

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE MINUTES

July 31, 2007

Present: Mayor Peter Kelly
Deputy Mayor Sue Uteck
Councillors: Krista Snow
David Hendsbee
Harry McInroy
Gloria McCluskey
Bill Karsten
Becky Kent
Jim Smith
Mary Wile
Patrick Murphy
Dawn M. Sloane
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Stephen D. Adams
Robert P. Harvey
Reg Rankin
Gary G. Meade

Regrets: Councillors: Steve Streach
Andrew Younger
Brad Johns
Gary Martin

Staff: Mr. Wayne Anstey, Acting Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Jan Gibson, Municipal Clerk
Ms. Chrissy White, Legislative Assistant

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1. **CALL TO ORDER**

Mayor Kelly called the meeting to order at 1:37 p.m.

With the agreement of Council, Mayor Kelly advised that item 5 will commence immediately after the Consultant for the Urban Design Project arrives.

2. **APPROVAL OF THE MINUTES-** June 26 & July 3, 2007

MOVED by Councillor Wile, seconded by Councillor Sloane, that the minutes of June 26 & July 3, 2007 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. **GRAFFITI TASK FORCE TERMS OF REFERENCE (Revised)- Deferred July 3, 2007)**

- A revised report dated June 18, 2007 was before Council.

Ms. Jane Nauss, Coordinator, Community Response Team presented the report outlining the Terms of Reference for the Graffiti Task Force.

MOVED by Councillor Mosher, seconded by Councillor Sloane, that Halifax Regional Council adopt the Terms of Reference for the Graffiti Task Force as shown in appendix "A" of the staff report dated June 19, 2007.

Councillor Mosher suggested the following friendly amendment with the agreement of the mover and seconder:

That the Task Force be comprised of the Mayor and two members of Council.

Councillor Karsten suggested the following friendly amendment with the agreement of the mover and seconder:

That appointed Council Members serve for a term of two years with members re-appointed for a maximum two consecutive years.

Members of Council provided comments on the above noted.

Councillor Hum questioned how the Task Force plans to deal with criminal graffiti situations, and when removal should occur to preserve a possible crime scene. She advised that she would like this issue brought forward to the Task Force for response.

Councillor Hum applauded Canada Post for ongoing graffiti removal from Canada Post mail boxes in her area, and thanked them for their partnership. She also thanked HRM Operations Staff for their prompt removal of graffiti in district 16.

Councillor Hendsbee expressed concern regarding the future composition of the Task Force referencing the lack of limitations in the Terms of Reference. He advised that he would like to see The Downtown Development Corporation and the Homeowners Association represented in some capacity.

Ms. Nauss advised that it is the intent of the Task Force to consult stakeholders on an “as needed” basis. She advised that partners include Aliant, Nova Scotia Power, Canada Post and The Halifax Regional School Board. She noted that there is a written sponsorship agreement with all partners.

Councillor Mosher suggested partnering with paint companies to provide discounts for people who have been victims of graffiti.

The motion, including the amendments is as follows:

MOVED by Councillor Mosher, seconded by Councillor Sloane, that Halifax Regional Council adopt the Terms of Reference for the Graffiti Task Force as shown in appendix “A” of the staff report dated June 19, 2007; and That the Task Force be comprised of the Mayor and two members of Council; and that appointed Council Members serve for a term of two years with members re-appointed for a maximum two consecutive years. MOTION PUT AND PASSED.

4. BMX DIRT JUMPING PARKS AND FREE RIDE AREAS

- A report dated May 21, 2007 was before Council.
- A copy of the PowerPoint presentation was before Council.

Councillor Murphy entered the meeting at 1:49 p.m.

Mr. Peter Bigelow, Manager, Real Property Planning presented the report.

Highlights of Mr. Bigelow’s presentation are as follows:

- Council requested a staff examination of policies and challenges to providing municipal dirt jumping facilities,
- There are currently five BMX Dirt Jumping Parks in HRM,

- There are two free ride areas,
- The sport challenges youth and participants,
- The sport increases physical and mental abilities, and enhances social skills with some risk,
- dirt jumping is listed as an extreme sport and accommodates various skill levels,
- Dirt jumping bikes are cost effective and safe when proper equipment is used,
- A helmet must be worn when dirt jumping as is required by Nova Scotia law,
- Some injuries could include scrapes, bruises, broken bones, sprains and dislocated shoulders. Some spinal cord injuries have been reported, but are rare,
- Injuries can be minimized on properly designed and constructed trails,
- Trails must be maintained due to erosion,
- HRM must provide facilities to accommodate all levels of skill,
- The Occupiers Liability Act advised that HRM is responsible for people and their property when on HRM lands,
- Exemptions include trails and undeveloped lands including HRM free ride areas,
- Gross negligence is defined as an “ intentional or blatant disregard for safety,”
- The Contributory Negligence Act applies to the dirt jumping areas,
- HRM could be found negligent in the event of an accident,
- HRM must post information on their dirt jumping sites,
- HRM should not seek to improve stunts, jumps or drops as this would increase HRM's responsibility,
- Free ride areas are essentially considered playgrounds,
- Safety standards must be implemented to ensure proper building and maintenance,
- There is no dirt jumping expert residing in Nova Scotia,
- Appendix “2” sets out standards,
- Other municipalities were researched to define standards, and the proposed standards will continue to evolve,
- The parks will require regular inspections and will be accessible for emergency response,
- Expert opinion and testing is the ideal approach for the creation of the parks,
- Playground staff will be trained in inspecting dirt jumping parks,
- The proposed standards will be used for the five existing parks in HRM,
- There are existing funds in the budget to make the outlined improvements to the five current BMX parks,
- Capital and Operational budget funds will have to be allocated for future projects,
- Staff understand the required due diligence to protect users and taxpayers,
- Staff support the dirt jump parks.

Members of Council provided comments on the above noted presentation.

Councillor Snow noted that on page 21 of Attachment “3” of the report dated May 21, 2007 states, “ The Fall River (The Pit) site was developed in 2005 at approximately \$20,000.00

through District Funds and Area Rate. Although not originally designed by an expert, this was re-worked last year under expert advice.” Councillor Snow advised that Elmsdale Landscaping was consulted in the creation of “The Pit,” as well as Mr. Adam Shore, who is a known bike park consultant. She advised that she would like these changes noted in the report dated May 21, 2007.

MOVED by Councillor Karsten, seconded by Councillor Snow, that no further dirt jumping parks be built on Municipal lands until a full program is put into place to reasonably protect users and the Municipality.

Members of Council provided comments on the above noted motion.

In response to Councillor Karsten’s concern regarding signage, Mr. Bigelow advised that the Appendix section of the report outlines the signage intent.

Councillor Adams expressed concern regarding the lack of a specific policy for dirt jumping parks. In response, Mr. Bigelow advised that the dirt jumping parks will follow the same policies as playgrounds. He further advised that this initiative is a work in progress and standards and policies will evolve through further research. He noted that the Council adopted approaches will eventually be written as policy.

Mr. Paul Dunphy, Director, Planning and Development advised that Attachment “2” of the report dated May 21, 2007 is the beginning of a policy that is being suggested to Council. He noted that there are no experts on staff or in the region to provide proper due diligence, and suggested consulting experts from Western Canada. He further advised that there is no certification process that appoints an expert in this field, and liability insurance is an obstacle.

Councillor Mosher spoke in favour of the parks noting that if HRM does not build safe parks, children will build private unsafe parks. She advised that it is the responsibility of the municipality to provide safe activities for its citizens. She suggested providing funding or materials to citizens to construct the parks to limit the liability.

Without a voted being taken on the main motion, the following amendment was placed:

Moved by Councillor Mosher, seconded by Councillor Kent, that HRM request provincial changes to the Occupiers Liability Act making dirt jumping parks and skateboard parks a named exemption under the Occupiers Liability Act owing to the nature of the sport.

Ms. Mary Ellen Donovan advised that The Recreation Management Agreement does not address liability issues.

Mr. Bigelow clarified that an exemption, if granted, could be province wide. He further

advised that current exemptions exist for ATV vehicles.

Without a vote being taken on the above noted amendment, the following amendment was placed:

MOVED by Councillor Hendsbee, seconded by Councillor Snow, that all motorized vehicles be included in the provincial exemption.

Mayor Kelly advised that discussion should resume regarding Councillor Mosher's amendment, and Councillor Hendsbee's amendment will be addressed after a vote is taken.

Mr. Anstey advised that although a provincial exemption may address liability obstacles, parks will still be professionally designed to ensure safety.

MOTION PUT AND PASSED.

Members of Council provided further comments on the original motion.

Mr. Bigelow responded to questions from Members of Council, advising:

- Free ride areas are not needed in as great a quantity as the dirt jumping areas,
- Five possible sites have been chosen for future development,
- HRM will not be liable for parks constructed without their endorsement,
- Existing parks will be brought to standard,
- HRM will advertise park information and regulations on appropriate signage, the HRM website and through publications,
- The Parks By-law dictates fines.

Councillor McInroy entered the meeting at 2:41 p.m.

Deputy Mayor Uteck assumed the chair at 2:41 p.m.

As the consultant for the Urban Design task Force was now present, Council agreed to defer the BMX dirt jumping item to a future Committee of the Whole session.

Moved by Councillor Sloane, seconded by Councillor Wile, that the Urban Design presentation commence immediately. MOTION PUT AND PASSED.

5. APPROVAL OF URBAN DESIGN FRAMEWORK CONCEPTS AND STRATEGIES

- A committee report dated July 18, 2007 was before Council.

- A staff report dated July 23, 2007 was before Council.
- A copy of the PowerPoint presentation was before Council.

Ms. Dale Godsoe, Chair, Urban Design Task Force provided an introduction to the above noted, indicating that Regional Council initiated the HRM By Design Regional Centre Urban Design Study in November 2005. She noted that HRM By Design was publically launched on July 1, 2006. Since the launch, Council has approved the guiding Vision and Principles, and the public has been extensively consulted regarding strategies and concepts surrounding an implementable plan .

Ms. Godso introduced Ms. Jennifer Keesmaat, Consultant, Office for Urbanism. Ms. Keesmaat presented the report, noting:

- Extensive stakeholder, public and staff consultation has been conducted,
- The framework outlines concepts and strategies that are supported by detailed plans intended for possible revision,
- The goal is to identify long term conceptual strategies that reinforce the vision and guiding principles,
- The plan aims to ensure that the Regional Centre is coherently designed with a rational that leads to the creation of a great city,
- This plan hopes to inspire change and generate momentum,
- The plan was created in conjunction with the Harbour Plan, The Active Transportation Plan, The Economic Strategy and The Cultural Plan,
- The eight components of urban design concepts are defining heritage priority areas, reinforcing distinct local area identity and built characteristics, making streets the primary open space, identifying new open spaces and connections, defining areas where pedestrian environment is a priority, completing leveraging and extending the civic infrastructure, directing growth where it is needed and where it can be supported and cultivating a network of centres and corridors for great urbanism,
- The Five components of urban design strategies are the neighbourhoods and districts framework, frameworks for prominent open spaces and streetscapes, a strong civic design framework, an urban character and structure framework,

Mayor Kelly resumed the chair at 3:05 p.m.

- Clarity around urban structure will be accomplished through this plan,
- The boundaries are soft and intended to provide guidance,
- A definition of the boundary will be undertaken to ensure its appropriateness,
- There are significant areas in HRM that lack identity,
- The policies must respond to uniqueness of the area,
- The Historic Properties site and the Hydrostone have unique identities,
- Investment in existing open space infrastructure must be conducted
- The harbour and lakes should be embraced as key open space features,

- Streets should be made the primary open space,
- Existing civic design should be reinforced to enhance civic gateways and prominent intersections,
- Civic design provides uniqueness,
- The plan will encourage growth in appropriate areas and nurture vibrant centres and corridors,
- Not all areas will experience growth,
- There are different types of form that are appropriate in different areas,
- Urban corridors will accommodate a significant amount of change,

Mr. Andy Fillmore, Project Manager, HRM By Design advised that forum 4 will commence on September 10th, 2007.

MOVED by Councillor Sloane, seconded by Councillor Fougere, that Council approve the urban design concepts and strategies as outlined in the report dated July 23, 2007 as recommended by the Urban Design Task Force.

Councillor Sloane advised that this plan endorses quality of life to create liveable wonderful environments that are accessible.

Councillor Hendsbee advised that he supports the motion and would like The urban Design Plan take precedence over outdated initiatives.

Mr. Paul Dunphy, Director, Planning and Development advised that this plan will act in conjunction with the Neighbourhood Plans. He noted that the urban design plan will create guidelines to review zoning and development policies. If there are critical issues regarding neighbourhoods, a motion could be made at the Community Council level.

Councillor Smith advised that he is in support of the motion. He noted that more media attention would be appreciated, and encouraged Councillors to attend the forums.

Councillor Mosher advised that this plan should take a global view. She suggested that progress reports be submitted to Community Councils to keep Councillors informed. She concluded by advising that information materials should be distributed to HRM facilities and libraries.

Mr. Fillmore advised that the project is a template for design guidelines

MOTION PUT AND PASSED UNANIMOUSLY.

6. ADJOURNMENT

The meeting adjourned at 3:40 p.m.

Jan Gibson
Municipal Clerk