

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE May 29, 2007

### MINUTES

**PRESENT:** Mayor Peter Kelly, Chair  
Deputy Mayor Uteck  
Councillors: Steve Streach  
Krista Snow  
David Hendsbee  
Harry McInroy  
Andrew Younger  
Bill Karsten  
Becky Kent  
Jim Smith  
Mary Wile  
Dawn M. Sloane  
Patrick Murphy  
Russell Walker  
Debbie Hum  
Linda Mosher  
Brad Johns  
Robert P. Harvey  
Gary Martin  
Reg Rankin  
Gary G. Meade

**REGRETS:** Councillor Stephen D. Adams  
Sheila Fougere  
Gloria McCluskey

**STAFF:** Ms. Geri Kaiser, Deputy Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Jan Gibson, Municipal Clerk  
Ms. Chris Newson, Legislative Assistant

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**1. CALL TO ORDER**

Deputy Mayor Uteck called the meeting to order at 1:03 p.m.

**2. APPROVAL OF THE MINUTES**

**MOVED by Councillor Sloane, seconded by Councillor Karsten that the minutes of April 2, 3, 4, 10, 11, 16 & May 8, 2007, as presented, be approved. MOTION PUT AND PASSED.**

**3. HRM BUILDING COMMUNITY FUNDS** (*deferred from May 8, 2007 COW*)

- An extract of the draft minutes of May 8, 2007 was before Council.
- A copy of the PowerPoint presentation was before Council.
- A staff report dated March 5, 2007 was before Council.
- A Supplementary Report dated May 29, 2007 was before Council.

The following motion, deferred from the May 8, 2007 Committee of the Whole session, was before Council for further discussion.

**MOVED BY Councillor Younger, seconded by Councillor Karsten that the District Capital Fund and the Building Communities Fund be merged.**

Ms. Cathie O'Toole, Acting Director, Finance Services presented the Supplementary Report.

Councillor Hendsbee entered the meeting at 1:08 p.m.

Members of Council raised the following comments/concerns during the ensuing discussion on the motion:

- The policy should allow flexibility to permit districts to share the funds if they so choose with that decision being made at the Community Council level.
- Clarification was requested on sustainable assets in regard to repairs vs. improvements.
- Intent of the motion is to make the funds easier to manage and more transparent with a quarterly information report to Council.
- Request that the decision in regard to re-allocation of the remaining balance in the accounts at the end of the fiscal year be done by the Community Councils rather than Regional Council.
- More clarification requested on how the funds could be used in relation to schools.

In response to Councillor Hum as to what rules would be followed for the merged funds, Ms. Cathie O'Toole explained that the Building Communities Fund does not currently have a policy in place; therefore, staff could return with a clear policy for the two merged funds which would resemble the proposed policy as outlined in the staff report.

- Concern was expressed that contributions to community owned facilities not be prohibited by the merger of the two funds. There are many communities in HRM

who have a long history of providing for themselves and if, on occasion, they require assistance for a new roof or signage, that assistance should be available to them through the capital funds.

Councillor Mosher entered the meeting at 1:36 p.m.

- Councillors should be able to access an accurate and current balance in those accounts and should not have to wait for quarterly reports. The merger will make the accounting process easier.
- Include the District Activity Fund in the merger with the ability to carry over the remaining balance (of the \$6800 allotted) at the end of the fiscal year.
- The merged funds will abide by the existing procedures currently in practice. Staff will return with a framework for the merged funds.
- If the current practice was non-compliant with the multi-year financial policy then staff should have advised Council of that fact.

Councillor Wile suggested that section 5.1 of the proposed policy, on page 4 of the Staff Report dated March 5, 2007, should be worded to indicate that at the end of the fiscal year any unspent money will be returned to the District and not to the operating fund for other HRM projects. Also, that the decision for allocating the remaining funds be made by the Community Council not Regional Council. Staff with HRM Legal Services were requested to provide proper wording to clarify this intent.

- The allocation of the funds is for projects that are somewhat regional in nature; the decision on the balance should be made by Community Council as well.

Councillor Mosher commented that 99% of the improvements in her District over the last seven years have been through the Capital District Fund. She added that she appreciates staff have acknowledged more funds are needed, however; she supports the status quo as the current process has been working well.

In response to Councillor Johns, Ms. O'Toole advised that the issue surrounding the funds was reviewed by a Standing Committee of the Councillors Support Office chaired by the Deputy Mayor. The proposed policy was developed as a result of feedback obtained at, and subsequent to, that meeting.

- Several Councillors expressed their concern with having to request a receipt, upon completion of the project, from the community groups who received the funds. Ms. Peta-Jane Temple, Team Lead, Tax, Grants and Special Projects, explained that the proposed policy would require some identification of expenditure.
- Concern was expressed that the proposed policy would create more of a bureaucracy than currently exists.

Councillor Johns suggested the merged fund be known as the Building Communities Fund and that it operate under the existing procedures. Ms. Cathie O'Toole explained that staff would have to document the current practices.

Ms. O'Toole responded to Councillor Hendsbee that in addition to quarterly reports,

monthly updates could be forwarded to each Councillor.

Councillor Younger clarified that if his motion does not pass, the ability to fund community groups would not be available as the current policy states that the fund is for HRM owned assets only.

Councillor Martin entered the meeting at 2:11 p.m.

In response to concerns raised by several members of Council in regard to requesting receipts from community groups, Ms. Cathie O'Toole suggested that receipts be requested for projects over a threshold of \$10,000. She explained that there is a risk exposure and a fail safe method for public funds has to be considered.

A vote was then taken on the motion on the floor as follows:

**MOVED BY Councillor Younger, seconded by Councillor Karsten that the District Capital Fund and Building Communities Fund be merged.** Staff are to document the existing procedures and provide proper wording in regard to any unspent balances at the end of the fiscal year as per Section 5.1 of the staff report dated March 5, 2007 suggested by Councillor Wile. **MOTION PUT AND PASSED.**

#### **4. EASTERN PASSAGE WASTEWATER TREATMENT FACILITY - EXPANSION AND UPGRADE**

- An Extract of the February 13, 2007 Committee of the Whole minutes was before Council.
- A Copy of the PowerPoint presentation was before Council.
- A copy of the Supplementary Report dated May 15, 2007 was before Council.

Mr John Sheppard, Manager, Environmental Management Services, assisted by Mr. Ian Guppy, Senior Environmental Engineer, Environmental Management Services, presented the report. Mr. Sheppard noted a correction on page 6 of the Supplementary Report as follows: 4. Portland Hills Development should be 4. Morris -Russell Lake Development of Portland Hills. He clarified that the projected timeline of three to five years would apply to \$300,000 of the \$1.3 million. The \$1 million would be a five to ten year timeline.

During his presentation, Mr. Sheppard explained that staff have developed a revised funding plan which reduces the borrowing required from \$20.4 million to \$16.4 million with a concurrent reduction in the Environmental Protection Charge (EPC) rate increase from \$0.045 per cubic metre to \$0.035 per cubic metre.

In reference to Attachment 2 (List of Completed Projects) of the Supplementary Report dated May 29, 2007, Councillor Younger expressed concern with how the Plymouth Road Pumping Station issues (landscaping) would be funded if the project is closed out. Mr. Sheppard responded that the funding could be found elsewhere as it is not a large sum of money.

Councillor Mosher retired from the meeting at 2:31 p.m.

In response to Councillor's Hum concern with the timeline for the Bedford West project (page 5 of the Supplementary Report), Mr. Peter Duncan, Manager, Environment, Regional Planning, Governance & Strategic Initiatives, advised that staff anticipate returning to Council with the Bedford West Infrastructure Study in three to six months.

Mr. John Sheppard responded to Councillor Hum that the twin culverts on Kearney Lake Road (page 9 of the Supplementary Report) are a priority of the provincial Transportation and Public Works (NSTPW) department. Mr. Sheppard offered to contact the NSTPW in regard to a timeline for this project. Councillor Hum advised that she will also contact the local MLA as the matter is urgent.

Mayor Kelly assumed the chair at 2:34 p.m.

**MOVED BY Councillor Kent, seconded by Councillor Karsten that the Committee of the Whole recommend that Regional Council:**

- 1. Approve the funding plan as outlined in the Discussion Section of the Supplementary Report dated May 15, 2007;**
- 2. Approve an increase to the Environmental Protection Charge (EPC) rate of \$0.035 per cubic metre, effective October 1, 2008;**
- 3. Approve borrowing \$16.4 million over 20 years with the debt servicing provided by the increase to the Environmental Protection Charge.**
- 4. Authorize staff to close, or reduce the balances in, the projects listed in Attachment 2 of the Supplementary Report dated May 15, 2007, and direct approximately \$813,982 of these funds towards the Eastern Passage project;**
- 5. Approve the use of funds generated by By-Law C-600 "By-Law Respecting Capital Cost Charges" to pay for the portion of the Eastern Passage project eligible to be funded by Wastewater Treatment Capital Cost Contribution Charges, in accordance with the Discussion Section of the Supplementary Report dated May 15, 2007, until the \$10.6 million plus interest is paid in full, pending the annual budget approval process;**
- 6. Approve borrowing \$6.0 to \$6.5 million over 10 years with debt servicing provided by the Regional Capital Cost Charge for Wastewater Treatment. The final amount to be borrowed will depend on the actual rate of new development.**

Councillor Hendsbee requested a 1 km sewer extension down Main Street to the Westphal/Cherry Brook area to address capacity issues. Mr. Brad Anguish, Director, Environmental Management Services, responded to Councillor Hendsbee that in order to grant that request, an amendment to the Regional Plan would be required as well as funding for the project. He explained that the Urban Reserve Lands are the next frontier for development and if Council changes the boundary and places the Urban Reserve

Lands into the Regional Plan boundary; it will have an impact on controlling infrastructure growth and costs. However, once that decision is made, staff will be dedicated to finding ways to provide capacity for those lands. Mr. Anguish added that a Dartmouth Plant is being built and that between Dartmouth and Eastern Passage the capacity could be handled as there is room for one more expansion.

Councillor Hendsbee requested that these comments be reflected in the minutes to identify the Westphal area as top priority area.

Councillor Snow requested that capacity in the Fall River area also be considered.

**MOTION PUT AND PASSED.**

The meeting recessed at 2:48 p.m.

The meeting reconvened at 3:02 p.m. with Councillor Murphy now in attendance.

**5. PROPOSED BY-LAW S-900, RESPECTING THE ESTABLISHMENT OF CONTROLLED ACCESS STREETS WITHIN THE HALIFAX REGIONAL MUNICIPALITY**

- A copy of the staff report dated May 9, 2007 was before Council.
- A copy of the PowerPoint presentation was before Council.

Mr. Ken Reashor, Traffic Authority, and Mr. Alan Taylor, Transportation Planner, Transportation and Public Works, presented the report.

Mr. Taylor explained that the matter is being brought forward at this time due to the province turning over some controlled access roads to HRM and the removal of the provincial controls. A recent amendment to the Municipal Government Act (MGA) will now permit HRM to have control over those roads. HRM requires these guidelines as new private development and re-development add new and busier driveways to existing major roadways leading to reduced safety and service for all users of the road.

The general purpose of the proposed By-Law is to:

- Promote safety and efficient ingress/egress to specific streets in the interest of public safety.
- Protect public investment in streets.
- Reduce collisions.
- Enhance street appearance.

Councillor Mosher entered the meeting at 3:14 p.m.

Deputy Mayor Uteck retired from the meeting at 3:17 p.m.

Mr. Taylor advised that there will be three categories of control:

- Schedule A streets are intended to have very limited roadway connections and no private connections.

- Schedule B streets will have better over-all service to all users through improved design of public and private connections.
- Many streets (mostly local) will have unchanged full access and only basic design controls.

Mr. Taylor explained the effects these controls will have on owners of land (residents and businesses) adjacent to Schedule A & B streets. He added that the benefits to other road users would be:

- Reduced numbers and width of driveways would make walking safer and more pleasant.
- Bicycle use would also be made safer and more pleasant with fewer, better performing driveways.
- There is more room for landscaping and other visual improvements.

Councillor Hum expressed concern with as of right developments purchasing adjacent land in order to obtain access to the Bedford Highway.

Councillor Harvey commented he was surprised to see Glendale Drive on Schedule A as there is an application coming forward to the North West Planning Advisory Committee for a Gas Park.

Councillor Walker requested that the entire length of Dutch Village Road be included on Schedule B. He noted the following corrections in regard to Schedule B, page 8 of Attachment 1:

- Lacewood Drive - Between *Evans Avenue* to Chain Lake Drive - *Evans Avenue* should be Vimy Avenue.
- Titus Street - from Alma Crescent to *Evans Avenue* - *Evans Avenue* should be Vimy Avenue.

Mr. Reashor and Mr. Taylor provided the following responses to concerns raised by Members of Council:

- The By-Law will not impact the priority of the Main Street, Dartmouth centre turning lane as the By-Law is intended for new developments and their access control. Roads listed in the By-Law could be appealed to the Appeals Committee and modifications made to the By-Law.
- The Traffic Authority would provide recommendations on applications. Council could revise those decisions.
- Staff would review development applications along the Cogswell Street interchange and would be in favour of good development.
- Controlled access along a portion of the St. Margaret's Bay Road would also be appealable. HRM Staff would coordinate where driveways would be located. Councillor Rankin commented that the appeal procedure is a remedy for exceptions and does not make good government. He added that historical linear development should be permitted along the ten mile stretch of the St. Margaret's Bay Road. He requested that staff provide provision for driveways.
- No existing driveways will be removed. The By-Law would be for future applications for new roads/subdivisions. HRM staff will work with those future applicants to coordinate and design the roads/driveways properly.

- North West Arm Drive is retained by the province so there will be no changes.

**MOVED BY Councillor Martin, seconded by Councillor Sloane that the Committee of the Whole recommend that Regional Council adopt the proposed Controlled Access Streets By-Law S-900 as shown in Attachment One of the staff report dated May 9, 2007.**

Without a vote taken on the motion on the floor, it was **MOVED BY Councillor Mosher that the section of St. Margaret's Bay Road from the Armdale Rotary to J. Albert Walker Drive be moved from Schedule "A" to Schedule "B"**. With staff's commitment to review the area in question, Councillor Mosher withdrew her motion.

Councillor Rankin requested that the category "B" classification be removed beyond Glen Garry and that the section be treated as a rural road. The Municipal Planning Strategy for the Beechville area is in support of linear development. Some of the driveways have already been cut-in for this area. Mr. Reashor clarified that the intent of the By-Law is to modify driveways not to deny them.

**MOTION PUT AND PASSED.**

## **6. ADJOURNMENT**

The meeting adjourned at 3:58.

Jan Gibson  
Municipal Clerk