

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL FEBRUARY 1, 2005 MINUTES**

### **PRESENT:**

Mayor Peter J. Kelly  
Deputy Mayor 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  
Linda Mosher  
Stephen D. Adams  
Brad Johns  
Robert P. Harvey  
Reg Rankin  
Gary Meade

### **REGRETS:**

Councillor Debbie Hum

### **STAFF:**

Mr. George McLellan, Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Jan Gibson, Municipal Clerk  
Ms. Sherryll Murphy, Legislative Assistant

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1. **INVOCATION**

The meeting was called to order at 6:00 p.m. with Councillor Kent leading the invocation.

2. **APPROVAL OF MINUTES - January 18, 2005**

**MOVED by Councillor Hendsbee, seconded by Councillor Sloane that the Regional Council minutes of January 18, 2005, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Sloane noted that members of Council would be participating in Toque Tuesday on Tuesday, February 8, 2005 at Scotia Square. She encouraged members of the community to purchase a toque noting proceeds were in support of the homeless.

Councillor Kent recognized former County Councillor, Eugene Deveaux, seated in the gallery.

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

**Additions:**

- 12.1 Environmental Protection Charge (EPC) Rate Increase
- 12.2 25 Year Stormwater and Wastewater Forecast
- 12.3 Property Matter - Sale of 101 Albro Lake Road (Lot 3A) Dartmouth to Adsum House

**Information Item:**

- 5. Accessible Taxi Service - Supplementary Report

**MOVED by Councillor Sloane, seconded by Councillor Murphy that the agenda, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Murphy recognized Mr. Kevin Bulley, seated in the gallery, who recently embarked upon a new venture to transport the disabled. His company is called Need a Lift.

Councillor Adams requested that the Mayor forward the best wishes of Council to long time taxi driver Bob Richards who recently fell and was injured. Mr. Richards has undergone surgery and is now in the hospital.

Later in the meeting, Councillor Adams recognized Ms. Mayann Francis, Director and CEO, Human Rights Commission, seated in the gallery.

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. **PUBLIC HEARINGS**

8.1 **By-Law S-416, An Amendment to By-Law S-400, Respecting Local Charges for Street Improvements Outside the Core**

- By-Law S-416 was given First Reading at the meeting of Regional Council held on January 11, 2005.

Mr. David Hubley, Manager, Design & Construction Services, briefly reviewed the December 3, 2004 staff report.

The Chair called three times for persons wishing to address Council in support of or opposed to the proposed By-Law.

**Hearing none, it was MOVED by Councillor Johns, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

#### **COUNCIL DECISION**

**MOVED by Councillor Meade, seconded by Councillor Walker that By-Law T-214, an Amendment to By-Law T-201, Respecting Grant Appeals 2004-2005, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Hendsbee requested that staff investigate a problem with the process whereby when a piece of property changes ownership, the new owner is not made aware of the incumbrance on the property resulting from the application of the local improvement charge. The CAO indicated that he would look into the matter and respond to the Councillor and any other interested Councillors.

**8.2 By-Law T-214, An Amendment to By-Law T-200, Respecting Grant Appeals 2004 -2005**

- By-Law T-214 was given First Reading at the January 11, 2004 meeting of Regional Council.

His Worship Mayor Kelly called three times for persons wishing to address Council in favour of or against the amendment.

Hearing none, it was **MOVED by Councillor Sloane, seconded by Councillor Kent the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

**MOVED by Councillor Walker, seconded by Councillor Streach that By-Law T-214, an amendment to By-Law T-200, respecting grant appeals, 2004-2005, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions**

**9.2.1 Petition - Councillor Smith - Operation of Outdoor Solid Fuel Burning Device (Wood Doctor) at the Maritime Demolition Company, Windmill Road**

Councillor Smith submitted a petition on behalf of area residents in opposition to the operation of an outdoor solid fuel burning device on Windmill Road. This petition will be forwarded to staff for response.

**10. REPORTS**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Cultural Policy - Public Consultation Process**

- A staff report dated January 26, 2005 was before Council for consideration.

Mr. Andrew Whittemore, Executive Assistant to the CAO, briefly reviewed the January 26, 2005 staff report. He noted that the recommendation to establish a Cultural Advisory

Committee was the first step in the proposed revised process. Mr. Whittemore indicated that this first step will involve a six month process after which a draft cultural plan will be brought to Council.

**MOVED by Councillor Mosher, seconded by Councillor Fougere that Regional Council:**

- **Approve the revised cultural plan project process.**
- **Establish a Cultural Advisory Committee (CAC) pursuant to the proposed membership and Terms of Reference attached as Appendix A to the January 26, 2005 staff report.**

Councillor Hendsbee asked if the Community and Race Relations Committee would have a representative on the Cultural Committee.

Mr. Whittemore indicated that staff would ensure that the Community and Race Relations Committee had an opportunity to be involved with the process.

Following a further discussion, it was **MOVED by Councillor Sloane, seconded by Councillor Murphy that the motion be amended to provide that the Terms of Reference be amended to stated that the Citizens at Large be increased from one (1) to three (3). MOTION TO AMEND WAS PUT AND PASSED.**

Following a further short discussion, the **AMENDED MOTION WAS PUT AND PASSED.**

**10.1.2 Case 00738: Amendments to the Bedford South and Wentworth Secondary Planning Strategy**

- A staff report dated January 24, 2005 was before Council for consideration.

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

- **Authorize staff to initiate the process to amend the Bedford South and Wentworth Secondary Planning Strategy (SPS) to consider the re-configuration of Neighbourhoods A and D.**
- **Instruct that the SPS amendment process include a public participation program in accordance with the Public Participation Resolution adopted by Halifax Regional Council on February 25, 1997.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.3 Case 00589: Timberlea/Lakeside/Beechville Municipal Planning Strategy and Land Use By-Law Amendment - 2894 St. Margaret's Bay Road, Timberlea**

- A staff report dated January 26, 2005 was before Council for consideration.

**MOVED by Councillor Rankin, seconded by Councillor Meade that Halifax Regional Council:**

- Authorize staff to initiate the process to amend the Timberlea/Lakeside/Beechville Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) to enable an expansion of an existing self-storage facility at 2894 St. Margaret's Bay Road, Timberlea, as generally shown on Map 1, by way of development agreement.
- Instruct that the MPS amendment process include a public participation program in accordance with the Public Participation Resolution adopted by Halifax Regional Council on February 25, 1997.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2 TAX AND GRANTS COMMITTEE**

**10.2.1 By-Law T-215, An Amendment to By-Law T-200, Respecting Tax Exemption for Non-Profit Organizations, Request for an Extension to the Current By-law through 2005 - 2006**

- A staff report dated September 14, 2004 was before Council for consideration.

**MOVED by Councillor Walker, seconded by Councillor Fougere that Regional Council approve in principle By-Law T-215, an amendment to By-Law T-200, the purpose of which is to add the following section immediately following Section I:**

- 1D. The tax exemption or partial tax exemptions provided herein for the fiscal year 2004-2005 shall also apply to the fiscal year 2005-2006.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3 MEMBERS OF COUNCIL**

**10.3.1 Councillor Meade - Snow Removal on Gravel Streets in New Subdivisions**

**MOVED by Councillor Meade, seconded by Councillor Hendsbee that the Mayor, on behalf of HRM Council, send a letter to Minister Ron Russell, Department of Transportation and Public Works, requesting the Department to re-evaluate their policy concerning the plowing of dirt roads in subdivisions and that the Department of Transportation and Public Works consider implementing HRM's policy of plowing all roads in a subdivision regardless of whether they are paved or not.**

Councillor Meade explained that the Department of Transportation currently plows only the paved sections of roads and then return, sometimes up to eight hours later, to plow the dirt portion. He noted that these roads were constructed in the 1996-2000 period when the developer was not required to pave the roads. Councillor Meade advised that a petition for paving has been received on all the roads, however, given the numbers (approximately 70) it will be years before they are all paved.

Councillor Hendsbee requested that staff report on the impact of the proposed road transfer with the Province and the ability of HRM to meet the service expectation in terms of snow plowing should the equipment presently utilized by the Province, not be part of that transfer.

The CAO indicated that staff would report separately on this matter. He added that transferring of roads is a matter which will not be resolved in the near future.

**MOTION PUT AND PASSED UNANIMOUSLY.**

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Environmental Protection Charge (EPC) Rate Increase**

- This matter was considered at the Committee of the Whole Council held earlier today and was before Council for ratification.

Councillor Rankin requested that the motion be split and that a recorded vote be taken on each part.

**MOVED by Councillor McInroy, seconded by Councillor Uteck that Halifax Regional Council approve the increases in the Environmental Protection Charge with respect to the Harbour Solutions Project as outlined in the Environmental Protection Charges**

**Rate Schedule distributed at the February 1, 2005 Committee of the Whole Council, which includes a \$0.05/cubic metre increase effective March 1, 2005.**

**MOTION PUT AND PASSED.**

Members of Council voting in favour were: Mayor Kelly, Deputy Mayor Goucher and Councillors Streach, Snow, Hendsbee, McInroy, McCluskey, Younger, Karsten, Kent, Smith, Wile, Murphy, Uteck, Fougere, Walker, Mosher, Adams, Johns, Harvey, Rankin, and Meade.

Councillor Sloane voted against the motion.

Councillor Hum was not present.

**MOVED by Councillor Uteck, seconded by Councillor Karsten that Regional Council approve an additional increase to the Environmental Protection Charge in support of existing stormwater/wastewater infrastructure capital maintenance, of five cents (\$0.05) per cubic metre, effective March 1, 2005.**

Following a discussion a recorded vote was taken on the motion.

**MOTION WAS PUT AND DEFEATED.**

Members of Council voting in favour of the motion were: Councillors Streach, Snow, Hendsbee, Karsten, Wile, Uteck, Fougere, Adams, Johns, Harvey, Meade.

Members of Council voting against the motion were: Mayor Kelly, Deputy Mayor Goucher and Councillors McInroy, McCluskey, Younger, Kent, Smith, Murphy, Sloane, Walker, Mosher, and Rankin.

Councillor Hum was not present.

**12.2 25 Year Stormwater and Wastewater Forecast**

- This matter was considered at the Committee of the Whole Council held earlier today and was before Council for ratification.

**MOVED by Councillor Johns, seconded by Councillor Sloane that Halifax Regional Council endorse the Priority Rating Process as currently utilized by staff, and as defined in this report, for determining priorities related to capital projects, allocating infrastructure funding, and assigning staff resources. MOTION PUT AND PASSED.**

**12.3 Property Matter - Sale of 101 Albro Lake Road (Lot 3A) Dartmouth to Adsum House**

- This matter was considered at the In Camera session of Regional Council held earlier today and was before Council for ratification.

**MOVED by Councillor Smith, seconded by Councillor Fougere that Regional Council:**

- 1. Authorize the Mayor and Municipal Clerk to enter into an agreement of Purchase and Sale whereby the property located at 101 Albro Lake Road (Lot 3A) be conveyed to Adsum House for the sum of \$1, subject to site survey and legal description, and the terms and conditions set out in the Discussion section of the private and confidential staff report dated December 6, 2004.**
- 2. Set a date for a public hearing required under the MGA for the sale of property at less than market value, and in excess of \$10,000, such date to coincide with the plan amendment public hearing required for development of the subject land;**
- 3. Authorize the immediate release of the private and confidential staff report dated December 6, 2004.**

**MOTION PUT AND PASSED UNANIMOUSLY**

**13. NOTICES OF MOTION**

Councillor Walker gave Notice of Motion of his intention at the next Regular meeting of Halifax Regional Council to be held on February 8, 2005, move First Reading of By-Law T-215, the purpose of which is to extend the 2004-2005 tax exemptions, or partial tax exemptions provided for under By-Law T-201 to the fiscal year 2005-2006

**14. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:00 p.m.

Jan Gibson  
Municipal Clerk

The following information items were circulated to Council:

1. Proclamation - African Heritage Month - February 2005
2. Memorandum from Director, Planning and Development dated January 17, 2005  
re: Petition - Councillor Uteck, Rezoning of Henry Street from R-2 to R-1
3. Memorandum from Acting Director, Public Works & Transportation dated January  
27, 2005 re: Accessible Taxis
4. Memorandum from the Municipal Clerk, dated January 28, 2005  
re: Requests for Presentations to Council (No Requests)