

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES April 5, 2005

PRESENT:

Mayor Peter J. Kelly
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
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Stephen D. Adams
Brad Johns
Robert P. Harvey
Reg Rankin
Gary Meade

REGRETS:

Deputy Mayor Len Goucher
Councillor Sue Uteck

STAFF:

Mr. Dan English, Acting 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 Mosher.

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 Johns - Millwood Subdivision Planned Unit Development
- 11.2 Committee of the Whole: Feasibility Study - Expand World Trade and Convention Centre and Replace Halifax Metro Centre

MOVED by Councillor Walker, seconded by Councillor Karsten, 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 & DELEGATIONS**

8.1 **Correspondence**

8.1.1 **All Channel Alert Proposal - Pelmorex Communications Inc.**

C Correspondence from Pelmorex Communications Inc. dated March 7, 2005 was before Council for its consideration.

MOVED by Councillor Sloane, seconded by Councillor Walker, that the correspondence be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 **Petitions**

8.2.1 Councillor Hendsbee - Request for Lower Property Tax or Separation from HRM

Councillor Hendsbee served a petition containing 471 signatures of residents of Districts 1, 2 and 3 requesting that Council lower property tax for Districts 1, 2 and 3 or the residents will request a separation from HRM.

MOVED by Councillor Hendsbee, seconded by Councillor Karsten, that the petition be referred to staff for a report.

Speaking against the motion, Councillor Streach agreed the residents had valid concerns, however, he suggested the petition be tabled rather than referred to staff.

MOVED by Councillor Streach, seconded by Councillor Snow, that the petition be tabled.

Councillor Streach noted that he, nor the majority of the residents in the three Districts affected, did not sign the petition. The Councillor further noted the issue of separation and rural independence was previously addressed by Council in 1999-2000. At that time, an ad hoc committee determined that the feasibility of small rural communities being on their own, regardless of the intention, was not workable. Councillor Streach suggested an alternative would be for the residents to become more involved in the process and be part of the solution.

Councillor Snow stated she would not support the petition and noted that she was not aware of any residents in District 2 who had signed it. She respectfully requested that Council support the tabling of the petition.

Councillor Hendsbee stated he brought the petition forward as part of his elected duty. However, he stated he does not support the aims and objectives of it. The Councillor noted there is a lot of misinformation out in the public domain that should be addressed which was the reason for his request to refer the petition to staff for a report. He suggested the previous report prepared in 1999-2000 could be attached as an appendix.

The vote was taken on the motion to table the petition.

MOTION PUT AND PASSED.

8.2.2 Councillor Adams - Mansion Ave., Green Acres Subdivision - Request for Paving

Councillor Adams served a petition from residents of Mansion Avenue, requesting that their street be paved and brought up to HRM standards at no charge to the abutters.

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 First Reading - By-Law S-418, Respecting Charges for Street Improvements

C A staff report dated March 17, 2005 was before Council for its consideration.

MOVED by Councillor Meade, seconded by Councillor Rankin, that Council give First Reading to By-Law S-418, Respecting Charges for Street Improvements. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 Homelessness in HRM: Portrait of Streets and Shelters Volume II - Update on Homelessness Research and Housing Policy Development

C An information report dated March 24, 2005, including the following was before Council for its consideration:

- C A brochure from the HRM Housing Resource Group
- C A document entitled *Literature Review: Housing and Homelessness Research in Halifax Regional Municipality*, updated March 2005
- C A document entitled *Homelessness in HRM - Portrait of Streets and Shelters, Volume II*

Ms. Barbara Nehiley, Senior Policy Analyst, and Ms. Kasia Tota, Housing Research Coordinator, presented the staff report to Council. Copies of the presentation were provided.

MOVED by Councillor Adams, seconded by Councillor Johns, that this matter be referred to the April 12, 2005 Committee of the Whole session. MOTION PUT AND PASSED.

9.2 MEMBERS OF COUNCIL

9.2.1 Councillor Adams

i) Greater Halifax Visitors Guide Publishing Process

Councillor Adams expressed concerns with inaccuracies in the 2005 Greater Halifax Visitors Guide, one being Herring Cove labelled as Hubbards Cove. The Councillor stated he would

like to find out what process is followed to determine the accuracy of information in the guide, who is responsible for the printing and publishing of the document, and what database they are using.

MOVED by Councillor Adams, seconded by Councillor Streach, that this matter be referred to staff for report.

In the discussion of the motion, it was noted that the document is published by a private company, however it was also noted that HRM assists in the preparation and distribution of it.

Councillor Hendsbee noted there are similar errors and inconsistencies in other documents such as the Rand McNally road maps and the Eastlink phone directory. The Councillor stated it is important that the community information in these documents is clarified and corrected and the respective publishers should be notified of the inconsistencies.

Councillor Streach requested that the staff report also include information as to whether or not HRM provides any funding for this publication.

Councillor Smith relayed a concern of a garage owner in his District regarding the inability to get HRM maps and information to distribute to his customers. The Councillor asked that the availability of such information, outside the tourist bureaus, also be addressed in the staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

ii) By-Law Amendment - Advertising Tax

Councillor Adams noted this item has been brought to the Taxi and Limousine Committee three times since November but has not been forwarded to Council. The Councillor stated his reason for bringing it forward at this time is to determine if there is support to allow advertising on the top of the taxi and to be incorporated into the roof light of the vehicle.

MOVED by Councillor Adams, seconded by Councillor Walker, that Council request staff to bring forward the necessary amendments to the Taxi By-Law to permit advertising on the top of taxi vehicles, including being incorporated into the roof lights.

In response to a question of Councillor Sloane regarding who would receive the revenue from the advertising, Mr. Wayne Anstey, Municipal Solicitor, stated HRM would only be involved in whether or not the advertising would be permitted and the revenue distribution would not be of HRM's concern.

Councillor Kent suggested greater clarity needs to be provided to Council as to the mandate of the Taxi and Limousine Committee.

Councillor Streach suggested a more appropriate action at this time would be to refer the matter to staff for a report providing more information including how this issue is addressed in other jurisdictions and the relevance of licensing fees.

MOVED by Councillor Streach, seconded by Councillor Sloane, that this matter be referred to staff for a report.

Speaking against the referral, Councillor Smith stated this is an opportunity to provide additional revenue for taxi drivers.

Also speaking against the referral, Councillor Adams clarified his request is only to allow someone the option to advertise on the roof light of their vehicle.

Responding to a question of Councillor Mosher, Mr. Paul Dunphy, Director, Planning and Development Services, stated the proposed Sign By-Law has no relevance to this issue. Councillor Mosher suggested the requested staff report come back to Council following receipt of the Municipal Solicitor's report respecting the Taxi and Limousine and Hotel Standards Committees, which is expected in early May 2005. Council agreed.

Councillor Adams requested that a recommendation from the Taxi and Limousine Committee on this issue come forward to Council at that time as well.

MOTION PUT AND PASSED.

9.2.2 Councillor Hendsbee - Request for Special Dispensation re: Land use and zoning restrictions in consideration of a Temporary Sawmill in District 3 to deal with Hurricane Juan debris

MOVED by Councillor Hendsbee, seconded by Councillor Snow, that Council request a staff report on the request for a special resolution endorsed by Council and, if necessary, a formal request to the Province for special dispensation re: land use and zoning restrictions in consideration of a temporary sawmill on the site of the Nova Scotia Home for Coloured Children in District 3 to assist with the continuing clean-up of the bio-mass/tree debris associated with damages inflicted upon this area by Hurricane Juan.

Mr. Wayne Anstey, noted a solution was discussed, and it was his understanding staff would report back on the solution and that a recommendation from Council was not required.

However, if a recommendation or resolution from Council was required, it would be included in the report.

MOTION PUT AND PASSED.

10. MOTIONS

10.1 Councillor Hendsbee - Lawrencetown Community Centre

MOVED by Councillor Hendsbee, seconded by Councillor Snow , that Council refer this matter to staff for a report and recommendation on the request for 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. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Councillor Sloane - Amendments to the Heritage Property Act

MOVED by Councillor Sloane, seconded by Councillor Murphy, that Council request staff to prepare a report regarding the required amendments to the Heritage Property Act.

Councillor Sloane stated the purpose of this motion is to gather up the required amendments to the Heritage Property Act to be forwarded to the Province.

Mr. Bill Plaskett, Planner, Heritage Conservation Districts, noted some proposed amendments had been prepared through the Regional Planning process. However, they were not brought forward to Council due to some questions related to financial incentive issues. Mr. Plaskett stated staff has done some preparatory work on this issue, and if this motion was to go forward, staff would see this as direction to refine the proposed amendments and to gain public consultation. Mr. Plaskett also noted that the Province may be conducting its own review of the Heritage Property Act.

Following a brief discussion the vote was taken.

MOTION PUT AND PASSED UNANIMOUSLY.

11. ADDED ITEMS

11.1 Councillor Johns - Millwood Subdivision Planned Unit Development

Councillor Johns inquired if HRM had the ability to discharge a Planned Unit Development created in 1982 for Millwood Subdivision. The Councillor noted he has received numerous calls from residents in the past week regarding the decision of the Province to locate an affordable housing complex within the Millwood area. Councillor Johns stated the concern of the residents is not with the type of housing, but rather it is the type of structure (apartment building) being proposed as it is not compatible with the single family housing units in the area. The Councillor expressed concern with PUDs created fifteen years ago coming forward now in established subdivisions with proposals that may substantially change the existing residential neighbourhood.

In response, Mr. Paul Dunphy, Director, Planning and Development Services, stated the PUDs set out the rights of the property owners to develop. HRM has the ability to sit down with the Province to discuss the nature of the proposal. However, as a regulatory issue, HRM cannot prevent them from doing what they propose to do because it does, in fact, meet what a previous Council approved. Mr. Dunphy noted early development agreements approved by previous municipalities did not have sunset dates, which is a new planning tool. He noted staff is prepared to provide Council with an information report to explain this further and what are the rights of property owners and HRM.

In response to a question of Councillor Johns, Mr. Dunphy stated staff never opposes the discharging of a development agreement.

Councillor Younger inquired if a list of outstanding development agreements without sunset clauses could be compiled. Mr. Dunphy responded that if it was feasible, staff could do so. Councillor McCluskey suggested individual Councillors could note any significant pieces of land in their area that are not yet developed and then speak to Planning staff to see if there is an outstanding development agreement with no sunset clause.

MOVED by Councilor Johns, seconded by Councillor Snow, that Council forward a letter to Minister David Morris, copied to Minister Barry Barnet, requesting that consideration be given to looking at relocating the proposed housing development for Millwood Subdivision to a place that is more suitable to the structure or looking at another type of structure more compatible with the existing neighbourhood.

Following further discussion, the vote was taken.

MOTION PUT AND PASSED.

11.2 Committee of the Whole: Feasibility Study - Expand World Trade and Convention Centre and Replace Halifax Metro Centre

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

MOVED by Councillor Harvey, seconded by Councillor Fougere, that Regional Council support one-third funding up to \$80,000 towards a feasibility study to expand the World Trade and Convention Centre and replace the Halifax Metro Centre, subject to the participation by the Atlantic Canada Opportunities Agency and the Province of Nova Scotia at the same level. MOTION PUT AND PASSED.

12. NOTICES OF MOTION

None.

13. ADJOURNMENT

There being no further business, the meeting adjourned at 7:40 pm.

Jan Gibson
Municipal Clerk