

HALIFAX REGIONAL COUNCIL
MINUTES
May 17, 2005

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Len Goucher
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
Russell Walker
Debbie Hum
Linda Mosher
Brad Johns
Robert Harvey
Reg Rankin
Gary Meade

REGRETS:

Councillor Steve Adams

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, 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 6:00 p.m. with the Invocation being led by Councillor Rankin.

Deputy Mayor Goucher recognized Mr. Edward Knox, Mayor of Coalhurst, Alberta, who was present.

2. APPROVAL OF MINUTES - May 3, 2005

MOVED by Councillor Sloane, seconded by Councillor Wile, that the minutes of May 3, 2005 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

11.1 Councillor Walker - Information Item #4 "Proposed Medical Waste Facility, Mt. Uniacke Business Park"

11.2 Legal Matter - Settlement of Claim

11.3 Legal Matter - Settlement of Claim

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

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. CORRESPONDENCE, PETITIONS AND DELEGATIONS

8.1 Correspondence

8.1.1 Request for Flypast - CFL Touchdown Atlantic Event

- Correspondence from Tony Martin, Event Manager, CFL Touchdown Atlantic, dated May 3, 2005, on the above noted, was before Council.

MOVED by Councillor Hendsbee, seconded by Deputy Mayor Goucher, that Halifax Regional Municipality grant permission for the Flypast for the CFL Touchdown Atlantic Event. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Petitions

There were no petitions served at this meeting.

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 Financial Policy Respecting Interest on Bridge Financing for Capital Projects

- A report dated May 10, 2005 on the above noted was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Wile, that:

- 1. Commencing in the 2005-06 fiscal year that interest be charged for the bridge financing of those Capital Projects that are of benefit to a specific identifiable group or area and which are either partially or fully funded by local improvement charges including those levied as an area rate.**
- 2. Commending in the 2005-06 fiscal year that interest be charged for the bridge financing of Capital Projects that are cost shared and that external cost sharing partners be billed their proportionate share of bridge financing costs. Where interest is not deemed an eligible cost shared expense under the program then the interest cost shall be recovered through local improvement charges where levied.**
- 3. The interest rate to be applied to these capital projects be the actual HRM Short Term Investment Rate.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 Electronic Banking Services & Review of Signing Authorities

- A report dated May 10, 2005 on the above noted was before Council.

MOVED by Deputy Mayor Goucher, seconded by Councillor Karsten that:

1. **Council direct staff to move forward with the electronic authorization of bank transfers as outlined in the staff report dated May 10, 2005.**
2. **Council approve the signing authorities of the Dartmouth Sportsplex as per Schedule A attached to the May 10, 2005 staff report as part of the initial project as outlined in the section on ABC's of the staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.3 Dartmouth Sportsplex Natural Gas Conversion

- A report dated May 4, 2005 on the above noted was before Council.

MOVED by Councillor Smith, seconded by Councillor McCluskey, that Council approve a withdrawal of \$10,000 from the Energy and Underground Services Co-Location Reserve Q131 to enable Dartmouth Sportsplex to convert to Natural Gas. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.4 Creation of Capital Project Account for Canal Greenway Study

- A report dated April 4, 2005 on the above noted was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Wile, that Regional Council approve the transfer of \$84,325 from various capital project accounts into a single new capital project account entitled Canal Greenway Project, as outlined in the Budget Implications section of the report dated April 4, 2005. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.5 District 12 Planning Advisory Committee Terms of Reference

- A report dated May 2, 2005 on the above noted was before Council
- An information report dated May 10, 2005 from the Peninsula Community Council, on the above noted, was before Council.

MOVED by Councillor Sloane, seconded by Councillor Fougere, that Regional Council revise the Terms of Reference for the District 12 Planning Advisory

Committee to increase the number of Community Citizens by one (from five to six) as shown in bold in Attachment A of the May 2, 2005 report. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.6 Administrative Order 10: Property Tax Exemption for Residential Homeowners - Revisions to Program Criteria and Level of Assistance

- An extract from the May 3, 2005 draft Regional Council minutes was before Council.
- A report from the HRM Grants Committee, dated April 25, 2005, was before Council.

MOVED by Councillor Walker, seconded by Deputy Mayor Goucher, that Regional Council approve the proposed amendments to Administrative Order 10 as detailed in the Discussion Section of the April 25, 2005 report for implementation effective April 1, 2005.

Councillor Fougere noted Attachment 1 of the staff report contains a table which is missing the numbers for the minimum tax payable. The Councillor submitted a new table for the information of Council. The Councillor noted that residents can now apply for both a tax rebate and tax referral.

Councillor Fougere stated she would like to amend the motion on the floor to reflect that the table presented at this meeting replace the current table in Attachment 1 as the basis for how HRM issues the tax rebate program.

MOVED by Councillor Fougere, seconded by Councillor Walker, that the issue be referred back to staff to be amended to reflect the appropriate changes.

Mr. Anstey noted the Administrative Order does not reflect the table currently but if Council so wishes the Administrative Order can be redrafted to reflect what is being requested.

MOTION PUT AND PASSED.

9.2 PENINSULA COMMUNITY COUNCIL

9.2.1 Case 00733: Halifax Municipal Planning Strategy and Land Use By-law Amendments, Development Agreement - 6770 Jubilee Road

- A report from the Peninsula Community Council, dated May 11, 2005, was before Council.

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Regional Council

give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as contained in Attachments "A" and "B" of the April 25, 2005 staff report and schedule a public hearing with the Peninsula Community Council for June 28, 2005. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 CHEBUCTO COMMUNITY COUNCIL

9.3.1 Case 00143: Municipal Planning Strategy Amendment and Rezoning Williams Lake Road/Flemming Park Lands, Mainland South, Halifax

- A report from the Chebucto Community Council, dated May 10, 2005, on the above noted was before Council.

MOVED by Councillor Mosher, seconded by Deputy Mayor Goucher, that Regional Council give First Reading to consider amendments to the Municipal Planning Strategy and Land Use By-law for Halifax as contained in Attachment "A" of the May 5, 2005 staff report and schedule a public hearing for June 21, 2005. MOTION PUT AND PASSED UNANIMOUSLY.

10. MOTIONS - NONE

11. ADDED ITEMS

11.1 Councillor Walker - Information Item #4 - Proposed Medical Waste Facility, Mt. Uniacke Business Park

- An information report dated May 3, 2005, on the above noted, was before Council.

Councillor Walker stated there is a risk regarding the possibility of contaminants from the proposed facility to HRM due to the close proximity to the Pockwock water supply. The Councillor noted Pockwock provides drinking water to a large number of HRM residents and placed the following motion:

MOVED by Councillor Walker, seconded by Councillor Rankin, that HRM ask for a full hydrogeological technical assessment study of underground water. Further, HRM have intervener status at the environmental assessment. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Johns, seconded by Councillor Meade, that East Hants be

requested, as a courtesy, to advise HRM staff as they move forward with the development of the business park. **MOTION PUT AND PASSED UNANIMOUSLY.**

11.2 Legal Matter - Settlement of Claim

- This matter was discussed at an in camera session held prior to the regular session and was now before Council for ratification.

MOVED by Councillor Karsten, seconded by Deputy Mayor Goucher, that Halifax Regional Council settle this claim, as set out in the May 4, 2005 Private and Confidential staff report, brought by the Plaintiff in the amount of \$22,000.00 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 motor vehicle accident which occurred on January 7, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

11.3 Legal Matter - Settlement of Claim

- This matter was discussed at an in camera session held prior to the regular session and was now before Council for ratification.

MOVED by Councillor Johns, seconded by Councillor Hum, that Halifax Regional Council settle this claim, as set out in the May 11, 2005 Private and Confidential staff report, brought by the Plaintiff in the amount of \$12,500 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 a Metro Transit accident which occurred on January 25, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

12. NOTICES OF MOTION

12.1 Councillor Younger

TAKE NOTICE that the next regular meeting of Halifax Regional Council scheduled for May 24, 2005 I intend to introduce the following motion to amend By-Law N-200 Respecting Noise as follows:

Amending Schedule A, Part 2 by adding the following:

“(14). Notwithstanding any other section of this by-law, the maintenance or other repair of commercial vehicles outdoors, or in a building which is not fully enclosed in such a way as to prevent the escape of noise, shall be prohibited as per the hours listed under Item C of the Prohibited Times section of this by-law, if said operation is within 250 feet of a residential

property”.

12.2 Councillor Mead - First Reading Administrative Order #33, Respecting Open Air Burning - Communities of Bayside, Brookside and Lower Prospect

TAKE NOTICE that at the next regular meeting of Halifax Regional Council, to be held on May 24, 2005, I propose to move an amendment to Administrative Order Number 33, Respecting Open Air Burning to include the following Fire Protection Districts in which a burning permit is not required, providing all requirements that are outlined in Section 13 of the By-law O-103 are met: Bayside, Brookside and Lower Prospect. These three communities were inadvertently left out of the May 3, 2005 Notice of Motion

2.3 Councillor Hendsbee - First Reading By-Law O-108, Amendment to By-Law O-103, Respecting Open Air Burning

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on May 24, 2005, I intend to move First Reading to amend the Open Air Burning By-law O-103 Section 3 Subsection (b) Section (i) pertaining to the application of the By-law to permit the issuance of municipal burning permits during the provincial fire season at the discretion of the local fire chiefs when safe climate conditions warrant it to do so. Further, the By-law be amended to allow for more local municipal involvement and control over the issuance of provincial burning permits.

13. ADJOURNMENT

The meeting was adjourned at 6:50 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council:

1. Memorandum from Director, Financial Services dated May 5, 2005
re: Investment Activities - Quarter Ending September 30, 2004
2. Memorandum from Investment Policy Advisory Committee dated May 5, 2005
re: Investment Policy Advisory Committee Report - Quarter Ending September 20, 2004
3. Memorandum from Acting Director, Recreation, Tourism and Culture dated May 9, 2005
re: Cultural Capital of Canada 2005 Application
4. Memorandum from Acting Director, Environmental Management Services & General Manager, Halifax Regional Water Commission dated May 3, 2005 re: Proposed Medical Waste Facility, Mount Uniacke Business Park
5. Memorandum from Director, Planning and Development re: Development Agreements without Sunset Clauses
6. Memorandum from Acting Director, Recreation, Tourism & Culture dated May 9, 2005
re: HRM Summer Festival Grant 2005 Selection
7. Memorandum from the Municipal Clerk, dated May 13, 2005
re: Requests for Presentations to Council

Date of Request(s)	Name of Delegation(s)	Disposition of Request(s)
May 9 - 13, 2005	2005 Alcatel HOPE Volleyball Summerfest	Request declined.