

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL MINUTES March 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  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Debbie Hum  
Linda Mosher  
Stephen D. Adams  
Brad Johns  
Reg Rankin

### **REGRETS:**

Councillors: Dawn Sloane  
Robert P. Harvey  
Gary Meade

### **STAFF:**

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

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**1. INVOCATION**

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

**2. APPROVAL OF MINUTES - NONE**

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

The following items were added to the agenda:

- 11.1 Councillor Mosher - Noise By-Law Violations - Cold Weather Concreting
- 11.2 Councillor Younger - Tax System Overall (This item was addressed with Item 9.1.7)
- 11.3 Approval of the 2005-2006 Operating and Capital Budgets (This item was addressed with Item 9.1.7)
- 11.4 Contractual Matter - Solid Waste Resource Contingency Plan Agreements with the Region of Queens Municipality and the Municipality of the District of Chester
- 11.5 Appointments - Boards and Committees
- 11.6 Metro Campus of Nova Scotia College of Art and Design

(Councillor McInroy left the meeting at this time due to a pressing matter.)

**MOVED by Councillor McCluskey, seconded by Deputy Mayor Goucher, that the Agenda be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

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

**8. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**8.1 Correspondence - None**

**8.2 Petitions**

**8.2.1 Councillor Kent - Replace Belmont/Carleton Neighbourhood Park**

Councillor Kent served a petition from residents of Belmont Avenue requesting that two vacant HRM owned lots (#00261032 & #002361040) be re-zoned to Park. The Councillor requested that the petition be forwarded to staff for consideration.

**8.2.2 Councillor Kent - Metro Transit Bus Link Between Eastern Passage/Cow Bay and Cole Harbour**

Councillor Kent served a petition from residents of Eastern Passage/Cow Bay requesting Metro Transit bus service between Eastern Passage/Cow Bay and Cole Harbour.

**8.2.3 Councillor Murphy - Winter Clearance of Sidewalks, Crosswalks and Curb Cuts**

Councillor Murphy served a petition containing approximately 185 signatures of residents requesting HRM to immediately address the issue of accessible transportation by guaranteeing prompt and effective clearance of sidewalks, crosswalks, curb cuts and bus stops and shelters and assuring that public transit services for physically challenged persons provide a guaranteed level of service equivalent to that provided to all other residents of HRM.

**8.2.4 Councillor Adams - Condition of Roads, Williamswood**

Councillor Adams resubmitted a petition served in June 2004 containing 366 signatures regarding the poor condition of roads and sidewalks in the Williamswood area. The Councillor requested that the petition be sent to the Minister of Transportation and Public Works and HRM staff.

**9. REPORTS**

**9.1 CHIEF ADMINISTRATIVE OFFICER**

**9.1.1 Request for Proposal 04-364, Halifax Trucking Options Study**

C A staff report dated February 25, 2005 was before Council for its consideration.

**MOVED by Councillor Mosher, seconded by Councillor Johns, that Council:**

- 1. Approve an increase in the Gross Budget of Capital Account No. CDE00105 - Regional Planning Projects, by \$117,562.00 to include the cost sharing from the Halifax Port Authority and Transport Canada, as outlined in the Budget Implications Section of the staff report dated February 25, 2005.**
- 2. Approve the award of RFP 04-364, Halifax Trucking Options Study to the highest ranking evaluated proposal, MariNova Consulting Ltd., for a project cost of \$155,123.00 including net HST with funding from capital account CDE00105 Regional Planning Projects, as outlined in the budget implications section of the staff report dated February 25, 2005.**

Speaking against the motion, Councillor Uteck stated she believed the staff report was too brief and poorly written. With regard to the February 2004 railway cut investigation study, she stated it was not received by any members of Council representing areas on the cut. Councillor Uteck expressed concern with the report being released to certain members of the public before Council which has resulted in alarm on behalf of residents living on the cut.

**MOTION PUT AND PASSED.**

**9.1.2 Spring Weight Restrictions**

C A staff report dated February 25, 2005 was before Council for its consideration.

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

- 1. Approve temporary maximum vehicle weight restrictions (as per Schedule A of the staff report dated February 25, 2005) applicable to all HRM streets excluding those listed in Schedule B of the February 25, 2005 staff report.**
- 2. Authorize the Engineer to apply these restrictions at the same time as the Nova Scotia Department of Transportation & Public Works implement their Spring Weight Restrictions.**
- 3. Authorize the Engineer to modify the implementation dates, weight restrictions and list of exempted roads as conditions warrant.**

Mr. Phil Francis, Right-of-Way Services Manager, responded to questions of clarification from Council. Councillor Younger suggested that, prior to next year, staff may want to do at least a cursory examination, in conjunction with the trucking industry, of the possibility of adding

streets from the urban core to the spring weight restrictions.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.3 Cost Sharing Agreement - Parkland Drive Signals**

C A staff report dated February 25, 2005, was before Council for its consideration.

**MOVED by Councillor Hum, seconded by Councillor Walker, that Council authorize staff to enter into a cost-sharing agreement with 3077061 NS Ltd. for the construction of traffic signalization at the intersection of Parkland Drive and Kearney Lake Road with \$136,469 coming from the 2004/05 Capital Budget CTU00561 Traffic Signal Installation as outlined in the Budget Implications section of the February 25, 2005 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.4 Inclusive Playgrounds**

C A staff report dated February 25, 2005, was before Council for its consideration.

**MOVED by Councillor Johns, seconded by Councillor Fougere, that Council approve:**

- 1. The development of a regional strategy for the provision of an Inclusive Playground Program, based on the implementation and evaluation of a pilot project.**
- 2. Westmount School, Halifax, as the selected pilot project site for the development of HRM's initial inclusive playground.**

Several Councillors spoke in support of the motion stating they hope this trend continues throughout other areas of HRM.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.5 Case 00723 - Amendments to the Bedford Municipal Planning Strategy and Land Use By-Law - 910 Bedford Highway**

C A staff report dated February 21, 2005 was before Council for its consideration.

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

1. Approve the request to initiate the process to amend the Bedford Municipal Planning Strategy and Land Use By-Law to consider a mixed use development (commercial/residential) at 910 Bedford Highway.
2. Request staff to follow the public participation program as approved by Council in February 1997. MOTION PUT AND PASSED UNANIMOUSLY.

**9.1.6 Fire - Two Tactical/Air Support Units**

C A staff report dated February 21, 2005 was before Council for its consideration.

**MOVED by Councillor Hendsbee, seconded by Councillor Streach, that Regional Council approve an increase to the 2004/05 Capital Budget in the amount of \$200,000 for two new projects, to be split equally between Fire-Tactical Support Unit - Zone 1 (Lawrencetown) and Fire-Tactical Support Unit - Zone 3 (Middle Musquodoboit). Funding is available as a withdrawal from the Rural Fire Reserve (Q128). MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.7 2005/2006 Operating and Capital Budget Approval**

**11.2 Councillor Younger - Tax System Overall**

**11.3 Approval of the 2005-2006 Operating and Capital Budgets**

C This matter was discussed at a Committee of the Whole meeting held earlier in the day and was now before Council for ratification.

C Correspondence from Matthew Dubois, dated March 8, 2005, was circulated to Council.

**MOVED by Councillor Streach, seconded by Deputy Mayor Goucher, that:**

**It is hereby resolved that:**

- a) the Capital Budget in the amount of \$214,177,000 be approved, and
- b) the Operating Budget in the amount of \$ 589,423,916 gross expenditures, \$476,063,900 non-departmental revenues, and \$ 113,360,016 departmental revenues be approved, which reflects all adjustments approved by Council to the Budget tabled on February 22, 2005, and further;
- c) that the general rates of taxation on commercial and business occupancy be set at
  - (i) \$3.262 for the urban area;

- (ii) \$3.262 for the suburban area; and
  - (iii) \$2.989 for the rural areaapplied to the full assessed value of the property.
- d) that the general rates of taxation on residential and resource property be set at
  - (i) \$1.283 for the urban area;
  - (ii) \$1.182 for the suburban area; and
  - (iii) \$1.176 for the rural areaapplied to the full assessed value of the property.
- e) that the boundary of the urban, suburban and rural areas is as delineated in the attached "Tax Structure Map" and the amendments as detailed in Maps A to B.
- f) that the final tax bills will become due on Friday, September 30, 2005.
- g) that the interest rate on the Special Reserve Funds, designated as requiring interest under Section 100(2) of the Municipal Government Act, be set at the rate of return on funds invested from the Special Reserve Funds by the HRM for the period April 1, 2005 to March 31, 2006.
- h) that the interest rate on the Pollution Control Reserves be set at the rate of return on funds invested from the Pollution Control Reserves by the HRM for the period April 1, 2005 to March 31, 2006.
- i) that the interest rate on all Reserves except for those identified in g) and h) will be set at the rate of return on funds invested from these Reserves by the HRM for the period April 1, 2005 to March 31, 2006.
- j) that the interest rate on trust funds will be set at the annual rate of return on specific investments held by the trusts.

**And further, that staff will return to Regional Council with additional details on the proposed Temporary Tax Credit including a formal request to the Province of Nova Scotia for the necessary legislative changes.**

**And further, that staff will return to Regional Council with the formal plan for tax reform under the Revenue Strategy Project to be undertaken in the 2005/06 fiscal period for implementation in 2006/07.**

Several Councillors expressed thanks to staff for their work on the 2005/06 budget.

Responding to a question of Councillor Uteck regarding the proposed temporary tax credit, Ms. Dale MacLennan, Director, Financial Services, stated when the proposed budget was brought forth, staff knew there would be challenges based on assessment increases across HRM. Staff have listened to Council and the residents and have brought forward an additional

program to be added for temporary tax relief credit. This is a one year program for residents who have experienced a greater than 7.6 percent assessment increase and will provide relief in 2005/06 in advance of tax reform. Ms. MacLennan noted legislative changes will be required from the Province before this program can be implemented. Based on this information, Councillor Uteck stated she could now support the proposed budget. However, she noted this tax relief program is a “band-aid” solution and Council needs to come to an understanding of where it needs to go to resolve this issue long-term.

Councillor Younger stated since his request for a review of the tax system overall has been included in the resolution, he would support the motion.

Councillor Hendsbee stated HRM needs to get Correctional Services and Public Housing off the property tax bills and the mandatory and supplementary education components need to be re-evaluated. The Councillor stated municipal services need to be re-organized to make HRM better and stronger. Councillor Hendsbee also noted that the issue of Hurricane Juan clean-up is still an issue in District 3 and other areas, particularly in the beetle quarantine zone.

Councillor McCluskey stated that since 60 percent of her residents will benefit from the proposed tax relief program, she would support the budget. However, she expressed concern with having to tell some residents that their street or sidewalk will not be done this year.

Speaking in support of the budget, Councillor Kent stated it is a proactive approach to a difficult situation and staff have found a creative way to minimize the assessment impact.

Councillor Murphy suggested future budget deliberations should be televised for the benefit of the public.

**MOTION PUT AND PASSED.**

Councillor Adams noted every year he has put forward concern about increased assessments and put forth the following motion:

**MOVED by Councillor Adams, seconded by Councillor Johns, that Council direct staff to look at the elimination of assessments when going forward with taxes under the revenue strategy and engage Minister Barry Barnett, Service Nova Scotia and Municipal Relations, for his input.**

In response, Ms. MacLennan stated the business plan for Financial Services includes the revenue strategy project, but, specifically, the resolution outlines that staff will return to Council with a formal plan for tax reform under the revenue strategy. Staff would be happy to take Councillor Adams’ suggestion and include that in the investigation. Ms. MacLennan also

advised that the Fair and Equitable Funding Committee will be reporting back to UNSM this year.

Based on Ms. MacLennan's comments, Councillor Adams withdrew his motion.

**MOTION WITHDRAWN.**

**9.2 MEMBERS OF COUNCIL**

**9.2.1 Councillor Uteck - Residential Cap Assessment Program**

A brief discussion ensued regarding the Residential Cap Assessment Program, and Councillor Uteck stated at this time she wanted to note, for the record, that the residential caps could not be appealed.

**10. MOTIONS - NONE**

**11. ADDED ITEMS**

**11.1 Councillor Mosher - Noise By-Law Violations - Cold Weather Concreting**

Councillor Mosher expressed concern with continued noise by-law violations at the development site on Springvale Avenue. The Councillor stated she would like to make an amendment to the previous request for a staff report to include a recommendation regarding what Halifax Regional Police Services and Development Services can do to enforce the by-law and protect the residents.

Mr. Anstey, Municipal Solicitor, responded that Police Services could charge the violator pursuant to a Long Form Information rather than a Summary Offence Ticket. This would take the \$250 cap off the fine and leave it open to the possible maximum fine under the by-law. With regard to this particular situation, Mr. Anstey stated it was his understanding that there is only one more cement floor to be poured and the developer has agreed to do it in three pieces to avoid night work.

Mr. George McLellan, Chief Administrative Office, stated representatives from Police Services, Legal Services and Planning and Development Services can meet to discuss what could be done on the spot to have more impact in this type of situation.

**11.2 Councillor Younger - Tax System Overall**

This item was addressed with Item 9.1.7.

**11.3 Approval of the 2005-2006 Operating and Capital Budgets**

This item was addressed with Item 9.1.7.

**11.4 Contractual Matter - Solid Waste Resource Contingency Plan Agreements with the Region of Queens Municipality and the Municipality of the District of Chester**

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 Rankin, seconded by Councillor McCluskey, that:**

1. Halifax Regional Council enter into agreements with the Region of Queens Municipality and the Municipality of the District of Chester for contingency disposal of solid waste, substantially in the form of the draft agreements attached to the February 28, 2005 Private and Confidential staff report.
2. The February 28, 2005 staff report not be released to the public until after the signing of both Agreements. MOTION PUT AND PASSED UNANIMOUSLY.

**11.5 Appointments - Boards and Committees**

C A report from the Membership Selection Committee dated March 8, 2005 was before Council for its consideration.

**MOVED by Councillor Johns, seconded by Councillor Karsten, that Regional Council:**

1. Approve the Citizen and Councillor appointments to Boards/Committees/ Commissions as outlined in Attachment I of the March 8, 2005 report..
2. Approve the amendment to Section 4 (Membership) of the Terms of Reference for the Regional Planning Committee to provide that the Chief Executive Officer or his designate attend meetings.
3. Approve an amendment to the Terms of Reference for the Regional Planning Committee to provide for the appointment of five (5) citizens at large
4. Reaffirm the status quo of the appointments to the Halifax-Dartmouth Bridge

**Commission**

**5. Release the March 8, 2005 report to the public.**

In response to an inquiry of Councillor Smith regarding this report not being brought to an In Camera meeting first, Mayor Kelly stated it was due to the short time frame.

Councillor Hendsbee requested comment from staff as to how the Cultural Advisory Committee will interact with the Community and Race Relations Committee with no overlap in membership.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.6 Metro Campus of NS College of Art and Design**

C A report from the Harbour East Community Council dated March 8, 2005 was circulated to Council for its consideration.

**MOVED by Councillor McCluskey, seconded by Councillor Younger, that Halifax Regional Council forward a letter to the Honourable Jamie Muir, Minister of Education, with a copy to the Chair of the Board of Governors of NSCAD, recommending the new Metro Campus of Nova Scotia College of Art and Design be located in Dartmouth Cove on lands currently owned by the Province of Nova Scotia.**

In discussion of the motion, several Councillors expressed concern that this issue was not a decision of Council rather it was a decision of the NSCAD Board of Governors. Those speaking in support of the motion, stated it was only to forward a letter of endorsement.

**MOVED by Councillor Johns, seconded by Councillor Uteck, that this issue be tabled.**

Following a brief discussion, the vote on the motion to table was taken.

**MOTION PUT AND PASSED.**

**12. NOTICES OF MOTION**

None.

**13. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:15 p.m.

Jan Gibson  
Municipal Clerk