

HALIFAX REGIONAL COUNCIL
MINUTES
September 28, 2010

- PRESENT: Mayor Peter Kelly
Deputy Mayor Brad Johns
Councillors: Steve Streach
Barry Dalrymple
David Hendsbee
Lorelei Nicoll
Darren Fisher
Bill Karsten
Jackie Barkhouse
Mary Wile
Jerry Blumenthal
Dawn M. Sloane
Sue Uteck
Jennifer Watts
Russell Walker
Linda Mosher
Robert P. Harvey
Tim Outhit
Reg Rankin
- REGRETS: Councillors: Stephen D. Adams
Jim Smith
Gloria McCluskey
Debbie Hum
Peter Lund
- STAFF: Mr. Wayne Anstey, Acting Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Sherryl Murphy, Acting Municipal Clerk
Ms. Chris Newson, Legislative Assistant

TABLE OF CONTENTS

1.	INVOCATION	4
2.	SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS	4
3.	APPROVAL OF MINUTES	6
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	6
5.	BUSINESS ARISING OUT OF THE MINUTES	6
6.	MOTIONS OF RECONSIDERATION	6
7.	MOTIONS OF RESCISSION	6
8.	CONSIDERATION OF DEFERRED BUSINESS	6
9.	CORRESPONDENCE, PETITIONS & DELEGATIONS	
9.1	Correspondence	
9.2	Petitions	6
10.	REPORTS	
10.1	CHIEF ADMINISTRATIVE OFFICER	
10.1.1	Borrow Pit A2 Access Road, Otter Lake	6
10.1.2	Tender 10-087 – Supply and Install Weigh Scales	6
10.1.3	First Reading Proposed By-Law O-109 and Amendments to Administrative Order 33, Respecting Open Air Burning	7
10.1.4	First Reading Proposed By-Law T-142, An Amendment to By-Law T-108, Respecting the Regulation of Taxis & Limousines, and Amendments to Administrative Orders 15, 21 & 39	8
10.1.5	Proposed Amendments to Administrative Order 15, Respecting License, Permit & Processing Fees – Applications Administered by Planning & Development Services (Case 16422)	8
10.1.6	Proposed Amendments to Administrative Order 11, Respecting Registration Fees for Dogs	10
10.2	PENINSULA COMMUNITY COUNCIL	
10.2.1	Case 16038 – Lounges in Restaurants – Quinpool Road, Halifax	10

10.3	GRANT COMMITTEE	
10.3.1	Bloomfield Centre, 2786 Agricola Street – Less Than Market Value Lease Renewals	10
10.3.2	HRM Community Grants Program 2010 - 2011 – Appeals	11
10.4	HERITAGE ADVISORY COMMITTEE	
10.4.1	Case H00349 – De-registration of 5755 Sackville Street, Halifax as a Municipally Registered Heritage Property	11
10.4.2	Case 01339 – Heritage Development Agreement – 5757 Inglis Street, Halifax	11
11.	MOTIONS	12
12.	ADDED ITEMS	12
13.	NOTICES OF MOTION	12
14.	ADJOURNMENT	13

1. INVOCATION

The meeting was called to order at 2:57 p.m.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane announced the following community events that occurred last week-end in recognition of Cultural Days: the kick-off for the Oktoberfest and the Neptune Theatre and CTV Open Houses. She noted that on Thursday, September 30th at 7:00 p.m. at the World Trade and Convention Centre the public are invited to view the proposed interior for the new Central Library.

Councillor Mosher requested that Mayor Kelly, on behalf of Council, send a letter of congratulations to Mr. Mel Boutilier, Executive Director, Parker Street Food Bank, who was honoured last week by volunteers for his voluntarism and for receiving the distinguished Order of Nova Scotia as well as the Order of Canada.

Councillor Fisher announced the Main Street Business Improvement District's Historical Calendar Project and requested that anyone with old photographs of Main Street, Dartmouth, contact him.

Councillor Blumenthal advised that Wednesday, September 29th was the *Raise a Reader* event and people would be selling the Chronicle Herald to raise money for the project. He also noted a Town hall meeting scheduled for 6:30 p.m. at the St. Margaret's of Scotland Church.

Councillor Rankin, on behalf of Councillor Lund, requested that Mayor Kelly, on behalf of Council, write a letter of condolence to the family of the recently deceased Mr. Norman Llewellyn. Mr. Llewellyn was the subject of the documentary "*Norm's Life*" by local film makers that won national awards and is now on the curriculum at Dalhousie Medical School for first year medical students.

Councillor Barkhouse announced the Oktoberfest event to be held at the North Woodside Community Centre on Saturday, October 2nd and the Seaside Harvest Festival to be held in Fishermen's Cove on October 2nd with many exciting events.

Councillor Uteck announced the upcoming Halifax Regional Police Town hall meeting to be held on Thursday, October 7th at 7:00 p.m. at the Halifax Grammar School. She urged residents of the south end to attend.

Councillor Dalrymple thanked all volunteers of the Beaver Bank Kinsac Community Centre and Fundraising Committee for the recent Slow Pitch Tournament that raised over \$2,400. He announced that the Halifax Stanfield International Airport has achieved the following:

1. finalist for Corporate Partner of the Year Award in the National Awards for Tourism Excellence by the Tourism Industry Association of Canada to be presented on November 2, 2010 in Gatineau, PQ;
2. co-winner of the PCI's Design Awards for Parking Structures over 1000 Vehicles for extraordinary design, sustainability, contextual integrity, attention to detail, innovation, speed of construction and industry advancement;
3. Progress Media's Top 101 Awards Core Values List - Customer Service Award for performing best in four key areas - customer orientation, internal perspective, innovation and sustainability, and governance. The award will be presented on October 22nd.

Councillor Wile invited residents of Districts 10, 15 and 16 to a Public Information Meeting to be held on October 7th at 7:00 p.m. in the Halifax West High School Cafeteria in regard to the Land Use By-Law Amendment to allow transit facilities such as Park 'n Ride lots and a terminal to replace the Lacewood Terminal.

Councilor Hendsbee encouraged residents to complete the online Water Quality Survey for the greater Porters Lake area by September 30th. He announced the following community events: a benefit fundraiser for Darlene Crowell Snow at the Chezzetcook Lions Community Centre on Saturday, October 2nd at 7:00 p.m. and the 260th Anniversary of the Halifax Farmers Market at the Keith's Brewery Market in downtown Halifax at 10:00 a.m.. On behalf of Councillor McCluskey, he announced an open house for the Lofts of Greenvale on Ochterloney Street, Dartmouth from 2-4:00 p.m.. He extended best wishes to the new Minister of the Preston Church, Ms. Lequinta Porter, induction service to be held at 3:00 p.m. on Sunday, October 3rd.

Councillor Sloane advised that the *Word on the Street* and *AIDS Walk* events, held last Sunday, were successful. She announced that a Halifax Regional Police Town hall meeting would be held on Thursday, October 7th at 6:30 p.m. in the North End Memorial Library, Gottingen Street.

Councillor Watts announced a Community Gardens Symposium to be held on Tuesday, October 5th at 3:00 p.m. on Gottingen Street. She encouraged all residents to experience the Locative Media Project in downtown Dartmouth which is a historical walk

of the downtown by iphone called "*Damsel Days*" by Leoyla LeBlanc. She also announced the *Run for the Cure* to be held on the South Commons, Sunday, October 3rd.

Councillor Dalrymple advised the public hearing in regard to the Sobey's request for expansion in Fall River will be held on October 13th at the LWF Community Hall at 843 Fall River Road.

Councillor Nicoll advised that the Harbour East Community Council meeting date has been changed to Monday, October 4th at 6:00 p.m. in the School Board Building.

3. APPROVAL OF THE MINUTES - NONE

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

Additions: 12.1 Contractual Matter: HRM 4 Pad Arena - External Facility Naming Partnership

MOVED by Councillor Blumenthal, seconded by Councillor Sloane, 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

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS - NONE

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Borrow Pit A2 Access Road, Otter Lake

MOVED by Councillor Rankin, seconded by Councillor Sloane that the Borrow Pit A2 Access Road, Otter Lake matter be deferred one week pending staff's consultation with the Community Monitoring Committee. MOTION PUT AND PASSED.

10.1.2 Tender 10-087 – Supply and Install Weigh Scales

A staff report dated September 13, 2010 was before Council.

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

- 1. Award Tender No. 10-087 to Avery Weigh-Tronix for a Total Tender Price of \$500,572.80 (net HST included);**
- 2. Increase Project Account No. CBX01170 – HRM Depot Upgrades in the amount of \$50,572.80; and**
- 3. Approve withdrawal of \$50,572.80 from Q204 – Fleet and Equipment Reserve for funding of Project CBX01170, as outlined in the Budget Implications section of the report dated September 13, 2010.**

In response to a concern raised by Councillor Walker, Mr. Ken Reashor, Director, Transportation and Public Works, explained that there was not sufficient funds in the account to fund the weigh scale itself as the balance of existing funding would be used for site preparation.

MOTION PUT AND PASSED.

10.1.3 First Reading Proposed By-Law O-109 and Amendments to Administrative Order 33, Respecting Open Air Burning

An extract of the draft September 14, 2010 Regional Council minutes was before Council.

A copy of the September 14, 2010 Committee of the Whole presentation on proposed By-Law O-109, Respecting Open Air Burning, was before Council.

A copy of the Supplementary Staff Report dated September 21, 2010 was before Council.

A copy of the Supplementary Staff Report dated June 3, 2010 was before Council.

A copy of the revised Appendix A, dated September 27, 2010, and By-Law O-109 were before Council.

Mr. Roy Hollett, Deputy Chief Director, Fire & Emergency Services, presented the Supplementary Report.

MOVED by Councillor Hendsbee, seconded by Councillor Rankin that Halifax Regional Council:

- 1. Give First Reading to By-Law O-109, Respecting Open Air Burning, as outlined in Attachment 1 of the September 21, 2010 Supplementary Staff report; and,**

2. That the Provincial Department of Natural Resources requirements be the permitting requirements in place from April 15 to October 15 in the areas specifically outlined in the current By-Law.

In response to a question of clarification raised by Councillor Hendsbee, Mr. Roy Hollett, Deputy Chief Director, Fire Services, explained that the intent was to transfer the communities from the original By-Law into the new By-Law.

Councillor Hendsbee commented that the communities should not be listed in the By-Law because if they are outside the municipal servicable boundary they would require a provincial permit between April and October.

In response to a request for clarification by Councillor Hendsbee, Ms. Mary Ellen Donovan, Municipal Solicitor, explained that the newspaper advertisement for the upcoming public hearing could be designed to ensure it is drafted to accommodate these considerations.

MOTION PUT AND PASSED.

10.1.4 First Reading Proposed By-Law T-142, An Amendment to By-Law T-108, Respecting the Regulation of Taxis & Limousines, and Amendments to Administrative Orders 15, 21 & 39.

A copy of the staff report dated July 6, 2010 was before Council.

MOVED by Councillor Mosher, seconded by Councillor Karsten that Halifax Regional Council give First Reading to By-Law T-142, Respecting Regulation of Taxis and Limousines, as outlined in Appendix A of the July 6, 2010 staff report. MOTION PUT AND PASSED.

10.1.5 Proposed Amendments to Administrative Order 15, Respecting License, Permit & Processing Fees – Applications Administered by Planning & Development Services (Case 16422)

A copy of the staff report dated August 26, 2010 was before Council.

MOVED by Deputy Mayor Johns, seconded by Councillor Walker that Halifax Regional Council approve the proposed amendments to Administrative Order 15, as outlined in Attachment A of the August 26, 2010 staff report.

Discussion ensued on the motion on the floor with the following amendment proposed:

MOVED by Councillor Harvey, seconded by Councillor Walker that the motion be amended as follows: Part 5 of Attachment A be divided into two parts with a \$200 fee for the intial application and an additional fee of \$300 if there is an appeal.

In response to a question of clarification by Councillor Sloane, Mr. Kurt Pyle, Supervisor, Planning Applications, Eastern Region, advised that the increases in fees for variance applications was staff initiated and was not something considered by Council during Budget deliberations however; the proposal is within the Community Development's Business Plan.

Councillor Karsten indicated that the \$500 proposed fee was an incredible jump from \$100 if there is no appeal, however; he noted that the rationale for the proposed fee increase was not only budget related but an attempt to curb the massive amounts of variances that are being brought forward.

In response to a question by Councillor Karsten, Mr. Pyle explained that increasing the fee from \$100 to \$200 would result in a slight decrease in the number of applications received. The \$500 increase was to encourage applicants to comply and then request a variance only as an option. A \$200 fee would not be as great a deterrent.

Councillor Uteck advised that she was not in support of the amendment. Variance requests have placed such a stress on the Peninsular Halifax area that variance appeals are now spread among planning staff across all areas of HRM. Other applications are being delayed due to the quantity of variance applications. The Peninsula Community Council receives four to five variances per month. The proposed \$500 fee would cause people to have a second thought on requesting a 1' to 2' variance.

In response to questions raised by Deputy Mayor Johns, Mr. Pyle advised that the proposed fee would include all requests for variances including sheds/accessory buildings as it would apply to all requests for sideyard setback variances. The staff resources allocated to consider a variance of 1' for an 8 storey building or a shed would be the same, therefore, a fee calculated as a percentage of the overall cost of the building was not considered.

Deputy Mayor Johns advised that he was in support of the amendment.

Councillor Walker explained that he was in support of the amendment as the main reason for the increase was due to the amount of time and work required of staff. A \$200 initial fee is acceptable, and, if the applicant chooses to go further, the \$300 may be charged. If the variance request does not go to the Community Council, the matter is not tying up any of staff's time, however; a variance appeal does require more work as a report must be prepared for the Community Council.

Councillor Harvey commented that dividing the \$500 fee would be more fair to the public rather than an increase of five times the current amount.

MOTION TO AMEND PUT AND PASSED.

The amended motion now reads as follows:

MOVED by Deputy Mayor Johns, seconded by Councillor Walker that Halifax Regional Council approve the proposed amendments to Administrative Order 15, as outlined in Attachment A of the August 26, 2010 staff report with the following amendment to Part 5: that the \$500 fee be divided into two parts with a \$200 fee for the initial application and an additional fee of \$300 if there is an appeal.

MOTION PUT AND PASSED.

10.1.6 Proposed Amendments to Administrative Order 11, Respecting Registration Fees for Dogs

A staff report dated August 27, 2010 was before Council.

MOVED by Councillor Karsten, seconded by Councillor Wile that Halifax Regional Council approve the proposed amendments to Administrative Order 11, Respecting Dog Registration Fees, as outlined in Appendix A of the staff report dated August 27, 2010. MOTION PUT AND PASSED

10.2 PENINSULA COMMUNITY COUNCIL

10.2.1 Case 16038 – Lounges in Restaurants – Quinpool Road, Halifax

An e-mail dated September 13, 2010 from Mr. John van Gurp was before Council.

A report from the Peninsula Community Council dated September 16, 2010 was before Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane that Halifax Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law, as provided in Attachments A and B of the August 27, 2010 staff report and schedule a public hearing. MOTION PUT AND PASSED.

10.3 GRANT COMMITTEE

10.3.1 Bloomfield Centre, 2786 Agricola Street – Less Than Market Value Lease Renewals

A report from the Grants Committee dated September 14, 2010 was before Council.

MOVED by Councillor Walker, seconded by Councillor Blumenthal that Halifax Regional Council:

- 1. Approve the following six (6) leases for a term of one (1) year and subsequent yearly renewals, if necessary, for six (6) tenants, pending the re-development of the Bloomfield Centre site: Canadian Mental Health**

Association, Ecology Action Centre, Northern Lights Senior Citizens Club, Safe Harbour Metropolitan Church, Independent Living Resource Centre, and Knights of Columbus, as per the key terms and conditions set out in Tables 1-6.

- 2. Direct staff to renew these six (6) less than market value leases annually, notwithstanding appeals, without formally providing a recommendation report to the Grants Committee and Regional Council, until a decision regarding the re-development of the Bloomfield Centre site is made.**

MOTION PUT AND PASSED.

10.3.2 HRM Community Grants Program 2010-2011 – Appeals

A report from the Grants Committee dated September 14, 2010 was before Council.

MOVED by Councillor Walker, seconded by Councillor Wile that Halifax Regional Council approve the HRM Community Grants Program appeals as detailed in the Discussion section of the July 26, 2010 staff report, attached as Attachment 1 to the Grant Committee report dated September 14, 2010, for a total of five (5) grants for a combined total value of \$25,900 from operating account M311-8004 – Grants & Tax Concessions. MOTION PUT AND PASSED.

10.4 HERITAGE ADVISORY COMMITTEE

10.4.1 Case H00349 – Deregistration of 5755 Sackville Street, Halifax as a Municipally Registered Heritage Property

A report from the Heritage Advisory Committee dated September 14, 2010 was before Council.

MOVED by Councillor Watts, seconded by Councillor Sloane that Halifax Regional Council approve in principle the de-registration of 5757 Sackville Street, Halifax, as shown on Map 1 of the July 9, 2010 staff report and set a date for a public hearing. MOTION PUT AND PASSED.

10.4.2 Case 01339 – Heritage Development Agreement – 5757 Inglis Street, Halifax

A copy of the staff presentation for Case 01339, dated September 28, 2010, was before Council.

A report from the Heritage Advisory Committee dated September 14, 2010 was before Council.

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that Halifax Regional Council approve the substantial alteration to a heritage property at 5757 Inglis Street having considered the potential impacts on the registered heritage property.

In response to a question by Councillor Harvey, Mr. Bill Plaskett, Heritage Planner, Community Development, explained that a number of earlier proposals for the building had been reviewed that were larger in height and connected to the original structure with upper storeys that made the building appear much larger than it is in actuality. The Developer agreed to reduce the height of the connecting buildings.

In response to a question by Councillor Hendsbee, Mr. Plaskett explained that the roof peak was removed from the townhouse additions as the new addition could not be higher than the existing building.

MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Contractual Matter - HRM 4 Pad Arena - External Facility Naming Partnership

This matter was discussed during an earlier In Camera session and was now before Council for ratification.

MOVED by Councillor Outhit, seconded by Councillor Rankin that Halifax Regional Council:

- 1. Approve the 10 year agreement (Attachment 1) with the Bank of Montreal (BMO) for the external naming rights of the HRM 4 Pad Arena;**
- 2. Approve the annual Naming Rights payment be made to the approved Facility Capital Reserve Account; and**
- 3. That the private and confidential staff report dated September 1, 2010 not be released to the public until negotiations for external naming rights for the Canada Games Centre are concluded.**

MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. ADJOURNMENT

The meeting adjourned at 3:46 p.m.

Cathy J. Mellett
Municipal Clerk

Information Items

September 28, 2010

1. Proclamation – Mental Illness Awareness Week – October 3 - 9, 2010.
2. Proclamation – Treaty Day – October 1, 2010
3. Proclamation – National Safe Communities Day – October 6, 2010
4. Memorandum from Managing Director, External & Corporate Affairs dated September 15, 2010 re: Project Update – Review and Renewal of HRM's Economic Strategy
5. Memorandum from the Municipal Clerk dated September 24, 2010 re: Requests for Presentation to Council - None