

HALIFAX REGIONAL COUNCIL

HALIFAX REGIONAL COUNCIL
MINUTES
September 26, 2006

PRESENT:

Mayor Peter Kelly
Deputy Mayor Russell Walker
Councillors: 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
Gary Martin
Gary Meade

REGRETS:

Councillors: Steve Streach
Reg Rankin

STAFF:

Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, 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 Hendsbee.

2. APPROVAL OF MINUTES - September 12, 2006

MOVED by Councillor Snow, seconded by Councillor Sloane, that the minutes of September 12, 2006 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 11.1 Councillor Adams - Access to Long Lake off Old Sambro Road
- 11.2 Councillor Meade - Sidewalk Design for Suburban and Rural Areas
- 11.3 Legal Matter - Proposed Settlement of the assessed value for PILT purposes of the improvements (buildings) located at the Halifax Citadel
- 11.4 Contractual Matter - License Agreement - Defence Research Establishment
- 11.5 Property Matter - Sale of Lands, Bayers Lake Business Park
- 11.6 Property Matter - Land Acquisition - Ashford Close, Upper Tantallon
- 11.7 Contractual Matter - Proposed Service Agreement - Millbrook First Nation
- 11.8 Contractual Matter - Long Term Lease Agreement Woodbine Trailer Park

MOVED by Councillor Smith, seconded by Councillor Murphy, that item 8.3.1, presentation by the Halifax Port Authority be moved up and addressed immediately following the approval of the Order of Business. MOTION PUT AND PASSED UNANIMOUSLY.

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

8.3.1 Halifax Port Authority

Mr. George Malec, Vice President, Operations and Security and Mr. Michael Cormier, Vice-President, Business Development and Customer Relations made a presentation to Council on the Port of Halifax, outlining some of the proposed initiatives and accomplishments to date.

Following discussion, Mayor Kelly thanked Mr. Malec and Mr. Cormier for their presentation.

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 **Project 00327 - By-Law S-800 - Respecting Requirements for the Licensing of Temporary Signs**

- An extract from the draft Regional Council minutes from September 12, 2006 was before Council.
- A supplementary report dated September 20, 2006, on the above noted, was before Council.
- A supplementary report dated June 28, 2006, on the above noted, was before Council.
- A report dated June 20, 2006, on the above noted, was before Council.

Mr. Paul Dunphy, Director, Planning and Development Services, presented the report to Council advising the report was to clarify the issues raised at the public hearing. Most of the provisions in the proposed By-Law are existing provisions which are in the current By-Law. The significant changes relative to standards or policies were directed by Council or were with the agreement of industry. The staff initiated provisions in the By-Law primarily related to administrative powers and new enforcement powers.

MOVED by Councillor McInroy, seconded by Councillor Kent, Regional Council approve:

1. **By-Law S-800 “A By-Law Respecting Requirements for the Licensing of Temporary Signs”, as shown in Attachment 1 of the staff report dated June 28, 2006;**
2. **Amendment to By-Law S-800 “A By-Law Respecting Requirements for the Licensing of Temporary Signs”, as shown in Attachment 1 of the June 28, 2006 staff report;**
3. **Amendments to all Municipal Planning Strategies and Land Use By-Laws to reference By-Law S-800, as shown in Attachments 2 to 42 of the staff report dated June 20, 2006;**

4. **By-Law E-201, a By-Law to amend “The Encroachment By-Law” as shown in Attachment 43 of the staff report dated June 20, 2006; and**
5. **Amend Administrative Order 15 “Respecting License, Permit, and Processing Fees”, upon adoption of By-Law S-800, to adopt license fees for temporary signs and permit fees for permanent signs as shown in Attachment 44 of the staff report dated June 20, 2006.**

In response to question from Councillor Uteck, staff clarified that:

- Planter Box signs would still be allowed on Peninsula Halifax,
- If a property was zoned either commercial, industrial or institutional they would be allowed to have mobile signs,
- Schools would be required to get a license but there would be no fee,
- Postering is not licensed with the Sandwich Boards.

Councillor Smith advised that he does not agree with the banning of the signs in the area North of Thistle Street including Wyse Road commercial area and placed the following motion.

MOVED by Councillor Smith, seconded by Councillor Snow, that District 9 Capital District from North of Thistle Street including the Wyse Road commercial area be removed as part of the banned areas in the By-Law.(page 10 and 12).

Staff advised that temporary signs such as mobile signs would not be allowed in the right-of-ways now or under this By-Law. Council was advised the By-Law gives HRM the tools to address and ensure signs are not in the right-of-way thus ensuring good pedestrian movement on sidewalks and in the streets.

MOTION PUT AND PASSED.

Councillor Sloane expressed concern that if certain areas can and others can't have mobile signs then it is not a harmonized By-Law.

Councillor Snow noted that it has been clarified that the By-Law will not affect the non-profit groups but if the signs are banned in certain areas, the sign companies will not make the same profit; therefore, won't be able to provide free signs in support of non-profit.

Councillor McCluskey stated she agrees that there has to be enforcement and a reduction in clutter but small businesses cannot afford costly advertising and rely on mobile signs.

Councillor Fougere stated this By-Law is impractical and unmanageable as it provides costly

solutions to some problems and creates others. The Councillor received clarification that the By-Laws in the former municipal units are still enforceable.

MOVED by Councillor Adams that the By-Law with respect to mobile signs be applied uniformly across HRM with no exceptions.

Mayor Kelly ruled the motion out of order as it was contrary to the main motion.

Council recessed at 7:17 p.m.
Council reconvened at 7:27 p.m.

Mr. Dunphy referenced page 2, Section 7.1(i) and noted that this section indicates where mobile signs are currently banned and when the public hearing was advertised it was advertised to retain status quo for those areas.

MOVED by Councillor Adams, seconded by Councillor Wile, that the By-Law be applied uniformly across HRM except in those areas where there were previous bans on mobile signs.

Councillor McInroy noted that schools and charitable organizations can continue to have mobile signs at no charge. He stated this By-Law currently goes further than Cole Harbour wanted it to go in the MPS. He noted the message board is not the issue as it will still be permitted on Cole Harbour Road.

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

MOVED by Councillor McInroy, seconded by Councillor Fougere, that the issue be referred to the Community Councils for input and recommendation to Regional Council.

The Municipal Solicitor clarified that if the motion was approved Council would be adjourning debate with the adoption of the By-Law to an uncertain date.

MOTION TO REFER DEFEATED.

Mr. Pyle clarified that what is being asked for in the motion put forward by Councillor Adams is that the term "Cole Harbour/Westphal Municipal Planning Strategy" be eliminated; however, section h(i) would still remain and mobiles would have to comply with the remaining provisions in Section 6.2. The only place this would not apply in Cole Harbour would be in the current C-1 zone where the current ban is in place, noting everywhere else, whether it be commercial or industrial areas, would be subject to the provisions of this By-Law.

Mr. Dunphy, Director of Planning and Development, advised that at no point in the process was the goal to have a standardized harmonized standard throughout the Region as Land Use By-Laws and zoning regulations vary throughout the Municipality and may never be harmonized. He noted that the direction of Council was to retain the ban in the existing communities.

Councillor Adams clarified that his amendment was to retain the status quo previous to the Capital District, whatever was banned two years ago remains in place.

The motion before Council was.

MOVED by Councillor Adams, seconded by Councillor Wile, that the By-Law be applied uniformly across HRM except in those areas where there were previous bans on mobile signs. MOTION PUT AND PASSED (11 in favour, 9 against)

Those voting in favour were Councillors Snow, McCluskey, Younger, Smith, Wile, Murphy, Uteck, Fougere, Hum, Mosher and Adams.

Those voting against were Mayor Kelly, Deputy Mayor Walker and Councillors Hendsbee, McInroy, Karsten, Kent, Sloane, Harvey and Martin.

Councillors Streach, Johns, Rankin and Meade were absent.

Councillor Hendsbee noted he may put forward a notice of rescission on this motion.

Councillor Younger noted that there are many businesses in District 6 that are seasonal and don't own the property; therefore, their only option is a temporary mobile sign. The Councillor questioned whether postering and sandwich boards can be pulled from the By-Law.

Councillor Hendsbee expressed concern as to how it would be applied across the board as he has two separate plan areas in his district and thus these areas will be treated differently.

Councillor Harvey stated 120 days up it too long for a temporary sign and placed the following motion.

MOVED by Councillor Harvey, seconded by Councillor Martin, that mobile signs be permitted throughout HRM for 60 consecutive days up and 60 consecutive days down, not including the banned areas. MOTION PUT AND PASSED. (12 in favour, 7 against)

Those voting in favour were Mayor Kelly, Deputy Mayor Walker and Councillors Hendsbee,

McInroy, Karsten, Kent, Smith, Wile, Sloane, Mosher, Harvey and Martin.

Those voting against were Councillors Snow, McCluskey, Younger, Murphy, Uteck, Hum and Adams.

Councillors Streach, Fougere, Johns, Rankin and Meade were absent.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Section (b) of Section 6.3, regarding sandwich boards, be omitted. MOTION PUT AND PASSED UNANIMOUSLY.

In response to Councillor Adams as to whether a motion of reconsideration would entail the entire By-Law or an aspect of it, Ms. Donovan advised that because the adoption of a By-Law is a very structured process defined in the Municipal Government Act, it is not subject to a motion of reconsideration. She advised that there is the option to put a motion before Council to amend the By-Law at a later point.

The motion, as amended, was now before Council.

MOVED by Councillor McInroy, seconded by Councillor Kent, Regional Council approve:

- 1. By-Law S-800 “A By-Law Respecting Requirements for the Licensing of Temporary Signs”, as shown in Attachment 1 of the staff report dated June 28, 2006;**
- 2. Amendment to By-Law S-800 “A By-Law Respecting Requirements for the Licensing of Temporary Signs”, as shown in Attachment 1 of this staff report;**
- 3. Amendments to all Municipal Planning Strategies and Land Use By-Laws to reference By-Law S-800, as shown in Attachments 2 to 42 of the staff report dated June 20, 2006;**
- 4. By-Law E-201, a By-Law to amend “The Encroachment By-Law” as shown in Attachment 43 of the staff report dated June 20, 2006; and**
- 5. Amend Administrative Order 15 “Respecting License, Permit, and Processing Fees”, upon adoption of By-Law S-800, to adopt license fees for temporary signs and permit fees for permanent signs as shown in Attachment 44 of the staff report dated June 20, 2006.**

6. That District 9 Capital District from North of Thistle Street including the Wyse Road commercial area be removed as part of the By-Law. (Page 10 and 12)
7. That the By-Law be applied uniformly across HRM except in those areas where there were previous bans on mobile signs.
8. That mobile signs be permitted throughout HRM for 60 consecutive days up and 60 consecutive days down, not including the banned areas.
9. That Section (b) of Section 6.3, re sandwich boards, be omitted.

MOTION PUT AND PASSED. (12 in favour, 8 against)

Those voting in favour were Mayor Kelly, Deputy Mayor Walker, and Councillors Hendsbee, McInroy, Karsten, Kent, Smith, Wile, Sloane, Mosher, Harvey and Martin.

Those voting against were Councillors Snow, McCluskey, Younger, Murphy, Uteck, Fougere, Hum and Adams.

Councillors Streach, Johns, Rankin and Meade were absent.

8. CORRESPONDENCE, PETITIONS AND DELEGATIONS

8.1 Correspondence - None

8.2 Petitions

8.3 Presentation

8.3.1 Halifax Port Authority

This item was addressed earlier in the meeting. (See page 4)

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 Tender 06-273 - Overhead Sign Structure Replacement - West Region

- A report dated September 15, 2006, on the above noted, was before Council.

MOVED by Councillor Hum, seconded by Deputy Mayor Walker, that Council:

- 1. Authorize an increase to the Gross budget of Account No. CRU00584 - Other Road Related Works Streets & Roads Gravel Road Maintenance, by \$78,865 with no change in the net budget to cover cost sharing from the Nova Scotia Department of Transportation and Public Works (NSTPW).**
- 2. Award Tender No. 06-273 Overhead Sign Structure Replacement - West Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$157,730 including net HST from the Approved 2006/07 Capital Budget Account No. CRU00584 - Other Road Related Works Streets & Roads Gravel Road Maintenance, with funding authorized as per the Budget Implications section of the September 15, 2006 report.**

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 Tender 06-275 - Park and Ride Improvements and Expansion, Sackville Transit Terminal - Central Region

- A report dated September 13, 2006, on the above noted, was before Council.

MOVED by Councillor Harvey, seconded by Councillor Sloane, that Council award Tender No. 06-275, Park and Ride Improvement and Expansion, Sackville Transit Terminal - Central Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$702,409 including net HST from Capital Account No. CB200425, Park and Ride Improvement and Expansion and Capital Account No. CB200428, Transit Terminal Upgrade and Expansion, with funding authorized as per the Budget Implications section of the September 13, 2006 report. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.3 Bloomfield - Phase III

This item was deferred to October 3, 2006.

9.1.4 Approach to Tax Reform

This item was deferred to October 3, 2006.

9.2 GRANTS COMMITTEE

9.2.1 HRM Community Grants Program 2006 - 2007 Appeals

- An extract from the August 8, 2006 Regional Council minutes was before Council.
- A supplementary report dated September 12, 2006, on the above noted, was before Council.

MOVED by Deputy Mayor Walker, seconded by Councillor Kent, that the Scotia Chamber Players appeal be declined funding in 2006-2007 as per the program criteria. MOTION PUT AND PASSED

10. MOTIONS - NONE

11. ADDED ITEMS

11.1 Councillor Adams - Access to Long Lake off Old Sambro Road

Councillor Adams advised there is an entrance to Long Lake off the Old Sambro Road which earlier in the year the Department of Natural Resources blocked resulting in cars parking on the roadside and creating an unsafe situation.

MOVED by Councillor Adams, seconded by Councillor Mosher, that Mayor Kelly write the Minister, Department of Natural Resources, inquiring why the access to Long Lake off Old Sambro Road has been blocked off and when a resolution can be expected and that the Minister be requested to move the rocks back to allow access. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Councillor Meade - Sidewalk Design for Suburban and Rural Areas

MOVED by Deputy Mayor Walker, seconded by Councillor Snow, that staff provide a report on a new design for asphalt/concrete sidewalk for suburban and rural areas of HRM as the current design is costly for areas that have 100 to 300 ft frontages. MOTION PUT AND PASSED UNANIMOUSLY.

11.3 Legal Matter - Proposed Settlement of the assessed value for PILT purposes of the improvements (buildings) located at the Halifax Citadel

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

MOVED by Councillor Smith, seconded by Councillor Sloane, that Regional Council approve the settlement of the assessed value for PILT purposes of the improvements (buildings) located at the Halifax Citadel, as outlined in the Private and Confidential report dated August 25, 2006 and the Private and Confidential supplementary report dated September 11, 2006. MOTION PUT AND PASSED UNANIMOUSLY.

11.4 Contractual Matter - License Agreement - Defence Research Establishment

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

MOVED by Councillor Uteck, seconded by Councillor Kent, that Regional Council:

1. **Authorize the Mayor and Clerk to execute the License Agreement (attached as Appendix #1 of the September 11, 2006 Private and Confidential report) between Her Majesty the Queen in right of Canada as represented by the Minister of National Defence and HRM for the purpose of construction of a portion of the Sewage Collection System on Federal Land for an annual fee of \$3,900.00 plus net HST for a total of \$4,034.00, with yearly cumulative increases of the Consumer Price Index for the Municipality as determined by Statistics Canada, with funding to be provided from Capital Account #CSE00386-CSE-00406, Pollution Control - Halifax Harbour Solutions Project for the first year of the agreement, as per the budget implications section of this report,**
2. **Not release the Private and Confidential report dated September 11, 2006 until the License Agreement is approved by Council and executed.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.5 Property Matter - Sale of Lands, Bayers Lake Business Park

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

MOVED by Councillor Wile, seconded by Councillor Hum, that Regional Council:

1. **Decline the proposal submitted by the developer, for reasons outlined in the September 14, 2006 report,**

2. Not release the Private and Confidential report dated September 14, 2006.

MOTION PUT AND PASSED UNANIMOUSLY.

11.6 Property Matter - Land Acquisition - Ashford Close, Upper Tantallon

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

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

1. Approve the withdrawal from Account Q107, Parkland Reserve, to facilitate the purchase of the subject lands as per the Key Terms and Conditions and the Budget Implications outlined in the September 13, 2006 Private and Confidential report,
2. Not release the Private and Confidential report dated September 13, 2006 until the transaction has concluded.

MOTION PUT AND PASSED UNANIMOUSLY.

11.7 Contractual Matter - Proposed Service Agreement - Millbrook First Nation

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

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

1. Enter into the Service Agreement with the Millbrook First Nation attached to the Private and Confidential report dated September 14, 2006, with an amendment that the word “tax” in the Agreement be changed to the word “fee”,
2. Not release the Private and Confidential report dated September 14, 2006 until the agreement has been executed by both parties.

MOTION PUT AND PASSED UNANIMOUSLY.

11.8 Contractual Matter - Long Term Lease Agreement Woodbine Trailer Park

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

MOVED by Councillor Snow, seconded by Councillor Adams, that Regional Council authorize the February 3, 2006 Private and Confidential Information report be declassified and referred to the Mobile Home Park Committee. MOTION PUT AND PASSED UNANIMOUSLY.

12. NOTICES OF MOTION

12.1 Councillor Adams

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, October 3, 2006, I intend to introduce a motion to amend By-Law S-800 to change the period of time a temporary sign is up (60 days) and down (60 days)

12.2 Councillor McInroy

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, October 3, 2006, I intend to introduce a motion to amend By-Law S-800, page 10, section 6.2 (g) to reincorporate a portion of section 6.2(g)(ii) such that mobile signs be permitted only once per business for a maximum of 60 days for new business openings within a commercial and industrial zone within the boundaries of Cole Harbour/Westphal Municipal Planning Strategy and lands abutting Highway #7 Main Street from Salmon river to Montague Road and in the Sackville Drive Secondary Planning Strategy, Sackville Municipal Planning Strategy. The intent is to reinstate what staff recommended at the Temporary Sign By-Law public hearing.

13. ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council.

1. Memorandum from Director, Transportation and Public Works dated September 22, 2006 re: Canadian Union of Public Employees (CUPE) Update - Contracting Out
2. Memorandum from Director, Environmental Management Services dated September 12, 2006 re: Municipal Sustainability Coordinator, Partnership with the Union of Nova Scotia Municipalities (UNSM)
3. Memorandum from Director, Environmental Management Services dated September 19, 2006 re: Rolling Stones Wrap-Up Report
4. Memorandum from Director, Planning & Development dated September 19, 2006 re: Department of National Defence (DND) Shearwater Lands
5. Memorandum from the Municipal Clerk dated September 22, 2006 re: Requests for Presentation to Council - Noisy Vehicles

Date of Request(s)	Name of Delegation(s)	Disposition of Request(s)
September 18 - 22, 2006	Digital Recordings - Marek Roland-Mieszkowski, President re: Noisy Vehicles in Halifax	Referred to Community Councils.