

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
MINUTES
June 21, 2005

PRESENT:

Mayor Peter Kelly
Deputy Mayor Len 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
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Steve Adams
Brad Johns
Robert Harvey
Reg Rankin

REGRETS:

Councillor Gary Meade

STAFF:

Mr. Dan English, Acting Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Municipal Clerk
Ms. Julia Horncastle, Legislative Assistant

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1. **INVOCATION**

The meeting was called to order at 6:00 p.m. with Councillor Snow leading the Invocation.

2. **APPROVAL OF MINUTES - NONE**

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

Additions

- 12.1 Proclamation - Amateur Radio Week - June 19 - 26, 2005
- 12.2 Proclamation - Municipal Workers Day - June 27, 2005
- 12.3 Personnel Matter - Membership Selection Committee
- 12.4 Contractual Matter - Waste Export Enforcement Strategy - Options and Outcomes

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Streach referenced correspondence from Mr. Brian Lee Crowley, Atlantic Institute of Market Studies advising this is the Institute's 10th anniversary year and that they have received the Templeton Freedom Prize for Institute Excellence. This is the fifth major international prize they have won in their 10 years of existence, proving that they are doing world class public policy work here in Atlantic Canada that has been important to the greater HRM Community. Councillor Streach requested the Mayor forward a letter of congratulations to Mr. Crowley and the Institute.

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 **By-Law L-122, An Amendment to By-Law L-100, Respecting Local Improvement Charges - Bedford Highway/Millview - Sewer and Water Servicing**

- An extract from the May 10, 2005 Regional Council minutes was before Council.
- A staff report dated April 26, 2005, on the above noted, was before Council.

Mr. Charles Lloyd, Senior Environmental Engineer, Environmental Services, with aid of overheads presented the staff report.

In response to Councillor McCluskey, Mr. Lloyd advised the sewer portion has been deducted from the project and will be recovered by a five hundred dollar trunk sewer charge which is levied on the residents as sewer becomes available for hook up. He noted all the oversizing for the sanitary sewer will be recovered from this project.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed By-Law amendment.

Mr. Fred Muise, Bedford Highway, stated he is pleased with the project and the way the process was conducted. He noted there had been very extensive meetings at which all options were presented. He advised the majority of the residents would like to see this project proceed as it is needed. He urged Council to approve the by-law.

Mr. Ernie Brennan, Ketch Harbour, expressed concern with the costs associated with the project.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor McCluskey, seconded by Deputy Mayor Goucher, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

DECISION OF COUNCIL

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

1. **Adopt By-Law Number L-122 respecting charges for the Bedford Highway/Millview Sewer and Water Servicing, attached to the staff report dated April 26, 2005.**

MOTION PUT AND PASSED UNANIMOUSLY.

- 8.2 **Case 00143 - Municipal Planning Strategy Amendment and Rezoning, Williams Lake Road/Flemming Park Lands, Mainland Sough, Halifax**

- Correspondence from Ms. Alanna Kerr, Halifax, on the above noted, was before Council.
- Correspondence from Osmundo Betancourt, Halifax, on the above noted, was before Council.
- Correspondence from Archie Thibault, Halifax, on the above noted, was circulated to Council.
- A copy of the presentation by the Friends of Whimsical Lake (FOWL) was before Council.
- An extract from the May 27, 2005 Regional Council minutes was before Council.
- A report from the Chebucto Community Council, dated May 10, 2005, on the above noted, was before Council.

Mr. Peter Bigelow, Manager, Real Property Planning, with the aid of a Powerpoint presentation, outlined the report and provided background on the ten year process.

In response to Councillor Wile, Council was advised there was no requirement for an environmental study and all Department of Environment regulations have been met. On further question it was noted that the bog and wetlands are included in the buffer.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the amendment and rezoning.

Ms. Stella Lord, Friends of Whimsical Lake, spoke against the rezoning and plan as this will increase development around the lake. She stated the area deserves special protection, especially the wetlands. FOWL does not believe the proposed buffer is enough to protect the lake.

A resident of Flemming Heights addressed Council noting that the water quality of the lake has degraded to the point where there is no longer any swimming permitted in the lake. He suggested the buffer be maintained by maintaining the trees and the forest mat. He suggested the extension of Joyce Avenue not be approved as part of this project and lots J1 and J2 be removed from the plan.

Mr. Ernie Brennan, Ketch Harbour, spoke in opposition to the plan stating the plan should be for the benefit of the residents and not the developer.

Ms. Linda MacAulay, Spryfield and District Business Commission, spoke in favour of the development. She noted there had been extensive community consultation and input. She stated this development will benefit the community and HRM. The development will provide environmental preservation controls.

Ms. Lana Kerr stated this development is fundamentally good but there is a concern with the

buffer zone. She noted there is concern with the sewage capacity of the pumping station on Inverness Avenue and suggested no further development be approved until a pumping station is in place to handle the capacity. She further noted provision needs to be made to handle the issue of silt.

Ms. Melanie Dobson, Chair, Community Planning Committee, expressed concern that a significant amount of natural water filtering may be lost because of this development.

Mr. Bill Lord expressed concern that the concept plan was taken as a fixed plan and not a concept plan. He expressed concern that covenants that are put in place will be ignored.

Mr. John Faye stated he believes the development is a good idea but is concerned with lots J1 and J2 as he is of the opinion that a minimum buffer should be maintained around all areas of the lake.

Mr. Jonathan Curtis stated the lake is worth preserving and does not feel there is an adequate buffer. He suggested a way be found to develop without touching the edge of the lake and requested Council reject the plan as presented.

Ms. Patricia Manuel stated the lake needs protection, noting some of the wetland will be lost to mitigate drainage. She questioned whether Joyce Avenue extension is really necessary. She stated that consideration should be given to seasonal recreation.

Mr. Louis Lamoine, Polygon Developments, advised they have met with the community residents and believe they have come up with a plan that will meet the objectives of the community. He stated their objective is to maintain as much of the site as possible and also enhance water quality with drainage systems and retention ponds.

Mr. Jeff Atkinson spoke in favour noting he believes that the concept plan is just that conceptual not final.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

MOVED by Deputy Mayor Goucher, seconded by Councillor Karsten, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

In response to Councillor Younger, Council was advised that if the amendments that are proposed are adopted, the zoning boundaries would be set and any amendment would have to come back to Council. He noted the R-1 zone would be set in stone unless Regional Council chose to change it as well as the boundary line.

In response to Councillor Kent, Council was advised the developer is absorbing fifty percent of the development of the extension of Joyce Avenue, HRM would have to make up the additional amount if the two J lots were missing. In response to a further question, Council was advised what the developer will be responsible to develop the park.

RECESS

At this time Council recessed. Council reconvened at 8:10 p.m.

MOVED by Councillor Mosher, seconded by Councillor Adams, that Regional Council adopt the amendments to the Municipal Planning Strategy and Land Use By-Law for Halifax as shown in Attachment “A” of the report dated May 10, 2005 with the proviso that the 100 foot buffer around Whimsical Lake be respected in relation to home construction.

Councillor Mosher advised with the amendment no houses would be built within the 100 foot setback, essentially lot J1 will be eliminated and it will cause J2 to be reconfigured. The Councillor stated HRM has to ensure there are adequate buffers around the lake.

Mr. Anstey, Municipal Solicitor, clarified that the motion ensured that no building be built in the 100 ft. setback, therefore, since all of J1 was in the 100 ft. setback it was being eliminated. Lot J2 was not being eliminated nor reconfigured but rather the building had to be sited on the lot so it was not within the 100 ft. buffer.

Mr. Sampson advised the proposed J1 would be designated open space and zoned park and institutional. Within the R-1 portion, any of the lots could be reconfigured when the final subdivision plan is submitted. If everything complies with the R-1 zone of the Land Use By-law those lots could be reconfigured.

Mr. Anstey noted that the area shown as J2 would be rezoned to R-1 but any building that might be built in that area would have to be outside the 100 ft buffer zone.

In response to Councillor McCluskey, Council was advised the minimum requirements for a lot under the Land Use By-law is five thousand square feet or six thousand square feet if it abuts a watercourse.

Councillor Adams noted the developer has agreed not to build anything else on Joyce Avenue until the pumping station has been upgraded.

DECISION OF COUNCIL

MOVED by Councillor Mosher, seconded by Councillor Adams, that Regional Council adopt the amendments to the Municipal Planning Strategy and Land Use By-Law for Halifax as Shown in Attachment “A” of the report dated May 10, 2005 with the proviso that the 100 foot buffer around Whimsical Lake be respected in relation to home construction. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

Councillor Walker served a petition on behalf of the residents of Ralston Avenue requesting restricted parking Monday to Friday from 8:00 a.m. to 6:00 p.m. from 3186 Ralston Avenue to the corner of Pearson on the north side.

9.3 Presentations

9.3.1 Bikeways Advisory Committee Annual Report

- A report from the Bikeways Advisory Committee, dated June 1, 2005, was before Council.

Councillor Fougere, Chair, of the Bikeways Advisory Committee, presented the Annual Report to Council outlining ongoing initiatives and implementations.

Council was provided an opportunity to ask questions and make suggestions regarding areas of the Municipality where bike lanes are needed.

Mayor Kelly thanked Councillor Fougere for the presentation.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Civic Addressing

Ms. Donna Davis, Manager, Data and Business Information, Shared Services, with the aid of Powerpoint, presented the report outlining some of the aspects of the civic addressing program and project noting:

- New civic numbers are assigned during a subdivision process for new subdivision wherein a number is assigned every twenty feet.
- There is the day to day inquiry process whereby confirmation is made of existing addresses.
- By-Law C-300 addresses the assignment of civic numbers and authority to change or

- reassign civic numbers or rename streets.
- Administrative Order #29 provides guidelines for street naming and civic numbering.
- The Civic Addressing Project focuses on problems impacting on delivery of emergency services.
- Project statistics and timelines for implementation.
- Program and project costs.
- Next steps - Urban Core Project.

Mayor Kelly thanked staff for their presentation.

MOTION TO EXTEND MEETING TIME

MOVED by Councillor Streach, seconded by Councillor Wile, that Council extend the meeting time to 10:15 p.m. MOTION PUT AND PASSED.

10.1.2 Public Hearing Procedures

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

MOVED by Councillor Fougere, seconded by Deputy Mayor Goucher, that Regional Council approve, in principle, the amended public hearing procedures as set out in Attachment A, and request staff to arrange for its formal incorporation into Administrative Order Number One. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 HARBOUR EAST COMMUNITY COUNCIL

10.2.1 Case 00749 - Amendments to the Pinecrest/Highfield Secondary Planning Strategy, Dartmouth

- A report from the Harbour East Community Council, dated June 15, 2005, on the above noted, was before Council.

MOVED by Councillor Smith, seconded by Councillor Sloane, that Regional Council:

- 1. Give First Reading to the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law as provided in Attachments "A" and "B" of the May 19, 2005 staff report and schedule a joint public hearing for August 9, 2005 with Harbour East Community Council.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.3 CULTURAL ADVISORY COMMITTEE

10.3.1 Cultural Advisory Committee Workplan

- A report from the Cultural Advisory Committee, dated June 14, 2005, on the above noted, was before Council.

MOVED by Councillor Uteck, seconded by Councillor Snow, that Regional Council approve the Cultural Advisory Committee's workplan attached as Appendix B to the June 14, 2005 report. MOTION PUT AND PASSED UNANIMOUSLY.

10.4 DANGEROUS AND UNSIGHTLY PREMISES COMMITTEE

10.4.1 Amendment to Terms of Reference

- A report dated June 16, 2005 from the Dangerous and Unsightly Premises Committee was before Council.

MOVED by Councillor Harvey, seconded by Councillor Snow, that Regional Council approve a quorum of four (4) for the Dangerous and Unsightly Premises Committee. MOTION PUT AND PASSED UNANIMOUSLY.

10.5 MEMBERS OF COUNCIL

10.5.1 Councillor Karsten - Safety Concerns Backyard Ponds

Councillor Karsten noted there is a concern with regards to backyard ponds and safety hazards they may pose. The Councillor suggested staff examine legislation/regulations in other Canadian cities relative to this matter in the development of the report.

MOVED by Councillor Karsten, seconded by Councillor Sloane, that staff be requested to investigate potential safety hazards associated with backyard ponds and make recommendations relative to appropriate legislation/regulations. MOTION PUT AND PASSED

10.5.2 Councillor Streach - Tax Relief Policy - Destruction of Buildings by Fire, Storm or Otherwise

Councillor Streach noted that the Provincial Government under Bill 12 introduced legislation in 2001 amending the Municipal Government Act giving municipal council, by policy, the ability

to provide for a reduction in taxes payable with respect to property or building situated on a property that was destroyed or partially destroyed by fire, storm or otherwise.

MOVED by Councillor Streach, seconded by Councillor Uteck, that Regional Council request the return of the draft policy. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS (ON NOTICE)

11.1 Councillor Murphy - Amendment to Administrative Order Number 23

MOVED by Councillor Murphy, seconded by Councillor Sloane, that Council approve an amendment to Administrative Order Number 23 to add the substance Corn Gluten Meal (CGM) for lawn use to the Permitted Products List. MOTION PUT AND PASSED UNANIMOUSLY.

12. ADDED ITEMS

12.1 Proclamation - Amateur Radio Week - June 19 - 26, 2005

This was circulated for information.

12.2 Proclamation - Municipal Workers Day - June 27, 2005

This was circulated for information.

12.3 Personnel Matter - Membership Selection Committee

- This item was discussed at an In Camera session held prior to the regular session and was now before Council for ratification.

MOVED by Councillor Johns, seconded by Councillor Walker, that Regional Council:

- 1. Approve the appointment of Graeme Gunn to the District 12 Planning Advisory Committee for a term to November, 2007**
- 2. Approve the appointment of Steve Lane to the Bikeways Advisory Committee for a term to February, 2006.**
- 3. Release the June 21, 2005 Private and Confidential report to the public.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.4 Contractual Matter - Waste Export Enforcement Strategy - Options and Outcomes

- This item was discussed at an In Camera session held prior to the regular session and was now before Council for ratification.

MOVED by Councillor Uteck, seconded by Deputy Mayor Goucher, that as the existing waste export enforcement strategy is working well and there is no compelling case to be made for licensing, Regional Council not proceed with establishing a licensing program and further that the June 8, 2005 Private and Confidential staff report not to be released to the public. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - NONE

14. ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council:

1. Memorandum from Director, Transportation & Public Works dated June 7, 2005 re: Request for Three-Way Stop - Portland Hills Drive / Waterside Terrace
2. Memorandum from Director, Environmental Management Services dated June 9, 2005 re: Harbour Solutions Project Quarterly Report
3. Memorandum from Deputy Chief Administrative Officer dated June 14, 2005 re: Guyana Project
4. Memorandum from Director, Financial Services dated June 16, 2005 re: Revenues from Casinos and Racetracks
5. Memorandum from the Municipal Clerk, dated June 17, 1005 re: Requests for Presentations to Council - None