

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL MINUTES August 8, 2006

### **PRESENT:**

Mayor Peter Kelly  
Deputy Mayor Russell Walker  
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  
Debbie Hum  
Linda Mosher  
Stephen Adams  
Brad Johns  
Robert Harvey  
Reg Rankin  
Gary Meade

### **STAFF:**

Mr. Wayne Anstey, Acting Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Jan Gibson, Municipal Clerk  
Ms. Sherryll Murphy, Legislative Assistant

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**1. INVOCATION**

The meeting was called to order at 3:00 p.m. with Councillor Rankin leading the invocation. The meeting recessed at 5:05 p.m. and reconvened at 6:15 p.m.

**2. APPROVAL OF MINUTES - None**

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

**Additions:**

12.1 Project 00913: Portland Hills Capital Cost Contribution

12.2 Proclamation - Acadian Day, August 15, 2006

12.3 Property Matter - Less than Market Value Sale - 26 Lyons Avenue, Halifax

12.4 Property Matter - Less than Market Value Lease - 2326 Brunswick Street, Halifax

12.5 Property Matter - Less than Market Value Lease - 47 Wentworth Street, Dartmouth

12.6 Property Matter - Sale of Land - Hammonds Plains Road

12.7 Legal Matter - Settlement of Claim

12.8 Legal Matter - Settlement of Claim

At the request of Councillor Fougere, Council agreed to consider item 10.3.1 immediately following the Approval of the Order of Business.

**10.3.1 Case 00815 - Halifax Municipal Planning Strategy and Land Use By-Law Amendments and Development Agreement - 6193 Young Street, Halifax**

- A report from Peninsula Community Council dated July 14, 2006 was before Council.
- Correspondence dated August 8, 2006 from Ross Cantwell, Cantwell & Company Consulting Ltd. was circulated to Council.

**MOVED by Councillor Fougere, seconded by Councillor Uteck that Halifax Regional Council deny First Reading to the proposed amendments to the Halifax Municipal**

**Planning Strategy and Land Use By-law and not schedule a joint public hearing with Peninsula Community Council.**

Councillor Fougere noted that this application relates to the location of a service station at the corner of Windsor and Young Streets. She noted that the matter has been before Peninsula Community Council on two occasions. The Councillor recognized the efforts of the developer in making the application, however, Peninsula Community Council is supporting the wishes of the neighbourhood who do not want a 24 hour, seven (7) day per week service station in their neighbourhood.

Councillor Rankin acknowledged the concerns of the neighbourhood, and suggested that the property should be designated Commercial rather than Park and Institutional. Councillor Rankin further suggested, in deference to the desires of the neighbourhood, that the motion be amended to allow for a commercial use by Development Agreement but excluding a gas station.

**MOVED by Councillor Rankin, seconded by Councillor McInroy that the motion be amended to provide that:**

- 1. The MPS and LUB be amended to allow for commercial development by Development agreement, excluding a service station and/or gas bar.**
- 2. Staff arrange for a public participation meeting regarding a amendment to the policy to allow for commercial development by agreement and bring the matter back to Council for a decision following that public consultation.**

Following a brief discussion, the **MOTION TO AMEND WAS PUT AND DEFEATED.**

The main **MOTION WAS PUT AND PASSED.**

**MOVED by Councillor Uteck, seconded by Councillor Murphy that staff initiate a public consultation process to consider a commercial designation for 6193 Young Street, Halifax. MOTION PUT AND PASSED.**

- 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 Motion - Deputy Mayor Walker - Amendment to Policies SU- 9 and SU-10 Municipal Planning Strategy**

- Consideration of this matter was deferred from the August 1, 2006 meeting of Regional Council.

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

- 1. Initiate an amendment to policies SU-9 and SU-10 of the Regional Municipal Planning Strategy to place approximately 21 hectares of land in Middle Sackville within the R-1 zone. Further, that the Land Use By-law for Sackville be amended to include PID's 40281479 and 40875346 within the R-1 zone and that Section 23.4 be deleted.**
- 2. Instruct staff that the Municipal Planning Strategy amendment process include a public participation program in accordance with the public participation resolution adopted by Halifax Regional Council on February 25, 1997.**

**MOVED by Councillor Johns, seconded by Councillor Sloane that consideration of this matter be deferred to the September 5, 2006 meeting of Halifax Regional Council pending the receipt of a staff report including the following:**

- **An explanation of the content/intent of Policies SU-9 and SU-10.**
- **A map depicting the Property Identification Numbers referred to in the motion**
- **A comment from staff regarding the impact of the motion**
- **An explanation of Section 23.4 which is to be deleted.**

**The MOTION TO DEFER WAS PUT AND DEFEATED.**

Councillor Johns addressed the matter indicating that he was not in favour of the motion and requested that Council defeat this proposal.

Councillor Harvey noted that this property has more development rights than it had before the approval of the Regional Plan. He went on to indicate the property is now inside the service boundary and suggested that a Comprehensive Development District process is appropriate for the property.

Councillor Rankin, indicated that he was in favour of the motion and requested a recorded vote.

Councillor Mosher suggested that the change to create a Comprehensive Development District was a major amendment and required a public hearing.

Ms. Donovan indicated that the change which allowed the property to be zoned CDD was within the scope of the decisions that Regional Council could make during the Regional Plan public hearings.

A recorded vote on the main motion was taken.

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

- 1. Initiate an amendment to policies SU-9 and SU-10 of the Regional Municipal Planning Strategy to place approximately 21 hectares of land in Middle Sackville within the R-1 zone. Further, that the Land Use By-law for Sackville be amended to include PID's 40281479 and 40875346 within the R-1 zone and that Section 23.4 be deleted.**
- 2. Instruct staff that the Municipal Planning Strategy amendment process include a public participation program in accordance with the public participation resolution adopted by Halifax Regional Council on February 25, 1997.**

Members of Council voting in favour of the motion were Deputy Mayor Walker and Councillors Streach, Hendsbee, McInroy, Karsten, Smith, Wile, Uteck, Fougere, Mosher, Adams, and Rankin (12)

Members of Council voting in opposition to the motion were Mayor Kelly and Councillors Snow, McCluskey, Kent, Murphy, Sloane, Hum, Johns, Harvey, and Meade (10)

Councillor Younger was not present for the vote.

**MOTION PUT AND PASSED.**

**8. PUBLIC HEARINGS**

**8.1 By-Law N-200, Respecting Noise Exemption Application - Clayton Developments, Mount Hope Avenue / Baker Drive Construction**

This matter was dealt with later in the meeting. See page 15.

**8.2 Case 00723: Mixed Used Development at South Corner of Bedford Highway and Moirs Mill Road**

This matter was dealt with later in the meeting. See page 16.

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions**

**9.2.1 Petition - Councillor Rankin - Asphalt Plant- Goodwood**

Councillor Rankin submitted a petition on behalf of residents from the Prospect Road Area in opposition to the development of an asphalt plant in the Goodwood area. The petition will be referred to staff for response.

**10. REPORTS**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Tender 06-099 - Materials Testing & Inspection 2006**

- A staff report dated July 24, 2006 was before Council.

**MOVED by Councillor Smith seconded by Councillor Kent that Halifax Regional Council award Tender No. 06-009, Materials Testing & Inspection 2005 to Jacques Whitford Ltd., based on the unit prices quoted for an estimated cost of \$281,139.67 including net HST from Capital Account CRU00701, Other Road Related Works, with funding as outlined in the Budget Implications section of the July 24, 2006 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.2 Tender 06-215 - Brick Sidewalk Replacement and Resurfacing, Portland Street - East Region**

- A staff report dated July 26, 2006 was before Council.

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

- 1. Approve an increase in the Gross Budget for Capital Account No. CZU00782, Resurfacing by \$7,358 with no change to the Net Budget to reflect cost sharing of the gas main related work from Heritage Gas.**
- 2. Award Tender No. 06-215, Brick Sidewalk Replacement, and Resurfacing, Portland Street - East Region to Amber Contracting Limited for materials and services listed as the unit prices quoted for a Tender Price of \$427,788 including net HST from Capital Account No. CZU00782, Resurfacing; CRG00491, Brick Sidewalk Replacement Program; and Capital Account No. CDG00490, Capital District Urban Design Study, with funding authorized as per the Budget Implications section of the July 26, 2006 staff report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.3 Tender 06-222 - Resurfacing and Sidewalk Renewal, Claremont Street and New Sidewalk, White Glove Terrace - West Region**

- A staff report dated July 28, 2006 was before Council.

**MOVED by Councillor Murphy, seconded by Councillor McCluskey that Halifax Regional Council award Tender No. 06-222, Resurfacing and Sidewalk Renewal, Claremont Street and New Sidewalk, White Glove Terrace - West Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Piece of \$284,399 including net HST from Capital Account No. CZU00782, Resurfacing, Capital Account No. CKU00783, Sidewalk Renewal and Capital Account No. CJU00785, New Sidewalk, with funding authorized as per the Budget Implications Section of the July 29, 2006 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.4 Tender 06-234 - Resurfacing and Gas Main Installation, Birchwood Terrace - East Region**

- A staff report dated July 26, 2006 was before Council.

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

1. **Approve an increase in the Gross Budget for Capital Account No. CZU00782, Resurfacing by \$46,158 with no change to the Net Budget to reflect cost sharing of the gas main related work from Heritage Gas.**
2. **Award Tender No. 06-234, Resurfacing, and Gas Main Installation, Birchwood Terrace - East Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a tender price of \$537,831 including net HST from Capital Account No. CZU00782, Resurfacing, and Capital Account No. CGU00461, Sewer Lateral Replacement, with funding authorized as per the Budget Implications of the July 26, 2006 staff report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.5 Tender 06-235 - Resurfacing, Water Main Renewal and Gas Main Installation, Windmill Road - East Region**

- A staff report dated July 29, 2006 was before Council.

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

1. **Approve an increase in the Gross Budget for Capital Account No. CZU00782, Resurfacing Program by \$248,139 with no change to the Net Budget to reflect cost sharing of the gas main related work from the Halifax Regional Water Commission.**
2. **Approve an increase in the Gross Budget for Capital Account No. CAU00782, Resurfacing Program by \$46,202 with no change to the Net Budget to reflect cost sharing of the gas main related work from Heritage Gas.**
3. **Award Tender No. 06-235, Paving Renewal, Water Main Renewal and Gas Main Installation Windmill Road - East Region to Amber Contracting Limited for materials and services listed at the unit prices quoted for a Tender Piece of \$714,860 including net HST from Capital Account No. CZU00782, Resurfacing Program, Capital Account No. CRU00683, Concrete Curb Repair Program, Capital Account No. CKU00783, Sidewalk Renewals and Capital Account No. CSI00875, Stormwater and Wastewater Remediation Projects with funding authorized as per the Budget Implications Section of the July 28, 2006 staff report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.6 Tender 06-244 - Street Improvement Projects - Various Locations**

- A staff report dated July 28, 2006 was before Council.

**MOVED by Councillor Wile, seconded by Councillor Fougere that Council award Tender No. 06-244, Street Improvement Projects (various locations) to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$1,205,982 including net HST from Capital Account No. CZU00782, Resurfacing and Capital Account No. CRU00683, Concrete Curb Repair Program, with funding authorized as per the Budget Implications Section of the July 29, 2006 staff report. MOTION PUT AND PASSED.**

**10.1.7 Tender 06-250 - Paving Renewal, Sidewalk Renewal and Curb Renewal, Summit Street - West Region**

- A staff report dated July 27, 2006 was before Council.

**MOVED by Councillor Fougere, seconded by Councillor Sloane that Council award Tender No. 06250, Paving Renewal, Sidewalk Renewal, and Curb Renewal, Summit Street - West Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$522,285 including net HST from Account No. CYU00 784, Paving Renewal, Capital Account No. CKU00783, Sidewalk Renewals and Capital Account No. CRU00683, Concrete Curb Repair Program, with funding authorized as per the Budget Implications of the July 27, 2006 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.8 Tender 06-263 - Basinview Drive New Sidewalk - Central Region**

- A staff report dated July 28, 2006 was before Council.

**MOVED by Councillor Harvey, seconded by Councillor Karsten that Council:**

- 1. Approve the recovery of Local Improvement Charges for the new concrete sidewalk on Basinview Drive from Oakridge Drive to Horizon Road - Central Region by a total district area rate for District 21.**
- 2. Award Tender No. 06-263, Basinview Drive New Sidewalk - Central Region to Humphreys Landscape and Construction 1966 Limited for materials and**

services listed at the unit prices quoted for a Tender Price of \$195,554 including net HST from Capital Account No. CJU00785, New Sidewalks, with funding authorized as per the Budget Implications Section of the July 28, 2006 staff report.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.9 Tender 06-212 - Paving Renewal and Water Main Renewal, Merkel Street - West Region**

- A staff report dated July 13, 2006 was before Council.

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

1. **Approve an increase in the Gross Budget for Capital Account No. CYU00784, Paving Renewal by \$28,359 with no change to the Net Budget to reflect our cost sharing of the water main related work from the Halifax Water Commission.**
2. **Award Tender No. 06-212, Paving Renewal and Water Main Renewal, Merkel Street - West Region to Amber Contracting Limited for materials and services listed at the unit prices quoted for a Tender Piece of \$169,381 including net HST from Capital Account No. CYU00784, Paving Renewal, with funding authorized as per the Budget Implications Section of the July 13, 2006 staff report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.10 Proposal 06-318 - Consultant Award: Improvements to Robie / Barrington Merge and Kempt / Windsor Intersection**

- A staff report dated July 21, 2006 was before Council.

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

1. **Approve an increase in the Gross Capital Budget for Capital Account No. CTV00725, Lacewood Four Lane/Fairview Interchange, by \$75,664 with no**

**change to the Net budget to reflect cost sharing to be received from the Halifax Dartmouth Bridge Commission.**

- 2. Award CBCL Limited the engineering design contract for the Robie Street Connector/Barrington Street Merge and Kempt Road/Windsor Street Intersection Improvements - West Region, at an estimated cost of \$149,530, plus net HST for a total of \$154,658 from Capital Account No. CTV00725, Lacewood Four Lane/Fairview Interchange, with funding authorized as per the Budget Implications Section of the July 21, 2006 staff report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.11 Bayview Road and Area, Flamingo Drive and Area Short-Cutting Study**

- A staff report dated June 28, 2006 was before Council.

**MOVED by Councillor Hum, seconded by Councillor Walker the Halifax Regional Council approve that:**

- 1. The intersection of Gateway Road and Bayview Road be rebuilt in a permanent manner by removing the right turn lane and reconstructing the traffic island following normal HRM specifications.**
- 2. The speed bumps on Skylark Street be endorsed by HRM Council to be kept permanently in place**

**MOTION PUT AND PASSED UNANIMOUSLY.**

The meeting recessed at 5:05 p.m.

The meeting reconvened at 6:15 p.m. with all the same members present. At this time Councillor Younger joined the meeting.

Councillor McCluskey thanked the Natal Day Committee, all the volunteers and HRM staff that planned and implemented Natal Day events. His Worship Mayor Kelly added his thanks noting that the weekend was a great success.

Councillor Rankin referred to a graduation ceremony he attended this weekend from Camp Courage. Camp Courage is an orientation for young women (15-19) to non-traditional roles in fire, police and emergency response. The Councillor went on to thank the fire and police

departments for their efforts to increase diversity and in particular, Andrea Speranza, the female firefighter who had the idea and implemented Camp Courage.

Councillor Johns recognized former Councillor Len Goucher, who is the newly elected Minister for Tourism, Culture and Heritage, present in the gallery.

Councillor Kent invited all residents of HRM to the 31<sup>st</sup> Eastern Passage Summer Carnival.

Councillor Uteck congratulated Councillor Krista Snow on winning Gold in paddling at the Out Games.

Councillor Younger invited residents to join the 2<sup>nd</sup> Annual Great East Dartmouth Barbeque at Beazley Field on Saturday, August 12, 2006.

Councillor Rankin commended the Clerk's and Mayor's staff on coordinating with the School Board and Eastlink to have school bands provide music during the Council recess. The schedule for the bands is: September 5, 2006 - Ridgecliff Middle School; September 12, 2006 - Bedford Junior High; September 26, 2006 - Gaetzbrook Junior High; October 3, 2006 - Halifax Schools Symphony Orchestra; October 17, 2006 - Halifax Schools Senior Jazz Ensemble; and October 24, 2006 - Dartmouth All City Jazz Band. As the Regional Council meeting will be taped on September 19, 2006 there will be no band on that date.

## **8. PUBLIC HEARINGS**

### **8.1 By-Law N-200, Respecting Noise Exemption Application - Clayton Developments, Mount Hope Avenue / Baker Drive Construction**

- A staff report dated July 31, 2006 was before Council for consideration.

Ms. Denise Schofield, Acting Manager, Development Engineering, briefly reviewed the application, as contained in the staff report dated July 31, 2006. The highlights of Ms. Schofield's presentation include:

- The exemption is being requested for the Mount Hope Avenue/Baker Drive Extension,
- The exemption is to allow work to continue 24 hours per day, seven (7) days per week,
- The reason for the request is that poor weather conditions have delayed construction and the Development Agreement requires that the project be complete by October 31, 2006,
- Staff is recommending in favour of the application with two conditions:
  - < The exemption not apply for Sunday's and statutory holidays

- < No mass excavation be permitted on lands nearest to the residential development (i.e. any fill that is required to be taken from this site be stockpiled during the regular hours of the By-law). This will minimize the impact to these residential areas.

His Worship called three times for members of the public wishing to address Council in favour of or against the application.

Hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED.**

### **Council Decision**

**MOVED by Councillor Kent, seconded by Councillor Sloane that Regional Council approve the application by Clayton Developments Limited for exemption from the provisions of the noise by-law with conditions as specified in Appendix E of the July 31, 2006 staff report and further that work on Sundays and holidays would commence at 12 noon and end at 7:00 p.m.**

Councillor Kent noted that HRM relies upon area residents to call HRM if they believe there is an infraction of what has been approved by Council.

Ms. Schofield clarified that staff enforce the By-law during regular working hours, however, the police enforce it after hours.

**MOTION PUT AND PASSED.**

### **8.2 Case 00723: Mixed Use Development at South Corner of Bedford Highway and Moirs Mill Road**

- First Reading was given at the June 20, 2006 meeting of Halifax Regional Council
- A previously distributed staff report dated June 13, 2006 was before Council.
- The following correspondence in opposition to the proposal was circulated:
  - < Dated August 8, 2006 from Jan Bird and Christine Cullen
  - < Dated July 26, 2006 from Leonard W. Fox
  - < Dated August 1, 2006 from Barry C. Macdonald
- Correspondence dated August 7, 2006 from Terry Drisdelle, Senior Development Planner, United Gulf Developments Limited, to which 15 letters in support of the proposal were attached, was also circulated to Council.

Ms. Thea Langille-Hanna, Senior Planner, briefly outlined the proposal for a mixed use development at the south corner of Bedford Highway and Moirs Mill Road, Bedford as contained in the staff report dated June 13, 2006. Ms. Langille-Hanna advised that this is a joint hearing of Regional Council and North West Community Council. She went on to indicate that staff is recommending approval of the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law. Ms. Langille-Hanna indicated that the Development Agreement portion of this application will be considered by North West Community at a later time. A copy of Ms. Langille-Hanna presentation is on file.

Ms. Langille-Hanna responded to questions from Council.

The Mayor, reading from the public hearing sign-up sheet, called the following persons to speak:

**Jan Bird, Bedford**

Ms. Bird addressed Council in opposition to the proposal and indicated that:

- Her residence is adjacent to this proposal,
- A letter outlining her objections to the development is attached to the staff report,
- The proposed building is massive and due to the building being set back into the hill the original height restrictions of three stories becomes nine stories,
- This will be the highest building on the Bedford Highway,
- There is a concern that the trees on the corner will not survive the loss of water from the cliff,
- There is concern about both Morris Mill Pond and Morris Mills Generating Plant which are both historic sites,
- Residents have requested, but have not seen a two dimensional and to scale model of the development in comparison to the surrounding properties,

**Dorothy Giffin, Bedford**

Ms. Giffin addressed Council making the following points:

- Spoke in favour of the proposal indicating that she believed it would be an asset to the area,
- She noted some concerns with traffic that she believed had been addressed.

**Bob Kern, Bedford**

Mr. Kern addressed Council noting the following:

- He believed this development was part of the evolution of Bedford and that the developer has taken all the steps required to date,
- The developer has made a number of positive changes (i.e. entrance of the building, access, etc.),
- The development seems to fit nicely with the rock which is located immediately adjacent,
- He noted that although he had difficulty supporting development in general, he did support this particular development.

**Peggy Muise, Bedford**

Ms. Muise addressed Council indicating that:

- She lived 40 feet from the proposed development,
- The proposal would eliminate the privacy she presently enjoyed,
- She feared for the safety of her children.

**Leonard Fox, Bedford**

Mr. Fox addressed Council expressing concern regarding a loss of privacy and safety.

**Terry Driselle, Senior Development Planner, United Gulf Development**

Mr. Driselle addressed Council in support of the application. Using an overhead presentation, Mr. Driselle presented the attributes and challenges of the site, the building design and the consultation undertaken with area residents. Concluding his remarks, Mr. Driselle indicated that the proposal is a well designed building located a minimum of 40 feet from adjacent residential properties. Extensive landscaping will provide the visual and privacy buffers requested by residents.

A copy of Mr. Driselle's presentation is on file.

Staff responded to questions arising out of Mr. Driselle's presentation.

In response to a concern from Councillor Johns regarding who is liable if blasting on the site damages an adjacent property, Ms. Schofield advised that the contractor is required to have insurance for this purpose. Councillor Johns indicated that staff should ensure that this insurance is in place.

**Ernie Brennan, Halifax**

Mr. Brennan addressed Council and clarified with staff that the site was in excess of two acres. Mr. Brennan expressed concern with the parkland component of the proposal and that staff had assisted the applicant this evening.

Concluding his remarks, he noted that this proposal involved a site specific amendment to the Municipal Planning Strategy and expressed concern that this was still occurring even after the Regional Plan has been adopted.

The Chair called three times for persons wishing to address Council in support of or against the proposal.

**MOVED by Councillor Johns, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED.**

**Council Decision**

**MOVED by Councillor Rankin , seconded by Councillor Karsten that Halifax Regional Council approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-Law as provided in Attachment A of the June 13, 2006 staff report.**

A questioning of staff and discussion ensued with Councillors noting the following:

- The proposal fits with the Regional Plan and is a good mix of residential and commercial use,
- Clarified that this proposal calls for a consolidation rather than a subdivision of lands and, therefore, there is no parkland requirement. However, there is a provision for amenity space in the Development Agreement,
- Clarified that as of right development would allow for a 35 foot building, eight (8) feet from the property line. Although the underground portion of this proposal is only five (5) feet from the property line, the above ground is 40 feet,
- Concern has been expressed regarding potential blasting by nearby residents having a concrete block foundation.

**MOTION PUT AND PASSED.**

**10.1.12 Bedford / Halifax Fast Ferry Cultivation Study**

- A staff report dated July 28, 2006 was before Council. An e-mail from W. McDonald dated August 6, 2006 was circulated to members of Council.

Mr. Dave McCusker, Manager, Regional Transportation Planning and Mr. Brian Taylor, Senior Advisor, Regional Transportation Planning, and the project consultant Mr. Robert Gare, Partner, TD Global, briefly presented the Bedford/Halifax Fast Ferry Cultivation Study as set out in the July 28, 2006 staff report. Highlights of the presentation include:

- Purpose of the project
- Area of Analysis
- Description of Market Area
- Demand Curve - Propensity of the population to use the Fast Ferry
- Proposed Trip Times
- Vessel Comparison
- Assumptions
- Technical and Operational Recommendations
- Challenges
- Results of Moving Phase II Forward
- Other Considerations/Recommendations

A copy of the presentation is on file.

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

- 1. Approve the Bedford/Halifax Fast Ferry Project in principle subject to funding**
- 2. Authorize staff to begin detailed work on the various aspects of the project including land development, facility design, regulatory issues, vessel design and construction and funding opportunities.**
- 3. Direct staff to continue to explore opportunities for other potential sites such as Purcell's Cove, Shannon Park, Birch Cove and Eastern Passage.**

A questioning of staff and discussion ensued with the following being noted:

- The \$5 fare proposed is too much,
- Include the DND in the proposed downtown shuttle,
- Concern that the current Metro Transit system has deficiencies which should be addressed prior to the fast ferry coming on line,

- Concern was expressed regarding the lack of information provided in the report (The consultants report including the full detail is available to members of Council),
- Concern that the public expectation not be raised before Council is fully convinced that the fast ferry will be the best use of tax dollars,
- Clarification provided that the best tracts (routes) between Bedford and downtown from both a safety and a speed perspective have been identified,
- Using natural gas powered vessels increases the cost of the vessels significantly,
- The addition of the third point in the recommendation will likely have budget implications which will have to be addressed in next year's budget,
- References to Chinatown in the document should be removed and replaced with Birch Cove,
- Request that consideration be given to those people who walk, bike or car pool in terms of the pricing for the ferry,
- Terminals should include amenities such as bike lockers, showers and bicycle supply/repair shops, etc.

Expressing concern regarding the time line involved with this project and exactly what would be coming back to Council for review, Councillor Fougere requested a supplementary report detailing the work being undertaken by staff and how staff sees the project unfolding.

Mr. McCusker indicated that staff is preparing that information and will share it with Council.

At this time Councillor Uteck left the meeting.

**MOTION PUT AND PASSED UNANIMOUSLY.**

The Chair advised that it was now 10:00 p.m. and asked whether Council wished to extend the meeting to consider the remaining items.

**MOVED by Councillor Snow, seconded by Councillor Sloane that Council extend the meeting to allow consideration of those items which are time sensitive. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.13 Parking Fine Increases**

- A staff report dated July 31, 2006 was before Council. Also before Council was Appendix A, Halifax Regional Municipality, By-law Number P-504 (Revised 2)

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

- 1. Approve in principle formal adoption of the amendment, outlined in Appendix A Halifax Regional By-Law P-504 (Revised 2), to Section 17 of By-law Number**

**P-500, the Parking Meter By-law, a parking meter fine increase from \$20 to \$25 effective immediately, with an early payment terms of \$20, if paid within seven (7) days from the date of issuance effective October 1, 2006.**

2. **Approve the continued acceptance of the present discounted amount of \$15.00 on the payment of out of court settlement if received within seven (7) days of the issuance of the parking ticket in respect of parking tickets paid before October 1, 2006 as per the Discussion Section of the July 31, 2006.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.14 Request for Proposal 06-070 - Banking and Financial Services Products**

- A staff report dated August 2, 2006 was before Council.

**MOVED by Councillor Hendsbee, seconded by Councillor Snow that Halifax Regional Council award RFP #06-070, Banking and Financial Services Products to RBC Royal Bank for a five year period for an estimated annual cost of \$250,800, including net HST, from Operating Account M110, with funding authorized as per the Budget Implications Section of the August 2, 2006 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.15 By-Law A-200 Respecting Automatic Machines - Amendments**

Consideration of this matter was deferred to the September 5, 2006 meeting of Halifax Regional Council due to time constraints.

**10.1.16 Policy on Daylighting of Rivers**

Consideration of this matter was deferred to the September 5, 2006 meeting of Halifax Regional Council due to time constraints.

**10.1.17 Special Events Reserve Funding for Microcredit Summit**

- A staff report dated August 2, 2006 was before Council.

**MOVED by Councillor Younger, seconded by Councillor Murphy that Regional Council invoke the “Exceptional Circumstances” clause of the guidelines for Special Events Reserve (Q315) and by doing so provide a \$50,000 grant from the 2006/2007 Special Events Reserve (SER) towards the hosting of the Halifax Global Microcredit Summit 2006. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2 NORTH WEST COMMUNITY COUNCIL**

**10.2.1 Case 00808: Amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-Law**

- A staff report dated July 21, 2006 was before Council:

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

- 1. Give First Reading to the proposed amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-law as provided in Attachment "A" and set a joint public hearing with North West Community Council on September 5, 2006.**
- 2. Approve the proposed amendment to the Sackville Drive Secondary Planning Strategy and Land Use By-law as provided in Attachment "A" of the June 16, 2006 staff report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

### **10.3 PENINSULA COMMUNITY COUNCIL**

#### **10.3.1 Case 00815 - Halifax Municipal Planning Strategy and Land Use By-Law Amendments and Development Agreement - 6193 Young Street, Halifax**

This matter was dealt with earlier in the meeting. See page 5.

### **10.4 GRANTS COMMITTEE**

#### **10.4.1 By-Law T-701 - Tax Deferral Revised Criteria for Residency**

Consideration of this matter was deferred to the September 5, 2006 meeting of Halifax Regional Council due to time constraints.

#### **10.4.2 Administrative Order 10 - Partial Tax Exemption for Residential Homeowners - Revised Criteria for Residency**

Consideration of this matter was deferred to the September 5, 2006 meeting of Halifax Regional Council due to time constraints.

#### **10.4.3 HRM Community Grants Program 2006 - 2007 - Appeals**

- A report from the Tax and Grants Committee dated July 31, 2006 was before Council.

**MOVED by Deputy Mayor Walker, seconded by Councillor Sloane that Halifax Regional Council approve the Grants Committee recommendations respecting grant appeals as detailed in the Discussion section of the July 31, 2006 staff report.**

**MOVED by Councillor Murphy, seconded by Councillor Sloane that the motion be amended to refer item 3, Scotia Chamber Players, back to the Grants Committee for further review.**

**The MOTION TO AMEND WAS PUT AND PASSED.**

The vote on the amended motion, as follows, was taken.

**MOVED by Deputy Mayor Walker, seconded by Councillor Sloane that Regional Council approve the Grants Committee recommendations respecting grant appeals as detailed in the Discussion section of the July 31, 2006 staff report, with the**

exception that item 3, **Scotia Chamber Players**, be referred back to the Grants Committee for further review. **MOTION PUT AND PASSED.**

## **10.5 BIKEWAYS COMMITTEE**

### **10.5.1 Annual Report**

Consideration of this matter was deferred to the September 5, 2006 meeting of Halifax Regional Council due to time constraints.

**11. MOTIONS** - None

**12. ADDED ITEMS**

#### **12.1 Project 00913: Portland Hills Capital Cost Contribution**

- A staff report dated August 1, 2006 was before Council.

**MOVED by Councillor Karsten, seconded by Councillor Snow that Halifax Regional Council give First Reading to the proposed Subdivision By-Law amendments to the Regional Subdivision By-Law, as presented in Attachment A of the August 1, 2006 staff report, and set a date for a Public Hearing . MOTION PUT AND PASSED UNANIMOUSLY.**

#### **12.2 Proclamation - Acadian Day, August 15, 2006**

This matter was circulated for the information of Council.

#### **12.3 Property Matter - Less than Market Value Sale - 26 Lyons Avenue, Halifax**

- This matter was dealt with at an In Camera meeting held earlier today and was before Council for ratification.

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

- 1. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale whereby the property located at 26 Lyons Avenue, Halifax, be conveyed to the Nova Scotia Housing Development Corporation, subject**

to site survey and legal description, and the terms and conditions set out in the Discussion section of the Grant Committee report dated June 27, 2006;

2. Authorize the immediate release of the Grant Committee report dated June 27, 2006 and the staff report dated July 13, 2006;
3. Set a date for a public hearing.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.4 Property Matter - Less than Market Value Lease - 2326 Brunswick Street, Halifax**

- This matter was dealt with at an In Camera meeting held earlier today and was before Council for ratification.

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

1. Approve the request for a less than market value lease agreement with St. Joseph's Early Childhood Centre as per the terms and conditions set out in the Discussion section of the July 31, 2006 report.
2. Authorize the immediate release of the July 31, 2006 report.

**MOTION PUT AND PASSED.**

**12.5 Property Matter - Less than Market Value Lease - 47 Wentworth Street, Dartmouth**

- This matter was dealt with at an In Camera meeting held earlier today and was before Council for ratification.

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

1. Authorize the Mayor and Municipal Clerk to enter into a less than market value lease agreement for a portion of 47 Wentworth Street, Dartmouth, with the Public Good of Dartmouth Committee, as per the terms and conditions set out in the Grant Committee report dated July 31, 2006.

2. **Authorize the immediate release of the Grant Committee report dated July 31, 2006.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.6 Property Matter - Sale of Land - Hammonds Plains Road**

- This matter was dealt with at an In Camera meeting held earlier today and was before Council for ratification.

**MOVED by Councillor Rankin, seconded by Councillor Younger that Halifax Regional Council:**

1. **Approve in principle an adjustment to the 2007/2008 Capital Plan to allow for the completion of the road widening of Hammonds Plains Road from the Bi-Centennial Highway north westerly along Hammonds Plains Road to the entrance of the purchaser's proposed development as per the discussion section of the report dated August 3, 2006.**
2. **Not release the August 3, 2006 report to the public until the property transaction has closed.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.7 Legal Matter - Settlement of Claim**

- This matter was dealt with at an In Camera meeting held earlier today and was before Council for ratification.

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

1. **Refund Lombard Canada Inc. approximately \$56,913.57 representing HRM's deductible less expenses, as required pursuant to the terms of HRM's policy of insurance with Lombard.**
2. **The report dated July 25, 2006 not be released to the public.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.8 Legal Matter - Settlement of Claim**

- This matter was dealt with at an In Camera meeting held earlier today and was before Council for ratification.

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

- 1. Settle this claim brought by the Plaintiff in the amount of \$25,000.00 to achieve a full settlement of the Plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of the accident of July 22, 2000.**
- 2. Not release the July 25, 2006 report to the public.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**13. NOTICES OF MOTION**

**13.1 Notice of Motion - Councillor Walker - First Reading - By-law T-700, Sections 2.1 and 3.7**

Councillor Walker gave Notice of Motion of his intention, at the next regular meeting of Regional Council to be held on September 5, 2006, to move First Reading of By-law T-701, the purpose of which is to amend By-law T-700, Sections 2.1 and 3.7 to permit eligibility for a property tax deferral, for one year, to a homeowner temporarily re-located due to the destruction of their property.

**13.2 Notice of Motion- Councillor Sloane - First Reading - By-law P-504, Amendment to Section 17 of P- 500 - Increase in Parking Meter Fines**

Councillor Sloane gave Notice of Motion of her intention, at the next regular meeting of Regional Council to be held on September 5, 2006, to move First Reading of By-law P-504 Respecting Parking Cards, Parking Meter Rates and "Out of Order" Parking Meters, the purpose of which is to amend Section 17 of By-Law P-500 to affect increases in parking meter fines.

**13.3 Notice of Motion - Councillor Sloane - First Reading of By-law A-201 - Amendments to Sections 2, 3 and 4 of By-law A-200**

Councillor Sloane gave Notice of Motion of her intention, at the next regular meeting of Regional Council to be held on September 5, 2006, to move First Reading of By-law A-201, the purpose of which is to make various amendments to Sections 2, 3 and 4 of By-law A-200, Respecting Automatic Machines

**14. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:17 p.m.

Jan Gibson  
Municipal Clerk

The following information items were distributed to Council:

1. Memorandum from Traffic Authority dated July 25, 2006 re: New Rules at the Armdale Rotary
2. Memorandum from Acting Director, Community, Culture & Economic Development dated July 28, 2006 re: Street Encroachment - Oakland Road
3. Memorandum from the Municipal Clerk dated August 4, 2006 re: Requests for Presentation to Council - Internations' Justice Federation