

## HALIFAX REGIONAL COUNCIL

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### HALIFAX REGIONAL COUNCIL MINUTES September 12, 2006

#### PRESENT:

Mayor Peter Kelly  
Deputy Mayor Russell Walker  
Councillors: Steve Streach  
Krista Snow  
David Hendsbee  
Harry McInroy  
Gloria McCluskey  
Andrew Younger  
Bill Karsten  
Becky Kent  
Jim Smith  
Mary Wile  
Patrick Murphy  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Debbie Hum  
Linda Mosher  
Stephen Adams  
Brad Johns  
Robert Harvey  
Gary Martin  
Reg Rankin  
Gary Meade

#### STAFF:

Mr. Dan English, Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Jan Gibson, Municipal Clerk  
Ms. Julia Horncastle, Legislative Assistant

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**1. INVOCATION**

The meeting was called to order at 1:00 p.m. with the Invocation being led by Councillor Snow.

**2. APPROVAL OF MINUTES - NONE**

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

**MOVED by Councillor Streach, seconded by Councillor Adams, that Council forego the Committee of the Whole and hold the afternoon Council session from 1:00 p.m. to 5:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Fougere requested that item 7.2, Bikeways Advisory Committee Annual Report, be deferred to the September 19, 2006 meeting.

Council agreed to bring item 9.3.1, The Natural Step, forward to be addressed immediately following the approval of the Order of Business.

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

**9.3.1 The Natural Step**

Mr. Stephen King, Manager, Sustainable Environment Management, introduced Ms. Clare Levin, Managing Director, Genuine Progress Index (GPI) Atlantic who addressed Council outlining the Natural Step process as well as upcoming events.

Mayor Kelly, on behalf of Council, thanked Ms. Levin for her presentation.

**4. BUSINESS ARISING OUT OF THE MINUTES - NONE**

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS**

**7.1 By-Law C-500 - Respecting Commerce and Vending on Municipal Lands**

- An extract from the draft September 5, 2006 Regional Council minutes was before Council.
- A staff report dated June 19, 2006, on the above noted, was before Council.
- A supplementary staff report dated September 11, 2006, on the above noted, was before Council.

**MOVED by Councillor McCluskey, seconded by Councillor Snow, that Regional Council approve:**

- 1. By-Law C-500, respecting Commerce and Vending on Municipal Lands, as amended and attached as Appendix A to the September 11, 2006 supplementary report.**
- 2. Administrative Order 37, Respecting Commerce and Vending on Municipal Lands (Site Locations) attached as Appendix B to the September 11, 2006 supplementary report.**
- 3. An amendment to Administrative Order 15, Respecting License, Permit and Processing Fees attached as Appendix C to the September 11, 2006 supplementary report.**

In response to Councillor Streach, staff advised that flea markets, yard sales and non-profit groups have been excluded from the By-Law.

**MOVED by Councillor Sloane, seconded by Councillor Murphy, that an amendment be made to Part 1, Section 2(b) stating that a license may be revoked where there has been a conviction of the Laws of Canada with respect to drugs “or weapons”.**

Ms. Mary Ellen Donovan, Municipal Solicitor, advised that the concept in restricting the application under the laws of Canada as a prohibition for granting licenses was to try and not preclude those who have had a conviction for something unrelated to engaging in the selling through a vending cart from obtaining a license pursuant to the terms of this By-Law. She noted it could get overly restrictive; therefore, the suggestion was to keep it to something related to what might take place at the vending cart.

Mr. Reashor advised that the intent of this portion of the By-Law was that if there was a conviction because of the By-Law or any law of Canada during the course of vending, then the license could be revoked up to one year.

**MOTION DEFEATED.**

**MOVED by Councillor Mosher, seconded by Councillor Adams, that Section 36 be**

**amended to note that all newspaper boxes be subject to By-Laws as they apply to graffiti removal on public facilities or their license may be revoked and may not be reissued for up to one year.**

Without a vote being taken on the motion, the following motion was placed.

**MOVED by Councillor Younger, seconded by Councillor Sloane, that the time frame for the removal of graffiti be three days. MOTION PUT AND PASSED UNANIMOUSLY.**

At the suggestion of Councillor Murphy, the mover and seconder agreed that if the graffiti is not removed in that time frame, HRM be given the authority to remove the box.

The motion before Council now reads:

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

- 1. Section 36 be amended to note that all newspaper boxes be subject to By-Laws as they apply to graffiti removal on public facilities or their license may be revoked and may not be reissued for up to one year.**
- 2. The time frame for the removal of graffiti be three days.**
- 3. If the graffiti is not removed in that time frame, HRM be given the authority to remove the box.**

**MOTION PUT AND PASSED.**

**MOVED by Councillor Sloane, seconded by Councillor Wile, that a criminal background check be part of the license issuance with the cost of the background check being at the cost of the applicant. MOTION PUT AND PASSED.**

Deputy Mayor Walker received clarification on the definition of an artisan and it was noted that they are exempt as long as they are on HRM property.

Councillor Adams received clarification that the site on the East side of Tower Road has been up for tender previously but has not been utilized until Bill the Spud located there.

**MOVED by Councillor Adams, seconded by Councillor Sloane, that "Bill the Spud" be grandfathered for one year. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor McCluskey, seconded by Councillor Sloane, that persons**

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**holding a yard sale be responsible for picking up their signs.**

Without a vote being taken, the motion was referred to staff for a report.

Councillor Murphy requested a staff report on whether Busking should be extended to other parts of the Municipality.

The motion, as amended.

**MOVED by Councillor McCluskey, seconded by Councillor Snow, that Regional Council approve:**

- 1. By-Law C-500, respecting Commerce and Vending on Municipal Lands, as amended and attached as Appendix A to the September 11, 2006 supplementary report.**
- 2. Administrative Order 37, Respecting Commerce and Vending on Municipal Lands (Site Locations) attached as Appendix B to the September 11, 2006 supplementary report.**
- 3. An amendment to Administrative Order 15, Respecting License, Permit and Processing Fees attached as Appendix C to the September 11, 2006 supplementary report.**
- 4. Section 36 be amended to note that all newspaper boxes be subject to By-Laws as they apply to graffiti removal on public facilities or their license may be revoked and may not be reissued for up to one year.**
- 5. The time frame for the removal of graffiti be three days.**
- 6. If the graffiti is not removed in that time frame, HRM be given the authority to remove the box.**
- 7. That a criminal background check be part of the license issuance with the cost of the background check being at the cost of the applicant.**
- 8. That “Bill the Spud” be grandfathered for one year.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

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**7.2            Bikeways Advisory Committee Annual Report**

This item was deferred to September 19, 2006 under the approval of the Order of Business.

**7.3            By-Law A-201, An Amendment to By-Law A-200, Respecting Automatic Machines**

- A report dated August 1, 2006, on the above noted, was before Council.

Councillor Karsten declared a Conflict of Interest on this item and removed himself from the Chambers.

**MOVED by Councillor Hendsbee, seconded by Councillor McCluskey, that Regional Council give first reading to By-Law A-201 an amendment to By-Law A-200, Respecting Automatic Machines.**

In response to Councillor Hendsbee with regards to automatic vending machines, printing machines, photo printing machines, photocopiers, etc. that are outside a building, staff advised this By-Law applies to machines such as ATM's on private lands, noting staff is willing to look at any other machines of similar nature.

Councillor McCluskey expressed concern with the charitable exemption portion of the By-Law and placed the following motion.

**MOVED by Councillor McCluskey, seconded by Councillor Sloane, that a charitable license category be established for automatic machines owned or operated by volunteers and manned by volunteers where 100% of the funds generated are donated to a charitable organization. MOTION PUT AND PASSED.**

**MOVED by Councillor Wile, seconded by Councillor Uteck, that if an apartment or condo owner is providing the service and the machines are not owned by an outside business, the machines should not be licensed.**

Mr. Wayne Anstey, Deputy Chief Administrative Officer, advised that this is a revenue generating By-Law intended to capture revenue in lieu of taxes from those machines that are not tied into the occupancy tax or the taxation of the building. He suggested that if the motion passes, the issue be sent to staff for investigation and a report back to Council.

**MOTION DEFEATED.**



In response to Councillor Snow with regards to vending machine licenses which have not been renewed, staff advised that if a vending machine license is not up to date staff does not have authority to remove the machine.

**MOVED by Councillor Snow, seconded by Councillor Sloane, that a clause be added such that if license holders are not up to date on their permits, the license not be re-issued for up to one year. MOTION PUT AND PASSED.**

**MOVED by Councillor Hendsbee, seconded by Councillor Snow, that staff address the issue as to why VLT's and Gaming machines are not addressed in the By-Law. MOTION PUT AND PASSED.**

**MOVED by Councillor Hendsbee, seconded by Councillor Sloane, that the By-Law amendments be referred to staff. MOTION PUT AND PASSED.**

**7.4            By-Law T-701, An Amendment to T-700, Respecting Tax Deferrals - Revised Criteria for Residency**

- A report dated June 17, 2006, on the above noted, was before Council.

**MOVED by Deputy Mayor Walker, seconded by Councillor Sloane that Council give first reading to By-Law T-701, An Amendment to T-700, Respecting Tax Deferrals - Revised Criteria for Residency. MOTION PUT AND PASSED UNANIMOUSLY.**

**7.5            Administrative Order 10 - Partial Tax Exemption for Residential Homeowners - Revised Criteria for Residency**

- A report dated July 13, 2006, on the above noted, was before Council.

**MOVED by Deputy Mayor Walker, seconded by Councillor Kent, that Regional Council:**

- 1. Approve the revisions to Administrative Order 10 as detailed in the Discussion section of the July 13, 2006 report.**
- 2. Approve the implementation of the revised criteria for fiscal year 2006-07, effective April 1, 2006.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

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**7.6            Policy on Daylighting on Rivers**

- A report dated July 24, 2006, on the above noted, was before Council.

**MOVED by Councillor Younger, seconded by Councillor McCluskey, that Council adopt the Policy on Daylighting of Rivers as contained in the July 24, 2006 staff report, and that this policy be considered for inclusion in the Regional Plan during the next round of Regional Plan revisions.**

Councillor Younger suggested staff talk to business parks as to how they will address this.

**MOTION PUT AND PASSED UNANIMOUSLY.**

Council recessed at 3:00 p.m  
Council reconvened at 3:18 p.m.

**7.7            Tender 06-072 and Tender 06-074 - Winter Sidewalk Snow and Ice Control - East & West Regions**

- A report dated August 26, 2006, on the above noted, was before Council.

**MOVED by Councillor Martin, seconded by Councillor Sloane that Council:**

- 1. Award Tender #06-072 Winter Sidewalk Snow and Ice Control-Eastern Region to perform winter sidewalk snow and ice control services for HRM sidewalks, for a four (4) year period for the following tendered prices including net HST from Operating Account No. R764-6399, Sidewalk Snow and Ice Control; with funding authorized as per the Budget Implications section of the August 26, 2006 report.**
  - a) Route SW-E1 to Ecotech Development for a tender price of \$121,011.93**
  - b) Route SW-E3 to Ecotech Development for a tender price of \$574,082.25**
- 2. Award Tender #06-074 Winter Sidewalk Snow and Ice Control -Western Region to perform winter sidewalk snow and ice control services for HRM sidewalks, for a four (4) year period for routes listed below for the following tendered prices including net HST from Operating Account No. R764-6399, Sidewalk Snow and Ice Control, with funding authorized as per the Budget Implications section of the August 26, 2006 report.**

- a) Route SW-w9 to Timberlea Bottle Exchange for a tender price of \$187,810.52
- b) Route SW-W10 to Timberlea Bottle Exchange for a tender price of \$550,545.12
- c) Route SW-P1 to Ocean Contractors Ltd. for a tender price of \$715,604.57
- d) Route SW-P2 to Provincial Pavement Markings for a tender price of \$489,260.54
- e) Route SW-P3 to Provincial Pavement Markings for a tender price of \$629,477.17

3. Allow a fifth year option for Tender 06-072 and Tender 06-074 subject to an annual performance review.

Councillor Mosher expressed concern that there are areas in District 15 and 16 that have area rates for arterial roads and are paying under the urban general rate; therefore, they are paying twice.

In response, staff advised that all main arterials and transit routes are paid under the general rate and the area rates were reduced to reflect the cost. The main arterial and transit routes were taken out of the historical cost for doing the sidewalks in that District; therefore, the area rates were reduced in the areas that received full sidewalk service.

In response to Councillor McCluskey, staff advised that HRM will be responsible for both Capital Districts.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Mosher, seconded by Councillor Hum, that a staff report be requested with regards to residents who are paying for sidewalk snow removal on arterial routes and bus routes through the urban general rate be exempted from area rates for sidewalk snow removal. MOTION DEFEATED.**

**MOVED by Councillor Sloane, seconded by Councillor Adams, that items 10.1.4, Case 00895, MPS and LUB amendments for 2594 Agricola Street, Halifax, and 10.1.5, Case 00870, MPS and LUB Amendment for 5784 Charles Street Halifax, be addressed at this time. MOTION DEFEATED.**

- 7.8 Award of Engineering Study, Peggy's Cove Water and Sewer Servicing Options Evaluation and engineering study.

- A report dated August 11, 2006, on the above noted, was before Council.

**MOVED by Councillor Rankin, seconded by Councillor Meade, that Regional Council:**

1. **Approve a new Capital Budget Project for Peggy's Cove Water and Sewer Servicing, Options Evaluation and Preliminary Design Study, in the amount of \$20,000 including net HST, with no net budget increase to HRM.**
2. **Award the engineering study for Peggy's Cove Water and Sewer Servicing: Options Evaluation and Preliminary Design Study, to ABL Environmental for a total cost of \$22,677 including net HST, from Capital Accounts CCV00672 & CSU00909, with funding authorized as per the Budget Implications section of the August 11, 2006 report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Rankin advised he would write a letter of appreciation to the Minister of Municipal Affairs, Minister of Tourism and the local MLA through his office

**7.9                    By-Law P-504, Amendment to By-Law P-500, Respecting Parking Meters - Increase in Parking Meter Fines**

- A report dated July 31, 2006, on the above noted, was before Council.

**MOVED by Councillor Karsten, seconded by Councillor Fougere, that Council give first reading to By-Law P-504, Amendment to By-Law of P-500, Respecting Parking Meters - Increase in Parking Meter Fines.**

Ms. Mary Ellen Donovan, Municipal Solicitor, suggested Appendix "A" be amended to state in the first line "Section 17 of By-Law P-500 is repealed and the following substituted:"

**MOTION PUT AND PASSED**

**MOVED by Councillor Adams, seconded by Councillor Mosher, that the Mayor write the Provincial Government requesting that fines for accessible parking and accessible parking on private property be increased from the \$100 effective July 1<sup>st</sup> to a \$500 fine. MOTION PUT AND PASSED.**

**7.10                    Western Region Community Council - Request for Provincial Capital Assistance Program Funding for the Station Road Sewage Study**

- A report dated August 29, 2006, on the above noted, was before Council.

**MOVED by Councillor Meade, seconded by Deputy Mayor Walker, that Mayor Kelly, on behalf of Service Nova Scotia and Municipal Relations, provide Provincial Capital Assistance Program funding in the amount of \$60,000.00 to conduct a study in regard to sewage problems on Station Road, Hubbards. MOTION PUT AND PASSED UNANIMOUSLY.**

**7.11            Councillor Mosher - Proposed Graffiti By-Law**

**MOVED by Councillor Mosher, seconded by Councillor Hum, that a staff report be requested on the following:**

- 1. That staff develop a bylaw based on Vancouver's Graffiti By-Law #7343 to be brought directly to Council for approval;**
- 2. Include enhancement community initiatives such as a free paint program (to remove graffiti) applications for financial assistance for graffiti removal, community paint outs, heritage and mural programs;**
- 3. Eliminate "no Intolerance" zones definition for HRM properties as written in the draft graffiti management plan from August 1, 2006 in order to remove all reported graffiti with the same service standard**
- 4. All HRM awarded contracts, including but not limited to sewage and construction projects adhere to graffiti removal standards for HRM owned properties**
- 5. A staff report outlining arrests, surveillance and future budgets for cameras be brought forward by sept 26, 2006.**
- 6. Also like staff to directly bring forward a report on responsible retailing - making it a crime to sell aerosol containers of spray paint and broad banned indelible markers to persons under 18 years of age.**

Councillor Mosher advised graffiti is an ongoing problem in many districts. She requested the report address whether there have been arrests with regards to graffiti crimes.

Mr. Dan English, Chief Administrative Officer, advised that a Graffiti By-Law is being developed and will be coming forward later in the year.

Councillor Smith requested the report include some examples of how the Vancouver By-Law is working. The Councillor noted there have been other By-Law requests and asked that a list of current By-Laws that have been requested and where they are in the queue be included in the report.

Councillor Kent requested the report address what the implications of fines will have on parents of youth under 12 years of age as well as any options that may be available.

Councillor Sloane requested the report include the possibility of a youth diversion program.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Mosher, seconded by Councillor Sloane, that Mayor Kelly write Glidden and Colour Your World and ask that they provide free paint to assist with the graffiti clean up. MOTION PUT AND PASSED UNANIMOUSLY.**

**7.12            Councillor Mosher - Update - Grass Cutting Services**

**MOVED by Councillor Mosher, seconded by Councillor Adams, that a staff report be provided on the success of the mowing going out to contract this year versus in house services. Further, the report look at the number of Hansons. MOTION PUT AND PASSED UNANIMOUSLY.**

**7.13            Contractual Matter - Rolling Stones Contract Update**

**MOVED** by Deputy Mayor Walker, seconded by Councillor Streach, that Halifax Regional Council:

- 1.        Authorize staff to enter into an Agreement with Events Halifax for provision of government services to the Rolling Stones Concert, and**
- 2.        That the Agreement minimize the risk to HRM for repair on the commons to the maximum extent possible, but no less than the approach identified by staff within the staff presentation at the in camera session of Regional Council on September 5, 2006.**

**MOTION PUT AND PASSED.**

**8.            PUBLIC HEARINGS**

**8.1            Project 00913: Portland Hills Capital Cost Contribution**

This item was addressed during the evening session. (See page 17)

**8.2            By-Law N-200 Respecting Noise Exemption Application - Rolling Stones Concert on the Commons**

This item was addressed during the evening session. (See page 17)

**8.3            Case 00788: Amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law**

This item was addressed during the evening session. (See page 18)

**8.4            Transfer of Title for 26 Lyons Avenue, Halifax, to Nova Scotia Housing Development Corporation**

This item was addressed during the evening session. (See page 19)

**8.5            Project 00327 - By-Law S-800 - Respecting Requirements for the Licensing of Temporary Signs**

This item was addressed during the evening session. (See page 20)

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions - None**

**9.3 Presentation**

**9.3.1 The Natural Step**

This item was addressed earlier in the meeting. (See page 4)

**10. REPORTS**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Tender 06-272 - Beckfoot Drive Sewage Station Pump Station Upgrade - East Region**

- A report dated August 23, 2006, on the above noted, was before Council.

**MOVED by Councillor Karsten, seconded by Councillor Sloane, that Council:**

- 1. Award Tender No. 06-272, Beckfoot Drive Sewage Pump Station Upgrade - East Region to Brycon Construction Limited for materials and services listed at the unit prices quoted for a Tender Price of \$354,761 including net HST from Capital Account No. CGI00609, Beckfoot Dr. PS, Dartmouth, with funding authorized as per the Budget Implications section of the August 23, 2006 report.**
- 2. Approve the appointment of CBCL for contract administration and construction inspection services for an estimated fee of \$48,932 including net HST from Capital Account No. CGI00609, Beckfoot Dr. PS, Dartmouth - East Region, with funding authorized as per the Budget Implications section of the August 23, 2006 report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.2 Memorandum of Understanding (MOU) with Nova Scotia Community College (NSCC)**



- A report dated August 30, 2006, on the above noted, was before Council.

**MOVED by Councillor Murphy, seconded by Councillor Smith, that Council support the proposed MOU between HRM and the Nova Scotia Community College as outlined in Appendix A of the August 30, 2006 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.3      Revision to Area Rate Catchment Area for District 2 Recreation Centre**

- A report dated September 1, 2006, on the above noted, was before Council.

**MOVED by Councillor Younger, seconded by Councillor Snow, that effective with the 2006-07 Fiscal Year, the catchment area for the District 2 Recreation Centre be revised so as to depict the mapped area in Appendix C of the September 1, 2006 staff report thereby excluding those properties which are within District 6. Any property in District 6 that has been billed for the District 2 Recreation Centre area rate will receive a credit to entirely offset any such amount billed. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.4      Case 00895-Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) Amendment for 2594 Agricola Street, Halifax**

- A report dated September 1, 2006, on the above noted, was before Council.

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

- 1. Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and Peninsula Land Use By-Law to allow for a 24 unit apartment building with ground floor commercial uses at 2594 Agricola Street (PID#00169276): and**
- 2. Instruct that the Municipal Planning Strategy amendment process include a public participation program in accordance with the Public Participation Resolution adopted by Halifax Regional Council on February 25, 1997.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.5      Case 00870 - Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) Amendment - 5784 Charles Street, Halifax**

- A report dated September 1, 2006, on the above noted, was before Council.

**MOVED by Councillor Sloane, seconded by Councillor Murphy, that Halifax Regional Council:**

1. **Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and Peninsula Land Use By-Law to allow for a multiple-unit residential building at 5784 Charles Street, Halifax, (PIDs 00151431, 00151449, 00151662 and 00151670); and**
2. **Instruct that the Municipal Planning Strategy amendment process include a public participation program in accordance with the Public Participation Resolution adopted by Halifax Regional Council on February 25, 1997.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

11. **MOTIONS - NONE**

12. **ADDED ITEMS - NONE**

13. **NOTICES OF MOTION - NONE**

Council recessed at 5:00 p.m.

Council reconvened at 6:00 p.m.

**8.1 Project 00913: Project 00913: Portland Hills Capital Cost Contribution**

- A report dated August 1, 2006, on the above noted, was before Council.

Ms. Denise Schofield, Acting Manager, Development Engineering, presented the staff report.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed amendments.

**Mr. Mike Hanusiack**, Senior Vice President and General Manager, Clayton Developments Ltd, addressed Council noting this part of Portland Hills represent the last phase with most of the water, sewer and stormwater infrastructure already in place.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

**MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Karsten, seconded by Councillor Kent, that Regional Council approve the amendments to the Regional Subdivision By-Law, presented as Attachment A to the August 1, 2006 staff report. MOTION PUT AND PASSED.**

**8.2            By-Law N-200 Respecting Noise Exemption Application - Rolling Stones Concert on the Commons**

- A report dated September 6, 2006, on the above noted, was before Council.

Mr. Brad Anguish, Director, Environmental Management Services, presented the report to Council.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed exemption.

**Mr. Adam Conrod**, Porter's Lake, expressed concern with the noise that will be generated by this concert.

**Ms. Maureen O'Keefe**, Halifax, expressed concern with the noise that will be generated and the effect it will have on the residents in the area.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

**MOVED by Councillor Sloane, seconded by Councillor McCluskey, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Streach, seconded by Councillor Murphy, that Regional Council approve an exemption from the provisions of the Noise By-Law pursuant to the contents of the September 6, 2006 staff report and any matters raised at the hearing. MOTION PUT AND PASSED UNANIMOUSLY.**

**8.3            Case 00788: Amendments to Eastern Passage /Cow Bay Municipal Planning Strategy and Land Use By-Law**

- A report dated July 19, 2006, on the above noted, was before Council.

Mr. Shayne Vipond, Planner, presented the report to Council.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed amendments.

**Mr. Alan Smith**, Eastern Passage, stated Fishermen's Cove should remain as it current is and allow only the types of businesses that would fit in with the businesses currently located there. He stated he did not want to see it become a residential area.

**Ms. Cynthia Connors**, Eastern Passage, stated she currently lives on Government Wharf

Road in a legal non conforming residence. She stated she maintains the building in conformity with the surrounding buildings.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

**MOVED by Councillor Younger, seconded by Councillor Karsten, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Kent, seconded by Councillor Younger, that Regional Council approve the proposed amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law provided in Attachments "A" and "B" fo the staff report dated June 6, 2006.**

In response to a concern by Councillor Uteck with regards to the current residential use, Mr. Vipond advised these amendments were not intended to prohibit the one user from continuing to live in Fisherman's Cove.

Mr. Paul Dunphy, Director, Planning and Development Services, advised that the rezoning can proceed but the list of permitted uses would note that the existing uses would be conforming uses.

Without a vote being taken on the motion, the following amendment was placed.

**MOVED by Councillor Kent, seconded by Councillor Younger, that Civic #27 Government Wharf Road, Eastern Passage, be included as an existing residential use in an existing C2 zone. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOTION AS AMENDED, PUT AND PASSED UNANIMOUSLY.**

**8.4                    Transfer of Title for 26 Lyons Avenue, Halifax, to Nova Scotia Housing Development Corporation**

- A report dated August 22, 2006, on the above noted, was before Council.

Ms. Peta Jane Temple, Team Lead, Tax, Grants & Special Project, presented the report to Council.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed transfer of title.

**Ms. Donna Smith**, Housing Services, stated the building needs repairs and they were challenged to operate at that location due to financial circumstances.

**Ms. Sandy Strickland-Cormier**, Executive Director, Homes for Independent Living, stated that if this proposal is not approved the residents would not be able to remain in the community.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

**MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Adams, seconded by Councillor Sloane, that Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale whereby the property located at 26 Lyons Avenue, Halifax, be conveyed to the Nova Scotia Housing Development Corporation, subject to site survey and legal description, and the terms and conditions set out in the Discussion section of the August 22, 2006 report. MOTION PUT AND PASSED UNANIMOUSLY.**

Council recessed at 7:14 p.m.

Council reconvened at 7:30 p.m.

**8.5            Project 00327 - By-Law S-800 - Respecting Requirements for the Licensing of Temporary Signs**

- A supplementary report dated June 28, 2006, on the above noted was before Council.
- A report dated June 20, 2006, on the above noted, was before Council.

Mr. Kurt Pyle, Planning and Development Services, presented the report to Council.

In response to questions from Council, staff advised:

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- Inflatable signs are allowed,
  - Section 6.7 allows for multiple signs for special events,
  - Waterways are under provincial jurisdiction,
  - This By-Law does not apply on Department of Transportation right-of-ways,
  - There are existing sign ordinances in rural areas,
  - The Municipal Government Act provides the enabling legislation for this By-Law,
  - This By-Law prohibits such things as posters for events except for those on community kiosks which have been approved by Council,
  - Mobile signs are not permitted in the Capital District,
  - Section 6.1 with regards to special events signs does not apply to the Sackville Plan area,
  - This By-Law does not apply to real estate signs,
  - Removal of signs should be left to staff,
  - Consistency was a key component of the By-Law,
  - Election signs are not included in the By-Law.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed By-Law.

**Mr. Dave O'Connor**, Halifax, Glo Promotions, stated:

- The intent was to provide a By-Law that was standardized and simple,
- Mobile signs are clutter and HRM does not have the power to address and enforce issues of setback and maintenance,
- The proposed By-Law is confusing and will be to everyday business persons,
- If there is standardization, approximately forty percent of businesses may not be able to use mobile signs,
- Communities will still be able to keep their architectural look,
- Where mobiles are allowed it is still too restrictive,
- He has never heard any negative remarks about mobiles,
- It will be costly to police this By-Law,
- The signs work and are beneficial to both large and small businesses.

In response to Councillor Johns, Mr. O'Connor stated that instead of just taking the mobiles away offer a solution. He stated a planter box is a good solution for people who want to use these signs long term. He further suggested that the signs should be set back further.

Mr. Pyle clarified that the land mass of HRM covered by this By-Law would be approximately two percent. He stated that what is being proposed under this By-Law is to increase the ban.

Mr. Pyle clarified that development agreements have prohibited mobile signs under the development agreement process. He noted that with this new By-Law that approach can be addressed. He further noted that this By-Law provides less of a setback than what is under

most land use by-laws currently in place.

Councillor Hendsbee asked whether the businesses along Highway #7, in Cole Harbour, Sackville, Bedford, the Capital Districts of both Halifax and Dartmouth, and parts of Eastern Passage, be permitted to use temporary signs in accordance with the By-Law or will there be an absolute ban.

**Mr. Adam Conrod**, Porter's Lake, stated there should not be restrictions on the placement of signs on private property. He further suggested community, school and church functions should be exempt from this By-Law.

**Mr. Frank Thorne**, President, Sign Association of Canada, spoke in support of the By-Law stating:

- The association wishes to see the By-Law passed,
- Planter Boxes should fall under the permanent sign definition,
- The time frame allowed should be sixty days up and thirty days down for signs,
- Planter Box signs are a more permanent signs and should fall under the sections regulating permanent signs and follow the same setbacks and engineer requirements.

**Mr. Maurice Muise**, Bedford, spoke in support of mobile signs as they are part of the marketing mix. He does not agree with a total ban of the signs. He stated he would support a standard agreement, noting mobile signs are very important to small businesses.

**Ms. Bobbie Lynn Hall**, representing Markall Signs, presented a petition in opposition to the By-Law and stated:

- She believes in the support of small businesses,
- As a consumer she looks for mobile signs for upcoming sales and events, etc.,
- Sackville Drive is a business district and the business owners on Sackville Drive are opposed to the proposed By-Law.

**Mr. John Giannakos**, Sackville, stated:

- Mobile signs are an effective and affordable means of advertising,
- The signs are inexpensive compared to newspaper advertising
- The signs aid in targeting a specific area
- He feels this By-Law is anti-business,
- He is supportive of the By-Law being implemented without the inclusion of Sackville Drive as a prohibitive area.

Council recessed at 8:46 p.m.

Council reconvened at 9:00 p.m.

**MOVED by Councillor Adams, seconded by Councillor Fougere, that Council complete the public hearing with debate being deferred. MOTION PUT AND PASSED.**

In response to Councillor Adams, staff advised that the meeting in February was with the Board of Directors of the Sackville Drive Business Association with approximately twelve persons in attendance. He advised staff was there to provide clarification and to ensure they understood what the recommendation of the Secondary Planning Strategy was for the Sackville Drive Secondary Plan. He noted the proposal in the document was to put in place the same rules as applied to mobile signs in Bedford currently which is to only allow mobile signs once for new business openings, and grand openings for a period of sixty days only. He stated this was presented and staff addressed questions and provided clarification as to what this entailed.

**Mr. Chris Guilford**, Dartmouth, Barter Atlantic, stated this By-Law would impact his business and there would be an unfair advantage to allow only some of the businesses in HRM to use mobile signs.

**Mr. Owen Carrington**, Halifax, spoke in favour of the restrictions on posters as they are an eyesore. He stated he would like to see a restriction put on Sandwich Boards for any businesses that are non conforming uses in residential neighbourhoods.

**Ms. Patricia MacNeil**, Children's Wish Foundation, stated that the By-Law may affect their advertising abilities to advertise fund raising events. She stated they are a charity and depend on donated advertising which includes PSA's and mobile sign boards.

**Mr. Paul Emberley**, GPS Automotive and Sales, stated small businesses need the glo signs as they cannot afford the more expensive advertising such as tv. He noted many of the businesses are just surviving and the signs generate customers. He stated these signs are cost effective and are needed.

**Mr. Steve Gauchier**, Brite Signs, stated:

- The main issue was clutter which was addressed with the separation on properties,
- Safety issues were looked at and a 15 to 20 foot setback was implemented,
- Approximately sixty percent of his signs are in the core area and will be affected by this By-Law,
- The implementation of this By-Law will create a financial burden on his business.,
- The issue of clutter needs to be addressed as well as cleaning up of the signs,
- If the signs are standardized and enforcement is kept in place, the problem can be solved.

**Mr. Doug MacDonald**, Halifax, stated:



- It is important to have a cost effective method to get messages out to the public.,
- There is a concern that if companies are going to lose up to seventy percent of their business, there will not be the need for the same number of employees,
- Businesses are open to having standards and controls.

**Mr. Bob MacNeil**, Vice President, Forbes Group of Companies, stated:

- They are against the proposed By-Law,
- They use both the mobile and permanent signs and the message is temporary,
- There is a need to have the flexibility that a changeable signs affords,
- They rely on the traffic that these signs generate,
- The issues around safety and clutter could be dealt with less drastically than the proposed By-Law,
- They do not feel the proposed By-law will be enforceable and it does not achieve uniformity and consistency throughout Metro as it is complex and cumbersome,
- They are concerned with the take down periods and promote a lot of inefficiencies,
- The livelihood of certain businesses in HRM is dependent on the use of these types of signs as it is effective advertising.

**Mr. Robert Miller**, Halifax, stated:

- Signs do not increase economic activity but does influence the choice of seller
- The signs do not add to the economy nor the quality of life,
- Signs detract from the quality of the city and add a great deal of visual clutter to the streets,
- Enforcement will be difficult and he is sceptical that licenses would be checked on a regular basis,
- Council should rewrite the By-Law to permit temporary signs for the necessary occasions such as special events.

**Mr. Mike LeBlanc**, Cole Harbour, stated:

- The sign is the message that gets people to the door and the message gets results,
- The cost to advertise is prohibitive for small business and therefore not an even playing field,
- Small business needs to be able to advertise in an efficient manner to stay in business and the enactment of this By-Law may result in some businesses being lost,
- There is a need to encourage not discourage small business.

**Ms. Therese Moriarity**, Bedford, stated:

- Signs provide a public service by providing information through advertising in an efficient and cost effective way,
- If the signs are taken away it will also take away the ability of charities to fund raise.,
- With the mobile signs there is conformity and quality and if the signs are taken away it will be a great disservice to the communities.

**Mr. Barry Reneuf**, Display Electronics International Inc., stated that he has lost business as a result of the mobile signs.

**Mr. Bruce Devennie**, Sackville, stated:

- The By-Law should apply to all HRM,
- He does not perceive a problem with the signs if they are limited, kept in good condition and out of the line of vision of traffic,
- It is necessary for small business and charities,
- Sandwich Boards should not be allowed in the public thoroughfare as they pose a hazard.

**Ms. MacInnis**, Glo Signs, stated they have full time year round staff but if the By-Law is implemented it will affect their ability to staff on a consistent basis.

**Mr. James Nauss**, stated:

- Mobile signs work and generate business,
- Planter Boxes can be inexpensive,
- People don't look at generic signs and many businesses cannot afford a large sign,
- If profit margins are affected then the number of employees will be affected,
- There has to be maintenance enforcement.

**Ms. Shauna Williams**, Glo Promotions, read from prepared text on behalf of the Canadian Federation of Small Businesses, stated:

- Businesses will be impacted either directly or indirectly by this By-Law,
- Small business owners do everything themselves and due to this they look for ways to maximize their resources in cost effective ways,
- The By-Law will impact both the businesses that sell or rent the signs as well as the businesses that use them,
- There is a need for the By-Law to apply equally across all HRM to ensure a level playing field.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

**MOVED by Councillor Sloane, seconded by Councillor Johns, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Uteck, seconded by Councillor Sloane that the discussion and decision be deferred to September 26, 2006. MOTION PUT AND PASSED UNANIMOUSLY.**

**14.        ADJOURNMENT**

The meeting was adjourned at 10:15 p.m.

Jan Gibson  
Municipal Clerk

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**The following information items were circulated to Council:**

1. Proclamation - Terry Fox Run - September 17, 2006
2. Memorandum from Acting Director, Community, Culture & Economic Development dated September 5, 2006 re: Presentation: HRM by DESIGN
3. Memorandum from Chief Administrative Officer dated September 7, 2006 re: Update on the Halifax Regional Development Agency (HRDA) and Greater Halifax Partnership (GHP) Merger
4. Memorandum from Acting Director, Finance dated September 8, 2006 re: Use of Credit Cards for Property Taxes
5. Memorandum from Acting Director, Finance dated September 1, 2006 re: Interim Award Policy - Tender Awards
6. Memorandum from the Municipal Clerk dated September 8, 2006 re: Requests for Presentation to Council - Halifax Port Authority