

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES April 26, 2005

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Goucher
Councillors: Steve Streach
David Hendsbee
Harry McInroy
Gloria McCluskey
Andrew Younger
Bill Karsten
Becky Kent
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sue Uteck
Russell Walker
Debbie Hum
Stephen D. Adams
Brad Johns
Robert P. Harvey
Reg Rankin
Gary Meade

REGRETS:

Councillors: Krista Snow
Sheila Fougere
Linda Mosher

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 Johns.

ACKNOWLEDGEMENTS

Councillor Kent acknowledged and congratulated 12 Wing Shearwater on its new helicopter training facility.

2. **APPROVAL OF MINUTES - April 5 & 12, 2005**

MOVED by Councillor McCluskey, seconded by Deputy Mayor Goucher, that the minutes of April 5 & 12, 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 Personnel Matter - Citizen and Councillor Appointments to Boards and Committees
- 12.2 Property Matter - Expropriation - 6575 Bayne Street, Halifax
- 12.3 Property Matter - Purchase - 150 Thornhill Drive, Burnside
- 12.4 Legal Matter - Settlement of Claim
- 12.5 Contractual Matter - NSUPE Bargaining Update
- 12.6 Contractual Matter - Salary Review and Increase - CAO
- 12.7 Councillor Johns - Biomedical Waste Plant Proposed for East Hants and the Impact on HRM

The following Information Item was deleted from the Information Items agenda, as it being sent back to staff for further information:

Information Item #10 - Memorandum from Acting Director, Recreation, Tourism and Culture dated April 18, 2005 re: Bike Week Event Volunteer Committee. (Councillor Johns requested that staff contact him regarding this item.)

Councillor Adams requested that Item 10.1.3 be moved up on the agenda to be addressed prior to the Regional Plan Overview.

MOVED by Deputy Mayor Goucher, seconded by Councillor Sloane, 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

8. CORRESPONDENCE, PETITIONS AND DELEGATIONS

8.1 Correspondence

8.1.1 Request for Ceremonial Fly-past and Wreath Laying - Angus L. Macdonald Bridge Anniversary Committee

C Correspondence from Alex J. McKinnon, Member, Angus L. Macdonald Anniversary Committee, dated April 21, 2005, was before Council for its consideration.

MOVED by Councillor Rankin, seconded by Councillor Hum, that Regional Council approve the request with respect to the memorial wreath laying in memory of Premier Angus L. Macdonald, on August 10, 2005, as outlined in the April 21, 2005 correspondence from the Angus L. Macdonald Bridge Anniversary Committee. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Petitions

8.2.1 Municipal Clerk - Silversands Realty Company

The Municipal Clerk served two petitions regarding the Silversands Realty Company.

9. PUBLIC HEARINGS

9.1 By-Law S-418, An Amendment to By-Law S-400, Respecting Charges for Street Improvements

C By-Law S-418, Respecting Charges for Street Improvements passed First Reading on April 5, 2005, was now before Council for Second Reading.

Mr. David Hubley, Manager, Design and Construction Services, presented the report to Council and responded to questions of clarification of Council.

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

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

COUNCIL DECISION

MOVED by Councillor Rankin, seconded by Deputy Mayor Goucher, that By-Law S-418, Respecting Charges for Street Improvements be given Second Reading. MOTION PUT AND PASSED UNANIMOUSLY.

10. REPORTS

As agreed to during Approval of the Order of Business, Council addressed Item 10.1.3 Spryfield Lions Arena next on the agenda.

10.1.3 Spryfield Lions Arena

C A staff report dated April 14, 2005, was before Council for its consideration.

MOVED by Councillor Adams, seconded by Councillor Walker, that Halifax Regional Council:

- 1. Authorize the Mayor and Clerk to enter into an agreement, based on the terms and conditions set out in this report, for the conveyance of the Spryfield Lions Club Arena facility and associated lands to the Municipality; and**
- 2. Authorize staff to enter into a Management Agreement with the Spryfield Lions Club for the continued operation of the facility, based on the terms and conditions set out in the April 14, 2005 report, whereby the Lions Club will continue to remain responsible for associated management and operating costs for the facility, on the basis that HRM will assume property ownership and the responsibility for capital programming of the asset.**

Following a brief discussion, the vote was taken.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Regional Plan Overview (staff presentation)

Dr. Hugh Millward, Chair, Regional Planning Committee, presented an overview of the Regional Plan. Copies of his presentation were provided to Council.

Responding to questions of Council, staff made the following points:

- C A registry has not yet been set up for the workshops but interested residents can leave their names and numbers with the Regional Planning Office.
- C The dates of the workshops have been tentatively set and a more detailed presentation on the public consultation process will be provided to Council on May 3rd.
- C It is being suggested that a 10-20 percent buffer be allocated beyond the number of registered participants for the workshops to accommodate walk-in participants.
- C The workshops are only one component of the public consultation process.
- C Staff are available at any time to respond to any questions members of Council may have.

10.1.2 Reserve Business Case - Central Library Capital Campaign and Development

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

MOVED by Councillor Hum, seconded by Councillor Sloane, that Council:

- 1. Approve the establishment of the Reserve Business Case - Central Library Capital Campaign and Development, as attached to the April 8, 2005 staff report.**
- 2. Approve the reserve budget for 2005/06 as contained in the attachment to the reserve business case. MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.3 Spryfield Lions Arena

This item was addressed earlier in the meeting.

10.1.4 Joint Use Agreement with Scotia Learning Centres for P3 School Athletic Fields

- C A staff report dated April 18, 2005 was before Council for its consideration.

MOVED by Councillor Younger, seconded by Councillor Rankin, that Council authorize the Mayor and the Municipal Clerk to enter into a formal Joint Use Agreement with Scotia Learning Centres Ltd. as per the key terms outlined in the body of the April 18, 2005 report, subject to successful completion of final negotiations.

Mr. Denis Huck, Real Property Operations, responded to questions of Council.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.5 Heritage Gas Municipal Operating Access Agreement

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

MOVED by Councillor Adams, seconded by Councillor Hum, that Halifax Regional Council approve the execution of the Municipal Operating Access Agreement with Heritage Gas attached to the April 8, 2005 staff report as Appendix “B”.

With respect to street upgrading, Councillor McCluskey suggested staff look at Kingston Crescent, Dartmouth, as she believed there were already a number of cuts on this street. Mr. Phil Francis, Right-of-Way Services Manager, confirmed that staff would look into this for the Councillor.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.6 HRM Public Sector Partnership - Dartmouth Fibre Optic Network

C A staff report dated April 20, 2005 was before Council for its consideration.

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

- 1. HRM Regional Council authorize the Mayor and Municipal Clerk to enter into a formal ownership/service agreement with Internetworking Atlantic and InNOVAcorp as per the key terms and conditions outlined in the body of the April 20, 2005 staff report.**
- 2. HRM Regional Council authorize the expenditure of \$161,350 including net HST from Capital Account CID00748, for the purpose of building a Fiber Optic Network, with funding authorized per the Budget Implications section of the April 20, 2005 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.7 Underground Utilities Feasibility Study

- C A staff report dated April 20, 2005 regarding the above was before Council for its consideration.

MOVED by Councillor Adams, seconded by Councillor Uteck, that Regional Council table the Underground Utilities Feasibility Study until a presentation of the study occurs at a Committee of the Whole meeting in May 2005. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 HERITAGE ADVISORY COMMITTEE

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

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

Ms. Maggie Holm, Heritage Planner, presented the report to Council.

Responding to a question of Councillor Hendsbee, Ms. Holm indicated that staff would be contacting adjacent property owners regarding potential heritage registration, as requested by the Heritage Advisory Committee.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Regional Council approve the registration of 5660 Fenwick Street, Halifax, under the HRM Heritage Property Program. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 HARBOUR EAST COMMUNITY COUNCIL

10.3.1 Case 00729 - Request to Amend the Municipal Planning Strategy for Eastern Passage-Cow Bay

- C A report from the Harbour East Community Council dated April 19, 2005 was before Council for its consideration.

- C Information pertaining to the case provided by Mr. Arthur Rhyno was before Council for its consideration.

MOVED by Councillor McInroy, seconded by Councillor Karsten, that Regional

Council:

- 1. Not initiate amendments to the growth management measures of the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law and former Halifax County Subdivision By-Law to increase the rate of subdivision permitted within the Rural Area Designation from one lot per year per area of land to five lots per year per area of land.**
- 2. Not initiate amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law to reduce minimum lot frontages for lots in the Rural Area Zone from 200 to 125 feet.**
- 3. Direct that staff not entertain further requests to amend Municipal Planning Strategies and Land Use By-Laws which propose changes to Interim Growth Management measures or community based growth control standards pending adoption by Regional Council of the proposed Regional Plan.**

Mr. John MacPherson, Planner, presented the report and responded to questions of Council regarding the application.

Councillor Kent reviewed the background of this issue and explained the reasons why the Harbour East Community Council supported not considering this request at this time. The Councillor noted the MPS for Eastern Passage/Cow Bay was revisited in 1998 and the focus in the policies was to maintain the rural character of Cow Bay and to discourage subdivision type development. Councillor Kent stated this focus was derived from a strong clear voice of the community. The Councillor noted it was her understanding that to change an MPS at this time, there must be a significant change of circumstances. Therefore, to approve an application, such as this, at this time would undermine the policies currently in place. Councillor Kent further noted that staff clearly indicated to Council at Committee of the Whole that municipal planning strategies will be reviewed. At that time, Mr. Rhyno would have an opportunity to readdress this issue. The Councillor noted the Regional Planning public meetings will also provide him, as well as other community members, with the opportunity to express their needs and concerns.

MOTION PUT AND PASSED UNANIMOUSLY.

10.4 MEMBERS OF COUNCIL

10.4.1 Councillor Meade - Development Agreements

Councillor Meade noted that, currently, HRM has a number of development agreements dating

back 30 years or more, which were approved by the former municipalities, that have no expiry date. Now, after many years, the owners want to carry out the development agreements, but the community has changed considerably and feels it has no input as the public hearings were held many years ago.

MOVED by Councillor Meade, seconded by Councillor Kent, that Council request a staff report on outstanding development agreements that do not have sunset clauses.

Responding to a question of Councillor Johns, Mr. Paul Dunphy, Director, Planning and Development Services, noted this request is similar to one made by Council a couple of weeks ago. Staff will conduct an inventory of such development agreements, as best they can, and provide some legal advice as to their status. Mr. Dunphy noted the legal advice could probably be obtained within two weeks and the inventory in a month's time.

Responding to a question of Councillor Johns, Mr. Dunphy stated the development agreements are binding contracts and require the consent of both parties to rescind.

Councillor Uteck requested that the report also address the issue of no sunset clauses to specify when construction must end on residential development permits and provide some options as to potential time frames for permits.

MOTION PUT AND PASSED UNANIMOUSLY.

10.4.2 Councillor Younger - Tree Cutting around Nova Scotia Power Lines

MOVED by Councillor Younger, seconded by Councillor Karsten, that the Mayor write a letter, on behalf of Council, to Premier John Hamm and Mr. Ralph Tedesco, President, Nova Scotia Power, opposing any provincial legislation which would expand the authority of Nova Scotia Power related rights-of-way for tree cutting.

Councillor Younger stated Nova Scotia Power should not be given discretionary power with respect to tree cutting across the Province.

Speaking against the motion, Councillor Walker suggested it would be more appropriate for HRM to have dialogue with Nova Scotia Power in attempts to reach a satisfactory conclusion to this issue.

Speaking in support of the motion, Councillor McInroy suggested the recent four-day power outage experienced by some residents of Cole Harbour could be cited in the correspondence.

Councillor Uteck noted Nova Scotia Power indicated last fall that their plan for forestry practices would not apply to the urban core.

Ms. Cathie O'Toole, Manager, Environmental Performance, Environmental Management Services, noted HRM had requested a date from the Nova Scotia Utility and Review Board for a hearing with Nova Scotia Power on vegetative management and right of way issues. She noted this will be held in late November/early December 2005.

Councillor Adams suggested Council wait for this meeting so as not to send mixed messages. Several other Councillor expressed similar opinions.

MOTION PUT AND DEFEATED.

11. MOTIONS

12. ADDED ITEMS

12.1 Personnel Matter - Citizen and Councillor Appointments to Boards and Committees

C This item was discussed at an In Camera session held earlier in the day and was now before Council for ratification.

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

1. Regional Council ratify the following citizen and Councillor Appointments:

Halifax-Dartmouth Natal Day Steering Committee

Amy Doyle to fill an unexpired term to November 2006.

Heritage Advisory Committee

Councillor Robert Harvey to fill an unexpired term to November 2006.

Supplementary Funding Committee (HRSB)

Councillor Johns

2. Appoint Councillor Debbie Hum as an alternate for all six members of the Supplementary Funding Committee - HRSB.

3. The private and confidential report dated April 19, 2005 be released to the public.

MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Property Matter - Expropriation - 6575 Bayne Street, Halifax

- C This item was discussed at an In Camera session held earlier in the day and was now before Council for ratification.

MOVED by Councillor Murphy, seconded by Councillor Sloane, that:

1. Halifax Regional Council approve an offer to settle, as per Section 13A of the Expropriation Act and as set out in the Budget Implications section of the April 24, 2005 Private and Confidential staff report, as full and final settlement of this matter, with funding from the Strategic Growth Reserve Account Q126.
2. The April 24, 2005 staff report not be released until the transaction is completed. **MOTION PUT AND PASSED UNANIMOUSLY.**

12.3 Property Matter - Purchase - 150 Thornhill Drive, Burnside

- C This item was discussed at an In Camera session held earlier in the day and was now before Council for ratification.

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

1. Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Midland Transportation Limited for the purchase of 150 Thornhill Drive, Burnside, Dartmouth, with funding provided from Capital Project CB2004276: Satellite Garage Facility, as per the Budget Implications section of the April 14, 2005 Private and Confidential staff report, and subject to the terms and conditions contained in the report.
2. The April 14, 2005 report not be released until the transaction has closed. **MOTION PUT AND PASSED UNANIMOUSLY.**

12.4 Legal Matter - Settlement of Claim

- C This item was discussed at an In Camera session held earlier in the day and was now

before Council for ratification.

MOVED by Councillor Uteck, seconded by Councillor Smith, that Halifax Regional Council settle this claim, as set out in the April 13, 2005 Private and Confidential staff report, brought by the Plaintiff in the amount of \$25,000 to achieve a full settlement of the Plaintiff's action, upon obtaining a full release from the Plaintiff from bringing any further claims against HRM arising out of the incident of June 24, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

12.5 Contractual Matter - NSUPE Bargaining Update

C This item was discussed at an In Camera session held earlier in the day and was now before Council for ratification.

MOVED by Deputy Mayor Goucher, seconded by Councillor Meade, that Halifax Regional Council approve the Collective Agreement for the Nova Scotia Union of Public Employees, Local 13, as presented in the April 12, 2005 meeting of In Camera Council. MOTION PUT AND PASSED UNANIMOUSLY.

12.6 Contractual Matter - Salary Review and Increase - CAO

C This item was discussed at an In Camera session held earlier in the day and was now before Council for ratification.

MOVED by Councillor Karsten, seconded by Deputy Mayor Goucher, that Halifax Regional Council award the Chief Administrative Officer a 4.5 percent increase effective February 15, 2005. MOTION PUT AND PASSED UNANIMOUSLY.

12.7 Councillor Johns - Biomedical Waste Plant proposed for East Hants and Impact on HRM

Councillor Johns expressed concern that the proposed location of the biomedical waste plant is less than one kilometre away from the Pockwock watershed.

MOVED by Councillor Johns, seconded by Councillor Wile, that Council request a staff report to clarify if there is any legitimacy to the proposed location of the biomedical waste plant and request that a member of HRM staff attend the Hants public presentation that will be held on May 2, 2005 at 7:00 p.m. in the Mount Uniacke Fire Hall. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

13.1 Councillor Meade - Admin Order 33, Open Air Burning

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on May 3, 2005, I intend to introduce a motion to amend Section of Administrative Order 33, Respecting Open Air Burning to include the following Fire Protection Districts in which a burning permit is not required, providing all requirements that are outlined in Section 13 of the By-Law O-103 are met: Glen Margaret, Hacketts Cove, Indian Harbour, Peggy's Cove, West Dover, East Dover, Big Lake, Blind Bay, Shad Bay, White's Lake, Hatchet Lake, Goodwood, Terence Bay, Prospect, Prospect Bay, Hubbards, Queensland, Black Point, Ingramport, Boutiliers Point, Head of St. Margarets Bay, Upper Tantallon, Lower Tantallon, Glen Haven, French Village, Seabright and Lewis Lake.

13.2 Councillor Uteck - By-Law P-1002

TAKE NOTICE that at the next regular Regional Council meeting, to be held on Tuesday, the 3rd day of May 2005, I propose to move First Reading of By-Law P-1002, the purpose of which is to amend the required location of Parking Exemptions and permits on the vehicle.

13.3 Councillor Younger - Assessments

TAKE NOTICE that at the next regular Regional Council meeting, to be held on Tuesday, the 3rd day of May 2005, I propose to move the following motion:

WHEREAS the provincial budget of April 26, 2005 will increase assessment charges to HRM by \$1 million; that Regional Council withhold payment of provincial charges for assessment services until such time that an agreement is reached between UNSM and the Province on the future direction, existence and authority for assessment services

14. ADJOURNMENT

There being no further business, the meeting adjourned at 7:55 p.m.

Jan Gibson
Municipal Clerk