

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
MINUTES
January 9, 2007

PRESENT:

Mayor Peter Kelly
Deputy Mayor Sue Uteck
Steve Streach
Krista Snow
David Hendsbee
Gloria McCluskey
Andrew Younger
Bill Karsten
Becky Kent
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Gary Martin
Reg Rankin
Gary Meade

REGRETS:

Councillor Harry McInroy

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 Hum
Council observed a Moment of Silence in memory of Larry Drummond.

Councillor Sloane referenced the recent death of Helen Hill and requested the Mayor forward a card of condolence to her family.

Councillor McCluskey requested the Mayor send a letter of congratulations to Ms. Beverley Busson who has been appointed the Interim RCMP Commissioner.

Councillor Hum noted that Mr. Brad Marchand had participated in the World Junior Hockey Championships in Sweden and requested the Mayor send a letter of congratulations on the Canadian World Junior Hockey Team winning the gold medal.

2. APPROVAL OF MINUTES - December 5 & 12, 2006

MOVED by Councillor McCluskey, seconded by Councillor Sloane, that the minutes of December 5 & 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 Voting Options - Municipal Election 2008

11.2 Property Matter - Wright Avenue, Burnside Business Park

Councillor Murphy requested Information Item #9, Contractual Services - Property Damage forward and discussed as part of the agenda.

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

4. BUSINESS ARISING OUT OF THE MINUTES

Councillor McCluskey noted on December 5th she had requested a copy of information on flashing red beacons and requested the information be forwarded to her. She further noted the report requested by Councillor Smith regarding the impact on roads by the installation of gas lines by Heritage Gas was still outstanding.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. CORRESPONDENCE, PETITIONS AND DELEGATIONS

8.1 Correspondence - None

8.2 Petitions

Councillor Snow served a petition from the residents of Meadowbrook Subdivision, Beaver Bank, requesting an upgrade to the playground on Earl Road.

Councillor Snow served a petition from the residents of Fall River Village in opposition to water services.

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 Request for Proposal 06-122, Green Power Purchasing

- A report dated December 20, 2006, on the above noted, was before Council.

Ms. Cathie O'Toole, Acting Director, Financial Services, introduced the report to Council and Mr. Julian Boyle, Energy Auditor, Capital Products, provided an overview of the initiative noting:

- HRM spends approximately \$10 million on electricity per year and by 2009 that will rise to over \$12 million per year,
- Electricity rate increases average about 4% per year,
- There is an increasing cost of environmental restrictions,
- There is a cost of recapitalising infrastructure,
- HRM is looking at stabilizing utility costs,
- There is no up front capital required,
- The companies being put forward are No.'s 1 and 2 in the queue,
- There would be an \$8.8 million saving over twenty years,
- HRM renewal energy would equal 8.3 MW,
- Projects feasibility, environmental assessments and financing are completed,

- System impact studies are completed,
- Projects will come on line by January 2009 provided NSDOE regulation changes by April 2007,
- HRM will be acting as a catalyst for positive change,
- HRM will be a leader in signalling the long term economic benefits of green power,
- HRM will meet 100% of its commitment to reduce corporate greenhouse gases by 2012, three years early.

MOVED by Councillor Mosher, seconded by Councillor Streach, that Council approve alternative #1 which states Council not to award proposals for green power purchasing at this time, take an advocacy approach in support of renewables and wait for regulatory changes.

Councillor Mosher stated she is looking at benefits to communities and questioned why HRM could not have a wind farm. She stated that in her opinion the benefits to the community are greater than what is stated in the report, noting there could be environmental as well as employment opportunities and benefits. She noted this proposal was unsolicited and she wants to look in HRM's own backyard first and would like to be assured that HRM can not do this. She stated she would like to know what the location considerations were, whether HRM has had an assessment of offshore wind farms, has there been consultation and will this compromise HRM's capacity to have an offshore or regular wind farm in future and has partnership opportunities been examined. She stated this is the way HRM should be going but to look at all the communities that HRM serves and to say HRM is going to be benefiting other areas, then she would first like an assurance that HRM can't do this.

Mr. Mike Labrecque, Director, Transportation and Public Works, advised this is not an unsolicited proposal, noting the alternatives are listed for Council's consideration. He stated there is nothing precluding HRM in future from implementing similar smaller projects within HRM, noting planned policy would have to be in place to support it, the market has to be viable and a position would have to be found in the interconnection queue.

Councillor Streach stated that if power rates don't go up then HRM will end up paying more for green power thus there needs to be further investigation.

Councillor Rankin stated he did not support the alternative and was in favour of the staff recommendation which would be to move to greenhouse gas reduction. The Councillor noted that there is no hope of any further future projects being put in the queue and stated there is a greater risk if this is delayed.

Councillor Hendsbee expressed concern with the opportunities that HRM may be putting aside and stated he would like to see what other Municipalities are in the queue. He further stated he is concerned with the queue ordering and stated he would like to see investment

opportunities and encouragement of energy efficiency in HRM.

Ms. Mary Ellen Donovan, Municipal Solicitor, advised there are nineteen projects in the queue. The power grid system capacity is 400 MW at the current time and if HRM wants wind generation this is the queue from which it would have to find that wind source.

Councillor Fougere stated she was not supporting the motion noting the staff recommendation offers a good opportunity for both financial savings and environmental benefits.

Councillor Younger noted the Jacques Whitford study shows there is not going to be this type of a wind farm in HRM. He noted energy needs are changing and even if HRM were to choose or find a local supplier, it would be at the bottom of the queue.

Councillor Mosher stated she supported wind energy but wanted to be sure publicly that HRM was looking in its own backyard first and that HRM's capacity to host these farms is not compromised. She stated she was comfortable with the original motion but HRM has to make sure it has the ability to do this.

MOTION DEFEATED.

MOVED by Councillor Rankin, seconded by Councillor Fougere, that:

- 1. Council authorize the award of RFP#06-122 to the two highest proponents, Barrington Wind Energy Limited and Ventus Energy Inc., and**
- 2. Pursuant to RFP#06-122, Council approve Financial Bilateral Contracts with Barrington Wind Energy Limited and Ventus Energy Inc. on the terms outlined in this report, for approximately 22 to 25 Giga-Watt-hours (GWh) each per year for 20 years, contingent upon the required regulatory changes, with funding from FISCAL Operating Account as outlined in the Budget Implications section of the December 20, 2006 report.**

MOVED by Councillor Rankin, seconded by Deputy Mayor Uteck, that the motion now be put. MOTION PUT AND PASSED.

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 Oakland Road Wharf

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

MOVED by Deputy Mayor Uteck, seconded by Councillor Snow, that:

- 1. HRM proceed with the public process to consider closing the right of way as indicated in the report and to create Oakland Road Wharf Park with the proper zoning.**
- 2. HRM accept the offer to secure an easement for the encroachment of the public wharf at Oakland Road as indicated in the report.**
- 3. Efforts should be made to upgrade the park and the wharf to more useable standards subject to availability of funds and approval through the normal capital budget process.**
- 4. Any damage to the municipal property through construction of the new house at 6400 Oakland Road will be repaired by the owner to the satisfaction of the Municipality and the municipality will accept the owners offer to improve the public wharf and park.**

Deputy Mayor Uteck stated that what is being requested is to effect a street closure which would require a public hearing and input of the residents.

In response to Councillor Sloane, Ms. Donovan, Municipal Solicitor, advised there is no acquisition of land on the part of the private property owner that abuts this particular piece of land. At one point that individual was interested in acquiring an encroachment license from the municipality but that request has been withdrawn; therefore, the only acquisition of interest in land is by the municipality from the property owner to the extent that the wharf now encroaches on the water lot owned by the abutter.

Councillor Fougere requested the motion be split and voted on separately.

In response to Councillor Murphy, Mr. Peter Bigelow, Manager Real Property Planning, advised this approach would resolve the issue of HRM's encroachment of an unpermitted wharf on a privately owned water lot as well as solving the issues around the proximity of that wharf to the adjacent wharf which is a permitted structure under Navigatable Waters. The area between the two wharves is a no docking zone.

In response to Councillor Johns, Mr. Bigelow advised HRM will now have an easement for the end of the wharf and the property owner will make improvements to the park and will get a front walkway to his front door.

As per the request of Councillor Fougere, each item was voted on separately.

Part 1

MOVED by Deputy Mayor Uteck, seconded by Councillor Snow, that:

- 1. HRM proceed with the public process to consider closing the right of way as indicated in the report and to create Oakland Road Wharf Park with the proper zoning. MOTION PUT AND PASSED.**

Part 2

MOVED by Deputy Mayor Uteck, seconded by Councillor Snow, that:

- 2. HRM accept the offer to secure an easement for the encroachment of the public wharf at Oakland Road as indicated in the report. MOTION PUT AND PASSED.**

Part 3

MOVED by Deputy Mayor Uteck, seconded by Councillor Snow, that:

- 3. Efforts should be made to upgrade the park and the wharf to more useable standards subject to availability of funds and approval through the normal capital budget process. MOTION PUT AND PASSED.**

Part 4

MOVED by Deputy Mayor Uteck, seconded by Councillor Snow, that:

- 4. Any damage to the municipal property through construction of the new house at 6400 Oakland Road will be repaired by the owner to the satisfaction of the Municipality and the municipality will accept the owners offer to improve the public wharf and park. MOTION PUT AND PASSED.**

Council recessed at 8:04 p.m.

Council reconvened at 8:15 p.m.

9.1.3 Case 00989 - Amendment to Regional Municipal Planning Strategy and Subdivision By-Law - Parkland Dedication for Small Lot Subdivisions

- A report dated December 21, 2006, on the above noted, was before Council.**

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

- 1. Initiate the process to consider amending the Regional Municipal Planning Strategy and Subdivision By-Law to reduce or exempt the 10% parkland dedication requirement for small scale subdivisions of three lots or less based on the options presented in the Discussion section of the report; and**
- 2. Adopt the public participation process outlined in Attachment 2 of the December 21, 2006 staff report.**

Councillor Streach stated an unfair burden has been placed on residents of the municipality and this process should be completed as soon as possible.

In response to Deputy Mayor Uteck, Ms. Kelly Denty, Development Officer, advised the recommendation being put forward would apply to the former Halifax County areas.

Councillor Karsten stated he was interested in staff looking at exempting the three lot limit for all of HRM and placed the following amendment.

MOVED by Councillor Karsten, seconded by Councillor Streach, that HRM exempt the parkland dedication requirement for three lots or less for residential within HRM on a one time basis with the option of 0-10%.

Mr. Paul Dunphy, Director, Community Development, advised that if this motion is approved staff would provide a report on the budget implications.

In response to Councillor Younger's suggestion that this information be available at the public consultation stage, Mr. English, CAO, advised the information should be provided to Council prior to the commencement of that process.

Councillor Streach stated he did not want to see residents who subdivide a lot off a piece of family owned property for another family member charged with an additional tax, noting it was never the intention of Council to apply this to individual family type situations.

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

MOVED by Councillor Kent, seconded by Councillor Sloane, that the amendment be referred to staff for a report on costing implications to be brought back to Council. MOTION DEFEATED. (8 in favour, 11 against)

Those voting in favour were Councillors McCluskey, Younger, Kent, Wile, Sloane, Walker, Hum and Adams.

Those voting against were Mayor Kelly and Councillors Streach, Snow, Hendsbee, Karsten, Smith, Murphy, Fougere, Harvey, Rankin and Meade.

Deputy Mayor Uteck and Councillors McInroy, Mosher, Johns and Martin were absent.

The vote was now taken on the amendment.

MOVED by Councillor Karsten, seconded by Councillor Streach, that HRM exempt the parkland dedication requirement for three lots or less for residential within HRM on a one time basis with the option of 0-10%. MOTION DEFEATED.

Discussion continued on the main motion.

In response to Councillor Hendsbee, Ms. Maureen Ryan, Planner, clarified that what Council would be considering is Option #1 to exempt the parkland dedication requirement for three lots or less within the rural resource, agricultural, open space and natural resource designation. The second option would be not to exempt the parkland dedication requirement but to reduce it from ten to five percent towards small scale subdivisions in these areas. The third option is to re-establish the previous exemption for small lot subdivisions from any parcel of land that was created prior to March 31, 1978 in the rural commuter, open space and natural resource and the agriculture. She advised this would not include the urban settlement designation as it applies to the urban core.

The main motion was now before Council.

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

- 1. Initiate the process to consider amending the Regional Municipal Planning Strategy and Subdivision By-Law to reduce or exempt the 10% parkland dedication requirement for small scale subdivisions of three lots or less based on the options presented in the Discussion section of the report; and**
- 2. Adopt the public participation process outlined in Attachment 2 of the December 21, 2006 staff report.**

MOTION PUT AND PASSED. (15 in favour, 6 against)

Those voting in favour were Mayor Kelly and Councillors Streach, Snow, Hendsbee,

McCluskey, Kent, Smith, Wile, Murphy, Fougere, Mosher, Adams, Harvey, Rankin and Meade.

Those voting against were Deputy Mayor Uteck and Councillors Younger, Karsten, Sloane, Walker and Hum.

Councillors McInroy, Johns and Martin were absent.

9.1.4 Brown Spruce Beetle Program Overview

- A report dated December 5, 2006, on the above noted, was before Council.

Mr. Peter Bigelow, Manager Real Property Planning, advised the intent of the report is to give an overview and provide the information that Council had requested.

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

- 1. Council and staff continue efforts to work with the CFIA and stakeholder groups to develop a plan for the Brown Spruce Long Horn Beetle that protects forests, the forest industry and public safety,**
- 2. Council write Minister Strahl requesting he consider an independent assessment of the situation as well as visit the Municipality and speak to the landowners involved.**

Councillor Hendsbee noted HRM still needs to have containment plans and expressed concern with the downed wood that cannot be removed from areas and is a potential fire hazard. The Councillor expressed further concern with the impact this may have on commercial operations.

Councillor Wile stated residents need to be informed as to who is responsible for the downed timber as a result of Hurricane Juan and what is going to be done about it.

Councillor Streach stated the question needs to be asked as to what level of compensation will be there for the forest industry if restrictions are imposed.

MOTION PUT AND PASSED UNANIMOUSLY.

9.1.5 Proposed Mandate Combined Energy & Underground Services Committee and Harbour Solutions Advisory Committee

- A report dated December 20, 2006, on the above noted, was before Council.

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

- 1. Approve the proposed mandate of the combined committee as outlined in the December 20, 2006 report.**
- 2. Approve the committee be called “Energy & Underground Services Committee”.**

MOTION PUT AND PASSED.

9.1.6 Proposed Amendment to Administrative Order One - Special Community Announcements and Acknowledgements

- A report dated January 2, 2007, on the above noted, was before Council.

MOVED by Councillor Walker, that the Special Community Announcements and Acknowledgements become “n” on the Administrative order list and be placed just before adjournment.

No seconder, motion lost.

MOVED by Councillor Adams, seconded by Councillor Snow, that Regional Council approve the proposed amendments as outlined in Appendix “A” of the staff report dated January 2, 2007. MOTION PUT AND PASSED.

9.1.7 Harbour Solutions Project Update

- A copy of a Powerpoint presentation on the above noted, was before Council.

Mr. Brad Anguish, Director, Environmental Management Systems, provided an update to Council outlining:

- The five contracts that define the project,
- The design/build contract characteristics - Treatment Facilities,
- Wastewater Treatment Facilities - Dates Certain
- Revised completion dates,
- Cause of the delay,
- Contract status,
- Contract terms relating to delay,

- Financial impact of the delay.

Following questions of clarification by members of Council, Mayor Kelly thanked Mr. Anguish for the update.

10. MOTIONS - NONE

11. ADDED ITEMS

11.1 Voting Options - Municipal Election 2008

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

MOVED by Councillor Fougere, seconded by Councillor Karsten that Regional Council approve the internet/phone voting option in addition to the present voting system for advanced voting and maintain the status quo for election day for the 2008 Municipal and School Board election. MOTION PUT AND PASSED.

11.2 Property Matter - Wright Avenue, Burnside Business Park

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

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

- 1. Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the proponent, subject to the key terms and conditions outlined in this report;**
- 2. The Private and Confidential staff report dated December 18, 2006 not be released to the public until the property transaction has closed.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.3 Councillor Murphy - Information Item #9, Contractual Services - Property Damage

Councillor Murphy thanked staff for the report and placed the following motion.

MOVED by Councillor Murphy, seconded by Councillor Sloane, that an ad be placed

in the newspaper and on the HRM website advising of the streets, arteries or arterials, that are going to be looked after on the Peninsula. Further, the ad also provide information as to whether winter maintenance such as salting is provided or just snow removal. MOTION PUT AND PASSED.

12. NOTICES OF MOTION

13. ADJOURNMENT

The meeting was adjourned at 10:12 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council.

1. Proclamation - Alzheimer Awareness Month - January 2007
2. Memorandum from Director, Community Development dated December 20, 2006 re: Polling District Review Process
3. Memorandum from Director, Community Development dated November 30, 2006 re: Project 00953 - Cost of Jacques Whitford Wind Energy Master Plan Report
4. Memorandum from Director, Community Development dated December 13, 2006 re: Smoke Free Nova Scotia as of December 1, 2006
5. Memorandum from Acting Director, Finance dated December 20, 2006 re: Tax Sale Surplus Account
6. Memorandum from Director, Environmental Management Services dated December 21, 2006 re: 2006 Program Overview Report - HRM Pesticide By-Law
7. Memorandum from Director, Transportation and Public Works dated December 22, 2006 re: Cornwallis Junior High School Parking
8. Memorandum from Director, Legal Services dated January 3, 2007 re: Status of By-Law Prosecutions
9. Memorandum from Director, Transportation and Public Works dated January 2, 2007 re: Contractual Services - Property Damage
10. Memorandum from the Municipal Clerk dated January 5, 2007 re: Requests for Presentation to Council

Date of Request(s)	Name of Delegation (s)	Disposition of Request(s)
December 11, 2006 - January 5, 2007	Nova Scotia Power Hakodate/HRM Twinning 25 th Anniversary Planning	Both groups will be placed on future Regional Council agendas