

DISTRICTS 7 & 8 PLANNING ADVISORY COMMITTEE  
MINUTES

September 18, 2013

PRESENT:

Councillor Jennifer Watts  
Councillor Waye Mason  
Ms. Katherine Kitching  
Ms. Jennifer Powley  
Mr. Brenden Sommerhalder  
Mr. Michael Bradfield  
Mr. Michael Haddad  
Mr. David Fleming  
Ms. Lisa Roberts

REGRETS:

Mr. Adam Conter

STAFF:

Mr. Kurt Pyle, Supervisor, Planning Development Approvals  
Ms. Jane Cooper, Operations Manager, Development Approvals  
Ms. Cathy Mellett, Municipal Clerk  
Mr. Darcy Warren, Legislative Assistant

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**1. CALL TO ORDER**

Mr. Darcy Warren, Legislative Assistant called the meeting to order at 12:35 p.m. at Halifax Hall, City Hall, 1841 Argyle Street, Halifax.

**2. APPOINTMENT OF INTERIM CHAIR**

The Legislative Assistant called for nominations for Interim Chair for a period of two (2) months. Mr. Warren called three (3) times for nominations with, Mr. Fleming volunteering to have his name put forward as Interim Chair.

**MOVED by Councillor Mason seconded by Mr. Bradfield, that Mr. Fleming be appointed as Interim Chair for a period of two months. MOTION PUT AND PASSED.**

The Legislative Assistant passed the meeting over to Mr. Fleming, Interim Chair. The Interim Chair then proceeded with round table introductions of Committee Members and Staff.

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

Additions:

- 9.1 Community Announcements
- 9.2 Committee Appointments and Policies

**MOVED by Councillor Mason seconded by Mr. Bradfield, that the agenda be approved as amended. MOTION PUT AND PASSED.**

**4. CONSIDERATION OF DEFERRED BUSINESS - None**

**5. REVIEW OF TERMS OF REFERENCE**

The Terms of Reference for the Districts 7 & 8 PAC was before the Committee.

Ms. Cathy Mellett, Municipal Clerk, proceeded with a presentation in regards to the Terms of Reference for the Halifax and West Districts 7 & 8 Planning Advisory Committee. Committee members were told that they may ask questions/clarification at any time during the presentation.

Ms. Mellett explained that the membership consists of two (2) Community Council Members and up to eight (8) community citizens. The appointments are made by the Halifax and West Community Council. Ms. Mellett stated that appointment terms for Councillors are for one (1) year and residents for two (2) years. The Committee shall

elect annually the Chair and Vice Chair from non-council members. Ms. Mellett further explained that residents may be appointed for a maximum of two (2) consecutive terms unless there are no other interested and qualified candidates.

Ms. Mellett advised the Committee of their legislated duties. She stated that the Committee is to advise the Halifax and West Community Council with respect to the preparation or amendment of planning documents within or affecting ( all or portions of ) Polling Districts 7 & 8 incorporated into the Halifax and West Community Council. She also stated that the Committee is to advise the Halifax and West Community Council with respect to planning matters, meaning any discretionary decision of Community Council related to the use and development of land. Ms. Mellett also noted the Committee will be required from time to time hold public information meetings associated with municipal planning strategy amendments and any additional duties as may be directed by Community Council.

Ms. Mellett went on to note that the Committee shall meet at least once per month to conduct the business of the Committee and, additional meetings may be held at the discretion of the Chair in consultation with staff. Ms. Mellett stated that the quorum for meetings are in accordance with Section 74 of Administrative Order One, and any member who fails to attend three (3) consecutive meetings without being excused by the Committee shall vacate the member's seat in accordance with subsection 3 of section 68 of Administrative Order One, the Procedure of Council Administrative Order, and subsection 1 of section 22 of the Halifax Regional Municipality Charter.

Ms. Mellett went on to explain that all committee members need to be aware of the standard of conduct for members outlined in the HRM Public Appointment Policy, that all work of the committee and correspondence (including email correspondence of members related to the committee) related to the committee falls under provincial FOIPOP (Freedom of Information and protection of privacy) (pamphlet provided) and the conduct of members falls under provincial Municipal Conflict of Interest legislation. In summarizing what "conflict of interest" is the Clerk spoke to a conflict of interest which is direct such as a financial gain or loss by the member or their immediate family which may come from a decision taken or advise given. In Nova Scotia the courts have also ruled on indirect conflict of interest where a member should recuse themselves because they are directly or indirectly involved in some manner with a party or involved in the matter. An example was provided by a member of the committee, such as a member of a church congregation who is making application for a development. Simply being a resident of a community in which a development would occur is not a conflict. The Clerk reinforced that it is up to the member to a) understand what a conflict of interest is and b) determine if they have a conflict of interest and recuse themselves from the discussion and decision if they do so. No one else can judge that for the member however, the legislation and law provide insight into when one is in a conflict of interest. The Clerk's office is open to provide guidance but cannot direct the member.

The Clerk then discussed that members are sitting as individual residents and not as members of organizations, a stakeholder groups or lobby group. Their insight and

advice is being sought as citizen/residents. Members are to keep an open mind, consider the application before them and provide the best insight and advise they have to offer. Recommendations/direction will be by motion of the committee and not based on any individual members' views. Certainly each member will have their opinions and views and they are on the committee to express those.

A question was raised as to how to best address conversations about applications in the community. The Clerk's advice was to have open conversations with discretion. Members can freely express their individual view but also to be clear that the committee as a whole makes recommendations and to keep as open and objective as possible during the process. She further advised that specific questions in regard to an application would best be directed to the planner/planning office.

Ms. Mellett completed her presentation by stating that the meetings shall be governed by the HRM Administrative Order One, as it relates to Committee procedures. She also stated that Members may resign from the Committee at any time in accordance with Section 68 of Administrative Order One. She also informed the Committee Members that remuneration shall be paid related to travel for attendance at meetings at rates established by HRM policy.

The Interim Chair thanked Ms. Mellett for her presentation and clarification of the Terms of Reference.

The Interim Chair then asked Mr. Kurt Pyle, Supervisor, and Planning Development Approvals, to make a presentation on Development Approvals.

Mr. Pyle introduced Ms. Jane Cooper, Operations Manager, and Development Approvals, to the Committee. He stated that Members may ask questions/ clarification at any time. He then explained the structure of planning. Mr. Pyle explained that Municipal Planning Strategies establish policy; Land Use By-Laws implement policy and create land use regulations; and Subdivision By-Laws regulate division and consolidation of land.

Mr. Pyle informed the Committee that the Regional Municipal Planning Strategy has eighteen (18) Municipal Planning Strategies, thirteen (13) Secondary Municipal Planning Strategies and 22 Land Use By-Laws. He stated that Regional/Community Planning deals with the creation of policy, which includes:

- Visioning Programs
- RP+5
- Centre Plan
- Reviews of MPS policy

Mr. Pyle then advised that Development Approvals deal with the following:

- Rezoning/Land Use By-law Amendments
- Development Agreements
- Site specific plan policy amendments

Mr. Pyle stated that the PAC is an advisory Committee to Community Council not a decision making body, but rather it makes recommendations to Community Council and staff on municipal planning matters. He informed the Committee that any recommendations it makes, based upon policy, may influence the decisions of staff and Council, development agreements and may also influence policy. Mr. Pyle finished the presentation by stating Planning Advisory Committees can influence the decisions of staff and Council, and also influence the content of development agreements and influence planning policy.

Committee members requested that another review be held at the next meeting on the Terms of Reference and Development Approvals. Mr. Bradfield also requested that Conflict of Interest and how it applies to this Committee be included, the Members agreed.

The Interim Chair thanked Mr. Pyle for his presentation.

A copy of the presentation is on file.

**6. REVIEW OF PROPOSED MEETING SCHEDULE AND MEETING LOCATION**

A list of possible meeting dates and times was circulated to the Committee. The Committee entered into discussion on the meeting schedule and location. It was decided by the Committee that the meetings be held on the fourth (4<sup>th</sup>) Monday of the month from 4:00 p.m. to 6:00 p.m.

**7. REPORTS - None**

**8. STATUS UPDATES:**

**8.1 Monthly status updates – planning applications**

Status updates were circulated for review for the next meeting.

**9. ADDED ITEMS**

**9.1 Community Announcements**

It was decided by the Committee to include Community Announcements on the Agenda. Community Announcements are to be sent to the Legislative Assistant no later than the one week prior to the scheduled meeting.

Councillor Watts informed the Committee of the upcoming North End Town Hall on Thursday, October 3, 2013.

## **9.2 Committee Appointments and Policies**

Ms. Roberts asked for clarification on Community Appointments. Ms. Mellett responded that all applications for citizen appointments can be found on the HRM website. Once an application has been received it is forwarded to the Community Council. The Community Council makes the decision on appointments.

## **10. NEXT REGULAR MEETING DATE – October 28, 2013**

The next regular meeting of Districts 7 & 8 will be held on Monday, October 28, 2013, in Halifax Hall, 2<sup>nd</sup> Floor City Hall, 1841 Argyle Street, Halifax at 4:00 p.m.

## **11. ADJOURMENT**

The meeting was adjourned at 2:25 p.m.

Darcy Warren  
Legislative Assistant