

HALIFAX REGIONAL COUNCIL  
MINUTES

February 28, 2012

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

REGRETS: Councillors: Jerry Blumenthal  
Brad Johns

STAFF: Mr. Richard Butts, Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Cathy Mellett, Municipal Clerk  
Ms. Sherrill Murphy, Acting Municipal Clerk  
Ms. Krista Vining, Legislative Assistant

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**1. INVOCATION**

The Mayor called the meeting to order at 1:00 p.m. with the Invocation being led by Councillor McCluskey.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillors noted a number of community announcements and acknowledgements.

**3. APPROVAL OF MINUTES – February 7 & 9, 2012**

**MOVED by Councillor McCluskey, seconded by Councillor Wile that the minutes of February 7 and 9, 2012 be approved, as presented. MOTION PUT AND PASSED.**

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

In Camera:

14.3 Personnel Matter

14.3.1 2012 HRM Volunteer Recognition and Award Recipients

Item 10.2.1 - Mainland Halifax North - Bedford Corridor Transportation and Waste Water Servicing Strategy was moved up on the agenda following 9.2 - Petitions at the request of Councillor Hum.

**MOVED by Councillor Sloane, seconded by Councillor Wile that the Order of Business be approved, as amended. 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**

**9.1 Correspondence**

**9.1.1 Request for Fly-Past – Fall River Days 2012**

A request for fly-past from Michael Creighton, Co-Chair of Fall River Canal Days dated February 14, 2012 was before Council for consideration.

**MOVED by Councillor Dalrymple, seconded by Councillor Sloane that Halifax Regional Council grant permission to the Canadian Air Force for the CH 124 Sea King to perform a demonstration at 500 feet or less over the north end of Lake Thomas in Fall River on July 2, 2012 at approximately 12 noon in conjunction with Fall River Days. MOTION PUT AND PASSED.**

## **9.2 Petitions**

### **9.2.1 Received by the Office of the Municipal Clerk**

A petition containing 99 signatures, received by the Office of the Municipal Clerk, was submitted opposing extending central sewer and water services along Purcell's Cove Road and including Purcell's Cove (Area 2) in the planning and engineering study to determine the feasibility and costs of such an extension.

Councillor Mosher submitted a letter from Marcos Zentilli, representing the Purcell's Cove Neighbourhood Committee, dated February 3, 2012 requesting staff to provide clarification on the information outlined in the petition and letter.

Item 10.2.1 - Mainland Halifax North - Bedford Corridor Transportation and Waste Water Servicing Strategy was discussed at this time.

### **10.2.1 Mainland Halifax North - Bedford Corridor Transportation and Waste Water Servicing Strategy**

A report from the Community Planning and Economic Development Standing Committee dated February 20, 2012 was before Council.

Mr. Paul Morgan, Senior Planner delivered a presentation on the Mainland Halifax North - Bedford Corridor Servicing Strategy.

Councillor Barkhouse entered the meeting at 1:10 p.m.

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

- 1. That a servicing strategy be initiated for the Bedford – Mainland Halifax North Corridor to estimate transportation and wastewater services upgrades needed to service future growth with associated costs and suggested means of finance; and**
- 2. Further public consultation on all development proposals referenced in the January 12, 2012 staff report, which require plan amendments, be deferred until the servicing study has been completed.**

In response to questions raised by Councillor Hum, Mr. Morgan clarified that Southwest Properties has not made an application to HRM. However, he has met with representatives who are aware of the recommendations before Council. Mr. Morgan further clarified that the reason Southwest Properties is considering holding their own public information meeting is because the land is under a Purchase and Sale Agreement, with a limited timeframe to decide whether or not to purchase the land. Southwest Properties is looking to gain understanding from the community and possibly integrate ideas from the community from this meeting. Staff does not see an issue with Southwest Properties hosting their own meeting, as it could save time when a formal application is made to HRM.

Mr. Morgan provided clarification on the Rockingham Lake Development Agreement application. Staff have advised the applicant that the policies under the Halifax Planning Strategy require Council's consideration of the status and impact of their service systems. He confirmed that the Public Information Meeting for the application will be hosted by the Municipality.

In response to Councillor Hum's question regarding the transportation study, Mr. Morgan indicated that the study is intended to try and assist with Council's understanding of the cumulative impact of these developments and how HRM can best resolve servicing issues. The study will include public transit, active transportation, and the impact of traffic levels and needed road improvements.

Councillor Outhit noted the importance of planning for growth in relation to infrastructure and transportation and how it will be funded.

It was noted that Capital Cost Contributions (CCC) is one of the topics being reviewed under the Regional Plan Review. The Chief Administrative Office clarified that CCCs require Provincial legislation, which is one of the priorities Council approved a number of months ago.

Councillor Watts highlighted that the Strategy does not focus on one area of the Municipality, but will also affect residents along the Peninsula; particularly around transportation. Councillor Watt further requested a status update on the Road Network Functional Plan and the Bus Corridor Study. The Councillor noted the importance of ensuring the full lifecycle costs of roads is covered. She asked whether discussions will be held with the Province in relation to the agenda for roads.

Mr. Morgan indicated that he has reviewed the transit study and expects that transit services will have staff on the Steering Committee. Part of the objective is to minimize the cost to the Municipality and increase transit ridership. Further, the lifecycle costs for roads will be considered and the Province will be consulted as they are partial owners of the road network.

During the ensuing discussion, staff responded to questions regarding planning for impact around facilities and schools. It was noted that once the infrastructure study is

complete, the community planning processes would resume and would come back to Council in the form of a plan amendment before development occurs. Councillor Uteck requested the report identify all Capital Cost Contribution charges HRM has done and the amount recovered to date.

Councillor Dalrymple asked whether there would be an opportunity to integrate the Commuter Rail Study with this Strategy. In response staff noted that this was not known at this time. Councillor Dalrymple suggested that at the very least there should be some assumptions made regarding commuter rail when considering the transportation servicing strategy.

**MOTION PUT AND PASSED.**

**10. REPORTS**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Sidewalk Local Improvement Charges (LIC) and Taxes**

A staff report dated January 19, 2012 was before Council.

Mr. Bruce Fisher, Manager, Financial Policy and Planning provided an overview of the January 19<sup>th</sup> staff report. He noted that staff is seeking direction as to whether Regional Council wants to replace the LIC system with either a sidewalk tax system or inclusion in the general rate. There is currently no proposed replacement tax rate, as this would come through the budget process should Council provide this direction. The LIC and portion of the urban tax used to fund sidewalks would become one rate similar to the transit rate and the sidewalk tax would be a second rate, as the boundaries would be slightly different and would not apply to the Peninsula. Mr. Fisher was unable to confirm the net outcome to the taxpayers at this point.

Councillor Nicoll expressed concern with the LIC system, commenting that at no time should residents or business owners on an arterial road be expected to absorb an upgrade. She suggested having a staff report to identify how LICs would be removed.

**MOVED by Councillor Nicoll, seconded by Councillor Wile that Halifax Regional Council:**

- 1. Refer Item 10.1.1 Sidewalk Local Improvement Charges (LIC) and Taxes to the Transportation Standing Committee for review and report; and**
- 2. Direct staff to:**
  - Develop a new sidewalk, curb and gutter LIC and taxation system for 2012-2013 that recovers the costs of local sidewalks through a local sidewalk tax and includes the sidewalks on regional roads within the**

**general tax rate, as identified in option 3 of the staff report dated January 19, 2012;**

- **Provide additional details for the selected option, including potential tax rates, prior to the 2012-2013 budget presentation; and**
- **Provide direction as to whether similar solutions should be considered for LICs on other road features such as paving of gravel road upgrades.**

Mayor Kelly requested clarification from Councillor Nicoll respecting the motion, as there are a number of questions and the lack of clarity on the potential cost.

Council entered into discussion. A question was raised on the timing of the matter coming back to Council for the 2012-2013 budget discussion. Mr. Richard Butts, Chief Administrative Officer could not confirm if this matter would be back in time for the 2012-2013 budget debate. Several members of Council suggested the matter be referred to a future Committee of the Whole session, to which the mover and seconder agreed.

The motion now reads:

**MOVED by Councillor Nicoll, seconded by Councillor Wile that Halifax Regional Council:**

1. **Refer Item 10.1.1 Sidewalk Local Improvement Charges (LIC) and Taxes to a future Committee of the Whole session; and**
2. **Direct staff to:**
  - **Develop a new sidewalk, curb and gutter LIC and taxation system for 2012-2013 that recovers the costs of local sidewalks through a local sidewalk tax and includes the sidewalks on regional roads within the general tax rate, as identified in option 3 of the staff report dated January 19, 2012;**
  - **Provide additional details for the selected option, including potential tax rates, prior to the 2012-2013 budget presentation; and**
  - **Provide direction as to whether similar solutions should be considered for LICs on other road features such as paving of gravel road upgrades.**

Council requested the staff report address the following:

- Having LICs under the general tax rate
- Snow removal (inconsistencies in maintenance)
- Review of rates; certain Districts in HRM have limited Municipal services but are charged urban tax rates
- What the urban boundary would look like

- Identify the set distance under the Transit Tax (residents along Peninsula are charged transit tax but many do not use the service)
- List of arterial roads that would be considered part of the practice for sidewalk improvements and upgrades, as well as the condition of sidewalks (i.e. category, functionality and degree of sidewalk)
- How the new LIC will be assessed with the upgrades to the new concrete standard for sidewalks; a suggestion was made that the maintenance cost of all sidewalks be area rated, and the inventory for the arterial road category be under the general rate
- How HRM distinguishes the standards for sidewalks (i.e. one side of the road or both sides of the road)
- Suggestion was made that prior to coming to a Committee of Whole session, that staff from Active Transportation be able to comment on how sidewalks are contributing to meeting the objectives of the active transportation plan (i.e. bike lanes, trail development and pedestrian safety, movement and amenity)
- Consideration of adding a sidewalk rate to the cost of new subdivisions/homes
- Identify the number of LICs HRM currently has for sidewalks and their status
- Clarification on the redesign of urban tax boundary or general tax rate and whether it is just for Halifax
- How business parks will be included in relation to payment for sidewalks
- If Council went with the general tax rate with a one kilometre distance, who gets to decide when and where sidewalks are installed in the future and what is the decision making process
- Provide information on the per lot basis for local as opposed to frontage
- Definition/criteria of arterial roads and collector roads
- If option passed, when would the current LICs end (i.e. when the new option is passed or when they are paid off)
- The report should capture that developers are required to put this infrastructure in place for new developments
- The map showing the urban boundary should have a legend to identify a kilometre
- Identify the current LICs compared to what they would be under the general tax rate

**MOTION TO REFER PUT AND PASSED.**

**10.1.2 Halifax Forum Operating Subsidy**

A staff report dated January 6, 2012 was before Council.

**MOVED by Councillor Watts, seconded by Councillor Sloane that Halifax Regional Council approve the operating subsidy in the amount of \$102,800 to the Halifax Forum Community Association funded from account M310-8001 Other Fiscal Services – Transfer to Other Agencies, as per the budget implications section of the staff report dated January 6, 2012. MOTION PUT AND PASSED.**

**10.1.3 Halifax Regional Municipality Representative – Nova Scotia Fire Service Advisory Committee**

A staff report dated January 24, 2012 was before Council.

**MOVED by Councillor McCluskey, seconded by Councillor Fisher that Halifax Regional Council appoint Doug Trussler, Chief Director, Halifax Regional Fire & Emergency Services to be HRM's representative on the Nova Scotia Fire Service Advisory Committee for appointment by the Minister of Labour and Advanced Education.**

**MOTION PUT AND PASSED.**

**10.1.4 Case 16655 – Amendments to the Regional Municipal Planning Strategy, Halifax Municipal Planning Strategy and Downtown Halifax Municipal Planning Strategy and Land Use By-Law for the YMCA- CBC Project at Sackville and South Park Streets, Halifax**  
**(i) Supplementary Staff Report**  
**(ii) Design Review Committee Report**  
**(ii) Staff report dated October 31, 2011**

The following was before Council:

- A supplementary staff report dated February 14, 2012
- A report from the Design Review Committee dated November 16, 2011
- A staff report dated October 31, 2011
- A report from Michael Napier Architecture dated February 6, 2012
- Submissions from Mary Ellen Gurnham, Neil H. Ritchie, Joe Burke, Patricia A. Kidd and Alan Ruffman and Lyndon Watkins (Board Members of the Friends of the Public Gardens)

Mr. Richard Harvey, Senior Planner delivered a presentation on Case 16655 to Council.

**MOVED by Councillor Sloane, seconded by Deputy Mayor Karsten that Halifax Regional Council Give First Reading to the proposed amendments to the Regional Municipal Planning Strategy, the Halifax Municipal Planning Strategy, the Downtown Halifax Secondary Municipal Planning Strategy, and the Downtown Halifax Land Use By-Law, as contained in Attachments A1, B1, C1, and D1 of the February 14, 2012 supplementary staff report and schedule a public hearing.**

Staff responded to questions of clarification on:

- Policy 89 of HRM by Design
- Height and setback requirements applied to the proposal
- Future recreation on the Peninsula and public benefit

**MOTION PUT AND PASSED.**

A Public Hearing has been scheduled for March 20, 2012.

**10.2 COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT  
STANDING COMMITTEE**

**10.2.1 Mainland Halifax North - Bedford Corridor Transportation and Waste  
Water Servicing Strategy**

This matter was addressed earlier in the meeting, see page 5.

**10.2.2 Regional Plan Five (RP+5) and Centre Plan Phase 1 – Timelines, and  
Communications and Engagement Strategy**

A report from the Community Planning and Economic Development Standing Committee dated February 20, 2012 was before Council.

**MOVED by Councillor Nicoll, seconded by Councillor Uteck that Halifax Regional Council approve the initiation of the process to consider amendments to the Halifax Dartmouth, and Downtown Dartmouth Municipal Planning Strategies and Land Use By-laws.**

Councillor Hendsbee requested a staff presentation.

Mr. Andy Fillmore, Project Manager, Urban Design delivered a presentation on the Regional Plan Five (RP+5) and Centre Plan Phase 1 related to timelines, communications and the Engagement Strategy. Mr. Fillmore noted that the new policies are based in the HRM by Design Downtown Plan Approach. The height and massing of buildings would be delivered through an As-of-Right process with the design quality lead by the Design Review Committee.

**MOTION PUT AND PASSED.**

**11. MOTIONS**

**11.1 Councillor Barkhouse**

**MOVED by Councillor Barkhouse, seconded by Deputy Mayor Karsten that Halifax Regional Council direct staff to consider existing uses, constraints, and future opportunities for facilities on lands referred to as the Eastern Passage Common, including consideration of undeveloped lands and other parcels that abut and work in conjunction with the Common lands, and that such review be in the form of a master planning study for the lands. The master plan process will also incorporate community consultation, and the proposed master plan will be brought before Regional Council for adoption.**

In response to a question raised as to the need for a staff report, Mr. Peter Stickings, Acting Director, Planning and Infrastructure, advised that the motion is to conduct a

property specific design exercise. The lands are municipally owned with very little programming, some flooding issues and are site specific. He was unable to provide detail on the resources needed; however reiterated that this exercise is not to create policy but to create property design for future capital budget planning.

Councillor Rankin indicated that there are a number of communities in the cue waiting for visioning exercises. Council only has a glimpse of what lands might be involved but are unaware of scope and implications on resources.

**MOVED by Councillor Rankin, seconded by Councillor Uteck to defer Item 11.1 - Motion of Councillor Barkhouse pending a staff report.**

Councillor Nicoll requested clarification on the meaning of *future opportunities for facilities on lands*, as identified in the original motion.

It was noted that staff would provide an information report outlining the work plan for this exercise for the next Council session.

**MOTION TO DEFER PUT AND PASSED.**

**12. ADDED ITEMS – NONE**

Council agreed to address In Camera item 14.3.1 at this time.

**14.3.1 2012 HRM Volunteer Recognition and Award Recipients**

**MOVED by Deputy Mayor Karsten, seconded by Councillor Wile that Halifax Regional Council approve:**

- 1. Individual Adult and Youth award recipients, including; ten volunteers to attend the Provincial Volunteer Awards, and HRM's 2012 Volunteer of the Year (Attachment B of the private and confidential report dated January 12, 2012); and**
- 2. Community Group Award and/or recognition recipients in three categories (Attachment C of the private and confidential report dated January 12, 2012).**
- 3. It is further recommended that this report not be release to the public until the 2012 HRM Volunteer Awards Ceremony on April 18, 2012.**

**MOTION PUT AND PASSED.**

**13. NOTICES OF MOTION**

### **13.1 Councillor Adams**

“Take Notice that at the next regular Regional Council meeting to be held on Tuesday, the 6<sup>th</sup> day of March, 2012, I propose to move a motion to adopt amendments to Administrative Order 1 to better align Notices of Rescission and Reconsideration with Robert’s Rules of Order.”

### **14. IN CAMERA**

Council may rise and go into a private In Camera session, in accordance with Section 19 of the Halifax Regional Municipality Charter, for the purpose of dealing with the following.

**MOVED by Deputy Mayor Karsten, seconded by Councillor Wile to convene to In Camera in order to address matters related to the ATU contract negotiations and to deal with the approval of the minute of February 2<sup>nd</sup>, 7<sup>th</sup> and 9<sup>th</sup>, 2012. MOTION PUT AND PASSED.**

Council recessed at 3:02 p.m. to move into In Camera.  
Council reconvened at 4:40 p.m. without Councillor Hum in attendance.

#### **14.1 In Camera Minutes – February 2, 7 & 9, 2012**

The In Camera minutes of February 2<sup>nd</sup>, 7<sup>th</sup> and 9<sup>th</sup>, 2012 were approved during the In Camera session.

#### **14.2 Labour Relations**

A matter pertaining to reports, advice and recommendations, instruction or direction to officers and employees of the Municipality concerning labour relations and employee negotiations arising out of the contract or contract negotiations with one of the Municipalities unions.

##### **14.2.1 ATU Contract Negotiations - Oral**

The following was addressed during an earlier In Camera session and was now before Council for ratification.

**MOVED by Deputy Mayor Karsten, seconded by Councillor Wile that Halifax Regional Council recommends that the negotiating team reject ATU Local 508’s offer dated February 27, 2012 (providing the reasons for rejecting the offer). Council reaffirms the final offer of February 23, 2012 which will remain open for acceptance until 11:59 p.m. March 2, 2012. If accepted, this offer would constitute a new collective agreement. MOTION PUT AND PASSED.**

**14.3 Personnel Matter**

Citizen and Councillor appointments to boards and committees in keeping with the Public Appointment Policy adopted by Regional Council in August 2011, to be found at <http://www.halifax.ca/boardscom/documents/Citizenrecruitmentpolicy.pdf>

**14.3.1 2012 HRM Volunteer Recognition and Award Recipients**

This matter was addressed earlier in the meeting, see page 12.

**15. ADJOURNMENT**

The meeting adjourned at 4:42 p.m.

Cathy J. Mellett  
Municipal Clerk

**INFORMATION ITEMS**  
**February 28, 2012**

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1. Memorandum from Acting Director, Community and Recreation Services dated January 30, 2012 re: Community Naming Recognition for the Oval
2. Memorandum from the Municipal Clerk dated February 17, 2012 re: Requests for Presentation to Council - None