

HALIFAX REGIONAL COUNCIL
MINUTES
February 19, 2008

PRESENT:

Mayor Peter Kelly, Chair
Deputy Mayor Stephen Adams
Councillors: Steve Streach
Krista Snow
David Hendsbee
Gloria McCluskey
Andrew Younger
Bill Karsten
Jackie Barkhouse
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Robert Harvey
Reg Rankin
Gary Meade

REGRETS:

Councillor Harry McInroy
Councillor Sue Uteck
Councillor Brad Johns

STAFF:

Mr. Wayne Anstey, Deputy Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Sheilagh Edmonds, Acting Municipal Clerk
Ms. Shawnee Gregory, Legislative Assistant

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1. **INVOCATION**

A moment of silence was held in honour of the late Councillor Gary Martin.

The Mayor called the meeting to order at 6:00 p.m., with the Invocation being led by Councillor Walker.

2. **SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor McCluskey indicated that there would be a Family Skating Party at Graham's Grove Park on Sunday, February 24, 2008 from 1:00 - 3:00 p.m.

Councillor Mosher indicated that there would be a Family Skating Party at Frog Pond on Purcell's Cove Road on Saturday, February 23 from 1:30 - 3:30 p.m. Councillor Mosher also advised that she and Councillor Walker held a meeting on February 18, 2008 regarding the Chester Spurline Abandonment process and over two hundred (200) people attended. They were able to agree for an extension of public consultation and an additional meeting will take place on February 21, 2008 in the morning at the Bayers Lake Theatre for the Bayers Lake business community. Councillor Mosher indicated that written submissions would also be accepted up until Thursday, February 28, 2008 and that the public may contact Dave McCusker, Manager, Regional Transportation, directly as well.

Councillor Hendsbee indicated that there will be a Benefit Fundraiser for the Bell family whose home caught on fire on Christmas Day at the Lake Echo Community Centre on February 23. He advised that there would be a nominal door charge and that auctions and a dance would take place. He also encouraged the public to contact Scotia Bank to make a donation for the Bell family.

Councillor Younger reminded business owners in the Main Street, Tacoma Drive and Lake Crest Drive area to submit their votes to City Hall regarding whether or not they want to form a business improvement district association. He advised that all business owners should have received letters and that the deadline for submissions was Thursday, February 21 at 4:30 p.m.

3. **APPROVAL OF MINUTES** - February 5, 2008

MOVED by Councillor McCluskey seconded by Councillor Sloane, that the Regional Council minutes of January 15 & 22, 2008 be approved. MOTION PUT AND PASSED.

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

Additions:

- 13.1 McNab's Island - Fort Hugonin - Councillor Barkhouse
- 13.2 Property Matter - Acquisition - Little Indian Lake
- 13.3 Property Matter - 1247 Bedford Highway, Bedford
- 13.4 Property Matter - Union Street Property, Bedford
- 13.5 Legal Matter - Settlement of Claim
- 13.6 Personnel Matter - Board of Police Commissioners

MOVED by Councillor Sloane, seconded by Councillor Wile, that the Order of Business be approved. MOTION PUT AND PASSED.

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 01004 - Municipal Planning Strategy and Land Use By-Law Amendments and Development Agreement, Former BC Silver School, Halifax (Spryfield)

C First reading of this matter was given at a meeting of Regional Council dated January 22, 2008.

C An extract of the January 22, 2008 Regional Council minutes was before Council.

C A report from the Chebucto Community Council dated January 15, 2008, was before Council.

C A staff report dated December 20, 2007, was before Council.

Mr. Richard Harvey, Senior Planner, presented the staff report to Council. He responded to questions of clarification from Council, noting the following:

C New trails will be designed as well as a pedestrian bridge;

C The existing parkland in the area has already deemed to be sufficient by staff. A children's play area is located three (3) kilometres away.

Mayor Kelly reviewed the Rules of Procedure for Public Hearings. He called for those wishing to speak for or against the proposed By-Law amendment and development agreement.

Mr. Doug Brown

Mr. Brown indicated that his home was immediately adjacent to the proposed site and that he had been elected by his neighbours to voice their support of the agreement. He stated that the developers and staff had been immensely involved with the community in keeping them updated. He also stated that the derelict site had attracted negative use and that the community welcomed the new subdivision to their neighbourhood.

Mr. Andrew Giles, representing the Developer, Kimberly-Lloyd Developments Limited

Mr. Giles indicated that Kimberly-Lloyd Developments Limited had purchased the property from HRM approximately one (1) year ago. He advised that they had completed a similar development in the area with great success. He stated that they did have some encroachments along Levis Street but that a compromise has been reached and residents have signed letters of intent. Mr. Giles indicated that there will be surplus parkland dedication and that there will be fencing along the proposed trail.

Ms. Janet Dalton

Ms. Dalton indicated that although she did not have any problem with the development that she was concerned about dynamiting near her property. She stated that she would like to have land access or perhaps a portion added to her property seeing as how a fence along the trail would cut her property in half. She advised that she and her neighbours were interested in buying the piece of land that the developers were considering blasting.

Ms. Evelyn Spears

Ms. Spears indicated that although she was not against the proposed subdivision that she had concerns regarding the fact that individuals in NorthWood Manor had not been consulted as the other residents in the area were.

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

MOVED by Deputy Mayor Adams, seconded by Councillor Sloane, that the public hearing be closed. MOTION PUT AND PASSED.

MOVED BY Deputy Mayor Adams, seconded by Councillor Mosher, that Halifax Regional Council approve the proposed amendments to the Halifax MPS and Halifax Mainland LUB presented in Attachment C of the December 20, 2007 staff report.

Mr. Harvey responded to further questions from Council noting the following:

- C The matter of civic addressing will be dealt with in a timely fashion;
- C Regarding Ms. Dalton's concerns with the blasting of a granite wall; staff has been dedicated to this problem and a pre blast survey will be done;
- C Requirements for buildings have been set out in the development policy regarding the flood plane. There will be a one hundred (100) foot set back from McIntosh Run. In terms of flood plane mapping, staff and developers do not believe that flooding will be an issue.

MOTION PUT AND PASSED.

9.2 Case 01005 - Amendment to Halifax Municipal Planning Strategy and Development Agreement for 11 Ramsgate Lane, Halifax

- C First reading of this matter was given at a meeting of Regional Council dated January 22, 2008.
- C An extract of the January 22, 2008 Regional Council minutes was before Council.
- C A report from the Chebucto Community Council dated January 15, 2008, was before Council.
- C A staff report dated December 14, 2007, was before Council.
- C An e-mail submission from Mr. Curtis McIntyre, Halifax, was distributed to Council.

Mr. Brian White, Planner, Western Region Office, presented the staff report to Council. Highlights of his presentation were as follows:

- C The amendment will allow for an additional eleven (11) nursing home beds;
- C No exterior change will be necessary;
- C More beds will be created by the conversion of suites into semi - private rooms;
- C Provincial long term care officials have stated that there is an immediate need for nursing home beds.

Mayor Kelly called three times for those wishing to speak in favour or against the proposed By-Law. Hearing none, the following motion was placed:

MOVED by Councillor Wile, seconded by Councillor Sloane, that the public hearing be closed. MOTION PUT AND PASSED.

MOVED BY Councillor Mosher, seconded by Councillor Sloane, that Halifax Regional Council approve the proposed amendments to the Halifax MPS as provided in Attachment "A" of the December 14, 2007 staff report.

Councillor Mosher indicated that while she supported the motion she wanted to note the controversial issues surrounding the original development in 1985. She stated that her reason for supporting the motion was to help local residents keep their loved ones in the area.

MOTION PUT AND PASSED.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - None

10.2 Petitions

Deputy Mayor Adams submitted a petition from sixty six (66) certified Halifax taxi drivers in support of deregulating taxi licences. He submitted the petition to the Municipal Clerk in light of the public hearing scheduled for next week.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Request for Proposal 07-391 - Provision of Services for Collection and Transportation of Source-Separated Solid Waste

C A staff report dated January 28, 2008, was before Council.

C A Power Point presentation was submitted.

Mr. Jim Bauld, Manager, Solid Waste Resources, presented the staff report to Council.

MOVED BY Councillor Rankin, seconded by Councillor Karsten, that Halifax Regional Council award contracts for source-separated solid waste collection and transportation services to the highest scoring firms recommended for Areas 1 to 8, as outlined in Table A of the report, for the monthly and other unit prices provided in the RFP responses, and in accordance with the requirements of RFP No. 07-391. Funding is from the Solid Waste Resources Operating Account R322-6399, as outlined in the Budget Implications section of this report.

A discussion ensued with Mr. Bauld responding to questions. The following points were noted:

C HRM reserves the right to limit the award of three (3) zones per company;

- C Miller Waste systems scored the highest in all areas;
- C Staff will provide matrix business points for Council's information;
- C Optional extended service and weekly collection in urban and rural areas will be debated during the budget;
- C Area one (1) now has reconfigured service days;
- C The RFP stated that anyone with questions on the RFP were to speak only with three (3) assigned staff members as noted in the RFP;
- C Staff provided assurance that By-Law S600 was being enforced;
- C Area 7 (Preston/Lawrencetown) is more expensive per dwelling unit because it is the farthest area from waste facilities. A suggestion was put forward that Council may want to consider downgrading from eight (8) to six (6) zones to alleviate this cost;
- C Preliminary responses show that it is more beneficial to have source separation than more land fills;
- C There are no tipping fees for curbside pick up.

MOTION PUT AND PASSED.

11.1.2 Tender 08-202, Sidewalk Renewals - West Region

- A report dated January 31, 2008, was before Council.

MOVED BY Councillor Fougere, seconded by Councillor Murphy, that Halifax Regional Council award Tender No. 08-202, Sidewalk Renewals - West Region to Ocean Contractors Limited for a Total Tender Price of \$348,555.73 (net HST included) with funding from Capital Account No. CKU01084 - Sidewalk Renewals, as outlined in the Budget Implications section of this report. MOTION PUT AND PASSED.

11.1.3 Tender 08-209, Parkdale Avenue, Paving Renewal - West Region

- C A report dated February 8, 2008, was before Council.

MOVED BY Councillor Rankin, seconded by Councillor Meade, that Halifax Regional Council award Tender No. 08-209, Parkdale Avenue, Paving Renewal - West Region to Dexter Construction Company Limited for a Total Tender Price of \$350,727.74 (net HST included) with funding from Capital Account No. CYU01081 - Paving Renewal Program, as outlined in the Budget Implications section of this report. MOTION PUT AND PASSED.

11.1.4 Planning Application Processing Times

- A report dated February 1, 2008, was before Council.
- C A Power Point presentation was submitted.

Mr. Paul Dunphy, Director, Community Development and Mr. Austin French, Manager, Planning Services presented the staff report to Council.

MOVED BY Councillor Karsten, seconded by Councillor Murphy, that Halifax Regional Council direct staff to investigate opportunities to further reduce processing timelines for planning applications. This review will include the roles and timelines of Committees' and Council's review.

A discussion ensued with Mr. Dunphy and Mr. French responding to questions. The following points were noted:

- C Staff believes that the implementation timeline will take approximately six (6) months. Council should anticipate workshops and individual discussions with staff over this period;
- C It was noted that delays are not always caused by HRM staff and that these external delays and their causes should be addressed;
- C Staff believes that five (5) new planners will be sufficient and that the expediency of processing times may also be helped through governance.

Council recessed at 8:02 p.m.

Council reconvened at 8:15 p.m. with the same members present with the exception of Councillor Streach, Councillor Snow, Councillor Smith, Councillor Fougere, Councillor Rankin and Councillor Meade.

The discussion continued with Staff responding to questions. The following points were noted:

- C The importance of development agreements was discussed. It was noted that the cities of Victoria and Regina use a discretionary-modified version of zones rather than development agreements;
- C The only place where staff is actively looking into density bonusing is in the downtown area and it will be used as a model for other areas in the future;
- C Council requested information regarding the ratio of planner to applications;
- C Council requested an organizational and flow chart tracking seasonal peaks and regional demands;
- C Several Council members agreed that more preliminary advisory meetings would help the process.

MOTION PUT AND PASSED.

11.1.5 Project 01122 - Land Use Planning Study, Western Shore Bedford Basin

- C A report dated February 5, 2008, was before Council.
- C A Power Point presentation was submitted.

Councillor Fougere entered the meeting at 8:35 p.m.

Mr. Roger Wells, Supervisor, Regional & Community Planning, and Mr. Marcel Deveaux, O'Halloran Campbell Consultants Limited, provided the presentation on Project 01122 - Land Use Planning Study, Western Shore Bedford Basin.

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

1. **Approve-in-principle the findings and recommendations of the "Land Use Planning Study, Western Shore Bedford Basin", dated January 2008, and request staff to:**
 - (a) **Commence the process to amend the Bedford Highway Secondary Planning Strategy and Land Use By-law, using the report's recommendations as a framework;**
 - (b) **Use the report's recommendations as a basis for implementing infrastructure improvements along the Bedford Highway corridor and Active Transportation (Trail) development; and**
 - (c) **Prepare terms of reference for a Streetscape Study for the Rockingham commercial corridor, to include detailed urban design guidelines for the Bedford Highway/Kearney Lake Road intersection area.**

A discussion ensued with Mr. Wells and Mr. Deveaux responding to questions. The following points were noted:

- C The chain link fence is simply a rendering . Rust caused by salt water will be taken into account and alternative materials will be explored;
- C There is a combination of both pre and post confederation water lots. The Halifax Port Authority owns all of the post confederation lots. There will have to be negotiations with property owners for easements and the Department of Environment and Labour as well as CN will also be contacted;
- C Several Councillors raised concerns regarding similar unfinished visioning projects in their districts. Noting that while they supported the idea these projects are subject to limited funding.

MOVED BY Councillor Fougere, seconded by Councillor Hum, that the motion be amended to add the following phrase to item (b):

"in the context of the broader HRM active transportation and blueprint for a bicycle friendly HRM plan"

THE AMENDMENT WAS PUT AND PASSED.

THE MOTION AS AMENDED WAS PUT AND PASSED.

The motion now reads:

1. **Regional Council approve-in-principle the findings and recommendations of the “Land Use Planning Study, Western Shore Bedford Basin”, dated January 2008, and request staff to:**
 - (a) **Commence the process to amend the Bedford Highway Secondary Planning Strategy and Land Use By-law, using the report’s recommendations as a framework;**
 - (b) **Use the report’s recommendations as a basis for implementing infrastructure improvements along the Bedford Highway corridor and Active Transportation (Trail) development in the context of the broader HRM active transportation and blueprint for a bicycle friendly HRM plan, and**
 - (c) **Prepare terms of reference for a Streetscape Study for the Rockingham commercial corridor, to include detailed urban design guidelines for the Bedford Highway/Kearney Lake Road intersection area.**

11.2 GRANTS COMMITTEE

11.2.1 Property Matter - Less Than Market Value Land Lease - Dartmouth Kinsmen Club

C A report from the Grants Committee dated February 4, 2008, was before Council.

Councillor Younger indicated that he was prepared to move the staff recommendation with the addition of a 3rd item.

MOVED BY Councillor Younger, seconded by Councillor McCluskey that Halifax Regional Council approve:

1. **The staff recommendation not to enter in to a less than market value land lease agreement with the Dartmouth Kinsmen Club for the sum of \$1 per year for a term of 10 years;**
2. **The staff recommendation to enter in to a less than market value land lease agreement with the Dartmouth Kinsmen Club, 30 Caledonia Road, Dartmouth, as per the revised terms and conditions set out in the Discussion section of this report;**

3. Direct the Grants Committee to develop written policy and guidelines for eligibility for less than market value leases, including eligibility for various levels of subsidy.

MOTION PUT AND PASSED.

11.2.2 Property Matter - Less Than Market Value Leases - Heritage Trust of Nova Scotia and Bike Again Program

C A report from the Grants Committee dated February 4, 2008, was before Council.

MOVED BY Councillor Murphy, seconded by Councillor Sloane, that Halifax Regional Council approve:

1. The staff recommendation to enter in to a less than market value lease agreement with the Heritage Trust of Nova Scotia, 1588 Barrington Street, Halifax as per the terms and conditions set out in the Discussion section of the Report dated November 22, 2007, attached as Attachment 1;
2. The staff recommendation to enter in to a less than market value lease agreement with the Bike Again Program, 2786 Agricola Street, Halifax as per the revised terms and conditions set out in the Discussion section of the Report dated January 25, 2008, attached as Attachment 2.

Councillor McCluskey left the meeting at 9:22 p.m.

MOTION PUT AND PASSED.

11.2.3 Grant Committee - Amendment to Terms of Reference

C A report from the Grants Committee dated February 4, 2008, was before Council.

MOVED BY Councillor Walker, seconded by Councillor Fougere, that Halifax Regional Council approve amendments to the HRM Grants Committee Terms of Reference Item 1, sub-section 1.1.2 to delete the phrase "...one of which shall be nominated by the Metro United Way of Halifax Region." MOTION PUT AND PASSED.

11.2.4 Proposed By-Law T-222, An Amendment to By-Law T-200, Respecting Tax Exemptions for Non Profit Organizations - Appeals 2007 - 2008

C A report from the Grants Committee dated February 4, 2008 was before Council.

MOVED BY Councillor Walker, seconded by Councillor Sloane, that Halifax Regional Council approve:

1. The application from Club 24 for 100% tax exemption be declined but that the club be offered assistance through a payment plan, or a pre-authorized payment plan, whereby the club's proportional share of property tax could be paid in smaller, monthly installments;
2. The Dartmouth Kinsmen Club be removed from Schedule 29 (Conversion from Commercial to Residential tax), effective April 1, 2007;
3. The motion passed by Regional Council on January 8, 2008, that the effective date for the Kinsmen be July 1, 2008, be amended to state that the Dartmouth Kinsmen Club be awarded 100% tax exemption at the Residential rate (Schedule 26) for the fiscal year 2007-2008, effective April 1, 2007;
4. Approve in principle By-Law T-222 and set a date for a public hearing.

MOTION PUT AND PASSED.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 McNab's Island - Fort Hugonin

MOVED BY Councillor Barkhouse, seconded by Councillor Murphy that the Mayor forward a letter to the Department of National Defence requesting that the demolition of Fort Hugonin be halted until options have been explored or that the tender be amended to include remediation and possible removal of the top floor. MOTION PUT AND PASSED.

13.2 Property Matter - Acquisition - Little Indian Lake

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

MOVED BY Councillor Harvey, seconded by Councillor Walker, that Halifax Regional Council:

1. Authorize staff to negotiate acquisition of a land parcel PID#40506941, Grant 21263, near Little Indian Lake, Goodwood as per the terms outlined in the private and confidential report dated January 22, 2008.
2. Create a Capital Account named "Western Common Land Acquisition" to be funded from Parkland Reserve Q107 in the amount of \$50,000, and
3. The January 22, 2008 Private and Confidential Staff report not be released.

MOTION PUT AND PASSED.

13.3 Property Matter - 1247 Bedford Highway, Bedford

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

MOVED BY Councillor Mosher, seconded by Councillor Sloane, that Halifax Regional Council:

1. Reject the offer of Purchase and Sale for 1247 Bedford Highway,
2. Consult with Community on their concerns and issues with respect to this building and property,
3. Upon completion of community consultation staff will come back to In Camera Council with further recommendations.
4. The December 20, 2007 Private and Confidential Staff report not be released.

MOTION PUT AND PASSED.

13.4 Property Matter - Union Street Property, Bedford

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

MOVED BY Councillor Karsten, seconded by Councillor Younger, that Halifax Regional Council:

1. Not purchase 27 Union Street, Bedford
2. The February 14, 2008 Private and Confidential Staff report not be released.

MOTION PUT AND PASSED.

13.5 Legal Matter - Settlement of Claim

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

MOVED BY Councillor Smith, seconded by Councillor Sloane, that Halifax Regional Council:

- 1. Settle the claim brought by the Plaintiff in the amount of \$12,000.00 to achieve a full and final settlement of the Plaintiff's action, upon obtaining a full release from the Plaintiff from any further claims arising out of the accident on November 7, 2001, and**
- 2. The February 4, 2008 Private and Confidential Staff report not be released.**

MOTION PUT AND PASSED.

13.6 Personnel Matter - Board of Police Commissioners

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

MOVED BY Councillor Wile, seconded by Councillor Murphy, that Halifax Regional Council reject the current nominee and that Mr. Doug MacDonald be appointed to the Board of Police Commissioners for a period of three (3) years, term to expire March 2011. MOTION PUT AND PASSED.

14. NOTICES OF MOTION

Councillor Walker:

Take notice that at the next Regional Council meeting, to be held on Tuesday, the 26th of February, 2008, I propose to move First Reading of By-Law T-222, the purpose of which is to amend By-Law T-200, the Tax Exemption for Non-Profit Organizations By-Law, with respect to appeals for 2007-2008.

15. ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

February 19, 2008

Sheilagh Edmonds
Acting Municipal Clerk

The following information items were circulated to Council:

1. Proclamation - Kin Canada Founders Day - February 20, 2008
2. Memorandum from Director, Finance dated January 29, 2008
re: Investment Activities - Quarter Ending September 30, 2007
3. Memorandum from Co-Chairs, Investment Policy Advisory Committee
dated January 29, 2008 re: Quarter Ending September 30, 2007
4. Memorandum from Director, Legal Services & Risk Management
dated February 5, 2008 re: Status of By-Law Prosecutions - December 1 - 31, 2007
5. Memorandum from Director, Infrastructure & Asset Management
dated January 22, 2008 re: 2007 Program Overview Report - HRM Pesticide By-Law
6. Memorandum from Director, Community Development dated February 12, 2008
re: Halifax Regional School Board - Imagine Our Schools
7. Memorandum from Director, Business Planning & Information Management
dated February 13, 2008 re: Request for Proposal 06-146 - Connecting HRM - Rural
Broadband Update
8. Memorandum from the Acting Municipal Clerk dated February 15, 2008
re: Requests for Presentation to Council - Capt. Angus McDonald re: HRM By Design