

HALIFAX REGIONAL MUNICIPALITY

---

HALIFAX REGIONAL COUNCIL  
MINUTES  
May 1, 2007

PRESENT:

Mayor Peter Kelly  
Deputy Mayor Sue Uteck  
Councillors: Krista Snow  
David Hendsbee  
Harry McInroy  
Andrew Younger  
Bill Karsten  
Becky Kent  
Jim Smith  
Mary Wile  
Patrick Murphy  
Dawn Sloane  
Sheila Fougere  
Russell Walker  
Debbie Hum  
Linda Mosher  
Steve Adams  
Robert Harvey  
Gary Martin  
Gary Meade

REGRETS:

Councillors: Steve Streach  
Gloria McCluskey  
Brad Johns  
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

TABLE OF CONTENTS

1.	INVOCATION .....	04
2.	SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS ..	04
3.	APPROVAL OF MINUTES - April 3, 10 & 17, 2007 .....	04
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS .....	04
5.	BUSINESS ARISING OUT OF THE MINUTES .....	05
6.	MOTIONS OF RECONSIDERATION - NONE .....	05
7.	MOTIONS OF RESCISSION - NONE .....	05
8.	CONSIDERATION OF DEFERRED BUSINESS - NONE .....	03
9.	PUBLIC HEARINGS	
9.1	Case 00596 : Amendment to Halifax MPS and LUB - Water Lot Infilling, Subdivision and Development of North West Arm, Halifax ...	06
10.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	
10.1	Correspondence	
10.1.1	Member of Parliament Inky Mark re: Bill C-417 The Canadian Soldiers and Peacekeepers Memorial Wall Act .....	07
10.2	Petitions .....	07
11.	REPORTS	
11.1	CHIEF ADMINISTRATIVE OFFICER	
11.1.1	Request for Proposal 07-057 - Proposals for Insurance	08
11.1.2	Change in Use of Portion of HRM Property at Baker Drive and Norm Newman Drive, Dartmouth .....	08
11.1.3	Petition for Pathway Closure - Riverside Drive and Nordic Crescent, Sackville .....	08
11.1.4	Case 00931 - Municipal Planning Strategy and Land Use By-Law Amendment for 50 Bedford Highway .....	08
11.1.5	Project 00856: Derelict Building Program .....	09
11.1.6	First Reading By-Law S-422, an Amendment to By-Law S-400, Respecting Charges for Street Improvements .....	09

12.	MOTIONS	
12.1	Councillor Murphy Re: Request for staff report re Earth Day 2008 . . . .	11
13.	ADDED ITEMS . . . . .	11
14.	NOTICES OF MOTION . . . . .	12
15.	ADJOURNMENT . . . . .	12

**1. INVOCATION**

The meeting was called to order at 6:00 p.m. with the Invocation being led by Councillor Wile.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor Hendsbee advised that on Saturday, May 5<sup>th</sup>, the Eastern Shore Joint Emergency Management will be hosting a Jamboree at the Porter's Lake Superstore parking lot. He further noted there will be an HRM Wall of Flame ceremony in honour of all black firefighters at the Black Cultural Centre at 2:00 p.m. on the same date.

Deputy Mayor Uteck commended the Dalhousie Environmental Team on their fourth annual Dump and Run fundraiser which raised sixteen thousand dollars for charity.

Councillor Snow advised that the Beaver Bank Community Awareness Association is holding a community cleanup starting at 9:30 a.m. on Saturday, May 5<sup>th</sup>.

Councillor Karsten advised HRM was presented with the Mobus Environmental Award in recognition of its anti litter campaign.

Councillor Wile advised a team of international walking experts will be in HRM on May 2<sup>nd</sup> who will be conducting a community meeting at the Halifax West High School on improving how HRM can be more walkable.

**3. APPROVAL OF MINUTES - April 3, 10 & 17, 2007**

**MOVED by Councillor Walker, seconded by Councillor Hum, that the minutes of April 3, 10 & 17, 2007 be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

Additions

- 13.1 Councillor Younger - Request for Report re: Mercury Disposal
- 13.2 Contractual Matter - Lease Renewal - HRM West End Mall Offices
- 13.3 Legal Matter - Settlement of Claim
- 13.4 Citizen and Councillor Appointments to Boards/Committees and Commissions

**MOVED by Deputy Mayor Uteck, seconded by Councillor Martin, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

5. **BUSINESS ARISING OUT OF THE MINUTES - NONE**

6. **MOTIONS OF RECONSIDERATION - NONE**

7. **MOTIONS OF RESCISSION - NONE**

8. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

9. **PUBLIC HEARINGS**

9.1 **Case 00596 - Amendments to Halifax Municipal Planning Strategy and Land Use By-Law - Water Lot Infilling, Subdivision and Development on North West Arm**

- A report dated April 3, 2007, on the above noted, was before Council.

Mr. Roger Wells, Manager, Regional and Community Planning, and Mr. Luc Ouellet, Planner, presented the report to Council advising:

- HRM does not have jurisdiction over the infilling and the proposed rules and regulations only come into play after a lot has been infilled,
- The permitted uses under the zone would be wharves and docks, historic sites and monuments, passive recreation uses, public works and utilities and ferry terminal facilities,
- The area of an infilled water lot will not be included in lot area calculations for land subdivision purposes,
- The proposed setback is 30 ft. from the existing shoreline,
- Existing boat clubs will be exempt from the setback requirements.

Deputy Mayor Uteck noted the setback and noted that Council might have to go back and revisit the Lidar mapping if there is a rise in sea level. On further question, staff confirmed that if an existing structure is damaged as the result of a hurricane they would be allowed to rebuild within existing footprint. Also the Federal government would have jurisdiction over structures such as wharves and the regulations come into play as of the date of the first advertisement in the paper.

In response to Councillor Murphy, staff advised that any building permits currently on file would be honoured.

In response to Councillor Hendsbee, staff advised that a water lot does have a PID number and they are taxed once they become land. On further question, staff advised the current regulations would not allow a water lot to be added to a parcel of land to create a legal sized lot. Council was advised that information on setbacks from watercourses will be

coming back to Council at a future meeting.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed amendments.

**Mr. Guy MacLean**, Halifax, spoke on behalf of the North West Arm Heritage Association stating:

- They are in favour of the amendments,
- They are not opposed to all infills as some are in the public interest,
- They are opposed to infilling to create land to increase value of property,
- These regulations discourage those who wish to create land,
- The North West Arm is residential and recreational,
- The North West Arm is an inlet and the proper solution would be to separate the Arm from the harbour for jurisdictional purposes,
- They urge Council to adopt the amendments.

**Mr. Hugh Pullen**, Halifax, spoke in support of the amendments and noted the North West Arm was a transportation route from the foot of Oakland Road to the Dingle. He expressed pleasure at seeing that a ferry terminal would receive an exemption.

**Mr. John Dick**, Halifax, stated that any development on the Arm does two things, making the development worth more because of its location and making the public aspect of the Arm worth less. He expressed concern with docks affecting the width of the arm.

**Ms. Jennifer Graham**, Halifax, representing Ecology Action Centre, spoke in support of the proposed amendments stating they will prevent additional development and subdivision of water lots. The Ecology Action Centre feels the setbacks are an important first step of HRM getting control over inappropriate coastal development. The proposed By-law changes are complimentary to the Lidar mapping of the Arm.

**Ms. Janet Shotwell**, Halifax, spoke in support of the amendment stating she is pleased with the solution as there has been a need to establish these guidelines and urged Council to approve the proposed amendments.

**Ms. Hudson Shotwell**, Halifax, stated the North West Arm is an attractive and valuable resource for the tourism industry and this is a valuable asset that should be preserved. The regulations will go a long way to preserving something that is good.

**Mr. Dusan Soudek**, Halifax, representing Canoe/Kayak NS, stated the Arm has seen many changes and there have been concerns with infilling along the shores resulting in the physical shrinkage of the waterway. There is a concern with new seawall structures and large buildings and the adverse effect they have on the Arm. He advised he was speaking in support of the proposed amendments and urged Council to approve the amendments.

**Ms. Janet Chute**, Halifax, spoke in support of the proposal.

**Mr. Leonard Preyra**, MLA, Halifax-Citadel, spoke in support of the amendments. He commended the North West Arm Heritage Association for their involvement in the issues. He stated the proposed amendments are a reasonable balance for the rights of and provides protection for the property owners on the Arm.

**Mr. Paul Huber**, Halifax, commended Council on the proposed amendments and urged approval of same.

**Ms. Michelle Raymond**, MLA, Halifax-Atlantic, spoke in support of the amendments. She noted there are covenants attached to deeds of properties along the North West Arm and urged Council to act on these.

**Mr. Graham Read**, Halifax, spoke in support of the amendments and commended Council and staff on the approach to this matter. He stated he would like to have seen a greater setback proposed as well as a requirement for tree retention and restrictions on wharf sizes.

**Ms. Maars**, Halifax, spoke in favour of the amendments.

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

**MOVED by Councillor Younger, seconded by Councillor Smith, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Mosher, seconded by Councillor Walker, that Chebucto Community Council recommends that Halifax Regional Council approve the amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-Law as provided in Attachments "A" and "B" of the March 27, 2007 staff report.**

Councillor Mosher noted Chebucto Community Council has dealt with infilling concerns since 2002. She thanked all residents and particularly those from Armshore Drive and the Regatta Point Landowners Association that brought forward concerns. She stated the amendments provide a balance and serve as a disincentive to infilling. She noted that structures built as per the amendments would have a low impact on the area. The view plane and aesthetics must be preserved as well as the character and historical nature of the area.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Fougere, seconded by Deputy Mayor Uteck, that Peninsula Community Council recommends that Halifax Regional Council approve the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law as provided in Attachments “A” and “C” of the March 27, 2007 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Mosher, seconded by Councillor Walker, that Halifax Regional Council approve the amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-Law as provided in Attachments ‘A’, ‘B’ and the proposed amendments to the Halifax Peninsular Land Use By-Law as provided in Attachment “C” of the March 27, 2007 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**10. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**10.1 Correspondence**

**10.1.1 Member of Parliament Inky Mark re Bill C-417, The Canadian Soldiers and Peacekeepers Memorial War Act**

- Correspondence from Inky Mark, MP, on the above noted, was before Council.

**MOVED by Councillor Younger, seconded by Councillor Adams, that the correspondence be tabled. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2 Petitions**

Councillor Karsten served a petition requesting HRM apply for funds to help replace the Nova Scotia Community College Akerley rink as quickly as possible.

**11. REPORTS**

**11.1 CHIEF ADMINISTRATIVE OFFICER**

**11.1.1 Request for Proposal 07-057 - Proposals for Insurance**

- A report dated April 20, 2007, on the above noted, was before Council.

**MOVED by Councillor Wile, seconded by Councillor Smith, that:**

- 1. The broker services and insurance for the Halifax Regional Municipality be awarded to AON Reed Stenhouse Inc. for a one year term, effective June 1,**

2007, renewable in one year increments up to five years, at a cost in the first year of \$1,345,133.33. (Insurance Premiums are HST exempt).

2. The HRM insurance consultant and staff negotiate for the remaining coverage with the successful proponent in the manner outlined in the April 20, 2007 report.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.2 Change in Use of Portion of HRM Property at Baker Drive and Norm Newman Drive, Dartmouth**

- A report dated April 20, 2007, on the above noted, was before Council.

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

1. Authorize staff to set a date for a public hearing concerning the change in use of a portion of HRM property;
2. Approve the Change in Use: Parkland to Street ROW - Intersection of Baker Drive and Norm Newman Drive, Dartmouth, as shown in Attachment "A", subject to its approval at the public hearing.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.3 Petition for Pathway Closure - Riverside Drive and Nordic Crescent, Sackville**

- A report dated April 19, 2007, on the above noted, was before Council.

**MOVED by Councillor Harvey, seconded by Councillor Sloane, that Halifax Regional Council not support the closure of the pathway at Riverside Drive and Nordic Crescent and instead implement physical changes and patrol measures to alleviate the situation.**

Councillor Harvey noted the measures identified in the report support the protection of open spaces and the enjoyment of abutting property owners.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.4 Case 00931 - Municipal Planning Strategy and Land Use By-Law Amendment for 50 Bedford Highway**

- A report dated April 17, 2007, on the above noted, was before Council.

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

1. **Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law to permit by development agreement two eight-storey multiple unit residential buildings at 50 Bedford Highway, Halifax; and,**
2. **Instruct 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.**

Councillor Wile noted this property has a heritage aspect that should be protected as it was, at one time, a home for young English orphans prior to their placement with families.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.5 Project 00856: Derelict Buildings Program**

- A report dated April 13, 2007, on the above noted, was before Council.

**MOVED by Councillor Harvey, seconded by Councillor Adams, that Halifax Regional Council approve, in principle, By-Law D-300, Respecting Derelict Buildings, as shown in Attachment “A” of the April 13, 2007 staff report and schedule a public hearing.**

Councillor Younger expressed concern that the By-Law does not give HRM the power to demolish buildings. He noted page 10, section 8, only refers to secure and maintain and demolition is only addressed under the performance standards under section 6. He requested staff review this section prior to the public hearing to determine whether any corrections or clarifications are required in the wording.

In response to Councillor Murphy, staff advised this By-Law will deal with buildings that are unfit for occupancy and will require the property owner to either make improvements or demolish.

In response to Councillor Smith as to how staff will be able to access a boarded up building, staff referenced page 9 and the definition of habitable, advising that under this By-Law, where a building is vacant, the administrator or staff will have the right to gain access to the property to carry out an inspection to determine whether or not it is vacant and habitable or vacant and not habitable. This is an extension of the powers of the Dangerous

and Unsightly Premises Committee.

In response to Councillor Hendsbee, staff advised discretion will be taken with respect to any building that is under construction which has encountered delays which resulted in an interruption in work. He noted there is an acknowledgement in the exemptions section that in rural communities the care and treatment of a building is somewhat different than in an urban core situation; therefore, cottages are exempted recognizing they are seasonal.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.1.6 First Reading By-Law S-422, an Amendment to By-Law S-400, Respecting Charges for Street Improvements**

- A report dated April 11, 2007, on the above noted, was before Council.

**MOVED by Councillor Meade, seconded by Councillor Kent, that Regional Council:**

- 1. Approve and apply (where applicable) the new Local Improvement blended costs for Capital Projects in the 2006/07 fiscal year as per Schedule 'A' of the April 11, 2007 staff report.**
- 2. Approve, in principle, the adoption of By-Law No. S-422, Respecting Charges for Street Improvements, as per the April 11, 2007 staff report, and to give Notice of Motion to begin the formal adoption process.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12. MOTIONS**

**12.1 Councillor Karsten - Request for Staff Report Re Earth Day 2008**

**MOVED by Councillor Karsten, seconded by Councillor Younger, that staff provide a report giving recommendations that can be implemented to make Earth Day 2008 a prominent event in the HRM to include a tree planting festival to engage youth in principles of environmental sustainability. MOTION PUT AND PASSED UNANIMOUSLY.**

**13. ADDED ITEMS**

**13.1 Councillor Younger - Request for Report re: Mercury Disposal**

**MOVED by Councillor Younger, seconded by Councillor Wile, that staff provide a report outlining what measures can be put in place, as a result of the federal and**

**provincial announcement to ban incandescent light bulbs during the next five years, to ensure safe disposal of mercury, particularly from compact fluorescent light bulbs.**

Councillor Hendsbee noted there is a device called the Bulb Eater and requested staff examine the utilization of this device in HRM.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**13.2            Contractual Matter - Lease Renewal - HRM West End Mall Offices**

- This 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 Regional Council:**

- 1. Authorize the Mayor and Municipal Clerk to enter into a lease renewal with Crombie Reit, subject to the key business terms and conditions outlined in the April 2, 2007 staff report;**
- 2. That the staff report not be released to the public until the Lease Renewal has been executed.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**13.3            Legal Matter - Settlement of Claim**

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

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

- 1, Settle the claim, as outlined in the April 23, 2007 Private and Confidential staff report, brought by the Plaintiff in the amount of \$85,000 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 12, 2001.**
- 2. That the April 23, 2007 Private and Confidential staff report not be released to the public.**

**MOTION PUT AND PASSED.**

**13.4            Citizen and Councillor Appointments to Boards/Committees and Commissions**

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

**MOVED by Councillor Younger, seconded by Councilor Snow, that Regional Council approve the Citizen and Councillor appointments to Boards/Committees/Commissions as outlined in Attachment 1 of the May 1, 2007 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**14.    NOTICES OF MOTION**

Councillor Smith

Take Notice that at the next regular meeting of Halifax Regional Council, to be held on Tuesday, the 8<sup>th</sup> day of May, 2007, I intend to introduce for First Reading By-Law D-300, Derelict Buildings, the purpose of which is to manage derelict buildings.

Councillor Karsten

Take Notice that at the regular meeting of Regional Council to be held on Tuesday, the 29<sup>th</sup> day of May, 2007, I propose to introduce for adoption by Council a Change in the Use of a portion of HRM property at Baker Drive and Norm Newman Drive, Dartmouth from HRM parkland to HRM right of way.

**15.            ADJOURNMENT**

The meeting was adjourned at 8:35 p.m.

Jan Gibson  
Municipal Clerk

**The following information items were circulated to Council.**

1. Proclamation - Asian Heritage Month - May 2007
2. Proclamation - National Youth Week - May 7 - 11, 2007
3. Memorandum from the Municipal Clerk dated April 27, 2007 re: Requests for Presentation to Council - None