

HALIFAX REGIONAL COUNCIL
MINUTES

December 15, 2009

PRESENT:

Mayor Peter Kelly
Deputy Mayor Brad Johns
Councillors: Steve Streach
Barry Dalrymple
David Hendsbee
Lorelei Nichol
Gloria McCluskey
Darren Fisher
Bill Karsten
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
Peter Lund
Reg Rankin

STAFF:

Mr. Dan English, Chief Administrative Officer
Ms Mary Ellen Donovan, Municipal Solicitor
Ms. Sherryll Murphy, Acting Municipal Clerk
Ms. Barbara Coleman, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 6:02 p.m with the Invocation being led by Councillor Hendsbee.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane acknowledged that the IWK's 100th anniversary will be celebrated on Sunday, December 20, 2009, at 2 p.m. A Christmas Carol starring Jeremy Webb will be held December 21, 2009 at 6 p.m. at the George Dixon Centre. Free admission.

Councillor Hendsbee acknowledged that HRM's very own municipal singers will be performing for a judging competition at 2 p.m on December 16, 2009 in front of City Hall. These winter lights competitions are being held across the country. He indicated that a basket ball tournament will be going on in East Preston the weekend of December 19, 2009. It is called the Out Home Community Basketball Challenge. Teams from various streets from the community of East Preston, in collaboration with the East Preston Boys and Girls Club, and the young men in the Community will be playing. This will be held Saturday and Sunday, December 19, and 20 with a dance being held December 19 at the Recreation Centre. Net proceeds will be going to the underprivileged kids in the community. He reminded residents of the New Years Eve festivities at the Grand Parade Square December 31, 2009 and the New Years Day Levy on January 1, 2010 starting at 9 a.m. at City Hall.

Councillor Mosher acknowledged that Council Wile, Walker and herself were part of the first meeting of the former Chester Rail Way Trail executive group. This group is moving forward to becoming a society and at that time, the meetings will be open to the public. Membership will also be open to the public. Councillor Mosher, on behalf of herself and Councillor Adams announced that the second Annual Holiday Charity Bowl is being held at the JL Illsley High School on December 17, 2009 at 1:30 p.m. It is JL Illsley High School Judges vs the Eastern Shore Schooners. Cost will be \$2.00.

Councillor Adams announced that he will be opening a new 1.2km trail on the MacIntosh Run. He further acknowledged that he and Councillor Mosher opened another new foot bridge over the MacIntosh Run which runs over the Herring Cove Road to the Captain William Spry Centre on December 14, 2009. He encouraged anyone to try the new skate board park adjacent to the Captain William Spry Centre. Councillor Adams also announced that on Monday, December 14, 2009 at 5 p.m. the Herring Cove Sewage Treatment plant began operating.

Councilor Streach indicated that there was a Christmas Concert at the Middle Musquodoboit Education Centre, December 15, 2009 at 7 p.m.

Councillor Streach retired from the meeting at 6:30 p.m.

Councillor Blumenthal thanked the community for coming out December 14, 2009, to help celebrate the Jewish festival of Hanukkah and the lighting of the 4th night of the candle. He reported that Highland Park would be holding their second Christmas luncheon on December 17, 2009. Ward 5 will also be holding their Christmas luncheon at 12 noon on December 17.

Councillor McCluskey wished the Mayor, Members of Council, staff and residents of HRM a Merry Christmas, and a Happy New Year. She also advised Council that this would be the last night of Council for Ms. Geri Kaiser, DCAO, Corporate Services and Strategy as she was retiring effective December 31, 2009

Councilor Wile congratulated Park West School for holding their first tree lightening ceremony on December 14, 2009. Justin Verge, a grade primary student, had been selected to do the honour of turning the switch.

Councillor Lund acknowledge the St. Margaret's Lions Club for holding their annual Christmas tree sale. Money from the sale of the trees goes to people in need. The club under the direction of Mr. Jim Swim started originally with 600 trees and at last tally had only 8 remaining.

Councillor Fisher reminded residents that the Pancake breakfast with Santa is coming up on Saturday, December 19 at the East Dartmouth Community Centre from 9 a.m. till noon. This breakfast is in support of the East Dartmouth Boys and Girls Club and the Rotary Club.

Councillor Outhit advised that he will be cutting the ribbon at the Bedford South School. Parents raised over \$100,000 for the playground.

Councillor Dalrymple congratulated the Fall River Lions Club for selling their 400 Christmas trees. On December 17, 2009, the Club will be getting together for packing and loading food boxes along with turkeys and hams to go out for the Christmas season.

Councillor Watts drew attention to another Breakfast with Santa on Saturday morning, December 19, 2009 from 9:00 a.m. till 12 noon at West Mount School.

Councillor Blumenthal wanted to wish everyone a Merry Christmas, a Happy Hanukkah and Happy Kwanzaa Day.

3. APPROVAL OF MINUTES - None

at Jeddore, Halifax County and to cover approximately five kms. to Northwest Cove on Lake Charlotte.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Unsolicited Proposal - Harbour Ferry

This matter was dealt with after Item 10.1.2. See page 11.

10.1.2 Case 01327 - 26 Bridge Street, Bedford

- A staff report dated November 13, 2009 was before Council
- Correspondence from Ms. Jen Macleod regarding the petition previously submitted were also before Council.

Councillor Outhit requested a staff presentation before he would put the motion on the floor.

Mr. Miles Agar, Planner I reviewed the presentation with Council noting that this is an application by the Terrain Group Inc. to enter into a development agreement at 74 Union St, Bedford with an access across 26 Bridge Street Bedford proposed. He noted that the development agreement falls under the jurisdiction of the Northwest Community Council while the consideration of a different access route is the jurisdiction of Regional Council. Regional Council must authorize the initiation of a plan amendment process for the Bedford MPS and LUB.

Mr. Agar reviewed the current zoning of the lands in question, acknowledging that most of Union Street is zoned Residential Comprehensive Development District (RCDD) and was developed through Development agreement except this small parcel of land. He advised that limiting the access to 74 Union St will limit the development options available.

Mr. Agar concluded his presentation and answered the questions of Council as follows:

- as the zoning for 26 Bridge currently stands, it does not permit a driveway or private road access across the property in order to enable development
- according to the Bedford MPS there must be adequate open space
- Initiating the process to consider amending the Bedford MPS and LUB to include 26 Bridge Street, will allow staff and the public to consider 26 Bridge St as an incorporated piece in the overall development
- the type of access would be limited to a private driveway not a public road due to insufficient frontage onto both properties

- the number of townhouses would be considered via the development agreement which would fall under the jurisdiction of Northwest Community Council
- in order to include 26 Bridge Street in the townhouse development the zoning would need to be changed to RCDD
- the proposal does not require two accesses for fire services

Deputy Mayor Johns clarified that what is being asked tonight is only that staff be authorized to initiate the process to consider amending the Bedford Municipal Planning Strategy and Land Use By-law and that there would be further opportunities for Council to debate the other issues.

Further discussion ensued with the following highlights noted:

- there is no opportunity to appeal Council's decision to the Nova Scotia Utility Review Board
- if the process is initiated by Council tonight, it would take a minimum of a year to complete the process
- regardless of the decision of Council, 74 Union Street can proceed by way of development agreement with approval from Northwest Community Council

Ms. Thea Langille, Supervisor, Planning Applications, Central Region provided clarification that the proposal for 74 Union Street does not have any as of right abilities, this proposal requires a public process and it does require a decision of the Community Council. She further advised Council that this process is in the very early stages. Information is available on the website and staff have received various phone calls from residents, signage is available on the property notifying residents of this application. Direction to proceed would need to be given by Council to hold a formal public information meeting.

MOVED By Councillor McCluskey, seconded by Councillor Karsten, that Regional Council:

- **Authorize staff to initiate the process to consider amending the Bedford Municipal Planning Strategy and Land Use By-Law to include 26 Bridge Street with the Union Street Residential Comprehensive Development District (RCDD); and**
- **Direct Staff to follow the public participation program as approved by Council in February 1997.**

Councillor Outhit respectfully asked Council not to support the motion on the floor. He noted that not supporting the motion will not stop development but would speak to what development can be carried out. It may inflict some challenges and additional costs to the developer but, in his opinion, it is the right course of action.

Councillor Hum requested that the wording of the petition pertaining to this application be read into the record. The Municipal Clerk clarified the petition is to prevent a zoning change at 26 Bridge Street from residential single unit to residential comprehensive development district.

Councillor Outhit requested a recorded vote on the following motion

MOTION PUT AND DEFEATED (8 in favour, 14 against)

Those voting in favour were Councillors Barkhouse, Fisher, Hendsbee, Karsten, McCluskey, Smith, Walker, and Wile.

Those voting against were Councillors Adams, Blumenthal, Dalrymple, Harvey, Hum, Lund, Mosher, Nicholl, Outhit, Rankin, Sloane, Uteck, Watts and Deputy Mayor Johns.

Mayor Kelly and Councillor Streach were not in attendance.

MOVED By Councillor Outhit, seconded by Councillor Harvey that staff not initiate the process to consider amending the Bedford Municipal Planning Strategy. MOTION PUT AND PASSED

10.1.1 Unsolicited Proposal - Harbour Ferry

MOVED By Councillor Outhit, seconded by Councillor Uteck that

- 1. Consideration of this matter be deferred to the first meeting of Committee of the Whole in the new year, and**
- 2. Request that staff or the proponent make a presentation regarding the matter at that time.**

MOTION PUT AND PASSED

Mayor Kelly entered the room and assumed the Chair at 7:14 p.m.

10.2 WESTERN REGION, NORTH WEST AND MARINE DRIVE, VALLEY & CANAL COMMUNITY COUNCILS

10.2.1 Case 01186 - Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-Law

- A Joint Report from the Community Councils of Marine Drive, Valley and Canal, North West, and Western Region dated December 10, 2009 was before Council.

- A Halifax Watershed Advisory Report dated October 21, 2009 was also before Council.

MOVED By Councillor Lund, seconded by Councillor Johns, that Regional Council approve the First Reading to the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) and Land use By-Law as provided in Attachment A and B of the staff report dated October 14, 2009 and schedule a public hearing.

MOTION PUT AND PASSED

10.2.2 Proposed Amendments to Administrative Orders Two, Twenty-Six and Thirty Four (Respecting North West Community Council, Western Region Community Council and Marine Drive, Valley and Canal Community Council)

- A Joint Report from the Community Councils of North West, Marine Drive, Valley and Canal and Western was before Council.

MOVED By Councillor Harvey, seconded by Councillor Lund, that Regional Council:

- 1. Approve in Principle an amendment to Administrative Order Number Two, Respecting the creation of the North West Community Council to include that portion of District 2 that falls with the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and that portion of District 23 that falls with the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy, and**
- 2. Approve in Principle an amendment to Administrative Order Number Twenty-six Respecting the Creation of the Western Region Community Council, to remove that portion of District 23 that falls within the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy, and**
- 3. Approve in Principle an amendment to Administrative Order Number Thirty-four, Respecting the Creation of the Marine Drive, Valley and Canal Community Council, to remove that portion of District 2 that falls within the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy, and**
- 4. Direct staff to prepare the appropriate amendments to the Administrative Orders.**

Councillor Watts inquired why, if HRM was conducting a full district boundary review, is Council considering these changes at this time.

Councillor Hendsbee clarified that this change only pertains to the planning zone areas and does not speak to the electoral boundaries.

Deputy Mayor Johns responded that the merging of these sectors of the different Community Councils provides a more efficient way of conducting the business of HRM.

MOTION PUT AND PASSED

10.3 WESTERN REGION AND CHEBUCTO COMMUNITY COUNCILS

10.3.1 Case 01332 - Amendments to the Regional Subdivision By-Law and the Municipal Planning strategies and Land Use By-Laws for Timberlea / Lakeside / Beechville and Halifax

- A report from the Chebucto Community Council dated December 8, 2009 was before Council.
- A report from the Western Region Community Council dated November 24, 2009 was before Council.
- A staff report dated November 5, 2009 was before Council.

MOVED By Councillor Rankin, seconded by Councillor Harvey, that Regional Council:

- **Approve First Reading to the proposed amendments to the Regional Sub-division By-Law, the Halifax Municipal Planning Strategy, and the Halifax Mainland Land Use By-Law as provided in Attachments A, D, and E of the report dated November 5, 2009, and schedule a Public Hearing.**
- **Approve First Reading to the proposed amendments to the Regional Sub-division By-Law, and the Timberlea/Lakeside/Beechville Municipal Planning Strategy and Land Use By-law , as provided in Attachments A, B, and C of the report dated November 5, 2009, and schedule a Public Hearing.**

Councillor Mosher left the meeting at 7:23 p.m.

Ms. Randa Wheaton, Senior Planner, Planning Applications, Western Region advised that these lands would carry the same designation of Industrial as the existing Bayers Lake lands. Ms. Wheaton clarified that the land is located behind Kent Building Supplies Ltd. in Bayers Lake.

MOTION PUT AND PASSED

10.4 HARBOUR EAST AND MARINE DRIVE, VALLEY AND CANAL COMMUNITY COUNCILS

10.4.1 Case 01287 - Amendments to the Regional Municipal Planning Strategy and the Municipal Planning Strategy and Land Use By-Law for Planning Districts 14 and 17 and Dartmouth

- A Joint Report from the Community Councils of Harbour East and Marine Drive, Valley and Canal was before Council.

MOVED By Councillor Smith, seconded by Councillor Fisher, that Regional Council:

- 1. Approve First Reading of the proposed amendments to the Regional Municipal Planning Strategy as contained in Attachment D, and the Municipal Planning Strategy and Land Use By-Law for Dartmouth as contained in Attachments A and B of the staff report dated November 26, 2009, and**
- 2. Schedule a public hearing.**

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

MOVED By Councillor Hendsbee, seconded by Councillor Dalrymple that the motion be amended to include approving First Reading to the proposed amendments to the Regional Municipal Planning Strategy as contained in Attachment D, and the Municipal Planning Strategy and Land Use By-Law for Planning Districts 14 and 17 as contained in Attachments A and B of the staff report dated November 26, 2009 and schedule a public hearing. MOTION PUT AND PASSED

The motion now reads

MOVED By Councillor Smith, seconded by Councillor Fisher, that Regional Council:

- 1. Approve First Reading to the proposed amendments to the Regional Municipal Planning Strategy as contained in Attachment D, and the Municipal Planning Strategy and Land Use By-Law for Dartmouth as contained in Attachments A and B of the staff report dated November 26, 2009, and**
- 2. Approve First Reading to the proposed amendments to the Regional Municipal Planning Strategy as contained in Attachment D, and the Municipal Planning Strategy and Land Use By-Law for Planning Districts 14 and 17 as contained in Attachments A and B of the staff report dated November 26, 2009, and**
- 3. Schedule a public hearing.**

MOTION PUT AND PASSED

10.5 Chebucto Community Council

10.5.1 Case 01003 - Municipal Planning Strategy and Land Use By-Law Amendments and Development Agreement - Regatta Point, Halifax

- A Report from the Chair of the Chebucto Community Council dated December 15, 2009 was before Council.

MOVED By Councillor Walker, seconded by Councillor Hum that Regional Council approve First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-Law, as provided in Attachments “A” ad “B” of the November 27, 2009 Supplementary report and schedule a joint Public hearing with Chebucto Community Council. MOTION PUT AND PASSED

11. MOTIONS:

11.1 Councillor Watts

“That Halifax Regional Council support a resolution from the David Suzuki Foundation requesting that the Government of Canada support a firm, ambitious, binding, international climate agreement.”

- Correspondence from Councillor Watts to Council dated December 15, 2009 was before Council.

MOVED By Councillor Watts, seconded by Deputy Mayor Johns that Halifax Regional Council support a resolution from the David Suzuki Foundation requesting that the Government of Canada support a firm, ambitious, binding, international climate agreement.

It was suggested that perhaps the language of the message needs to be less aggressive.

Ms. Mary Ellen Donovan, Solicitor, Legal Services, advised that to approve this motion is not a binding agreement on the part of HRM but merely a public statement.

MOTION PUT AND PASSED

Mr. Dan English, CAO, HRM and Deputy Mayor Johns on behalf of Council acknowledged and thanked Ms. Geri Kaiser, DCAO for all her hard work, dedication, leadership and compassion she has shown to HRM and its employees. He wished her a long healthy retirement and noted that he would miss her very much.

Ms. Kaiser advised that the last 39 years had been the most wonderful years. She thanked the Mayor and Mr. English for the trust that they had placed in her.

12. ADDED ITEMS

COMMITTEE OF THE WHOLE RECOMMENDATION - December 8, 2009

12.1 Councillor Adams - Request for report re Committee of Council - Input re Improving Morale at HRM..

This matter was dealt with at a Committee of the Whole dated December 8, 2009 and was before Council for ratification.

Moved by Councillor Adams seconded Councillor Walker that Regional Council request a staff report on the implications of forming a Committee of Council to provide input from grass roots front line employees to determine how to make the employee's job better and for HRM to be a better place to work. MOTION PUT AND PASSED

12.2 Legal Matter - Settlement of Claim

This item was dealt with at an earlier In Camera session and was now before Council for ratification.

MOVED By Councillor Nicoll, seconded by Councillor Sloane that Halifax Regional Council:

- 1. Settle the claim outlined in the December 11, 2009 Private and Confidential staff report brought by the Plaintiff in the amount of \$12,500 to achieve a full and final settlement of the Plaintiff's action, upon obtaining a full release from the Plaintiff from any further claims arising out of the accident on September 9, 2004.**
- 2. Not release the December 11, 2009 Private and Confidential staff report to the public.**

MOTION PUT AND PASSED

12.3 Legal Matter - Settlement of Claim

This item was dealt with at an earlier In Camera session and was now before Council for ratification.

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

- 1. Settle the claim outlined in the December 8, 2009 Private and Confidential staff report brought by the Plaintiff in the amount of \$14,000 to achieve a full settlement of the Plaintiff's action, upon obtaining a full release from the Plaintiff from any further claims arising out of the accident on September 30, 2004.**
- 2. Not release the December 8, 2009 Private and Confidential staff report to the public.**

MOTION PUT AND PASSED

12.4 Personnel Matter - Citizen and Councillor Appointments to Boards, Committees and Commissions

This item was dealt with at an earlier In Camera session and was now before Council for ratification.

MOVED By Councillor Blumenthal seconded by Councillor Hendsbee that Halifax Regional Council:

- 1. Approve the Citizen appointments to Boards/Committees/Commissions as outlined in Attachment 1 of the December 10, 2009 Private and Confidential staff report.**
- 2. Approve the appointment of Councillor Fisher to the Shubenacadie Canal Commission for a term to November, 2010 and that Councillor Karsten yield his position for the remainder of his term on the Halifax Dartmouth Natal Day Committee to Councillor Fisher.**
- 3. Endorse the appointment of Councillor Dalrymple to the Shubenacadie Canal Commission as a Provincial Representative.**

MOTION PUT AND PASSED

13. NOTICES OF MOTION

Councillor Harvey

Take notice that at the next regular meeting of Council to be held on Tuesday January 12, 2010, I will bring forward a motion to amend Administrative Orders 26, 34 and 2, as outlined on the notice of motion as circulated, to include within the boundaries of the

Northwest Community Council those portions of Districts 2 and Districts 23 that fall within the Beaver Bank, Hammonds Plains, Upper Sackville Municipal Planning Strategy, as shown on the map attached to the Notice of Motion included in the December 15, 2009 Council package.

Councillor Fisher

Take notice that at the next regular meeting of Halifax Regional Council to be held on January 12, 2010, I intend to introduce a motion to request a report from HRM Corporate Communications that sets targets for improving French language advertising within the current budget envelope, thus recognizing both official languages when promoting civic events, public service announcements, and web site notifications.

14. ADJOURNMENT

The meeting adjourned at 7:48 p.m.

Ms. Cathy Mellet
Acting Municipal Clerk

INFORMATION ITEMS
December 15, 2009

1. Proclamation - Alzheimer Awareness Month, January 2010
2. Memorandum from Director, Community Development dated November 10, 2009
re: Permitted and Potential Land Use at 209 Kearney Lake Road, Halifax
3. Memorandum from Director, Business Planning & Information Management
dated December 7, 2009 re: Harbour Solutions 2nd Quarterly Report - July 1 to
September 30, 2009
4. Memorandum from Chief Administrative Officer dated December 2, 2009
re: Economic Impacts of Various HRM Infrastructure Projects
5. Memorandum from the Acting Clerk Manager dated December 11, 2009
re: Requests for Presentation to Council - None