

HALIFAX REGIONAL COUNCIL  
MINUTES

March 9, 2010

**REVISED**

PRESENT: Mayor Peter Kelly  
Deputy Mayor Brad Johns  
Councillors: Steve Streach  
Barry Dalrymple  
David Hendsbee  
Lorelei Nicoll  
Gloria McCluskey  
Darren Fisher  
Bill Karsten  
Jackie Barkhouse  
Jim Smith  
Mary Wile  
Jerry Blumenthal  
Dawn Sloane  
Sue Uteck  
Jennifer Watts  
Russell Walker  
Debbie Hum  
Linda Mosher  
Stephen Adams  
Robert Harvey  
Tim Outhit  
Peter Lund

REGRETS: Councillors: Reg Rankin

STAFF: Mr. Dan English, Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Sherryll Murphy, Acting Municipal Clerk  
Ms. Barbara Coleman, Legislative Assistant  
Ms. Chris Newson, Legislative Assistant

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**1. INVOCATION**

Mayor Kelly called the meeting to order at 3:09 p.m. with the Invocation being led by Councillor Watts.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

This item was dealt with later in the meeting. See page 9.

**3. APPROVAL OF MINUTES - February 23, 2010**

Deputy Mayor Johns requested that the minutes be revised to address him in a consistent manner as Deputy Mayor Johns.

**MOVED BY Councillor Blumenthal, seconded by Councillor Sloane that the minutes of February 23, 2010, as amended, be approved.**

**4. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS - NONE**

**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 By-Law N-200, Respecting Noise - Exemption Application - Canadian Cancer Society, Halifax Relay For Life**

This item was dealt with later in the meeting. See page 10.

**10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**10.1 Correspondence - None**

**10.2 Petitions**

**10.2.1 Councillor Mosher - Petition - Construction of a Telecommunication Tower, Purcells Cove.**

Councillor Mosher submitted a petition containing 87 names requesting that Rogers Communications cease the construction of a 40 metre free standing self support telecommunication tower and associated equipment shelter on land adjacent to 451

Purcells Cove Road, Purcells Cove.

**11. REPORTS**

**11.1 CHIEF ADMINISTRATIVE OFFICER**

**11.1.1 Case 15937 - Municipal Planning Strategy / Land Use By-Law Amendment - 5599 Fenwick Street (Fenwick Tower), Halifax**

- A report dated February 24, 2010 was before Council.

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

- 1. Authorize staff to initiate a process to consider amending the Halifax Municipal Planning Strategy and Peninsula Land Use By-law to allow, by development agreement, a mixed-use re-development of the Fenwick Tower site at 5599 Fenwick Street, Halifax;**
- 2. Direct staff to follow the public participation process as approved by Council in February, 1997;**
- 3. Direct staff to contact Templeton Properties to request an extension of time, if possible, before they remove the communication tower from Fenwick Tower; and**
- 4. Request that a copy of the petition submitted by Councillor Mosher in regard to the Purcell's Cove Road telecommunications tower application be forwarded to the CRTC.**

**MOTION PUT AND PASSED**

**11.1.2 Community Facility Partnership Reserve**

- A report dated March 4, 2010 was before Council.

**MOVED BY Councillor Walker, seconded by Deputy Mayor Johns, that Halifax Regional Council approve the establishment of the Community Facility Partnership Reserve, as per the business case outlined in the report dated March 4, 2010.**

**MOTION PUT AND PASSED**

**11.1.3 2010 Spring Debenture and Temporary Borrowing Resolution**

- A report dated February 21, 2010 was before Council.

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

- 1. Authorize the Mayor and Municipal Clerk to sign the Resolution for Pre-Approval of Debenture Issuance, subject to interest rate confirmation not to exceed 6.5%, to enable the Halifax Regional Municipality to issue a 10-year debenture in the amount of \$20,400,000.**
- 2. Approve a Temporary Borrowing Resolution in the amount of \$93,666,000 for financing of the debt funded portion of 2009/10 and previous years' capital projects.**

**MOTION PUT AND PASSED**

**11.2 DISTRICT 12 PLANNING ADVISORY COMMITTEE & HERITAGE ADVISORY COMMITTEE**

**11.2.1 Case 01227 - Development Agreement - City Centre Atlantic**

The following documentation was before Council:

- A report dated February 25, 2010 from the District 12 Planning Advisory Committee
- A report dated March 4, 2010 from the Heritage Advisory Committee
- A staff report dated January 11, 2010
- A letter from Mr. Louis Lawen, Dexel, dated March 9, 2010.

**MOVED BY Councillor Sloane, seconded by Deputy Mayor Johns that Halifax Regional Council move Notice of Motion and approve in principle consideration of the development agreement, as contained in Attachment "A" of the report dated January 11, 2010, to allow a five storey addition to City Centre Atlantic, Halifax, and schedule a public hearing.**

**MOTION PUT AND PASSED**

**11.3 HERITAGE ADVISORY COMMITTEE**

**11.3.1 Barrington Street Heritage District Incentives Program - Revised Terms and Conditions**

- A report from the Heritage Advisory Committee dated February 11, 2010 was before Council.
- A memorandum dated March 9, 2010 from Mr. Bill Plaskett, Heritage Planner was distributed to Council at the meeting today.

Councillor Watts advised Council that sections, 2.18, 2.24, 3.20 and 3.27 found in the March 9, 2010 memorandum from Mr. Plaskett would replace the respective sections in Attachment A of the report dated February 11, 2010.

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

- 1. Approve the revised Terms and Conditions for the Barrington Street Heritage Incentives Program as shown in Attachment “A” of the February 1, 2010 report; and**
- 2. Replace sections 2.18, 2.24, 3.20 and 3.27 of Attachment “A” of the February 1, 2010 report with the following:**
  - 2:18 Where the total amount of both the grant and tax credits approved by Regional Council exceeds \$10,000 such approval is conditional on the owner entering into, and registering at the Land Registration Office/Registry of Deeds, an agreement:**
    - a) that the owner will not apply for demolition or demolish the building to which the grant and tax credits are applied for twenty years from the date of execution of the agreement;**
    - b) that should the building be damaged or destroyed during the term of the agreement, any unused portion of the tax credit will be suspended pending the completion of the reconstruction and be null and void should the building not be reconstructed;**
    - c) that the owner will maintain insurance against normal perils that are coverable on an all risk policy basis, including fire, in an amount equal to the replacement cost of the building; and**
    - d) that the agreement shall run with the land.**
  - 2.24 The applicant shall maintain insurance against normal perils that are coverable on an all risk policy basis, including fire, in an amount equal to the replacement cost of the building, for 20 years from the date of the payment of funds.**
  - 3:20 Where the total amount of both the grant and tax credits approved by regional Council exceeds \$10,000, such approval is conditional**

on the owner entering into, and registering at the Land Registration Office/Registry of Deeds, an agreement:

- a) that the owner will not apply for demolition or demolish the building to which the grant and tax credits are applied for twenty years from the date of execution of the agreement;
- b) that should the building be damaged or destroyed during the term of the agreement, any unused portion of the tax credit will be suspended pending the completion of the reconstruction and be null and void should the building not be reconstructed;
- c) that the owner will maintain insurance against normal perils that are coverable on an all risk policy basis, including fire, in an amount equal to the replacement cost of the building; and
- d) that the agreement shall run with the land.

3.27 The applicant shall maintain insurance against normal perils that are coverable on an all risk policy basis, including fire, in an amount equal to the replacement cost of the building, for 20 years from the date of the payment of funds.

3. Extend the deadline for submission of new incentives applications for 2010 from March 1, 2010 to March 31, 2010.

#### **MOTION PUT AND PASSED**

#### **11.4 INVESTMENT POLICY ADVISORY COMMITTEE**

##### **11.4.1 Review and Amendment to the Investment Policy**

- A staff report dated February 25, 2010 was before Council.

**MOVED BY Councillor Outhit, seconded by Councillor Dalrymple that Halifax Regional Council approve the amended Halifax Regional Municipality Investment Policy as contained in the staff report dated February 3, 2010.**

Councillor Outhit acknowledged the challenging work that Derek Tynski, Chair and Members of the Investment Committee, Michael Conde, Darrell Smith, and Dorothy MacCurdy undertook for the municipality.

#### **MOTION PUT AND PASSED**

#### **12. MOTIONS**



**13. ADDED ITEMS - NONE**

**14. NOTICES OF MOTION - NONE**

The meeting recessed at 3:35 p.m.

The meeting reconvened at 6:00 p.m. with regrets from Councillors Rankin and Outhit.

Council agreed to deal with Item 2 at this time.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor Sloane announced the upcoming St. Patrick's Day Parade scheduled for Saturday, March 13<sup>th</sup> commencing at Agricola and North Streets and ending at St. Patrick's Church where a lunch of Irish Stew would be served. She thanked Live Art for inviting her to compete in their dance competition fundraiser where she placed second.

Councillor Adams announced a public meeting to be held at the Captain William Spry Library in Spryfield, Co-Sponsored by the Chebucto Community Net, on March 10<sup>th</sup> in regard to "Shaping Your Digital Future" concerning consideration of a community controlled high speed internet system for the Spryfield area.

Councillor Hendsbee announced the Governance and Boundary Review Committee public consultation meeting to be held on March 10<sup>th</sup> at the Lawrencetown Community Centre and followed by the Marine Drive Valley and Canal Community Council meeting.

Councillor Streach announced the RCMP Detachment open houses on March 12<sup>th</sup> in Middle Musquodoboit, Musquodoboit Harbour and Sheet Harbour.

Councillor Barkhouse announced that Prince Andrew High School, Dartmouth, would be hosting its Golden Jubilee from July 22 - 24, 2010 for alumnae from 1960-1965. For further information please view the website at [www.pahs50.com](http://www.pahs50.com).

Councillor Mosher thanked the staff at the Captain William Spry Centre and Chocolate Lake Recreation for the successful Free Family Skate held on March 7<sup>th</sup> at the Spryfield Rink. She announced the upcoming public meetings/open house hosted by the Chain of Lake Trails Association (formerly known as the Chester Spur Line Trail) to be held on April 15<sup>th</sup> at the St. James Anglican Church on Joseph Howe Drive.

Councillor Uteck announced that HRM maintained a five star rating in the Communities in Bloom Winter Lights event for 2009/10. HRM received an 89.9% rating and was a finalist for the Festival of Trees with special recognition going to Dartmouth Crossing for

their “centre of the square” activities. She noted that HRM was also requested to give a presentation to the national delegates on its *Good Neighbours, Great Neighbourhoods* program.

Councillor Watts advised that she represented HRM on Saturday for the opening of the Canadian Men’s National Brier Championship. She also noted the upcoming Dalhousie School of Planning’s conference, March 18 & 19, focussing on the concept of play.

Deputy Mayor Johns announced the RCMP Detachment open houses to be held on Thursday, March 11<sup>th</sup> in Sackville, Tantallon and Cole Harbour from 2:00 - 5:00 p.m.

Councillor Fisher announced a free service being launched on March 22<sup>nd</sup> by Capital Health to assist the public in setting and achieving their goals for physical and mental health. A new community health team has opened in two new locations at Tacoma Drive and the East Dartmouth Community Centre. For further information, call 460-4555.

Councillor McCluskey advised that she represented HRM on Friday evening at the Canadian Brier banquet.

Council agreed to deal with Item 9.1 at this time.

**9.1 By-Law N-200, Respecting Noise - Exemption Application - Canadian Cancer Society, Halifax Relay For Life**

- A report dated February 16, 2010 was before Council.

Mr. Billy Comer, Coordinator, Civic Events, presented the report.

Deputy Mayor Johns requested clarification from staff following the public hearing, on whether other areas, such as Sackville, would be required to apply for an exemption to the By-Law if they were planning a Canadian Cancer Society Relay for Life event.

Mayor Kelly reviewed the procedures for public hearings then opened the public hearing calling for any speakers for or against the proposal.

Ms. Lisa Weatherhead, Volunteer Co-Chair, Canadian Cancer Society Halifax Relay for Life, advised that the event was volunteer driven with a theme of celebrating, remembering and fighting back against cancer. It is the largest fundraiser for the Canadian Cancer Society. The event is non-alcoholic, smoke free and is a family event for all ages. As cancer touches everyone, the community is invited to participate/observe in celebration of the survivors and to commemorate those who have passed at the illuminary ceremony. The Halifax Relay for Life is a community

event that lets individuals give back to the Canadian Cancer Society and all funds raised will go toward research and support.

Mayor Kelly gave the third call for speakers, hearing none, it was **MOVED BY Councillor Sloane, seconded by Councillor Karsten that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED BY Councillor Sloane, seconded by Councillor Wile that Halifax Regional Council approve an exemption from the provisions of the Noise By-Law pursuant to the contents of the report dated February 16, 2010 and any matters raised at the hearing. MOTION PUT AND PASSED.**

**15. ADJOURNMENT**

The meeting adjourned at 6:20 p.m.

Cathy Mellett  
Acting Municipal Clerk

**INFORMATION ITEMS**  
**March 9, 2010**

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1. Memorandum from Acting Director, Community Development dated February 11, 2010 re: Case 01116 - 40 Sandy Lake Road and Fraternal Centres
2. Memorandum from Director, Infrastructure & Asset Management dated February 22, 2010 re: Recreational Infrastructure Canada (RIInC) Program
3. Memorandum from Director, Finance dated February 23, 2010 re: Investment Activities - Quarter Ending December 31, 2009
4. Memorandum from Co-Chairs, Investment Policy Advisory Committee dated February 24, 2010 re: Quarter Ending December 31, 2009
5. Memorandum from Director, Finance dated February 8, 2010 re: Award of Contracts - CAO Approval
6. Memorandum from the Acting Clerk Manager dated March 5, 2010 re: Requests for Presentation to Council - None
7. Memorandum from General Manager, Halifax Water dated March 4, 2010 re: 2007 / 2008 Annual Report
8. Memorandum from Halifax 2011 Canada Games Committee re: Third Quarter Update - March 2010