial Alteration to 85 Fairbanks Street, Dartmouth, a Municipally Registered Heritage Property

A report dated January 26, 2012 from the Heritage Advisory Committee was before Council.

A presentation was before Council.

MOVED by Councillor Uteck, seconded by Councillor McCluskey that Halifax Regional Council approve the substantial alteration to 85 Fairbanks Street, Dartmouth, a registered heritage property, as outlined in Attachments A to D of the December 15, 2011 staff report. MOTION PUT AND PASSED.

The meeting recessed at 4:47 p.m.

The meeting reconvened at 6:00 p.m., with the same members present with the exception of Councillor Sloane.

10.1.2 Case 16644 – Proposed Amendments to the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-Law to allow the Expansion of Funeral Home Services Uses on Herring Cove Road and to Allow Development of Crematoriums A staff report dated January 25, 2012 was before Council.

Correspondence from the Spryfield and District Business Commission dated February 17, 2012, and Gerard Daly, NBNRT (undated), was distributed to Council.

Correspondence from the following residents was before Council: William Moore, Gerry Doucet, Jennifer Gallant, Karen Power, Claire Vienneau, Patricia Carr, Andrea Wrin, Brenda L. Taylor, Judith Berthier, Jadwiga Doering, Larry Centa and Marilyn Johnson.

# MOVED by Councillor Mosher, seconded by Councillor Watts that Halifax Regional Council:

- 1. Initiate the process to consider amending the Halifax Municipal Planning Strategy (MPS) and the Halifax Mainland Land Use By-Law (LUB) to redesignate and rezone 147 Herring Cove Road;
- 2. Initiate the process to consider amending the Halifax MPS and the Halifax Mainland LUB to permit a crematorium as an accessory use to funeral services use; and
- 3. Direct staff to follow the public participation program approved by Council in February 1997.

Councillor Mosher noted that she moved the staff recommendation in order to initiate debate on this matter, as per the rules of order, although she is encouraging Council to vote against the staff recommendation. She indicated that there has been much confusion and substantial negative feedback from the public on this matter. She is concerned that this is not a compatible use for the neighbourhood.

Councillor Watts commented that there are crematoriums in urban neighbourhoods without issues, and that Council should let the process go forward through the public participation program.

Councillor Adams noted that he had also heard much negative public feedback on this matter and cannot support moving forward with this based on the overwhelming opposition from residents.

Councillor Smith suggested that there is not enough information provided in the staff report on the issues and concerns brought up by residents. He inquired whether there is an HRM policy on crematoriums.

Councillor Mosher clarified that as stated on page 4 of the staff report, the municipality is not responsible for crematoriums, it is a provincially regulated service, and that is why more environmental information on crematoriums was not provided in the staff report. Councillor Mosher further commented that the staff report also clarifies that the definition for a commercial use in the Halifax Mainland Land Use By-law does not permit

crematoriums. She noted that the application is to change the zoning of a single family home from residential to commercial and then change the commercial zoning in the area to permit a crematorium. Councillor Mosher noted that area residents have made it very clear that they do not want the rezoning application to proceed as the this would not be considered a compatible use in the neighbourhood.

A recorded vote was requested.

# **MOTION DEFEATED.** (9 for, 10 against)

Those voting in favour were: Councillors Barkhouse, Fisher, Harvey, Hendsbee, Outhit, Rankin, Smith, Uteck, and Watts.

Those voting against were: Deputy Mayor Karsten and Councillors Adams, Hum, Lund, McCluskey, Mosher, Nicoll, Streatch, Walker, and Wile.

Mayor Kelly and Councillors Dalrymple, Blumenthal, Sloane, and Johns were not in attendance.

# 10.1.3 Case 17342 – Wind Energy Facilities by Development Agreement (i) Supplementary Staff Report dated January 20, 2012 (ii) Staff Initiation Report dated November 10, 2011

The following information was before Council:

- An extract from the Regional Council minutes dated December 13, 2011.
- A supplementary report dated January 20, 2012.
- A staff recommendation report dated November 10, 2011.

The following information was circulated to Council:

- A copy of the staff presentation
- Correspondence from David Kerr and Alastair Saunders, Co-Chairs, Friends of Jeddore, dated February 20, 2012.

Mr. Shayne Vipond, Senior Planner, presented Case 17342: Development Agreements for Large Wind Turbines to Council.

## MOVED by Councillor Watts, seconded by Councillor Walker, that Halifax Regional Council not initiate Municipal Planning Strategy and Land Use By-Law amendments to introduce a development agreement provision for the siting of wind turbines outside the urban core.

Councillor Watts noted that introducing a development agreement provision would create a heavy amount of extra work that would have to be done, putting a burden on the municipality, the industry and residents. She noted that Council has taken significant caution on this matter by implementing the 1000 metre set-back. Councillor Watts

encouraged Council to move forward with a renewable energy platform and support wind industry development.

Councillor Streatch indicated that he would rather Council err on the side of caution, and have wind turbines go through a public participation process so that the local community can have their say.

At the request of Councillor Hendsbee, Mr. Vipond discussed the current opportunities for public input and public notification. Mr. Vipond also clarified that a turbine above two megawatts of power would require an environmental assessment.

Councillor Rankin noted that the rules have to be applied equally across HRM to provide fairness through predictability. He indicated that if Council were to approve the development agreement process, the applications for wind turbines would go to Community Councils. Councillor Rankin noted concern that the decisions would be arbitrary and varied from area to area.

Councillor Uteck suggested that HRM now has the strictest rules in Canada with regard to wind turbine placement. She suggested that Councillors should take the initiative to hold community meetings in their districts when a wind turbine is proposed.

A recorded vote was requested.

## MOTION PUT AND PASSED. (13 for, 6 against)

Those voting in favour were: Deputy Mayor Karsten and Councillors Barkhouse, Fisher, Harvey, Hendsbee, Hum, Outhit, Rankin, Smith, Uteck, Walker, Watts and Wile.

Those voting against were: Councillors Adams, Lund, McCluskey, Mosher, Nicoll and Streatch.

Mayor Kelly and Councillors Dalrymple, Blumenthal, Sloane, and Johns were not in attendance.

Council agreed, at the request of Councillor Streatch, to entertain a motion on this matter.

Councillor Streatch indicated that where regulations regarding wind turbine wattage is of a provincial jurisdiction, a letter should be sent to the province requesting that they look into decreasing the two megawatt threshold for environmental assessments.

MOVED by Councillor Streatch, seconded by Councillor Barkhouse, that HRM send a letter to the province requesting that, with regard to provincial regulations regarding wind turbines, they look into decreasing the two megawatt threshold for environmental assessments. MOTION PUT AND PASSED.

## **10.2 HERITAGE ADVISORY COMMITTEE**

# 10.2.1 Case H00361 – Substantial Alteration to 5651 Inglis Street, Halifax, a Municipally Registered Heritage Property

This item was dealt with earlier in the meeting. Refer to page 10.

# 10.2.2 Case H00362 - Substantial Alteration to 85 Fairbanks Street, Dartmouth, a Municipally Registered Heritage Property

This item was dealt with earlier in the meeting. Refer to page 10.

# 11. MOTIONS

## 11.1 Councillor Hendsbee

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey, that Halifax Regional Council approve amending Council's motion of Dec. 13th, 2011 with respect to Case #17520 - Wind Energy initiation to include the Turner property, the amended motion to read; that HRM 1) initiate the process to consider amending the RMPS and LUB for Cole Harbour / Westphal to enable wind turbine development on the portion of urban reserve lands owned by the Nova Scotia Home for Colored Children and the Knox/Olson and Turner parcels that are immediately adjacent to the transmission power line corridor."

Councillor Hendsbee clarified that this motion is to correct a previous oversight. He also noted that a public information meeting on this matter will be held on March 22<sup>nd</sup>.

## MOTION PUT AND PASSED.

- 12. ADDED ITEMS
- 12.1 Councillor Barkhouse Request for staff report re: Annual Posting of Salaries for all of the Halifax Regional Municipality Executive Management Team and Senior Management

MOVED by Councillor Barkhouse, seconded by Councillor Hendsbee, that Regional Council request that the Access & Privacy Officer and Legal Services investigate the possibility of requiring that the salaries for all Halifax Regional Municipality Executive Team, and Senior Management Team be posted yearly – similar to the provincial government employee's salary reporting through Public Accounts. MOTION PUT AND PASSED.

Councillor Barkhouse commented that this direction meets with the process used by the province, where salaries of employees making over \$25,000 are made public, as a matter of transparency.

# 13. NOTICES OF MOTION

# 13.1 Councillor Barkhouse

"Take notice that at the next regular meeting of the Halifax Regional Council to be held on February 28, 2012, I intend to introduce a motion requesting Regional Council to direct staff to consider existing uses, constraints, and future opportunities for facilities on lands referred to as the Eastern Passage Common, including consideration of undeveloped lands and other parcels that abut and work in conjunction with the Common lands, and that such review be in the form of a master planning study for the lands. The master plan process will also incorporate community consultation, and the proposed master plan will be brought before Regional Council for adoption."

#### 14.1 Personnel Matter

# 14.1.1 Citizen Appointments to Community Design Review Committee – Private and Confidential Report (deferred February 14, 2012)

A Private and Confidential report dated February 20, 2012 was before Council.

MOVED by Councillor Uteck, seconded by Councillor Mosher, that Halifax Regional Council:

- 1. Adopt the recommendations of the Standing Committees regarding the Citizen Appointments as outlined in Attachment 1 of the February 10, 2012 Private & Confidential Report.
- 2. That Halifax Regional Council, by way of this motion, expresses their appreciation to all residents who have put forward their names to serve on Boards and Committees of Council.
- 3. It is further recommended that the list of citizen appointments be released to the public following Council ratification.

The Clerk clarified that the motion could only be discussed if Council chose to move In Camera.

## MOTION PUT AND PASSED.

The list of appointees to the Community Design Review Committee are as follows:

- 1. Eric Burchill representing the Community Design sector
- 2. Geoff LeBoutillier representing the Environment sector
- 3. Bill Book representing the Development/Business sector
- 4. Joanne Macrae representing the Culture/Social sector
- 5. Gaynor Watson-Creed representing the Public Health sector

6. Peter Moorehouse – At Large

MOVED by Councillor Rankin, seconded by Councillor Watts, that Regional Council convene to In Camera to address matters related to the ATU contract negotiations. MOTION PUT AND PASSED.

## 15. ADJOURNMENT

The meeting adjourned at 7:13 p.m. to convene In Camera.

Cathy J. Mellett Municipal Clerk

# INFORMATION ITEMS February 21, 2012

- 1. Proclamation Conductive Education Day February 23, 2012
- 2. Memorandum from the Municipal Clerk dated February 17, 2012 re: Requests for Presentation to Council - None