

HALIFAX REGIONAL MUNICIPALITY

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HALIFAX REGIONAL COUNCIL  
MINUTES  
April 25, 2006

PRESENT:

Mayor Peter Kelly  
Deputy Mayor Russell Walker  
Councillors: Steve Streach  
Krista Snow  
David Hendsbee  
Harry McInroy  
Gloria McCluskey  
Bill Karsten  
Becky Kent  
Jim Smith  
Mary Wile  
Patrick Murphy  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Debbie Hum  
Linda Mosher  
Stephen Adams  
Brad Johns  
Robert Harvey  
Len Goucher  
Gary Meade

REGRETS:

Councillors: Andrew Younger  
Reg Rankin

STAFF:

Mr. Dan English, Chief Administrative Officer  
Ms. Karen Brown, 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 the Invocation being led by Councillor Wile.

**2. APPROVAL OF MINUTES - NONE**

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

Additions

- 11.1 Local Improvement Charges, Road Improvements, Cost Sharing
- 11.2 2007 Council Meeting Schedule Alternatives
- 11.3 Regional Municipal Planning Strategy
- 11.4 Legal Matter - Settlement of Claim
- 11.5 Property Matter - Moirs Mill Pond

**MOVED by Deputy Mayor Walker, seconded by Councillor Sloane, 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**

**7.1 Councillor Mosher - Community Signage**

- An extract from the April 4, 2006 Regional Council minutes was before Council.
- An information report, dated February 21, 2006, on the above noted, was before Council.
- An information report, dated April 24, 2006, on the above noted, was circulated to Council.

Councillor Mosher noted that in April a motion was passed deferring this matter pending a meeting with staff. The Councillor noted an information report had been circulated and that report addresses the key concerns and placed the following motion.

**MOVED by Councillor Mosher, seconded by Councillor Adams, that Council endorse the information report. MOTION PUT AND PASSED UNANIMOUSLY.**

**7.2            Councillor McInroy - 2006 Crosswalk Education and Public Awareness Program**

Councillor McInroy requested a report from staff with regards to implementing new measures on streets within HRM that are four lanes or more. He noted that currently there are unmarked crosswalks at intersections as well as ones that are marked. He stated he is suggesting a new category for four lane high volume streets.

**MOVED by Councillor McInroy, seconded by Councillor Hendsbee, that staff provide a report the following concerns and issues:**

- **replacement of amber flashing lights with red lights,**
- **placement of a pole mounted flashing light at roadsides to supplement the overhead light,**
- **use of ladder type cross hatch or zebra design to paint the crosswalks versus the two white lines,**
- **the installation of a high visibility fluorescent yellow/green crosswalk sign at these locations similar to the signs that have replaced the school zones,**
- **consultation be undertaken with the Province with regards to an amendment to Section 125 (1) of the Motor Vehicle Act to prohibit drivers from proceeding through a crosswalk while pedestrians are still in the crosswalk,**
- **examine the possibility of an annual Crosswalk Awareness Week around Labour Day.**

Councillor Hum suggested the visibility of the crosswalks may be enhanced by placement of a centre line post cautioning that there is a crosswalk.

Councillor Sloane suggested the report examine busy urban streets such as North and Maynard.

Councillor Adams suggested staff examine an education awareness program for the walking public as well such as the placement of a black or contrasting background on the RA-5 lights.

Councillor Murphy suggested four way stop signs be made more visible in some way.

Councillor Kent suggested the report also examine an educational component for crosswalk guards as they are in a vulnerable position.

Councillor Wile noted that Dunbrack and Lacewood have six lanes and requested the timing of the crosswalk lights be examined to allow more time for pedestrian crossing. She noted that due to the number of lanes there should be a way that once a pedestrian arrives at the centre median the traffic on the side just crossed should be permitted to proceed.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**8. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**8.1 Correspondence**

**8.1.1 Request for Ceremonial Flypast - Battle of Britain**

**MOVED by Councillor McCluskey, seconded by Councillor Snow, that Halifax Regional Municipality grant permission for a flypast on Sunday, September 17, 2006 at 2:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

**8.2 Petitions - None**

**8.3 Presentations**

**8.3.1 Halifax International Airport Authority - Annual Report**

- A copy of the Powerpoint presentation was before Council.

Ms. Eleanor Humphries, President and CEO and Frank Matheson, Chair, Board of Directors made a presentation to Council on the upgrades and initiatives being undertaken at the Halifax International Airport some of which are:

- A US pre-clearance facility,
- Runway reconstruction project,
- Common Use Terminal equipment,
- A South End Expansion which will include a baggage handling facility, departure lounge and commuter facility,
- Continued runway rehabilitation,
- Hotel connection to Terminal,
- Reconstruction of Terminal Frontage Road,
- A combined service building.

Following questions of clarification by members of Council, Mayor Kelly thanked Ms. Humphries and Mr. Matheson for their presentation.

**9. REPORTS**

**9.1 CHIEF ADMINISTRATIVE OFFICER**

**9.1.1 Tender 06-354 - Flow Monitoring of Sewers, Pricing Agreement, Various Locations**

- A report dated April 11, 2006, on the above noted, was before Council.

**MOVED by Councillor Karsten, seconded by Councillor Wile, that SNC Lavalin Inc be awarded the first year of a two year contract to complete flow monitoring of sewers in the amount of \$100,000 including net HST from accounts CSR00503, Infiltration/Inflow Reduction Program and CGR00788, Studies and Investigations - Various Locations, with funding authorized as per the Budget Implications section of the April 11, 2006 report. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.2 Tender 06-231 - New Paving of Subdivision Streets Inside the Core Area - Old Sackville Road and Lindforest Court - Central Region**

- A report dated April 12, 2006, on the above noted, was before Council.

**MOVED by Councillor Johns, seconded by Councillor Goucher, that Council:**

- 1. Approve the recovery of Local Improvement Charges for the new paving of Old Sackville Road and Lindforest Court - Central Region by an area rate for District 19 and by levy of frontage charges, at the rates to be established in By-Law S-420, which will be presented to Council for approval for fiscal year 2006/2007.**
- 2. Award Tender No. 06-231, New Paving of Subdivision Streets Inside the Core Area - Central Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$187,910 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 April 12, 2006 report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.3 Tender 06-224 - Burnside Business Park Phase 11-4**

- A report dated April 19, 2006, on the above noted, was before Council.

**MOVED by Councillor McCluskey, seconded by Councillor Streach, that Halifax Regional Council:**

1. **Approve advanced funding of the proposed 2006/2007 Capital Budget in the amount of \$7,300,000 for Capital Project CQ300741,**
2. **Award Tender No. 06-224, Burnside Business Park Phase 11-4 Development to Brycon Construction Ltd. for materials and services listed at the unit prices quoted for a tender price of \$6,510,000 excluding fully recoverable HST,**
3. **Approve the appointment of CBCL Ltd. for construction inspection services for an estimated fee of \$158,275 excluding fully recoverable HST,**
4. **Approve an increase in the Gross Budget with no change to the Net Budget to reflect the cost sharing of the installation of a natural gas pipeline from Heritage Gas,**
5. **Authorize a payment of \$35,724.00 excluding fully recoverable HST to Nova Scotia Power Inc. for the extension of overhead electrical transmission lines and \$106,140 excluding fully recoverable HST for the extension of underground power, and,**
6. **Approve the appointment of Jacques Whitford Ltd. for construction inspection and lot certification for an estimated fee of \$60,000 excluding fully recoverable HST with funding as per the Budget Implications section of the April 19, 2006 report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.4 Tender 05-234R - Armshore Drive (Herring Cove to End) West Region**

- A report dated April 11, 2006, on the above noted, was before Council.

Councillor Mosher noted that the residents had paid between ten thousand eight hundred or eleven thousand eight hundred per fifty square foot frontage. They are now paying between thirteen thousand and fifteen thousand five hundred per fifty foot frontage to install sewer.

**MOVED by Councillor Mosher, seconded by Councillor Snow, that Council:**

1. **Approve an increase in the Gross Budget for Capital Account No. CZU00717, Resurfacing by \$92,869 with no change to the Net Budget to reflect cost sharing of the watermain related work from the Halifax Regional Water**

**Commission,**

2. **Approve an increase in the Gross Budget for Capital Account No. CG100757, Armshore Drive Sewer Servicing in the amount of \$43,000 with the net residual amount (after external funding and other recoveries) funded from a local improvement charge as defined in By-Law L-123, with no net budget increase to HRM.**
  
3. **Award Tender No. 05-234R, Armshore Drive (Herring Cove to End) - West Region to Sackville Trenching Limited for materials and services listed at the unit prices quoted for a Tender Price of \$375,685 including net HST from Capital Account No. CZU00717, Resurfacing, and Capital Account No. CG100757 Armshore Drive Sewer Servicing with funding authorized as per the Budget Implications section of the April 11, 2006 report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.2 MEMBERS OF COUNCIL**

**9.2.1 Councillor Mosher - VIA Rail Service Resolution**

- A copy of the resolution was circulated to Council.

**MOVED by Councillor Mosher, seconded by Councillor McCluskey, that Halifax Regional Municipality urge HRM Members of Parliament to support continued operating funding for VIA Rail Canada, at \$169 million; also to approve a four-year capital improvement programme costing \$808 million that will maintain the long term sustainability of rail passenger service.**

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

**MOVED by Councillor Goucher, seconded by Councillor Harvey, that the motion be tabled. MOTION DEFEATED.**

**MAIN MOTION PUT AND PASSED.**

**10. MOTIONS**

**11. ADDED ITEMS**

**11.1            Local Improvement Charges, Road Improvements, Cost Sharing**

- The following item was addressed at an earlier Committee of the Whole session and was now before Council for ratification.

**MOVED by Councillor Hendsbee, seconded by Councillor McCluskey, that Halifax Regional Council approve Option No. 1 (Blended Actual Costs Approach) with an appropriate engineering fee as outlined in the Discussion and Budget Implications section of the March 29, 2006 staff report. MOTION PUT AND PASSED.**

**11.2            2007 Council Meeting Schedule Alternatives**

- The following item was addressed at an earlier Committee of the Whole session and was now before Council for ratification.

**MOVED by Councillor McCluskey, seconded by Councillor Streach, that Halifax Regional Council maintain the present scheduling format for meetings of Halifax Regional Council for 2007. MOTION PUT AND PASSED.**

**11.3            Regional Municipal Planning Strategy**

- The following item was addressed at an earlier Committee of the Whole session and was now before Council for ratification.

**MOVED by Deputy Mayor Walker, seconded by Councillor Fougere, that Halifax Regional Council:**

- 1. Give First Reading to the Regional Municipal Planning Strategy and Regional Subdivision By-law as set out in Attachments "A", "B" and "D", respectively, with an amendment to Policy IM -21 of the Regional Planning Strategy to allow future grandfathering for recently rezoned properties.**
- 2. Give First Reading to the amendments to the Municipal Planning Strategies and Land Use By-Laws of the Halifax Regional Municipality necessary to implement the Regional Planning Strategies as set out in Attachment "C" and "D" and**
- 3. Schedule the public hearing for Tuesday, May 16, 2006**

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

**MOVED by Councillor Johns, seconded by Councillor Snow, that Section No. 5**

**regarding Middle Sackville that was added on initial introductory pages be removed.**

In response to Councillor McCluskey, Council was advised that if the amendment passed it would be part of the advertisement and part of the public hearing process.

Councillor Johns noted this matter was not discussed when the first draft was presented and he does not support moving this forward to the public hearing as he does not feel this will be progressive to the overall plan.

In response to Councillor McInroy as to the process for the change, Mr. Austin French, Planning and Development Services, advised this was one of the many changes contemplated by the Regional Planning Committee and approved for recommendation to Council.

He advised a major issue in Sackville is the capacity of the pipes and the sewage treatment plant to handle affluent from lands within the sewer development boundary. The overall intent is to add lands known as Sunset Ridge into the service boundary and changing the zoning there would no longer be "by right" access. He advised was seen as a no net increase to the service area boundary and not having any detrimental implications for HRM. The proposal did not in any way detract from the intent of the overall Regional Plan therefore staff recommended it to the committee on that basis.

In response to Councillor Harvey, Mr. French advised the landowners that are in the existing service boundary would have "by right" access to the sewer except for those specific lands that would be redesignated as Comprehensive Development District, those being the Berry Hill lands.

#### **AMENDMENT DEFEATED (8 in favour, 12 against)**

Those voting **in favour** were Mayor Kelly and Councillors Snow, McCluskey, Mosher, Adams, Johns, Harvey, Goucher and Meade.

Those voting **against** were Deputy Mayor Walker and Councillors Streach, Hendsbee, McInroy, Karsten, Kent, Wile, Murphy, Sloane, Uteck, Fougere, Hum.

Councillors Younger, Smith and Rankin were absent from Council.

#### **RECESS**

Council recessed from 8:00 p.m. to 8:13 p.m.

At this time Deputy Mayor Walker restated the motion being considered.

**MOVED by Deputy Mayor Walker, seconded by Councillor Fougere, that Halifax Regional Council:**

- 1. Give First Reading to the Regional Municipal Planning Strategy and Regional Subdivision By-law as set out in Attachments "A", "B" and "D", respectively, with an amendment to Policy IM -21 of the Regional Planning Strategy to allow future grandfathering for recently rezoned properties.**
- 2. Give First Reading to the amendments to the Municipal Planning Strategies and Land Use By-Laws of the Halifax Regional Municipality necessary to implement the Regional Planning Strategies as set out in Attachment "C" and "D" and**
- 3. Schedule the public hearing for Tuesday, May 16, 2006**

Councillor Hendsbee suggested a policy be in put place for road standard designs for suburban areas and commuter sheds.

**MOVED by Councillor Sloane, seconded by Councillor Uteck, that the question now be put. MOTION PUT AND PASSED.**

**MAIN MOTION PUT AND PASSED.**

The following motions addressing the process to be followed for the public hearing relating to the Regional Plan were now placed before Council.

**MOVED by Councillor Fougere, seconded by Councillor Johns that Council suspend Number 5 of Appendix "A" of Administrative Order Number One to allow the speakers list to be made available more than one-half hour prior to the public hearing. MOTION PUT AND PASSED.**

**MOVED by Councillor Fougere, seconded by Councillor Adams, that the sign up list for speakers be made available at noon on May 16<sup>th</sup> for those persons wishing to sign up to speak. MOTION PUT AND PASSED.**

**MOVED by Councillor Harvey, seconded by Councillor Adams, that the public hearing commence at 1:00 p.m. on May 16<sup>th</sup>. MOTION PUT AND PASSED.**

#### **11.4 Legal Matter - Settlement of Claim**

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

**MOVED by Councillor Fougere, seconded by Councillor Sloane, that Halifax Regional Council:**

- 1. Settle this claim brought by the Plaintiffs, as outlined in the April 3, 2005 Private and Confidential staff report, in the amount of \$20,000 to achieve a full settlement of the Plaintiff's action upon obtaining full releases from the Plaintiffs from any further claims arising out of the accident of June 27, 2002.**
- 2. That a release be signed by a parent or guardian with respect to the portion of the settlement which relates to the two infant children and that the parent or guardian further provide the Halifax Regional Municipality with a signed indemnity agreement.**
- 3. Not release the April 3, 2006 Private and Confidential staff report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.5 Property Matter - Moirs Mill Pond**

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

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

- 1. Indicate to the Province of Nova Scotia that it is willing to identify the fifty acres of land owed to the Province at Jack Lake, and**
- 2. Indicate to the Province of Nova Scotia that it is willing to accept title to the waterlot at Moirs Mills Pond when title is turned over from Crombie Developments.**

**MOTION PUT AND PASSED.**

**12. NOTICES OF MOTION - NONE**

**13. ADJOURNMENT**

The meeting was adjourned at 8:56 p.m.

Jan Gibson  
Municipal Clerk

**The following Information Items were circulated to Council.**

1. Proclamation - Hepatitis "C" Awareness Month - May 2006
2. Memorandum from Director, Transportation and Public Works dated April 13, 2006 re: Petition for Traffic Signals at the Intersection of Commodore Drive and Brownlow Avenue
3. Memorandum from Director, Legal Services dated April 12, 2006 re: Status of By-Law Prosecutions
4. Memorandum from the Municipal Clerk, dated April 21, 2006 re: Requests for Presentation to Council - None