

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL MINUTES May 4, 2004**

### **PRESENT:**

Mayor Peter J. Kelly  
Deputy Mayor Steve Streach  
Councillors: Krista Snow  
David Hendsbee  
Ron Cooper  
Harry McInroy  
Condo Sarto  
Bruce Hetherington  
Jim Smith  
John Cunningham  
Jerry Blumenthal  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Debbie Hum  
Linda Mosher  
Stephen Adams  
Brad Johns  
Robert Harvey  
Len Goucher  
Reg Rankin  
Gary Meade

### **ABSENT**

### **WITH REGRETS:**

Councillor: Brian Warshick  
Russell Walker

### **STAFF:**

Ms. Geri Kaiser, Acting Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Jan Gibson, Acting Municipal Clerk  
Ms. Patti Halliday, Legislative Assistant  
Ms. Julia Horncastle, Legislative Assistant

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1. **INVOCATION**

Mayor Kelly called the meeting to order at 3:00 p.m. with the Invocation being led by Councillor Harvey.

2. **APPROVAL OF MINUTES - April 27, 2004**

**MOVED by Councillor Hetherington, seconded by Councillor Sarto, that the minutes of April 27, 2004, be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

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

As Councillor Warshick was not present at this meeting, the following item was deferred to the next week:

6.1 Motion of Rescission - Councillor Warshick - re: supplementary education funding

The following items were added to the agenda:

12.1 Property Matter - Land Acquisition - Bus Rapid Transit Terminal, Walker Ave., Lower Sackville

12.2 Personnel Matter - Appointments to Boards and Committees

**MOVED by Councillor Rankin, seconded by Councillor Blumenthal, that the Order of Business, Additions and Deletions be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

4. **BUSINESS ARISING OUT OF THE MINUTES**

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION**

6.1 **Councillor Warshick - Supplementary Education Funding**

"To rescind that part of clause (f) of the resolution approving the Supplementary Education Funding for the 2004-2005 Tax Fiscal Year adopted by Regional Council on the 20<sup>th</sup> day of April, 2004 which states "that any increase in the assumed mandatory education funding set by the Province in excess of the increase budgeted by HRM (\$3.5 million) will be offset by a decrease in supplementary funding for the areas of the former Halifax, Dartmouth, Bedford and the County, as applicable."

During Approval of the Order of Business, this item was deferred to May 11, 2004.

**7. CONSIDERATION OF DEFERRED BUSINESS - NONE**

**8. PUBLIC HEARINGS**

**8.1 Case 00562: Municipal Planning Strategy and Land Use By-law Amendment - Evergreen Place, Halifax**

This item was addressed later in the meeting.

**8.2 Interim Growth Management Strategy, Regional Planning - Proposed Amendments District 1, 2 & 3**

This item was addressed later in the meeting.

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions**

**9.2.1 Councillor Snow - Lockview High School**

Councillor Snow served a petition in support of the building of a new community recreation centre on the "Jefferson Property" located at 1359 Fall River Road.

**9.2.2 Councillor Adams - Hurricane Juan Debris in Herring Cove**

Councillor Adams served a petition from residents of Herring Cove requesting that they be permitted to burn debris from Hurricane Juan on a regulated basis.

**9.2.3 Councillor Adams - Proposal Respecting the Limitation of Taxi Licences in HRM**

Councillor Adams submitted a proposal from a citizen respecting the Limitation of Taxi Licenses in HRM which he requested be copied and circulated to members of Council, the Taxi and Limousine Committee and the Hotel Standards Committee.

**10. REPORTS**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Tender 03-106, Clothing Metro Transit Operations**

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

**MOVED by Councillor Hetherington, seconded by Councillor Goucher, that Regional Council authorize the award of Tender 03-106 to supply and deliver clothing for Metro Transit Operations to the lowest bidder meeting specifications, Atlantic Police & Security Supply Ltd., for a Tender Price of \$399,418.79 plus HST for a total of \$425,097.42 from Accounts R635 through to R668 with funding authorized as per the Budget Implications Section of the staff report dated April 14, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.2 Request for Proposal 04-046, Hazard Tree Mitigation Program - Hemlock Ravine Park**

C A staff report prepared for Dan English, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

**MOVED by Councillor Hum, seconded by Councillor Goucher, that RFP #04-046R, Hazard Tree Mitigation Program - Hemlock Ravine Park be awarded to the highest ranking evaluated proposal, R. MacLean Forestry Limited, at the unit prices quoted, for a total estimated cost of \$597,550.00 plus net HST for a total estimated cost of \$635,966.49 from Hurricane Juan Account - PJUAN096 with funding authorized as per the Budget Implications section of the staff report dated April 10, 2004.**

Responding to questions of Councillor Hum, staff made the following points:

- C The determining factor in the RFP award was cost.
- C The six week work program will commence within one week.
- C To address safety concerns during the work, signs indicating the park is closed will be re-posted and the park will be monitored for use, particularly in areas where active work is taking place. The proponent also submitted its company safety program and spill protocol.
- C Staff have no problem conducting a public information session regarding this issue.
- C Further information will be provided to Council regarding all park areas of HRM that are being addressed in the very near future.
- C Staff will examine the possibility of Councillors using their discretionary capital funds

- to plant trees on HRM property and bring an information report back to Council.
- C With respect to a reforestation plan, staff are working with the federal auditors to determine what costs they will cover and will then proceed to develop plans for the next several years.
- C Staff have not noticed any unit price spiking for clean-up, but noted there is a challenge in obtaining contractors. The price issue will be monitored by staff.
- C Fire risk sites are anticipated to be managed within four weeks.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11. MOTIONS**

**12. ADDED ITEMS**

**12.1 Property Matter - Land Acquisition - Bus Rapid Transit Terminal, Walker Ave., Lower Sackville**

- C This matter was before Council at an In Camera Session held prior to the Regular Session and was now before Council for ratification.

**MOVED by Councillor Harvey, seconded by Councillor Johns, that Halifax Regional Council:**

- 1. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Tri-Arm Holdings Limited for the purchase of Lot SAM-1ER2A, Beaver Bank Connector, Old Sackville Road, and Walker Avenue, with funding provided from Capital Account No. CB300628-Bus Rapid Transit Showcase, as per the Budget Implications section of the April 23, 2004 report, and subject to the terms and conditions therein.**
- 2. Further authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with SML Developments Limited for the purchase of a portion of LotSAG, Walker Avenue, with funding provided from Capital Account No CB300628-Bus Rapid Transit Showcase, as per the Budget Implications section of the April 23, 2004 report, and subject to the terms and conditions therein. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2 Personnel Matter - Appointments to Boards and Committees**

- C This matter was before Council at an In Camera Session held prior to the Regular

Session and was now before Council for ratification.

**MOVED by Councillor Hetherington, seconded by Councillor Goucher, that Halifax Regional Council:**

- 1. Approve the Citizen Appointments to Board/Committee/Commissions as outlined in Attachment I of the May 4, 2004 staff report.**
- 2. Approve the appointment of Councillor Hendsbee to the Rural Fire Management Committee (to fill an unexpired term to November, 2004). MOTION PUT AND PASSED UNANIMOUSLY.**

**13. NOTICES OF MOTION**

**13.1 Councillor Snow - Proposed Amendment to LUB re: Seniors Facilities and/or Special Needs Housing**

**TAKE NOTICE** that at the next regular meeting of the Halifax Regional Council to be held on May 11, 2004, I intend to introduce a motion to request that staff initiate a process to determine if Policy P-69 of the Municipal Planning Strategy for Shubenacadie Lakes Plan Area (Planning Districts 14 & 17) and any associated land use by-law policies should be amended to allow "for profit" seniors facilities and/or special needs housing, specifically for assisted care seniors facilities.

**RECESS**

A recess was taken at 3:40 p.m. The meeting reconvened at 6:00 p.m.

**8.1 Case 00562 - Municipal Planning Strategy and Land Use By-law Amendment - Evergreen Place, Halifax**

- An extract from the April 13, 2004 Regional Council minutes, on the above noted, was before Council.
- A report from the Chebucto Community Council, dated April 5, 2004, on the above noted, was before Council.

Mr. Jim Donovan, Manager, Planning Applications, with the aid of overheads, presented the staff report advising staff is recommending approval.

Mayor Kelly called three times for those wishing to speak either in favour of or in opposition to the proposed amendment. Hearing none, the following motion was placed.

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

**DECISION OF COUNCIL**

**MOVED by Councillor Adams, seconded by Councillor Hetherington, that Regional Council adopt the amendments to the Municipal Planning Strategy and Land Use By-law for Halifax as shown in Attachment 1 of the staff report dated February 26, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**8.2 Interim Growth Management Strategy, Regional Planning - Proposed Amendments Districts 1, 2 & 3**

- An extract from the draft April 15, 2004 Regional Council minutes, on the above noted, was before Council.
- A report from Ms. Betty MacDonald, Director, Governance and Strategic Initiatives, dated April 14, 2004, on the above noted, was before Council.
- Correspondence from AMF Consultants, Soil and Water Conservation Society of Metro Halifax, Heart and Stroke Foundation of Nova Scotia, and David Aalders was circulated to Council.

Mr. Kurt Pyle, Planner, with the aid of a Powerpoint presentation, outlined the proposed amendments.

**Ms. Paula Millsom**, Chair, Musquodoboit Harbour Rate Payers and Residents Association, spoke in support of the amendments. She advised the Association is in agreement with the provision to allow for new road development in recent years and support the inclusion of a six month review period. They are in support of the interim growth measures for the period leading up to the adoption of the new plan. She advised the Association urges Council to approve the amendments as proposed.

**Mr. Greg Baker**, Fall River, stated he is against the proposed amendment and any exemptions for any of the districts in HRM. He stated he agrees with planning for the future and by allowing some exemptions you will see an increase in development in those areas where development is not currently taking place.

**Mr. Keith Colwell**, Porter's Lake, stated there is a need for controls in development in HRM. He stated that the amendment, in his opinion, is a very positive one in the areas of Districts 1, 2 and 3 as the area is underdeveloped at the present time and does not need the services that the rest of the Municipality is looking for such as sewer and water and there will be no

extra costs for services such as police and fire. He expressed concern with the loss of employment in his area as a lot of small contractors depend on development. He stated you may see the cost of land and affordable housing rise with the freeze on development. He requested Council support the amendment.

**Mr. Scott Rowlings**, Musquodoboit Harbour, spoke in support of the amendment. He stated the amendment will not see a lot of development as a result as the housing market is not in the area of the proposed amendments.

**Mr. Craig Williams**, Chair, East Preston Rate Payers Association, spoke in favour the amendments. He stated land can no longer be developed. He stated there should be more consultation with the communities.

**Mr. Howard Williams**, East Preston, stated he sees the moratorium on development as a drastic measure and not necessary in the districts mentioned. There will be livelihoods affected by taking such a drastic step and it is not needed to be as drastic on the Eastern Shore. He stated common sense must be incorporated and urged Council to adopt the amendment.

**Mr. Matthew Thomas**, Chair, East Preston Board of Trade, stated they do not want so many restrictions that they cannot do any development. The residents of the area would like to be able to provide land for their families to use for building homes and would not like to see the growth in the community curtailed.

**Mr. Wayne Adams**, East Preston, stated he endorsed the growth strategy but does not agree with the blanket approach for the entire region. Rural people are left with land that has little or no value and assessments are high for land they can't use nor market. He suggested council look at unserviced areas as less of a burden, noting they are rural and not the same as the other areas of HRM. The moratorium on development may result in a depopulation of some of the rural areas. He stated he is supporting the amendment as put forward and asked Council support the amendment.

**Mr. Graham Read**, Armdale, suggested Council not approve these amendments as he does not feel they are necessary. He stated there is enough land to meet expected growth and these amendments would result in more lots than needed. He urged Council to stay with what has already been approved.

**Mr. Frank Longstaff**, Lake Echo, stated he agreed that controls are necessary but a more reasonable approach should have been taken to determine which areas need management and which did not. He noted the Eastern Shore is a slow development area and feels development should be allowed to continue with at least one subdivision available to the public in the area.

**Mr. Shalom Mandaville**, Dartmouth, spoke in favour of the amendment.

**Mr. Gordon Robichaud**, Chezzetcook, spoke in support of the amendments, noting if they are not approved a lot of small businesses will cease.

**Mr. Darren Conrod**, Chezzetcook, spoke in favour of the amendments.

Mayor Kelly called three times for any additional speakers either in favour of or in opposition to the amendment. Hearing none, the following motion was placed.

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

#### **DECISION OF COUNCIL**

**MOVED by Councillor Streach, seconded by Councillor Snow, that Council approved the amendments contained in Attachments 4 through 10, inclusive of the staff report dated April 14, 2004, to permit 8 lots per area of land on new public local roads with restrictions on the length of road construction and provide a six month review period as per the amendments. The clarifications outlined within staff's memorandum dated May 4, 2004 shall be included within the amendments..**

Deputy Mayor Streach stated all that is being asked for with this amendment is a little consideration for the rural way of life. These amendments eliminate the need for concept plans. These amendments will not undermine the Regional Plan and will enhance moderate growth in rural areas.

Councillor Sarto suggested staff take into consideration traffic impacts when they do their six month review.

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

**MOVED by Councillor Snow, seconded by Councillor Goucher, that that portion of Planning Districts 14 and 17 which is located within the urban and sub-urban tax assessment area shall not be subject to the proposed amendments. MOTION PUT AND PASSED UNANIMOUSLY.**

The motion, as amended, now reads.

**MOVED by Councillor Streach, seconded by Councillor Snow, that Council approved the amendments contained in Attachments 4 through 10, inclusive of the**

staff report dated April 14, 2004, to permit 8 lots per area of land on new public local roads with restrictions on the length of road construction and provide a six month review period as per the amendments. The clarifications outlined within staff's memorandum dated May 4, 2004 shall be included within the amendments. Further, that portion of Planning Districts 14 and 17 which is located within the urban and sub-urban tax assessment area shall not be subject to the proposed amendments.  
**MOTION PUT AND PASSED.**

Those voting **in favour** of the motion were: Mayor Kelly, Deputy Mayor Streach and Councillors Snow, Hendsbee, Cooper, McInroy, Sarto, Hetherington, Smith, Cunningham, Blumenthal, Sloane, Uteck, Hum, Adams, Johns, Goucher, Rankin and Meade.

Those voting **against** the motion were: Councillors Fougere, Mosher and Harvey.

Councillors Warshick and Walker were absent.

#### **14. ADJOURNMENT**

The meeting adjourned at 7:55 p.m.

Jan Gibson  
Acting Municipal Clerk