

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES February 8, 2005

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
Debbie Hum
Linda Mosher
Stephen D. Adams
Brad Johns
Robert P. Harvey
Reg Rankin
Gary Meade

STAFF:

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

Table of Contents

1.	INVOCATION	4
	ACKNOWLEDGEMENTS	4
2.	APPROVAL OF MINUTES - January 25, 2005	4
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	4
4.	BUSINESS ARISING OUT OF THE MINUTES	4
5.	MOTIONS OF RECONSIDERATION - NONE	4
6.	MOTIONS OF RESCISSION - NONE	4
7.	CONSIDERATION OF DEFERRED BUSINESS - NONE	4
8.	PUBLIC HEARINGS	4
8.1	Case 00698: Amendments to Dartmouth's Municipal Planning Strategy and Land Use By-Law - Protection of Lake Banook Canoe Course	5
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	7
9.1	Correspondence - None	7
9.2	Petitions	7
9.2.1	Councillor Hendsbee - Mineville Community Association	8
9.3	Presentations	8
9.3.1	2005 Women's Open LPGA Event - Tom McCarthy	8
9.3.2	Canadian Federation of Independent Business (CFIB) - Leanne Hachey, Director of Provincial Affairs, Nova Scotia	8
10.	REPORTS	8
10.1	CHIEF ADMINISTRATIVE OFFICER	8
10.1.1	Capacity Study: Halifax-Dartmouth Bridges	8
10.1.2	First Reading By-Law T-215, An Amendment to By-Law T-201, Respecting Tax Exemption for Non-Profit Organizations, Request for an Extension to the Current By-Law through 2005-2006	9
10.2	HERITAGE ADVISORY COMMITTEE	9
10.3	MEMBERS OF COUNCIL	9

	10.3.1 Councillor Uteck - Request for Confirmation re: Mandatory Education Funding Formula	9
11.	MOTIONS	10
12.	ADDED ITEMS	10
	12.1 Legal Matter - Payment of Award	10
13.	NOTICES OF MOTION	10
14.	ADJOURNMENT	10

1. **INVOCATION**

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Smith.

ACKNOWLEDGEMENTS

The presence in the gallery of Ms. Wendy Lill, former MP; Ms. Marilyn More, MLA; Dartmouth South-Portland; and, Mr. Steve Giles, Olympic Medalist, was acknowledged.

2. **APPROVAL OF MINUTES - January 25, 2005**

MOVED by Deputy Mayor Goucher, seconded by Councillor Hum, that the minutes of January 25, 2005 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

12.1 Legal Matter - Payment of Award

MOVED by Councillor Sloane, seconded by Councillor Snow, that the Agenda be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Mosher spoke about a youth school-based running program established by Doctors Nova Scotia in partnership with Sport Nova Scotia, Athletes Nova Scotia and the Bluenose Marathon for students aged 8 - 15. The Councillor invited Mayor Kelly, as well as any member of Council or staff, to join in on a run in their respective area.

With respect to procedure, Councillor Smith suggested an agenda item entitled "Announcements" should be added to the agenda or the practice should be stopped.

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

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

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

8. PUBLIC HEARINGS

8.1 Case 00698: Amendments to Dartmouth's Municipal Planning Strategy and Land Use By-Law - Protection of Lake Banook Canoe Course

C The proposed amendments passed First Reading on January 18, 2005 and were now before Council for a Public Hearing.

C A supplementary report dated February 2, 2005, was before Council for its consideration.

C Correspondence from Shalom Mandaville, Soil & Water Conservation Society of Metro Halifax, dated January 31, 2005, was circulated to Council.

Mr. Kurt Pyle, Planner, presented the report to Council and responded to questions of clarification of Council.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the amendments.

Mr. Steve Giles, Dartmouth

Mr. Giles stated he hopes Council takes this step to protect the race course on Lake Banook as it tells the International Canoe Federation that HRM is serious about its course and wants to keep it the way it is. Mr. Giles noted he has raced on courses all over the world and there are few that are as good and natural as Lake Banook. Therefore, he fully supports the proposed amendments.

Mr. Dennis Rodgers, Atlantic Division, Canadian Canoe Association

Mr. Rodgers spoke in support of the amendments and provided comment on the current initiatives to protect the race course on Lake Banook. Copies of his presentation were provided to Council.

Mr. Maurice Lloyd, Save Our Dartmouth Lakes Coalition, Dartmouth

Mr. Lloyd addressed Council stating the Coalition is concerned with the protection of Dartmouth lakes and wants to be proactive. Therefore, the Coalition urged Council to move forward with the proposed amendments.

Mr. Doug English, Executive Member, Atlantic Division, Canadian Canoe Association

Mr. English stated he has 40 years recreational and competitive experience on Lake Banook. Over those years, he has seen the traffic on the lake increase dramatically, and it is used now more than ever. Mr. English stated Lake Banook needs a plan and a vision similar to the vision that the former City of Dartmouth had in the 1970s for Sullivan's Pond whereby abutting properties were purchased and eventually turned to a park area. He suggested when properties around Lake Banook come up for sale, HRM should consider purchasing them as it is the best way to prevent development.

Mr. Carmen Moir, Dartmouth

Mr. Moir spoke in support of the amendments noting anything affecting the wind on the lake would be a detriment to the course. Mr. Moir talked about the history of Banook Lake and the reasons to preserve and promote it.

Ms. Wendy Lill, Dartmouth

Ms. Lill spoke in support of the amendments noting there is already an unusually high degree of development around the lake. She stated the amendments are very timely and send a strong message that HRM wants to protect the lake and the canoe course.

Ms. Kate Green, Planner, Terrain Group, Representing Loblaw Properties Ltd.

Ms. Green addressed Council stating Loblaw Properties Ltd. is concerned with the impacts the proposed amendments will have on future development, and they believe the amendments are too limiting. They also do not believe the inclusion of their Superstore property in the restricted area is warranted at this point as it is over 1,000 feet away from the canoe course. It is also blocked by the natural topography and existing development.

From a planning perspective, Ms. Green stated the amendments have to be carefully considered as the Regional Plan encourages denser more walkable development and Lake Banook is a great location for this type of development. Therefore, she suggested Council needs to ensure that the proposed restrictions are warranted and justified, and, at this point, not enough research has been undertaken. In closing, Ms. Green requested that the Superstore property be excluded and that Council reconsider the amendments.

Mr. Terry Drisdelle, Senior Development Planner, United Gulf Development Limited

Mr. Drisdelle addressed the issue requesting that Council:

- C Use available information on wind conditions around the race course to establish a revised boundary that considers prevailing summer winds.
- C Identify areas around the lake that are likely to influence wind patterns on the course,

- using wind information specific to the Lake Banook race course.
- C Require a wind impact analysis for all development proposals over 35 feet proposed to be located within the revised boundary.
 - C Allow development where it is determined that wind impacts on the course would be minimized.

Copies of Mr. Drisdelle's presentation were provided to Council.

Mr. Gary Saunders, Dartmouth

Mr. Saunders spoke against the height restriction as it will adversely affect his and other property owners' ability to build a dream home on their property. Mr. Saunders stated an additional 15 feet in the height limit would make a difference. However, he agreed there should not be large developments in the area due to traffic problems they would create.

Mr. David James, Board of Directors, Senobe Aquatic Club, Dartmouth

Mr. James stated any height beyond 10.5 metres would overpower the lake. He noted this is an opportunity to preserve Lake Banook both as a race course and as a beautiful public attraction for future generations.

Mayor Kelly called three times for further members of the public wishing to speak either in favour of or against the amendments. Hearing none, the following motion was put:

MOVED by Councillor Smith, seconded by Councillor Sloane, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor McCluskey, seconded by Councillor Snow, that Regional Council approve the proposed amendments to the Municipal Planning Strategy and Land Use By-Law for Dartmouth, as shown in Attachments A and B of the staff report dated January 12, 2005, to apply a height restriction to that area of Dartmouth identified on Map 1 as "Lake Banook Canoe Course Area"; and, approve an additional proposed amendment to the Land Use By-Law for Dartmouth as shown in Attachment A of the supplementary staff report dated February 2, 2005 to clarify the implementation of policy regarding existing structures.

Following a brief discussion, the vote was taken.

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor Hendsbee - Mineville Community Association

Councillor Hendsbee served two petitions from the Mineville Community Association requesting that HRM provide the Mineville Community Association with the necessary commitments to enable the Association to file a Nova Scotia - Sport and Recreation, Recreation Facility Development Program application.

9.3 Presentations

9.3.1 2005 Women's Open LPGA Event - Tom McCarthy

A presentation was made to Council regarding the 2005 BMO Financial Group Canadian Women's Open, Glen Arbour Golf Course, July 11-17, 2005.

9.3.2 Canadian Federation of Independent Business (CFIB) - Leanne Hachey, Director of Provincial Affairs, Nova Scotia

Ms. Leanne Hachey, Director of Provincial Affairs, Nova Scotia, made a presentation to Council, copies of which were provided.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Capacity Study: Halifax-Dartmouth Bridges

C A staff report dated February 2, 2005, was before Council for its consideration.

MOVED by Councillor Younger, seconded by Councillor Fougere, that Council approve an increase in the Gross Budget of Capital Account No. CTR00529 - Various Traffic Related Studies, by \$31,432 to cover the cost sharing of Capacity Study: Halifax-Dartmouth Bridges from the Halifax Dartmouth Bridge Commission, as outlined in the Budget Implications Section of the staff report dated February 2, 2005.

Mr. Ken Reashor, Manager, Traffic and Transportation, responded to questions of Council regarding the capacity study. He stated the estimated completion time for the study is 15 weeks, and the results are anticipated to be back to Council in April 2005. The study will identify if the bridge capacity is being fully utilized. The current belief is that it is not and there are limitations stopping that from happening.

Mr. George McLellan, Chief Administrative Officer, clarified that this matter is back before Council for the purpose of putting money back into the budget due to cost-sharing by the Bridge Commission.

In response to questions of Councillor Hendsbee about the bike lane on the bridge, Councillor Fougere noted this discussion has gone on since 1999 at the Bikeways Advisory Committee. She suggested the Councillor attend a Committee meeting to discuss the issue further, or she could bring a Committee report to Council providing an update.

Following a brief further discussion, the vote was taken.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 First Reading By-Law T-215, An Amendment to By-Law T-201, Respecting Tax Exemption for Non-Profit Organizations, Request for an Extension to the Current By-Law through 2005-2006

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

MOVED by Councillor Walker, seconded by Councillor Hum, that Regional Council give First Reading to By-Law T-215, An Amendment to By-Law T-201, Respecting Tax Exemption for Non-Profit Organizations, Request for an Extension to the Current By-Law through 2005-2006. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 HERITAGE ADVISORY COMMITTEE

10.2.1 Case H00154 - Application for Substantial Alteration to 28 Clam Harbour Road, Lake Charlotte, a Municipally Registered Heritage Site

C A report from the Heritage Advisory Committee, dated February 1, 2005, was before Council for its consideration.

MOVED by Councillor Streach, seconded by Councillor Hendsbee, that Regional Council approve the proposed new building to be located at 28 Clam Harbour Road, Lake Charlotte, as proposed in the staff report dated January 14, 2005. MOTION PUT

AND PASSED UNANIMOUSLY.

10.3 MEMBERS OF COUNCIL

10.3.1 Councillor Uteck - Request for Confirmation re: Mandatory Education Funding Formula

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Regional Council request Mayor Kelly to write a letter to Premier John Hamm to guarantee his assurance that the mandatory education funding formula will be 90/10 as promised by the Province two years ago under then Minister of Education Jane Purves.

Councillor Uteck noted Halifax Regional Municipality paid more in mandatory funding than was required under the agreed formula last year. The Councillor stated she would like confirmation from the Province that they will adhere to the 90/10 rule and provide clear information as to how it has been applied in the past and how it will be applied in the future. Councillor Uteck stated Council needs clear knowledge of HRM's responsibility with respect to education funding for the upcoming municipal budget.

Councillor Hendsbee suggested staff should further research the issue of provincial dependence and municipal tax rate for funding of education.

Councillor Mosher referenced a previous report received by Council from the Atlantic Institute for Market Study (AIMS) regarding financing city services, *A Prescription for the Future*. This study stated the average Canadian municipal contribution to education is less than ½ percent, and, in 2001, Nova Scotia paid 14.2 percent of municipal income (this amount did not include supplementary funding) towards education, which is a provincial responsibility.

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

12. ADDED ITEMS

12.1 Legal Matter - Payment of Award

C 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 Murphy, seconded by Councillor Snow, that Council authorize the payment of the award, as set out in the Private and Confidential staff report dated

January 25, 2005, to MGL Consulting Limited from Account HROP-2089, the over-under account. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

None.

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 - National Flag of Canada Day - February 15, 2005
2. Memorandum from the Municipal Clerk, dated February 4, 2005
re: Requests for Presentations to Council - 2005 Women's Open LPGA Event - Tom
McCarthy and the Canadian Federation of Independent Business (CFIB) - Leanne
Hachey, Director, Nova Scotia