

HALIFAX REGIONAL COUNCIL
MINUTES
October 30, 2007

PRESENT:

Mayor Peter Kelly
Deputy Mayor Sue Uteck
Councillors: Steve Streach
Krista Snow
David Hendsbee
Harry McInroy
Gloria McCluskey
Andrew Younger
Bill Karsten
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

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 McCluskey.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Mr. Dan English, CAO, noted this was Ms. Gibson's last meeting as Municipal Clerk. He thanked her for her contributions to HRM.

Councillor Streach thanked Ms. Gibson on behalf of Council and wished her well in her future endeavours.

Councillor Hendsbee advised that a Mayor's Roundtable on Violence meeting will be held on Monday November 5, 2007 at 7:00 p.m. at the Porters Lake Community Centre.

Councillor Adams congratulated the Urban Farm Society of Spryfield on receipt of the Lieutenant Governors Outstanding Volunteer Group award.

Councillor Murphy advised the Bloomfield Centre had held a successful Child Find event.

Councillor Hum recognized the designation of the Blue Mountain/Birch Cove Lakes area as a wilderness area.

Councillor Smith advised that a Mayor's Roundtable on Violence will be held at the Dartmouth High School at 7:00 p.m. on Tuesday, November 6, 2007.

Councillor McCluskey congratulated Alderney Landing on their Halloween event.

3. APPROVAL OF MINUTES - October 16, 2007

MOVED by Councillor McCluskey, seconded by Councillor Younger, that the minutes of October 16, 2007 be approved. MOTION PUT AND PASSED.

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

Deletions

- 10.3.1 Councillor Snow - Request to Add October 23, 2007 Information Item #2, Arena Capacity

Additions

- 12.1 Councillor Hum
(i) Request for Report re: Fairview Overpass Design Changes - Merge Lanes
(ii) Request to Add October 30, 2007 Information Item #3 - Ethical Procurement/Green Procurement
- 12.2 Personnel Matter - Evaluation Process for Request for Proposal 07-139 - Business Parks Functional Plans

MOVED by Councillor Adams, seconded by Councillor Younger, that Council add item "Proposed Amendments to A-300 and Associated Admin Order" to the agenda. MOTION DEFEATED.

MOVED by Councillor Karsten, seconded by Councillor Younger, that Deputy Chief Burbridge be permitted to speak to the monetary elements of By-Law A-300. MOTION DEFEATED.

Council agreed to move item 10.1.3 forward on the agenda and addressed as the first item.

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

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

10.1.3 Community Vision Pilot Project - Visions and Action Plans

- A report dated October 30, 2007, on the above noted, was before Council.
- A report dated October 18, 2007, on the above noted, was before Council.

Ms. Susan Corser, Planner, and Mr. Fred Morley, Chair, Regional Planning Advisory Committee, presented an overview of the Visioning Strategy to Council.

MOVED by Councillor Streach, seconded by Councillor Martin, that Halifax Regional Council:

1. **Endorse in principle the Community Visions and Action Plans for Bedford Waterfront, Fall River and Musquodoboit Harbour, attached as Attachments 1A, 1B, 2A, 2B, 3A and 3B to the October 18, 2007 staff report and further the goals and policy directive of the Regional Plan, as attached to the October 18, 2007 staff report, and direct these plans be considered in the business planning and budget process, beginning with the 2008/09 cycle;**
2. **Clarify that the Community Visions and Action Plans are subject to the standard approval process for any local plan policy and zoning amendments.**

In response to Councillor Karsten as to how these visions will tie to the Facilities Master Plan, staff advised consultation has been held with all business units that may be impacted.

In response to Deputy Mayor Uteck as to where these plans fit into the overall priority, Mr. English, CAO, advised Council's acceptance of these plans does not move them up in priority.

Mr. Roger Wells, Planning, advised the Regional Planning Advisory Committee is in the process of reviewing selection criteria followed by a multi year program coming forward to Regional Council for community visioning. Regional Council will determine the next series of priorities as well as budget and resource implications. The visions and action plans will be used for the upcoming business plan and budget deliberations. He advised staff will bring forward a program that would begin implementation.

Councillor Hendsbee stated it will be important that Council ensures the planning department has the proper resources to reach out to these communities.

Councillor Mosher requested that when this comes forward in the budget process, if there are set initiatives going on in a District, then that District may be considered as a candidate.

MOTION PUT AND PASSED.

8. CONSIDERATION OF DEFERRED BUSINESS - October 23, 2007

8.1 Councillor Mosher - Request to Add Oct. 16/07 Information Item # 12.1 - Legal Advice on Public Hearing Process - to the Agenda

- A declassified In Camera report dated October 9, 2007, on the above noted, was before Council.
- A copy of a powerpoint presentation entitled "Public Hearings' was before Council.

Ms. Mary Ellen Donovan, Municipal Solicitor, presented the report to Council.

MOVED by Councillor Mosher, seconded by Councilor Adams, that staff prepare a report on how Council can incorporate the concepts as set forth in Slide #9 of the powerpoint presentation into the public hearing process set out in Appendix A of Administrative Order One and further the information contained in the presentation be incorporated into the staff report dated October 9, 2007, Legal Advice on Public Hearing Process, to reflect more the spectrum of public hearings held by Council.

Councillor Mosher noted Administrative Order states Council will not accept submissions after 3:00 p.m. on the day of the public hearing. If the public hearing is delayed, members of Council continue to receive submissions which may or may not be forwarded to all members of Council. She noted Council is requested to have an open mind in order to ensure fairness and there may be complications if all members of Council are not following the same procedure.

In response to Councillor Walker, Ms. Donovan suggested that when there is a submission to be part of the record, it be forwarded to the Clerk for circulation. The Councillor noted this is a deviation from past practice and there is a need for Council to be made aware of the process and the type of public hearing it is holding in each instance.

Councillor Fougere stated that when this comes back in the form of an amendment, clarification be provided on what the procedure is and how it gets administered.

Councillor Sloane suggested the 3:00 p.m. rule be examined.

Ms. Donovan stated she will examine this as there can be exceptional circumstances but stated that out of respect for the interests of an individual Council exercise caution in quasi judicial instances when it comes to the 3:00 p.m. rule.

Councillor Hendsbee stated Councillors must be present during the public hearing but during debate they should be entitled to leave while at the same time ensuring the process is respected.

Councillor Smith requested that the Administrative Order be amended such that when a public hearing is held there is a positive motion on the floor to begin with.

MOTION PUT AND PASSED.

8.2 Downtown Halifax Business Commission re: Activities Update

Mr. Peter Doig, Vice Chair, and Mr. Paul MacKinnon, Executive Director, presented the report to Council outlining initiatives and marketing.

Mayor Kelly thanked the presenters for the presentation..

Break at 8:03 p.m.

Reconvened at 8:15 p.m.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

Councillor Adams served a petition on behalf of the residents of Thornhill Park area requesting lighting be installed in the area of the path that runs from Thornhill Drive to Herring Cove Road. Further, the petition requests the light in the area be cleaned and the brush be cleaned up.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 07-390 - HRM Parking Lot Snow and Ice Control

- A report dated October 18, 2007, on the above noted, was before Council.

MOVED by Councillor Younger, seconded by Councillor McCluskey, that Council:

- 1. Award Tender No. 07-390, Two (2) Year Agreement for Parking Lot Snow and Ice Control, Area 1 (Halifax) and Area 2 (Bedford) to First Class Grass Landscaping for a Total Tender Price of \$258,573.00 (net HST included) with funding from Operating Account W130 as outlined in the Budget Implications section of the October 18, 2007 report.**
- 2. Award Tender No. 07-390, Two (2) Year Agreement for Parking Lot Snow and Ice Control, Area 3 (Dartmouth) to Bob's Odd Jobs for a Total Tender Price of \$64,779.00 (net HST included) with funding from Operating Account R762 to be transferred to W130 as outlined in the Budget Implications section of the October 18, 2007 report.**

MOTION PUT AND PASSED.

10.1.2 Civic Address Correction Project - Approval of Community Boundaries -

District 1 and Portions of District 2, 3, 18, 22 and 23

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

MOVED by Councillor Meade, seconded by Councillor Streach, that Regional Council adopt the community names and boundaries as outlined on maps in Appendices A-I of the October 11, 2007 staff report. MOTION PUT AND PASSED.

10.1.3 Community Visioning Pilot Project - Visions and Action Plans

This item was addressed earlier in the meeting. (See page 5)

10.1.4 Case 01003 - Municipal Planning Strategy and Land Use By-Law Amendments - Lots RP-1 and RP-2, Regatta Point, Halifax

- A report dated October 10, 2007, on the above noted, was before Council.

Councillor Mosher stated Regatta Point is a beautiful community and when this development was approved it was very controversial. The as of right potential is RP-1 and RP-2 which would allow a small number of units. As well, many residents think the subject area is public green space and not aware that when the development agreement was approved, this portion of the land was not included. Therefore, there will be a great deal of public interest in the application and I would like the notification area to include the Fleming Heights area.

MOVED by Councillor Mosher, seconded by Councillor Younger, that 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 enable the consolidation of lot RP-1 Purcell's Cove Road, Anchor Drive PID #40396699 with lot RP-2 16 Anchor Drive, PID #40396681 and to allow by development agreement the expansion of the apartment building located on lot RP-2.**
- 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, 2007.**

MOTION PUT AND PASSED.

10.1.5 Case 01053 - Dartmouth Municipal Planning Strategy Amendment - Waverley Road Industrial Land, Dartmouth

- A report dated October 10, 2007, on the above noted, was before Council.

MOVED by Councillor Younger, seconded by Councillor McCluskey, that Regional Council:

1. **Initiate a site specific amendment process to the Dartmouth Municipal Planning Strategy (MPS) to redesignate the properties at 194, 196, 198 and 200 Waverley Road, as shown on Map 1, to Commercial and require certain uses by development agreement; and**
2. **Direct staff to follow the public participation program approved by Council in February 1997.**

MOTION PUT AND PASSED.

10.2 WESTERN REGION COMMUNITY COUNCIL

10.2.1 Area Rate for Glen Arbour Homeowner's Association

- A report dated October 23, 2007, on the above noted, was before Council.

MOVED by Councillor Meade, seconded by Councillor Adams, that Regional Council approve an area rate of \$65.00 per property to be applied against the properties within the mapped area depicted in Appendix A of the staff report dated October 5, 2007 effective with the 2008-09 fiscal year for the purpose of funding the activities of the Glen Arbour Homeowner's Association. MOTION PUT AND PASSED.

10.3 MEMBERS OF COUNCIL

10.3.1 Councillor Snow - Request to add October 23, 2007 Information Item #2, Arena Capacity - to the Agenda

This item was deleted under the approval of the Order of Business.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1(i) Request for Report re: Fairview Overpass Design Changes - Merge Lanes

MOVED by Councillor Murphy, seconded by Councillor Hum, that staff provide a report reviewing the merge lane design improvements and how concerns of the sudden merging of lanes of vehicular traffic going outbound from Windsor Street, Kempt Road, Lady Hammond and Barrington Street can be addressed. Further, the report to include information on the number of collisions on the Fairview Overpass area since these improvements were completed. MOTION PUT AND PASSED.

12.1(ii) Request to Add October 30, 2007 Information Report #3 - Ethical Procurement Green Procurement to the agenda

This item was deferred to November 13, 2007.

12.2 Personnel Matter - Evaluation Process for Request fro Proposal 07-139 - Business Parks Functional Plans

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

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

- 1. Instruct staff to leave the existing RFP process in place but strike an entirely new selection committee to evaluate the existing proposals,**
- 2. The October 24, 2007 staff report not be released to the public until after the evaluation.**

MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. ADJOURNMENT

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

Jan Gibson
Municipal Clerk

The following information items were circulated to Council.

1. Proclamation - CPR Awareness Month - November 2007
2. Proclamation - Pain Awareness Week - November 4- 10, 2007
3. Memorandum from Director, Finance and Director, Infrastructure and Asset Management dated October 24, 2007 re: Update - Ethical Procurement / Green Procurement
4. Memorandum from Director, Legal Services & Risk Management dated September 26, 2007 re: Claims Information
5. Memorandum from Director, Legal Services & Risk Management dated October 24, 2007 re: Appeal of Decision of Regional Council to Approve a Development Agreement with United Gulf Development Ltd. for Mixed Use Development on Former Texpark Property
6. Memorandum from Director, Infrastructure & Asset Management dated October 22, 2007 re: Bicycle Lanes
7. Memorandum from Director, Infrastructure & Asset Management dated October 22, 2007 re: Parking for Motorcycles and Mopeds
8. Memorandum from the Municipal Clerk dated October 26, 2007 re: Requests for Presentation to Council - None