

HALIFAX REGIONAL COUNCIL
MINUTES
February 5, 2008

PRESENT:

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

REGRETS:

Councillor Mary Wile
Councillor Gary Martin

STAFF:

Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Jennifer Weagle, Legislative Assistant

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1. **INVOCATION**

Deputy Mayor Adams called the meeting to order at 6:03 p.m., with the Invocation being led by Councillor Fougere.

2. **SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Members of Council wished a happy belated birthday to Councillor Snow.

Councillor Hendsbee advised that voting for the Kraft Hockeyville contest begins February 17, 2008, and asked the public to go to the website to vote in support of Porters Lake.

Councillor Murphy indicated that a Community Grants Workshop will be held on February 7, 2008 from 5-7:00 p.m. at the St. Andrew's Community Centre.

Councillor Barkhouse noted that the Eastern Passage Summer Carnival Committee will be meeting on February 11, 2008 at the Lion's Club in Eastern Passage. Councillor Barkhouse also encouraged residents to donate food to the Eastern Passage Food Bank, noting that donations can be dropped off at local churches or at the Food Bank on Wednesday mornings from 9:30 to 10:00 a.m. at St. Peter's Church basement.

Councillor Sloane advised that a meeting regarding the potential new library for Spring Garden Road will be held on February 6, 2008 at 7:00 p.m. at the Lord Nelson Hotel.

Councillor Smith indicated that an auction will be held from 1-4:00 p.m. on February 10, 2008 at the Boys and Girls Club on Farrell Street in Dartmouth.

3. **APPROVAL OF MINUTES** - January 15 & 22, 2008

MOVED by Councillor McCluskey, seconded by Councillor Sloane, that the Regional Council minutes of January 15 & 22, 2008 be approved, as amended. MOTION PUT AND PASSED.

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

Additions:

13.1 Payment in Lieu of Taxes (PILT) - Citadel

MOVED by Councillor Walker, seconded by Councillor Sloane, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.

5. **BUSINESS ARISING OUT OF THE MINUTES** - None

6. **MOTIONS OF RECONSIDERATION** - None

7. **MOTIONS OF RESCISSION** - None

8. **CONSIDERATION OF DEFERRED BUSINESS** - None

9. **PUBLIC HEARINGS**

9.1 **By-Law C-700, Respecting Municipal Cemeteries, and an Amendment to Administrative Order 20, Respecting Fees for Cemetery Services**

- C An extract of the January 8, 2008 Regional Council minutes was before Council.
- C A copy of the staff presentation on this matter was before Council.
- C A staff report on the above noted dated December 4, 2007 was before Council.
- C An email submission from J. Dusty Miller, Bayers Road, Halifax, was distributed to Council.

Mr. Denis Huck, Manager, Municipal Operations, presented the staff report to Council. Mr. Huck and Mr. Gary Musolino, Supervisor, Cemeteries, responded to questions of clarification from Council, noting the following:

- C Maintenance for the burial site for victims of the Halifax explosion is included in the report under the Fairview extension;
 - C One monument will be permitted per grave site, which can include four burial plots.
- Deputy Mayor Adams called three times for those wishing to speak in favour or against the proposed By-Law. Hearing none, the following motion was placed:

MOVED by Councillor Younger, seconded by Councillor Sloane, that the public hearing be closed. MOTION PUT AND PASSED.

MOVED by Councillor Murphy, seconded by Councillor Younger, that Halifax Regional Council approve and begin the formal adoption process of By-Law C-700 and Administrative Order 20 - Respecting Cemetery Fees (as attached to the December 4, 2007 staff report as Schedules "A" and "B").

Mr. Huck and Mr. Mussolino responded to further questions from Council, noting the following:

- C Staff have 1500 plots they hope to put up for sale by April 1, 2008, in groups of 100-150 on a monthly basis;
- C The sale will be advertised in local newspapers and plots will be for sale in person at the Fairview Cemetery office;
- C Staff will forward information on the sale to members of Council so they will have information to pass on to residents;
- C Staff will provide a refund on lots for the price purchased, regardless of time elapsed.

Mayor Kelly arrived at 6:20 p.m. and assumed the Chair. Deputy Mayor Adams returned to his seat in Council.

MOTION PUT AND PASSED.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - None

10.2 Petitions

Councillor Uteck submitted a petition from residents of District 13 indicating that the construction of a new sidewalk in front of 6570 and 6550 Waegwoltic Avenue is not necessary and would be a needless expenditure.

Councillor Sloane submitted a petition from students of Citadel High School requesting Council to strike an “energy policy advisory committee”, mandated to work with Nova Scotia Power Inc, the Nova Scotia Department of Energy, and the private sector, to improve production and consumption of energy for Halifax.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Tender 07-446 - Supply of Two (2) Two Post Modular In-Ground Lift Systems, Total Capacity 60,000 lbs

- A report dated January 15, 2008, on the above noted, was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that Regional Council award Tender No. 07-446, for Two (2) - Two Post Modular In-Ground Lift Systems to Carquest Canada Ltd. for a Tender Price of \$184,725.00 (net HST included) with funding from Capital Account No.CBU00938, as outlined in the Budget Implications section of the January 15, 2008 report. MOTION PUT AND PASSED.

11.1.2 Tender 07-172 - Site Development Mainland Common

- A report dated January 21, 2008, on the above noted, was before Council.

MOVED by Councillor Walker, seconded by Councillor Hum, that Regional Council award Tender No.07-172 to Dexter Construction for a total Tender Price of \$1,805,870.34.(net HST included), with funding from Capital Account No. CB100091 - Mainland Commons Recreation Facility, as outlined in the Budget Implications section of the January 21, 2008 staff report.

Mr. Phil Townsend, Manager, Capital Projects, responded to questions of clarification from Council.

MOTION PUT AND PASSED.

11.1.3 Tender 07-432 - Replacement Dome for Mann Street

- C A report dated January 29, 2008 on the above noted was before Council.

MOVED by Councillor Rankin, seconded by Councillor Sloane, that Regional Council:

1. **Award Tender No. 07-432 for a design/build wooden dome structure for 1 Mann Street, Bedford, NS, to Storage Systems Construction Corp for a Total Tender price of \$109,634.74 (net HST included) with funding from Capital Account Nos. CB300840 - HRM Depot Upgrades, Res# 1061.18 and 1061.28;**
2. **Increase Capital Account CB300840 Reservation - HRM Depot Upgrades by \$43,419.70 to reflect cost sharing for this project from the HRWC as per the Budget Implications section of the January 29, 2008 report.**

MOTION PUT AND PASSED.

11.1.4 Proposed Lease - 7 Mellor Avenue, City of Lakes Business Park

- A report dated January 28, 2007, on the above noted, was before Council.

MOVED by Councillor Smith, seconded by Councillor Karsten, that Regional Council:

1. **Approve the terms and conditions of the Offer to Lease between OPB Realty Inc. (Landlord) and the Halifax Regional Municipality (Tenant) for the subject property, subject to Provincial Ministerial approval as required per s. 88.4 *Municipal Government Act*, as outlined in the January 28, 2008 report; and**

2. **Approve an amount to be included in the 2008-09 operating budget for no greater than \$217,486 as per the budget implications section of the January 28, 2008 report.**

Chief Frank Beazley, Halifax Regional Police, responded to questions from Council, noting the following:

- C Staff believe this to be the best location to serve residents;
- C They hope to move into the space in the spring;
- C Staff have looked at purchasing as opposed to leasing, and it would be more costly at this time to construct the space than to lease it.

MOTION PUT AND PASSED.

11.1.5 Case 01101: Wentworth / Bedford South Secondary Planning Strategies - Development Prior to Interchange at Highway 102

- C A report dated January 21, 2008, on the above noted, was before Council.
- C A copy of the staff presentation was before Council.

Mr. Andrew Bone, Planner, reviewed the staff report with Council.

MOVED by Councillor Harvey, seconded by Councillor Snow, that Regional Council:

1. **Approve initiation of the process to amend the Secondary Planning Strategies for Wentworth/Bedford South to enable Council to consider more than 2000 units prior to the construction of an interchange at Highway 102 and Larry Uteck Boulevard; and**
2. **Adopt the public participation program as shown in Attachment "B" of the January 21, 2008 staff report.**

Ms. Denise Schofield, Acting Manager, Development Engineering, and Mr. Bone, responded to questions from Council, noting the following:

- C The planned completion date for the Larry Uteck interchange is 2010;
- C One public information meeting was initially planned for Case 01101; however, if the need is there, more than one meeting will be held;
- C The 2000 unit limitation originated from the traffic study completed in the year 2000, based on the master plan;
- C This study is to re-examine whether assumptions made in that study are still valid or if changes are needed.

Councillors noted a number of suggestions and concerns, including the following:

- C Many residents feel that the capacity of the Bedford Highway has already been reached, and this is a frequent concern raised at Community Council;
- C Suggestion to include language in development agreements that if the interchange is not built on a timely basis, limits will not be exceeded;
- C With regard to the public information meeting, ensure that it is highly advertised, inform community groups, and consider holding the meeting on a Saturday and sending ballots to households for input;
- C Transportation solutions, including funding partnerships with the Province, need to be found before more development is allowed along the Bedford highway.

At the request of Councillor Hendsbee, Mr. Austin French, Manager, Planning Services, clarified that the Bedford South area is an identified growth centre under the Regional Plan, and is included in the visioning planning. He clarified that staff do not see this review interfering with the community visioning process.

Ms. Schofield clarified that if a recommended change comes out of this review, it will go through the Planning Advisory Committee, Community Council and Regional Council for approval.

MOTION PUT AND PASSED.

11.1.6 Case 01076: Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-Law - Pet Care Facilities

- C A report dated January 22, 2008, on the above noted, was before Council.
- C A copy of the staff presentation was before Council.

Mr. Joseph Driscoll, Planner, Community Development, presented the report to Council.

MOVED by Councillor Johns, seconded by Councillor Sloane, that Regional Council

- 1. Initiate a process to amend the Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville to enable Council to consider proposals for kennels through the development agreement process, as outlined in the January 22, 2008 staff report; and**
- 2. Request that Staff follow the public participation program approved by Council in February 1997.**

Councillor Harvey left at 7:34 p.m.

Staff responded to questions of clarification from Council at this time.

MOTION PUT AND PASSED.

Council recessed at 7:45 p.m.

Deputy Mayor Adams reconvened Council at 8:04 p.m. with the same members present with the exception of Mayor Kelly and Councillors Streach, Snow, and Meade.

11.1.7 First Reading Proposed By-law T-138, An Amendment to By-Law T-108, Respecting Regulation of Taxis and Limousines

- C An extract of the Committee of the Whole minutes of January 8, 2008 on the above noted was before Council.
- C A supplementary report dated January 28, 2008, on the above noted, was before Council.
- C Email submissions from Paul MacKinnon, Executive Director, Downtown Halifax Business Commission, and Mary Lyn Saturley, Terence Bay, were before Council.
- C A copy of the staff presentation was before Council.

MOVED by Councillor Hendsbee, seconded by Councillor McInroy, that Regional Council give First Reading of By-Law T-138, Respecting The Regulation of Taxis and Limousines, which includes the following amendments:

- (a) **eliminate limitations on the number of taxi owner licences that may be issued in the Halifax Regional Municipality;**
- (b) **ensure Taxi owner licences are only issued to taxi drivers licenced and in good standing in the Halifax Regional Municipality;**
- (c) **ensure that newly issued Taxi owner licenses are limited to one per licensed driver;**
- (d) **ensure that Taxi owner licences are cancelled if the licensed driver loses his or her taxi driver's license;**
- (e) **ensure owner and driver licenses continue to be non-transferable;**
- (f) **eliminate zones within the Halifax Regional Municipality;**
- (g) **disband the Taxi and Limousine Committee and repeal Administrative Order #38;**
- (h) **offer owner licenses to those individuals currently on the owner waiting lists, prior to new individuals;**
- (i) **allow advertising anywhere on vehicles; and**
- (j) **allow drivers the ability to ask for reasonable amount of money up front before proceeding.**

MOTION PUT AND PASSED.

11.2 HERITAGE ADVISORY COMMITTEE

11.2.1 Case H00206: Application to Consider 5755 Sackville Street, Halifax as a Municipally Registered Heritage Property

C A report from the Heritage Advisory Committee dated January 23, 2008, on the above noted, was before Council.

MOVED by Councillor Johns, seconded by Councillor McCluskey, that Regional Council set a date for a heritage hearing to consider an application for registration of 5575 Sackville Street as a Municipally Registered Heritage Property. MOTION PUT AND PASSED.

Mayor Kelly returned at 8:08 p.m., assuming the Chair. Deputy Mayor Adams returned to his seat in Council.

11.2.2 Case H00211: Application to Consider 11 St. Margaret's Bay Road, Halifax as a Municipally Registered Heritage Property

C A report from the Heritage Advisory Committee dated January 23, 2008, on the above noted, was before Council.

MOVED by Councillor Mosher, seconded by Councillor Sloane, that Regional Council set a date for a heritage hearing to consider an application for registration of 11 St. Margaret's Bay Road, Halifax, as a Municipally Registered Heritage Property. MOTION PUT AND PASSED.

11.2.3 Case H00213: Substantial Alteration to Sacred Heart School, 5820 Spring Garden Road, Halifax

C A report from the Heritage Advisory Committee dated January 23, 2008, on the above noted, was before Council.

C A copy of the staff presentation was before Council.

Mr. Bill Plaskett, Heritage Planner, presented the report to Council.

MOVED by Councillor Sloane, seconded by Councillor Johns, that Regional Council approve the revised plans for an addition to Sacred Heart School, 5820 Spring Garden Road, Halifax, as outlined in the December 13, 2007 staff report.

Mr. Plaskett responded to questions of clarification from Council.

Ms. Jacqueline Hamilton, Supervisor, Heritage & Design, advised that any further alterations would come back to Council for approval.

MOTION PUT AND PASSED.

11.2.4 Case 00897: Heritage Development Agreement - Gerrard Lodge, 1234 Barrington Street, Halifax

C A report from the Heritage Advisory Committee dated January 24, 2008 was before Council.

MOVED by Councillor Sloane, seconded by Councillor Murphy, that Regional Council approve the substantial alteration to Gerrard Lodge, a registered heritage property at 1234 Barrington Street, Halifax. MOTION PUT AND PASSED.

11.3 MEMBERS OF COUNCIL

11.3.1 Councillor Uteck - Halifax Regional School Board - Imagine Our Schools Process

Councillor Uteck commented that the Regional Plan seeks to increase the density of Peninsular Halifax by 30,000 people; however this projected population increase is not matching up with potential school consolidations proposed through the Halifax Regional School Board's "Imagine Our Schools" process. She noted that the Imagine Our Schools process is also not in sync with the HRM By Design project.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Regional Council request an information report comparing the findings of the Halifax Regional School Board's Imagine Our Schools process with that of HRM's Regional Plan and HRM By Design with respect to future capacity as presented for Peninsular Halifax.

Members of Council noted the following suggestions and concerns:

- C That the Imagine Our Schools project does not take into account future potential development in the Cornwallis area of Dartmouth, and other projects going through the development process;
- C A suggestion that the Mayor could write a letter to the School Board to clarify concerns;
- C The project could also have an impact on the Community Facility Master Plan;
- C A suggestion that the consultants present their findings to HRM staff or Council;
- C A suggestion that the CAO engage in Board discussions on this topic;
- C Concern for implications, not only for families with school-age children, but for HRM in terms of real estate holdings, operational agreements, and shared use facilities;

- C Concerned with the quality of information that has been portrayed as having been provided from HRM;
- C A suggestion that HRM By Design staff discuss their plans with the consultants.

Responding to questions from Councillor Karsten, Mr. Austin French, Manager, Planning Services, advised that HRM staff have had some conversations with the Imagine Our Schools consultants, and will be meeting with them next week, although staff have not yet had an opportunity to review the consultants' findings yet.

Councillor Karsten indicated that the draft Imagine Our Schools plan for Dartmouth is being presented at next Wednesday at the Akerley Nova Scotia Community College campus.

MOTION PUT AND PASSED.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 LEGAL MATTER - Payment In Lieu of Taxes (PILT) - Citadel

- C This item was addressed at an earlier In Camera session.

MOVED by Councillor Smith, seconded by Councillor Sloane, that Regional Council approve:

- 1. An application for judicial review of the decision of the Federal Dispute Advisory Panel be filed;**
- 2. A letter be sent to the Minister of Public Works and Government Services Canada expression dissatisfaction with the decision of the Dispute Advisory Panel;**
- 3. An appeal be filed of the 2008 Provincial assessment;**
- 4. A letter be written to Public Works and Government Services Canada advising of the Municipality's position in respect of the 2008 assessment as outlined in the January 30, 2008 Private and Confidential staff report;**
- 5. Mayor Kelly meet with Minister MacKay;**
- 6. A copy of the letter to Public Works and Government Services Canada be sent to the Prime Minister;**
- 7. The January 30, 2008 Private and Confidential staff report not be released.**

MOTION PUT AND PASSED.

14. NOTICES OF MOTION - None

15. ADJOURNMENT

The meeting was adjourned at 8:29 p.m.

Julia Horncastle
Acting Municipal Clerk

The following information items were circulated to Council:

1. Proclamation - White Cane Week - February 3 - 9, 2008
2. Proclamation - African Heritage Month - February 2008
3. Memorandum from Director, Transportation and Public Works dated January 9, 2008
re: Street Light Outage - Report and Repair Process
4. Memorandum from Chief Director, Fire & Emergency Services dated January 22, 2008
re: Tender 07-380 - One (1) 28 Foot Fire / Rescue Boat
5. Memorandum from Acting Municipal Clerk dated January 25, 2008
re: Acceptable Forms of Petition Staff Report - Correction
6. Memorandum from Director, Infrastructure and Asset Management dated January 29, 2008 re: Petition for Street Upgrades, Porterfield Subdivision Paving - Porters Lake
7. Memorandum from Director, Legal Services & Risk Management dated January 30, 2008 re: Land Use By-Law Prosecution
8. Memorandum from the Acting Municipal Clerk dated January 30, 2008
re: Requests for Presentation to Council - Condominium Owners of Nova Scotia