

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL MINUTES April 12, 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  
Sheila Fougere  
Russell Walker  
Debbie Hum  
Linda Mosher  
Stephen D. Adams  
Brad Johns  
Robert P. Harvey  
Reg Rankin  
Gary Meade

### **REGRETS:**

Councillor Sue Uteck

### **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 Adams.

**ACKNOWLEDGEMENTS**

Councillor McInroy requested that the Mayor send a letter, on behalf of Council, to the Cole Harbour McCain Midget Hockey team congratulating them on their win at the Atlantic Midget Championship and conveying best wishes to them as they move on to the Telus Cup Canadian Midget Championship on April 18-24 in Quebec.

Councillor Adams advised there would be a community meeting regarding Herring Cove sewer and water on April 20th, 7:00 p.m., Fire Hall, 57 Ketch Harbour Road.

Councillor Mosher requested that the Mayor send a letter to the organizing committee of the 33rd National Black Belt Karate Championship. The Councillor agreed to provide contact information to the Mayor's Office.

Councillor McCluskey recognized the 25<sup>th</sup> Anniversary of the Marathon of Hope by Terry Fox.

Councillor Johns provided an update on the affordable housing issue raised at the April 5, 2005 Regional Council meeting. The Councillor noted the Province has put a hold on this project in order to re-evaluate it and to hold public consultation. Councillor Johns expressed thanks to Council for its support in this matter.

**2. APPROVAL OF MINUTES - March 22 & 29, 2005**

**MOVED by Councillor Sloane, seconded by Councillor Fougere, that the minutes of March 22 & 29, 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 Correspondence - National Defence, Maritime Air Component (Atlantic) re: Ceremonial Fly-past commemorating the anniversary of the Battle of the Atlantic, May 1, 2005

- 12.2 Legal Matter - Settlement of Claim
- 12.3 Lakeside - Timberlea Sewage Treatment Plant Capacity (Councillor Rankin requested that this item be addressed following the Public Hearings.)

Councillor Fougere requested that the following item from last night's Peninsula Community Council meeting be added to the April 19th Regional Council agenda:

- C Request for HRM to make Submission to the Navigable Waters Protection Act regarding a Wharf on the North West Arm

**MOVED by Councillor Sloane, seconded by Deputy Mayor Goucher, that the agenda be approved, as amended. MOVED 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. **PUBLIC HEARINGS**
- 8.1 **Case 00712: Bedford MPS and LUB Amendment - 196 Rocky Lake Road**

- C A report from the North West Community Council dated March 8, 2005 was before Council for its consideration.

Mr. Andrew Bone, Planner, presented the staff report to Council.

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

**MOVED by Deputy Mayor Goucher, seconded by Councillor Snow, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

**MOVED by Deputy Mayor Goucher, seconded by Councillor Snow, that Regional Council approve the proposed amendments to the Bedford Municipal Planning**

**Strategy and Land Use By-Law as contained in Attachment D of the staff report dated January 20, 2005. MOTION PUT AND PASSED UNANIMOUSLY.**

**8.2 Case 00603: Amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-Law**

Ms. Thea Langille-Hanna, Planner, presented the staff report to Council, noting this was a joint public hearing with North West Community Council. With respect to the item in the report dealing with limiting the height of accessory buildings, Ms. Langille-Hanna noted this is already covered in the Land Use By-Law and was included in these amendments in error by staff.

Responding to questions of clarification, Ms. Langille-Hanna made the following points:

- C An automotive repair business at 651 Sackville Drive was not deemed to be an unreasonable land use on that site. These amendments will enable the use but it is not to be identified as existing, as it was not under the legal definition of the Municipal Government Act.
- C The direction of the proposed sign by-law has been changed to only deal with temporary and mobile signage. Therefore, there is a need to ensure that signage provisions are put back into the Sackville Drive Secondary Planning Strategy.
- C There are specific requirements in the land use by-law with respect to architectural treatments.

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

**Mr. Marshall Lewis, Property Owner, 30 Old Sackville Road**

Mr. Lewis addressed Council noting he made an application for a multi-unit apartment/condo building for his property at 30 Old Sackville Road in advance of the proposed amendment respecting height restrictions. Mr. Lewis stated he was opposed to the proposed height restrictions for his piece of land.

In response, Ms. Langille-Hanna noted Sackville Drive did not have height limitations in the past. Mr. Lewis applied for a development permit in late 2004/early 2005. Upon review by Development Services, it was deemed that the application was incomplete and a letter was sent to Mr. Lewis on January 28, 2005 indicating his permit was being denied due to insufficient information. A public participation meeting was held in February 2005 to discuss height restrictions and it was recommended that they be looked at along Sackville Drive and that is what staff is now proposing.

Mr. Lewis expressed concern that he was not aware until 3:45 p.m. today that these amendments were going forward and that his permit application was not valid.

Mr. Wayne Anstey, Municipal Solicitor, noted the January 28, 2005 letter to Mr. Lewis from Mr. Kevin Warner, Development Officer, clearly states that the development permit had been denied. Mr. Anstey stated Mr. Lewis could have submitted another application before this process began with complete information, but it was his understanding that this was not done.

Responding to a question of Councillor Johns, Ms. Langille-Hanna stated it was her understanding the height of the proposed development in Mr. Lewis' application was 18 storeys.

In response to a question of Councillor McCluskey, Ms. Langille-Hanna stated there was no indication in the correspondence to Mr. Lewis as to a time line to be met for submission of the missing information. However, she noted if he called staff that information would have been provided. Also, if he had submitted a further application on or after March 26, 2005 he would have been notified of the proposed amendments now before Council. Ms. Langille-Hanna noted Mr. Lewis would also have been included in the mail out notification process.

In response to a question of Councillor Hendsbee, Ms. Langille-Hanna noted the tallest building currently in the area is four storeys. The Councillor questioned why the limit is now being placed at three storeys.

Responding to a question of Councillor Sloane, Ms. Langille-Hanna indicated the staff report before Council was reviewed by Regional Planning prior to its signature.

Councillor Sloane inquired if there was any mention of these amendments made during the process followed by Mr. Lewis. Ms. Langille-Hanna responded that there was not in any conversation she had with Mr. Lewis, however she could not comment on conversations with Development Services staff.

Mayor Kelly called three times for any 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 Deputy Mayor Goucher, seconded by Councillor McCluskey, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

### **COUNCIL DECISION**

In response to a question of Councillor Streach, Ms. Langille-Hanna reviewed the additional information that was required to be submitted by Mr. Lewis to complete his application.

Councillor Streach expressed concern with these amendments coming forth at this time as it was his understanding that these issues would be addressed through the Regional Plan. In response, Mr. George McLellan, Chief Administrative Officer, stated it was his understanding that these amendments are intended to help clean up some backlogged situations that probably represent some urgency that should not have to wait for the Regional Plan to be addressed.

**MOVED by Councillor Harvey, seconded by Councillor Johns, that Regional Council approve the proposed amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-Law, provided in the revised Attached B to the staff report dated March 8, 2005, with the exception of Item 8 in Attachment B dealing with height for accessory buildings.**

Councillor Hendsbee inquired if there were any appeal opportunities available to Mr. Lewis. Mr. Anstey responded that LUB amendments are approved by Regional Council, followed by the Minister, and there is no appeal process. Mr. Anstey noted Mr. Lewis could have appealed the decision of the Development Officer to deny his permit application to the Utility and Review Board and had a hearing at that time.

Ms. Langille-Hanna noted that, based on discussions she had with Development Services staff, and the amount of information missing from the application, it was questionable whether or not the type of development being proposed could have taken place on that site.

**MOVED by Councillor Hendsbee, seconded by Councillor Sloane, that Item 9 (31a) in Attachment B be amended to read “no more than 4 (four) storeys”.**

Following a brief discussion on the amendment, the vote was taken.

**MOTION PUT AND DEFEATED.**

Further debate ensued on the main motion.

Responding to concerns expressed by Councillor Younger with these amendments coming forth before the Regional Plan, Mr. Paul Dunphy, Director, Planning and Development Services, noted a number of plan amendments have come forth to Council over the last few years while the Regional Plan was being developed.

In response to questions of Councillor Smith regarding Mr. Lewis' application, Mr. Dunphy indicated that it was addressed through a fair and open process. He further noted that this particular application was a very poorly completed application and the type that should not even be accepted.

Several Councillors spoke in support of the motion noting staff, the Community Council and the public all had input into the process.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence**

**9.2 Petitions**

None.

**12.3 Lakeside - Timberlea Sewage Treatment Plant Capacity**

C A declassified private and confidential information report dated April 5, 2005 was before Council for its consideration.

**MOVED by Councillor Rankin, seconded by Deputy Mayor Goucher, that Council request that a follow-up report for the Timberlea, Lakeside and Beechville communities, that explores the options for treating sewage from the remaining lands in the service boundary, be submitted by staff no later than the July meeting of Regional Council.**

Councillor Rankin noted that staff is aware of this motion, and he believes they are on side with respect to the time line. In the interim, the Councillor requested that staff keep him informed on the progress of this issue.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10. REPORTS**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Request for Proposal 05-029 - Fast Ferry Cultivation Project Award**

C A staff report dated April 5, 2005 was before Council for its consideration.

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

1. Approve an increase in the Gross Budget of Capital Account CVV00649 - Expanding Ferry Network by \$210,000, including \$87,500 in cost sharing from ACOA and \$10,000 in cost sharing from the Nova Scotia Department of Energy and \$112,500 from the Strategic Growth Reserve, Q126.
2. Approve the award of RFP 05-029, Fast Ferry Cultivation Project to the highest ranking evaluated proposal, TDV Global Inc., for a project cost of \$156,680 including net HST from capital account CVV00649 - Expanding Ferry Network, as outlined in the Budget Implications section of this report.  
**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.2 Case H00108: Kelly Building, 1790 Granville Street - Negotiating to Save the Facade - Demolition Permit**

- C A supplementary staff report dated April 4, 2005 was before Council for its consideration.

**MOVED by Councillor Murphy, seconded by Deputy Mayor Goucher, that Regional Council approve issuance of a demolition permit for the Kelly building, 1790 Granville Street, Halifax, valid for a six month period from 17 April 2005 to 17 October 2005.**

Following a brief discussion, the vote was taken.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.3 Infrastructure Projects Update**

- C A staff report dated April 8, 2005 was before Council for its consideration.

**MOVED by Councillor Walker, seconded by Councillor Wile, that Council:**

1. Approve the allocation of surplus infrastructure funds in the amount of \$512,000 from Little Salmon River Water, \$149,000 from MacIntosh Run Sanitary Sewer Upgrade project and \$22,000 from Maplewood Water Phase I totalling \$683,000 to the Mainland Common Recreation Facility (CB100091).
2. Authorize the Mayor to request that Federal infrastructure funding of \$367,000 be allocated towards a Halifax West Auditorium as per the April 8, 2005 staff report.

In discussion of the motion, staff agreed to provide Councillor Hendsbee with the following additional information regarding the Little Salmon River water project:

- C how the savings were achieved and what effect that will have on the frontage charges
- C confirmation as to whether the contribution was based on a fixed amount or a percentage
- C the design specifications

**MOTION PUT AND PASSED.**

**10.2 HERITAGE ADVISORY COMMITTEE**

**10.2.1 Case H00161 - Application for Registration of 5660 Fenwick Street, Halifax (to set Heritage Hearing date)**

- C A report from the Heritage Advisory Committee dated March 31, 2005 was before Council for its consideration.

**MOVED by Councillor Sloane, seconded by Councillor Fougere, that Regional Council set the date of April 26, 2005 for a Heritage Hearing to provide consideration for the registration of 5660 Fenwick Street, Halifax, under the HRM Heritage Property Program. MOTION PUT AND PASSED UNANIMOUSLY.**

**11. MOTIONS**

**12. ADDED ITEMS**

**12.1 Correspondence - National Defence, Maritime Air Component (Atlantic) re: Ceremonial Flypast commemorating the anniversary of the Battle of the Atlantic, May 1, 2005**

- C Correspondence dated April 8, 2005 from Colonel Douglas Neill, Maritime Air Component (Atlantic), was before Council for its consideration.

**MOVED by Councillor Hendsbee, seconded by Councillor Wile, that Council grant the request for a flypast on May 1, 2005 as requested in the April 8, 2005 correspondence from National Defence, Maritime Air Component. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2 Legal Matter - Settlement of Claim**

- 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 Smith, seconded by Councillor Walker, that Halifax Regional Council:**

1. **Settle this claim brought by the Plaintiff in the amount of \$15,000.00 to achieve a full settlement of the Plaintiff's action upon obtaining a full release from the Plaintiff.**
2. **The report dated April 12, 2005 not be released to the public. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.3 Lakeside - Timberlea Sewage Treatment Plant Capacity**

This item was addressed earlier in the meeting.

**13. NOTICES OF MOTION**

None.

**14. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:10 p.m.

Jan Gibson  
Municipal Clerk