

**HALIFAX REGIONAL COUNCIL
MINUTES
March 29, 2005**

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Len Goucher
Councillors: Steve Streach
Krista Snow
David Hendsbee
Gloria McCluskey
Andrew Younger
Bill Karsten
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

REGRETS:

Councillors: Harry McInroy
Becky Kent

STAFF:

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

TABLE OF CONTENTS

1.	INVOCATION	03
2.	APPROVAL OF MINUTES	03
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	03
4.	BUSINESS ARISING OUT OF THE MINUTES	03
5.	MOTIONS OF RECONSIDERATION - NONE	03
6.	MOTIONS OF RESCISSION - NONE	03
7.	CONSIDERATION OF DEFERRED BUSINESS - NONE	03
8.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	
	8.1 Correspondence - None	03
	8.2 Petitions	03
9.	REPORTS	
	9.1 CHIEF ADMINISTRATIVE OFFICER	
	9.1.1 Tender 05-206, New Sidewalk, Arklow Drive - East Region	04
	9.1.2 Tender 05-225, New Paving of Subdivision Streets Inside Core Area - East Region - Cherylann Drive, Astour Drive	04
	9.1.3 By-Law S-418, Respecting Charges for Street Improvements	05
	9.1.4 Temporary Borrowing Resolution and 2005 Spring Debenture ...	06
	9.1.5 Case 00771: Amendments to the Planning District 4 Municipal Planning Strategy - 1030 Terrence Bay Road	06
	9.2 HERITAGE ADVISORY COMMITTEE	
	9.2.1 Case H00138 - Request for Substantial Alterations to 1326 Barrington Street, Halifax (a Municipal Heritage Property)	06
10.	MOTIONS	07
11.	ADDED ITEMS	
	11.1 Membership Selection Committee Recommendations	07
	11.2 Supplementary Education Funding	08
12.	NOTICES OF MOTION	10

13. ADJOURNMENT 11

1. INVOCATION

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

2. APPROVAL OF MINUTES - NONE

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

Additions

11.1 Personnel Matter - Membership Selection Committee Recommendations

11.2 Councillor Uteck - Supplementary Education Funding (Motion of March 8, 2005 Committee of the Whole)

MOVED by Councillor McCluskey, seconded by Deputy Mayor Goucher, 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 AND DELEGATIONS

8.1 Correspondence - None

8.2 Petitions

8.2.1 Councillor Hendsbee

Councillor Hendsbee served a petition on behalf of the residents of Karen Crescent, Porter's Lake in opposition to the proposed street name change under the civic addressing initiative.

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 Tender 05-206, New Sidewalk, Arklow Drive - East Region

- A report dated March 16, 2005 on the above noted was before Council.

MOVED by Councillor Younger, seconded by Deputy Mayor Goucher, that Council:

1. **Approve the recovery of Local Improvement Charges for new concrete sidewalk on Arklow Drive (from George Bissett School to Cole Harbour High Walkway) at the rate to be established in By-Law S-418 which will be presented to Council for approval for fiscal year 2005/06, to be applied to the general area rate of District 4.**
2. **Award tender No. 05-206, New Sidewalk, Arklow Drive - East Region, to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$187,621 including net HST from Capital Account No. CJU00719, New Sidewalk, with funding authorized as per the Budget Implications section of the report dated March 16, 2005.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 Tender 05-225, New Paving of Subdivision Streets Inside Core Area - East Region - Cherylann Drive, Astour Drive

- A report dated March 17, 2005 on the above noted was before Council.

MOVED by Councillor Karsten, seconded by Councillor Wile, that Regional Council:

1. **Approve the recovery of Local Improvement Charges for the new paving of Cherylann Drive and Astour Drive in Cow Bay by levy of frontage charges, at the rate to be established in By-Law S-418, which will be presented to Council for approval for fiscal year 2005/06.**
2. **Award Tender No. 05-225, New Paving of Subdivision Streets Inside the Core Area (East Region) to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$544,868 including net HST from Capital Account No. CXU00715, New Paving of**

Subdivision Streets Inside the Core Area with funding authorized as per the Budget Implications section of the report dated March 17, 2005.

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.3 By-Law S-418, Respecting Charges for Street Improvements

- A report dated March 17, 2005 on the above noted was before Council.

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

- 1. Approve the new Local Improvement unit costs as per the attached Schedule "A" of the staff report dated March 17, 2005;**
- 2. Approve in principle the adoption of By-Law Number S-418, Respecting Charges for Street Improvements, attached, and also give notice of motion to begin the formal adoption process; and**
- 3. Apply the new unit costs applicable to all 2005/06 capital projects where such apply.**

Councillor Meade noted the charges in By-Law S-418 were:

- For new concrete sidewalk on one or both sides, the proposed rate is \$22.71 per foot.
- A replacement of asphalt sidewalk with concrete on one or both sides is \$15.14 per foot.
- New concrete curb and gutter on one side is \$15.12 per foot.
- New concrete curb and gutter on both sides is \$30.24 per foot.
- New paving is \$21.68 per foot.

Councillor Johns expressed concern that with these charges some areas are never going to be able to afford sidewalks.

Councillor Hendsbee expressed concern that in certain instances when a property changes hands, the new owners receive a Local Improvement Charge bill for paving which does not show up as an outstanding lien or charge on the property at the time of purchase.

In response to Deputy Mayor Goucher as to whether the unit costs from phased in projects are protected, Mr. Hubley advised they are reflected as per the by-law which means if there is an outstanding phase to a project that phase will come under the new by-law.

MOTION PUT AND PASSED UNANIMOUSLY.

At a later point in the meeting, Councillor Meade, gave notice of motion for first reading. (See page 11)

9.1.4 Temporary Borrowing Resolution and 2005 Spring Debenture

- A report dated March 21, 2005 on the above noted was before Council.

MOVED by Councillor Streach, seconded by Councillor Hendsbee, that:

1. **Halifax Regional Council approve a twelve month Temporary Borrowing Resolution in the amount of \$4,369,903;**
2. **Halifax Regional Council approve a twenty-four month Temporary Borrowing Resolution, based on the remaining portion of the 2004/05 Gross Capital Budget, requiring debt financing, in the amount of \$40,910,827;**
3. **The Mayor and Municipal Clerk be authorized to sign the Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate confirmation, not to exceed 7%, to enable the Halifax Regional Municipality to issue a debenture in the amount of \$23,000,000.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.5 Case 00771: Amendments to Planning District 4 Municipal Planning Strategy - 1030 Terrence Bay Road

- A report dated March 11, 2005 on the above noted was before Council.

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

1. **Authorize staff to initiate the process to consider amending the Planning District 4 Municipal Planning Strategy (MPS), in order to relax restrictions on new and expanded buildings for 1030 Terrence Bay Road, Terrence Bay (PIDs 00384834 and 40501124)**
2. **Instruct that the MPS amendment process include a public participation program in accordance with the Public Participation Resolution adopted by**

Regional Council on February 25, 1997.

MOTION PUT AND PASSED UNANIMOUSLY.

(Councillor Hum left the meeting at this time)

9.2 HERITAGE ADVISORY COMMITTEE

9.2.1 Case H00138 - Request for Substantial Alterations to 1326 Barrington Street, Halifax (a Municipal Heritage Property)

- A report dated March 22, 2005 on the above noted was before Council.

Ms. Maggie Holm, Heritage Planner, with the aid of overheads, presented the report to Council.

MOVED by Councillor Sloane, seconded by Councillor Johns, that Regional Council not approve the addition to 1326 Barrington Street, as proposed in the staff report dated October 20, 2004.

Councillor Uteck advised the owner has met criteria and has agreed to move the building back six feet. To show the split between the original and the addition the building will be two colours. The Councillor pointed out that the owner can, in June, go forward and build on top of the mansard roof. She requested Council overturn the recommendation of the Heritage Advisory Committee.

Mr. Jim Donovan, Planning, advised staff examined the application from the point of view of the criteria that was established by Council. Mr. Donovan advised staff are not empowered to sign off on the development permit for this proposal unless approval is received for the substantial alterations.

Mr. Anstey advised that if Council does not approve the application at this time, the applicant can, in June, build what he originally applied for.

MOVED by Councillor Sloane, seconded by Councillor Karsten that the matter be referred to Heritage Advisory Committee for review. MOTION DEFEATED.

The main motion was now on the floor.

MOVED by Councillor Sloane, seconded by Councillor Johns, that Regional Council not approve the addition to 1326 Barrington Street, as proposed in the staff report

dated October 20, 2004. MAIN MOTION DEFEATED

MOVED by Councillor Uteck, seconded by Councillor Hendsbee, that Council approve the addition to 1326 Barrington Street subject to the development being moved back six feet. MOTION PUT AND PASSED UNANIMOUSLY.

10. MOTIONS - NONE

11. ADDED ITEMS

11.1 Personnel Matter - Membership Selection Committee Recommendation

- The following item was addressed at an In Camera session held earlier and was now before Council for ratification.

MOVED by Councillor Johns, seconded by Councillor Hendsbee, that Councillors Walker, Fougere, Kent, Hendsbee and Smith be appointed to the Supplementary Education Funding Committee - Halifax Regional School Board. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Supplementary Education Funding - Councillor Uteck

- A extract from the March 8, 2005 Committee of the Whole Minutes were circulated to Council.

MOVED by Councillor Uteck, seconded by Deputy Mayor Goucher that:

- 1. The Halifax supplementary education rate be set at 7.6 cents per \$100 of assessment and the budget reduced to \$10,661,400.**
- 2. Council levy a 1.8 cents per \$100 of assessment area rate for \$1,633,600 on Residential and Commercial Property in Halifax for music and arts.**
- 3. The Dartmouth supplementary education rate be set at 6.1 cents per \$100 of assessment and the budget reduced to \$4,668,000**
- 4. That Council levy a 1.4 cent per \$100 of assessment area rate for 571,200 on Residential and Commercial Property in Dartmouth for music and arts.**

5. The Halifax Regional School Board be notified that in 2006-07 HRM intends to reduce the Halifax and Dartmouth supplementary education rates by 10%

Councillor Uteck noted this motion was deferred pending the receipt of the Hogg report. The Councillor advised the province has declined to participate on the Supplementary Funding Committee.

MOVED by Councillor Rankin, seconded by Councillor Johns, that the question be now put. MOTION DEFEATED (13 in favour, 7 against)

Two thirds majority in favour was required for the motion to be carried. A recorded vote was taken.

Those voting **in favour** were: Mayor Kelly, Deputy Mayor Goucher and Councillors Streach, Younger, Karsten, Wile, Uteck, Fougere, Mosher, Adams, Johns, Rankin and Meade.

Those voting **against** were: Councillors Hendsbee, McCluskey, Smith, Murphy, Sloane, Walker and Harvey.

Councillors Snow, McInroy, Kent and Hum were absent for the vote.

Councillor Adams requested a separate vote be taken on item #5.

In response to Councillor Fougere regarding item #5 and whether it is legitimate as it presupposes an outcome to next years budget deliberations in terms of an action by Council, Mr. Anstey advised that if it were passed it would send a message of the present intent but the decision would have to be made by Council next year. He advised Council could make any decision that it wanted to at that time.

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

MOVED by Councillor Uteck, seconded by Councillor Hendsbee, that items 1 and 3 be amended to include the words “ *with rates to be set by Council in a supplementary report from staff*”

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

MOVED by Councillor Walker, seconded by Councillor McCluskey, that the item be deferred to the April 5, 2005 Council session. MOTION DEFEATED.

AMENDMENT APPROVED.

As per the request of Councillor Adams, the motion was broken into two separate motions:

MOVED by Councillor Uteck, seconded by Deputy Mayor Goucher that:

1. **The Halifax supplementary education rate be set at 7.6 cents per \$100 of assessment and the budget reduced to \$10,661,400 with rates to be set by Council in a supplementary report from staff.**
2. **Council levy a 1.8 cents per \$100 of assessment area rate for \$1,633,600 on Residential and Commercial Property in Halifax for music and arts.**
3. **The Dartmouth supplementary education rate be set at 6.1 cents per \$100 of assessment and the budget reduced to \$4,668,000 with rates to be set by Council in a supplementary report from staff.**
4. **That Council levy a 1.4 cent per \$100 of assessment area rate for 571,200 on Residential and Commercial Property in Dartmouth for music and arts.**

PUT AND PASSED (18 in favour, 2 against)

Those voting **in favour** were Mayor Kelly, Deputy Mayor Goucher, Councillors: Streach, Hendsbee, McCluskey, Younger, Karsten, Smith, Wile, Murphy, Sloane, Uteck, Fougere, Mosher, Adams, Johns, Rankin and Meade.

Those voting **against** Councillors: Walker and Harvey.

Councillors Snow, McInroy, Kent and Hum were absent for the vote.

MOVED by Councillor Uteck, seconded by Deputy Mayor Goucher that:

5. **The Halifax Regional School Board be notified that in 2006-07 HRM intends to reduce the Halifax and Dartmouth supplementary education rates by 10%**

PUT AND PASSED (11 in favour, 9 against)

Those voting **in favour** were Mayor Kelly, Deputy Mayor Goucher, Councillors; Streach, Hendsbee, McCluskey, Karsten, Smith, Uteck, Mosher, Rankin and Meade.

Those voting **against** were Councillors Younger, Wile, Murphy, Sloane, Fougere, Walker,

Adams, Johns, Harvey.

Councillors Snow, McInroy, Kent and Hum were absent for the vote.

12. NOTICES OF MOTION

Councillor Hendsbee

Take notice that at the next regular Regional Council meeting to be held on Tuesday, the 5th day of April, 2005 I intend to introduce a motion to request HRM to assume ownership and control to the deed, property and building of the Lawrencetown Community Centre in District 3 and be it further resolved that HRM enter into a community management agreement with the Lawrencetown Community Centre Society for the day to day management of the facility.

Councillor Meade

Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 5th day of April, 2005, I propose to move First Reading of By-Law S-418, Respecting Charges for Street Improvements the purpose of which is to amend By-Law Number S-400, The Street Improvements By-Law, and will enable HRM to charge Local Improvement Charges for new street improvements.

Councillor Sloane

That notice that at the next regular Regional Council meeting to be held on Tuesday, the 5th day of April, 2005 I intend to introduce a motion to request that staff prepare a report regarding the required amendments to the Heritage Property Act.

MOTION OF RECONSIDERATION

MOVED by Councillor Walker, seconded by Councillor Johns, that Council reconsider item #5 of the Supplementary Education Funding matter.

MOVED by Councillor Hendsbee, seconded by Deputy Mayor Goucher, that Council suspend the rules of procedure and vote on the matter at this time. MOTION PUT AND PASSED.

Councillor Walker asked Council to reconsider the motion as it ties the hands of the committee being formed to work on Supplementary Funding. The Councillor stated Council should hear the facts before making any motion.

MOTION DEFEATED (10 in favour, 10 against)

Those voting **in favour** were Councillors McCluskey, Younger, Wile, Murphy, Sloane, Fougere, Walker, Adams, Johns and Harvey.

Those voting **against** were Mayor Kelly, Deputy Mayor Goucher and Councillors Streach, Hendsbee, Karsten, Smith, Uteck, Mosher, Rankin and Meade.

Councillors Snow, McInroy, Kent and Hum were absent for the vote.

13. ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council:

1. Memorandum from Director, Transportation and Public Works dated March 17, 2005
re: 2011 Canada Winter Games Bid Phase II
2. Memorandum from Chief of Police Services dated March 17, 2005
re: Norsonic Sound Device for Police Services
3. Memorandum from Director, Financial Services dated March 29, 2005
re: Budget and Business Plan Questions from Committee of the Whole
4. Memorandum from the Municipal Clerk, dated March 24, 2005
re: Requests for Presentations to Council - None