

HALIFAX REGIONAL COUNCIL
MINUTES
November 16, 2004

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Len Goucher
Councillors: 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
Stephen Adams
Robert Harvey
Reg Rankin
Gary Meade

REGRETS:

Councillors: Steve Streach
Brad Johns

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Sherryll Murphy, Acting Municipal Clerk
Ms. Julia Horncastle, Legislative Assistant

TABLE OF CONTENTS

1.	INVOCATION	04
2.	APPROVAL OF MINUTES - NONE	04
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	04
4.	BUSINESS ARISING OUT OF THE MINTUES	04
5.	MOTIONS OF RECONSIDERATION - NONE	04
6.	MOTIONS OF RESCISSION - NONE	04
7.	CONSIDERATION OF DEFERRED BUSINESS - NONE	04
8.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	
8.1	Correspondence - None	04
8.2	Petitions	04
8.3	Presentations	
8.3.1	Sir John A. MacDonald High School Advisory Group- Ms. Sarah Nightingale	05
9.	REPORTS	
9.1	CHIEF ADMINISTRATIVE OFFICER	
9.1.1	Cost Sharing Agreement - Proposed Provincial Interchange Country View Estates at Highway 118	05
9.1.2	Enhancements - New Western HRM High School	06
9.1.3	First Reading By-Law L-120, An Amendment to By-Law L-100, Respecting Charges for Watermains for a portion Of Halfway Lake Drive, Kippawa Crescent, a portion of Huron Drive, and Longburn Avenue, Maplewood on the Lakes Subdivision, Hammonds Plains	06
9.2	HERITAGE ADVISORY COMMITTEE	
9.2.1	Case H00139 - Application to Consider 6324 York Street, Halifax, as a Registered Heritage Property (to set Heritage hearing date)	07
9.2.2	Case H00143 - Appliction to Consider 2370 Moran Street, Halifax, as a Registered Heritage Property (to set Heritage hearing date)	07

9.2.3	Case H00607 - Substantial Alteration - Thomas Kenny House 1390 Thornvale Avenue	07
9.3	GRANT COMMITTEE	
9.3.1	HRM Community Grants Program 2004-05: Appelas & Holdbacks	08
9.4	MARINE DRIVE, VALLEY & CANAL COMMUNITY COUNCIL	
9.4.1	Case 00431: Plan Amendment to the Planning Districts 14 & 17 Municipal Planning Strategy	08
9.5	PENINSULA COMMUNITY COUNCIL	
9.5.1	Case 00702 - MPS and LUB Amendments - 6139 Young Street, Halifax	08
9.6	MEMBERS OF COUNCIL	
9.6.1	Councillor Sloane - Patrol Officer Security	09
10.	MOTIONS	
10.1	Councillor Karsten - Street naming	09
10.2	Councillor Smith - Amendment to Administrative Order One	09
11.	ADDED ITEMS	
11.1	Master Plan and Greenfield Studies	11
11.2	Legal Matter - Former Irving Site Fairview Container	12
11.3	Councillor Younger - Storm Preparedness with HRM and NS Power and other Service Providers	13
11.4	Councillor Walker - Appointment to UNSM	14
12.	NOTICES OF MOTION	14
13.	ADJOURNMENT	14

1. INVOCATION

The meeting was called to order at 6:00 p.m. with the Invocation being led by Councillor Hendsbee.

2. APPROVAL OF MINUTES - NONE

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

Additions

11.1 Master Plan and Greenfiled Studies

11.2 Legal Matter - Former Irving Site Fairview Container

11.3 Councillor Younger - Storm preparedness and relationship of HRM with NS Power and other service providers.

11.4 Councillor Walker - Appointment to fill vacant position on UNSM

Councillor Meade requested item 9.1.2 be moved up on the agenda and address following 8.3, presentations.

MOVED by Councillor Sloane, seconded by Councillor Hum, 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 & DELEGATIONS

8.1 Correspondence - None

8.2 Petitions - None

8.3 Presentations

8.3.1 Sir John A. MacDonald High School Advisory Group - Ms. Sarah Nightingale

Ms. Sarah Nightingale, reading from prepared text, made a presentation regarding the Sir John A. MacDonald High School. Ms Nightingale encouraged Council to approve the funding to enlarge the gym.

Mayor Kelly thanked Ms. Nightingale for her presentation.

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 Cost Sharing Agreement - Proposed Provincial Interchange Country View Estates at Highway 118

C A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated November 8, 2004, on the above noted, was before Council.

MOVED by Councillor Younger, seconded by Councillor Hendsbee, that Regional Council approve in principle approximately \$2.1M in cost-sharing funding relative to the construction cost of the proposed Provincial Interchange at Country View Estates and Highway 118 subject to:

- 1. Public consultation with the community and Shubie Park stakeholders regarding the interchange design and highway impacts on the park.**
- 2. Council's subsequent approval of a standard cost-sharing agreement as prepared by the Province which will outline the specifics of the project including final design, budget and also terms and conditions for any municipal land acquisition by the Province if required.**
- 3. Approval through the 2005/06 Capital Business Planning process.**
- 4. The cost sharing being conditional on a subsequent vote of Regional Council approving the interchange design as well as any encroachment and/or impacts on Shubie Park or other designated historic park lands.**

In response to Councillor McCluskey, Mr. Paul Dunphy, Director of Planning Services, advised the interchange will not infringe on the Shubie Park, noting there is room in the existing right-of-way. On further question, Mr. Dunphy clarified that the province will pay for the interchange.

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 Enhancements - New Western HRM High School

C A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated November 8, 2004, on the above noted, was before Council. Staff was recommending *“That Council may approve funding the enhanced gymnasium through the general rate, conditional on successful negotiations regarding community access. Staff will indicate during the 2005-06 budget process how this addition will impact the 2005-06 capital budget process”*.

MOVED by Councillor Meade, seconded by Councillor Sloane, that Council may approve funding the enhanced gymnasium through the general rate, conditional on successful negotiations regarding community access. Staff will indicate during the 2005-06 budget process how this addition will impact on the 2005-06 capital plan. Further, the issue be referred to the Capital Budgetary Process.

Councillor Rankin stated there is a need and requirement for a gymnasium in that area and it would be an enhancement of recreation facilities as well as a negotiated asset for community use.

Mr. McLellan, CAO cautioned that if this is referred to the budget it is not an automatic assumption that the money will be found. He noted the Province has already agreed to build the school.

In response to Councillor McInroy, Mr. Peter Bigelow confirmed the province will build a gymnasium. He advised the \$200,000.00 is to enable an enhanced facility of 10,500 sq. ft., noting the community will have to raise the funds to cover the cost.

Ms. Dale MacLennan, Director of Financial Services, stated the province intends to build that space but they have not committed to pay the difference in the cost for a larger gym. Councillor Meade confirmed that he was referring the issue to the capital budget process.

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.3 First Reading of By-Law L-120, An Amendment to By-Law L-100, Respecting Charges for Watermains for a portion of Halfway Lake Drive, Kippawa Crescent, a portion of Huron Drive and Longburn Avenue, Maplewood on the Lakes Subdivision, Hammonds Plains

C A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated October 22, 2004, on the above noted, was before Council.

MOVED by Councillor Meade, seconded by Councillor Rankin, that Council give first reading to By-Law L-120, An Amendment to By-Law L-100, Respecting Charges for Watermains for a portion of Halfway Lake Drive, Kippawa Crescent, a portion of Huron Drive and Longburn Avenue, Maplewood on the Lakes Subdivision, Hammonds Plains and set a public hearing for December 14, 2004.

MOTION PUT AND PASSED UNANIMOUSLY.

9.2 HERITAGE ADVISORY COMMITTEE

9.2.1 Case H00139 - Application to Consider 6324 York Street, Halifax, as a Registered Heritage Property (to set Heritage hearing date)

C A report from the Heritage Advisory Committee, dated November 9, 2004, on the above noted, was before Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Regional Council set a date of December 7, 2004 for a heritage hearing to consider the registration of 6324 York Street, Halifax, as a registered heritage property under the HRM Heritage Property Program. MOTION PUT AND PASSED UNANIMOUSLY.

9.2.2 Case H00143 - Application to Consider 2370 Moran Street, Halifax as a Registered Heritage Property (to set Heritage hearing date)

C A report from the Heritage Advisory Committee, dated November 9, 2004, on the above noted, was before Council.

MOVED by Councillor Sloane, seconded by Councillor Fougere, that Regional Council set a date of December 7, 2004 for a heritage hearing to consider the registration of 2370 Moran Street, Halifax, as a registered heritage property under the HRM Heritage Property Program. MOTION PUT AND PASSED UNANIMOUSLY.

9.2.3 Case H00607 - Substantial Alteration - Thomas Kenny House, 1390 Thornvale Avenue

C A report from the Heritage Advisory Committee, dated November 9, 2004, on the above noted, was before Council.

Ms. Rhanda Wheaton, Heritage Planner, outlined the staff report.

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Regional Council approve the substantial alteration to the registered heritage property known as the Thomas Kenny House at 1390 Thornvale Avenue, Halifax, to permit a residential development. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 GRANT COMMITTEE

9.3.1 HRM Community Grants program 2004-05: Appeals and Holdbacks

C A report from the HRM Grants Committee, dated November 1, 2004, on the above noted, was before Council.

MOVED by Councillor Walker, seconded by Councillor Hum, that Regional Council:

- 1. Decline the appeal for additional funding from the Eastern Front Theatre Company;**
- 2. Revoke the 2004-05 awards to the Black Community Advocates Association of Nova Scotia, and the Voices Black Theatre Ensemble as detailed in the Discussion section of the report dated November 1, 2004.**

Councillor Walker advised the Community Care Network has been pulled back as they have appealed; therefore, their request will be coming back to the Grants Committee.

MOTION PUT AND PASSED UNANIMOUSLY.

9.4 MARINE DRIVE, VALLEY & CANAL COMMUNITY COUNCIL

9.4.1 Case 00431: Plan Amendment to the Planning Districts 14 & 17 Municipal Planning Strategy

C A report prepared for Mr. Dan English, Acting Chief Administrative Officer, dated November 4, 2004, on the above noted, was before Council.

C A report from the Marine Drive, Valley & Canal Community Council, dated November 16, 2004, on the above noted, was circulated to Council.

MOVED by Councillor Hendsbee, seconded by Councillor Snow, that Regional Council give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Planning Districts 14 and 17 (Shubenacadie Lakes), Subdivision by-law for Halifax Regional Municipality and set a public hearing

date for December 14, 2004. **MOTION PUT AND PASSED UNANIMOUSLY.**

9.5 PENINSULA COMMUNITY COUNCIL

9.5.1 Case 00702 - MPS and LUB Amendments - 6139 Young Street, Halifax

- C A report from the Peninsula Community Council, dated October 5, 2004, on the above noted, was before Council.
- C A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated October 29, 2004, on the above noted, was before Council.

MOVED by Councillor Murphy, seconded by Councillor Uteck, that Regional Council:

- 1. Give First Reading to the proposed amendment to the Halifax Municipal Planning Strategy and Peninsula Land Use By-Law as contained in Attachment A to the October 29, 2004 staff report and schedule a public hearing for December 14, 2004.**
- 2. Regional Council request that, in light of the accidents occurring at this location, the Traffic Authority provide a report regarding the possibility of having no left turn from the gas bar to access Young Street.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.6 MEMBERS OF COUNCIL

9.6.1 Councillor Sloane - Patrol Officer Security

Councillor Sloane noted there is a concern with only one police officer on patrol alone in a car especially with the increase in crime. She stated she was requesting a report with regards to the possibility of a "buddy system".

MOVED by Councillor Sloane, seconded by Councillor Walker, that the matter be referred to the Police Commission. MOTION PUT AND PASSED UNANIMOUSLY.

10. MOTIONS

10.1 Councillor Karsten - Street Naming

MOVED by Councillor Karsten, seconded by Councillor Younger, a staff report be

provided on HRM naming a street honouring former Councillor Condo Sarto for his many years of service to the community. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Councillor Smith - Amendment to Administrative Order Number One

MOVED by Councillor Smith, seconded by Councillor Hendsbee, that Regional Council amend Administrative Order Number One regarding the “Putting of the Question” to allow those who have not spoken and whose names appear on the speaker’s list to be heard as follows:

BE IT RESOLVED THAT ADMINISTRATIVE ORDER NO. 1, the Procedures of Council Administrative Order be amended as follows:

1. (1) Clause (e) of subsection (1) of Section 50 of said Administrative Order Number One be repealed.

(2) Subsection (2) of said Section 50 is repealed and the following substituted therefor:

(2) A motion to call for the question shall be determined by a vote of two-thirds of the members present and if resolved in the affirmative, the main motion shall be put without further amendment after those members who have not yet spoken and whose names are on the speaking list at the time of the placing of the motion to call for the question have had an opportunity to speak on the main motion.

Following debate, Councillor Smith requested that the motion be split and a recorded vote be taken.

MOVED by Councillor Smith, seconded by Councillor Hendsbee, that Clause (e) of subsection (1) of Section 50 of said Administrative Order Number One be repealed. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Smith, seconded by Councillor Hendsbee, that a motion to call for the question shall be determined by a vote of two-thirds of the members present. MOTION PUT AND PASSED.

Those voting **in favour** were Mayor Kelly and Councillors Snow, Hendsbee, Younger, Karsten, Kent, Smith, Wile, Murphy, Sloane, Walker, Hum and Harvey.

Those voting **against** were Deputy Mayor Goucher and Councillors McInroy, McCluskey, Uteck, Fougere, Mosher, Adams, Rankin and Meade.

Councillors Streach and Johns were not present.

MOVED by Councillor Smith, seconded by Councillor Hendsbee, that if resolved in the affirmative, the main motion shall be put without further amendment after those members who have not yet spoken and whose names are on the speaking list at the time of the placing of the motion to call for the question have had an opportunity to speak on the main motion. MOTION DEFEATED.

Those voting **in favour** were Councillors Snow, Hendsbee, Karsten, Kent, Smith, Wile and Sloane.

Those voting **against** were Mayor Kelly, Deputy Mayor Goucher and Councillors McInroy, McCluskey, Younger, Murphy, Uteck, Fougere, Walker, Hum, Mosher, Adams, Harvey, Rankin and Meade.

Councillors Streach and Johns were absent.

11. ADDED ITEMS

11.1 Master Plan and Greenfield Studies

MOVED by Deputy Mayor Goucher, seconded by Councillor Snow that Regional Council:

- 1. Direct staff to continue to negotiate policy and regulatory amendments needed to allow for the development of the Bedford West master plan.**
- 2. Discontinue further work on the Governor Lake North study**
- 3. Defer further work on the Port Wallace master plan pending extension of sewer and water services, by the private sector, to the nearby Dartmouth East lands.**

Councillor Rankin asked that the motion be split and each item be voted on individually by recorded vote.

MOVED by Deputy Mayor Goucher, seconded by Councillor Snow that Regional Council:

- 1. Direct staff to continue to negotiate policy and regulatory amendments needed to allow for the development of the Bedford West master plan.**

MOTION PUT AND PASSED.

Those voting **in favour** were Mayor Kelly, Deputy Mayor Goucher and Councillors Snow, Hendsbee, McInroy, McCluskey, Younger, Karsten, Kent, Smith, Murphy, Sloane, Uteck, Fougere, Walker, Hum, Mosher, Adams, Harvey, Rankin and Meade.

Those voting **against** were Councillor Wile.

Councillors Streach and Johns were absent.

MOVED by Deputy Mayor Goucher, seconded by Councillor Snow that Regional Council:

- 2. Discontinue further work on the Governor Lake North study**

MOTION PUT AND PASSED.

Those voting **in favour** were Mayor Kelly, Deputy Mayor Goucher and Councillors McInroy, McCluskey, Younger, Kent, Smith, Murphy, Sloane, Walker, Mosher, Adams, Harvey and Meade.

Those voting **against** were Councillors Snow, Hendsbee, Karsten, Wile, Uteck, Fougere, Hum and Rankin.

Councillors Streach and Johns were absent.

MOVED by Deputy Mayor Goucher, seconded by Councillor Snow that Regional Council:

- 3. Defer further work on the Port Wallace master plan pending extension of sewer and water services, by the private sector, to the nearby Dartmouth East lands.**

MOTION PUT AND PASSED.

Those voting **in favour** were Mayor Kelly, Deputy Mayor Goucher and Councillors Snow, Hendsbee, McInroy, McCluskey, Younger, Kent, Smith, Murphy, Sloane, Uteck, Fougere, Walker, Hum, Mosher, Adams, Harvey, Rankin, and Meade.

Those voting **against** were Councillors Karsten and Wile.

Councillor Streach and Johns were absent.

11.2 Legal Matter - Former Irving Site Fairview Container

MOVED by Councillor Murphy, seconded by Councillor Walker that Halifax Regional Council:

- 1. Approve the resolution attached to the November 16, 2004 Private and Confidential staff report, pursuant to the provisions of the Expropriation Act and Municipal Government Act, for the expropriation of 6575 Bayne Street for the purposes of constructing streets and the encouragement of economic, waterfront, harbour industrial and commercial business development.**
- 2. Approve a statutory offer in the amount of \$4.62M, based on the appraisal by Atlas Group on behalf of HRM, with funding of this amount plus related administrative and professional fees from the Strategic Growth Reserve Account.**
- 3. Further, that the private and confidential staff report not be released.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.3 Councillor Younger - Storm Preparedness with HRM and NS Power and other Service Providers

MOVED by Councillor Younger, seconded by Councillor Snow, that staff be requested to provide a report on the overall storm preparedness and relationship with NS Power and other service providers.

During discussion members of Council requested the report also address the following issues and concerns:

- C Is HRM ready for these types of storms and how does HRM relate to other service providers during these storms;
- C How can HRM encourage NS Power to be responsible and take calls from residents and keep HRM informed with what is happening;
- C What can be done to improve the process;
- C What is the responsibility and reporting process;

- C There needs to be process to advise residents of comfort stations;
- C Change the starting date with regards to when contractors are placed on retainer;
- C Examine the possibility of a contingency plan;
- C What is the hierarchy to address needs such as instances where residents do not have water if they do not have power;
- C Snow report to address the issue of parked cars and the need to have sidewalks in the vicinity of schools as priority for snow clearing;
- C Look at the possibility of having a generator in one fire station in each district so that it can be used as a comfort station;
- C Why some streets have more passes by plows where others may not be plowed enough to allow emergency vehicles in;
- C How can we partner with volunteer groups in identifying seniors and those at risk;
- C How can we provide better access to information;
- C Review the HRM Service Standard to determine whether it needs to be changed to address the issues.
- C Examine coordination with NS Power to bury power lines.

MOTION PUT AND PASSED UNANIMOUSLY

11.4 Councillor Walker - Appointment to UNSM

MOVED by Councillor Walker, seconded by Deputy Mayor Goucher, that Councillor Linda Mosher be appointed to UNSM to October, 2005. MOTION PUT AND PASSED UNANIMOUSLY.

12. NOTICES OF MOTION - NONE

13. ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Sherryll Murphy
Acting Municipal Clerk