

## **HALIFAX REGIONAL MUNICIPALITY**

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### **HALIFAX REGIONAL COUNCIL MINUTES February 17, 2004**

**PRESENT:**

Mayor Peter J. Kelly  
Deputy Mayor Steve Streach  
Councillors: Krista Snow  
David Hendsbee  
Ron Cooper  
Harry McInroy  
Brian Warshick  
Condo Sarto  
Bruce Hetherington  
Jim Smith  
John Cunningham  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Debbie Hum  
Linda Mosher  
Stephen Adams  
Brad Johns  
Len Goucher  
Robert Harvey  
Reg Rankin

**REGRETS:**

Councillors: Jerry Blumenthal  
Gary Meade

**STAFF:**

Mr. George McLellan, Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Jan Gibson, Acting Municipal Clerk  
Ms. Patti Halliday, Legislative Assistant

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1. **INVOCATION**

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation led by Councillor Hetherington.

2. **APPROVAL OF MINUTES - February 3, 2004**

**MOVED by Councillor Harvey, seconded by Councillor Goucher, that the minutes of February 3, 2004, be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

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

The following items were added to the agenda:

- 12.1 Ministerial Order - Development Moratorium - Unserviced Areas, HRM
- 12.2 Councillor Hendsbee - Interim Report of the Voluntary Planning Off-Highway Vehicle Task Force
- 12.3 Property Matter - Street Closure - Portion of Mountbatten Avenue

The following Information Item was circulated to Council:

- 1. Memorandum from Director, Legal Services, dated February 17, 2004 re: District Boundaries Application - UARB

Councillor Hetherington requested that Administrative Order Number One, relating to cancellation of Council meetings, be added to the agenda. This item was addressed under Notices of Motion.

Councillor Goucher requested that Information Item 4 - Traffic Warrants for Crosswalks be referred to a future Committee of the Whole meeting.

**MOVED by Councillor Hetherington, seconded by Councillor Cunningham, that the Order of Business, Additions and Deletions, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

4. **BUSINESS ARISING OUT OF THE MINUTES**

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

8. **PUBLIC HEARINGS**

8.1 **Sale of 64-66 Lakecrest Drive, Dartmouth, at Less than Market Value**

C A declassified private and confidential staff report from the Grant Committee, regarding the above, was before Council for its consideration.

C Correspondence from Neil Black, Broker, Aberdeen Commercial Realities, dated February 13, 2004, regarding the above, was before Council for its consideration.

Ms. Peta Jane Temple, Coordinator, Grant Committee, presented the report to Council.

Mayor Kelly called for members of the public wishing to speak

(Councillor Sloane took her place at the meeting at 6:05 p.m.)

**Mr. Ken Greer, Past Chair, Affirmative Industry Association of Nova Scotia**

Mr. Ken Greer addressed Council noting he has been with the Affirmative Industry Association for ten years. With the use of PowerPoint, he made a presentation to Council regarding the proposed housing project, copies of which were circulated to Council.

**Mr. Azmi Arnaout, 142 Spinnaker Drive, Halifax**

Mr. Azmi Arnaout, developer, addressed Council, noting he owns the building next to the property in question. Mr. Arnaout stated he made an offer to buy the property so he could construct a driveway and add some parking spaces. He offered to discuss the issue with HRM and the Association in order to make a deal to meet the needs of both parties.

In response to a question of Councillor Uteck, Mr. Wayne Anstey, Municipal Solicitor, stated if the sale is approved by Council, the Association could enter into any agreement it wished with Mr. Arnaout. The Councillor stated she could go along with the sale as long as there was assurance that Mr. Arnaout's situation was open for discussion. Mr. Tom Crouse, Team Leader, Real Estate, noted Mr. Arnaout's offer to purchase came subsequent to staff dealing in good faith with the Affirmative Industry Association. He noted that it would up to Council to decide what conditions it wanted to place on the sale of the property.

**Dr. Norman Greenberg, Affirmative Industry Association**

Dr. Greenberg addressed Council, stating the Association would be very pleased to work with Mr. Arnaout to figure out how the Association could solve his needs the best way it

could.

In response to a question of Councillor McInroy regarding placing conditions on the sale, Mr. Anstey stated the Association may have more flexibility dealing with the neighbour than HRM would have as it would be more aware of their own requirements.

**Mr. Roy Muise, 6273 North St., Halifax**

Mr. Muise addressed Council providing information regarding the challenges faced by those living with mental illness. He stated this proposed housing project would be a great benefit as it would create an opportunity for the residents to build up some equity. Mr. Muise urged Council to support the sale.

**Mr. David Harrison, 1801 Hollis St., Suite 1010, Halifax**

Mr. David Harrison, the development consultant working with the Affirmative Industry Association, addressed Council noting they looked at a number of the issues brought forward concerning neighbours and potential mixed use ideas. He noted it is difficult to do that type assessment whereas there is a re-zoning contemplated as part of the transfer. He stated it would be their intention to proceed in a very forthright and open manner with the community to work out all issues. With regard to the site, Mr. Harrison noted it is not intended to put housing along the Main Street side as that area is clearly commercial. The use of that particular portion of the property is unknown at this point. Mr. Harrison spoke about the role of HRM in this innovative housing project, and he urged Council to support the transfer.

Responding to questions of Councillor Hendsbee regarding potential store frontage on Main Street, Mr. Harrison stated it is a possibility, but it is not the intention of the land transfer. Ms. Temple added if there was to be a storefront operation in the future, staff would look at it favourably if it offered the tenants of the facility the opportunity for employment and if the profits were reinvested back into the housing. She noted that any commercial operation on the site would not necessarily be included in the tax exemption status.

**Ms. Carol Tooton, Executive Director, Nova Scotia Division, Canadian Mental Health Association**

Ms. Tooton addressed Council speaking in support of this innovative program, noting it would be a first for Nova Scotia and an opportunity for Council to support the equity building project. In closing, Ms. Tooton encouraged Council to support the land transfer.

**Mr. Wilson Fitt, 2569 Sherwood St., Halifax**

Mr. Wilson Fitt spoke in support of the project and emphasized the importance of the role of HRM in making this happen. He addressed the issue of funding and stated it is crucial

for HRM to get this project over the first hurdle so they can get the support needed to make it happen.

Mayor Kelly called three times for any further speakers. Hearing none, the following motion was put on the floor:

**MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

In response to concerns expressed by Councillor McInroy regarding attaching a condition to the sale, Mr. Anstey suggested if such a condition were to be put in the sale, Council could require that if something could not be worked out, the matter would have to come back to Council to waive the condition. Mr. Anstey noted that currently there is a right of first refusal for HRM to reacquire the property, which would have to be waived by Council if an agreement was reached between the Association and the abutting property owner.

**MOVED by Councillor Sarto, seconded by Councillor Warshick, that Regional Council approve an Agreement of Purchase and Sale whereby 64-66 Lakecrest Drive, Dartmouth, be conveyed to Affirmative Industry Association of Nova Scotia for the sum of \$1.00, plus cost of sale expenses.**

Following a brief discussion, the vote was taken.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions**

**10. REPORTS**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Propeller Parts - Ferries**

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

**MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that**

Regional Council authorize the purchase of propeller parts from Voith Turbo Marine in the amount of 98,765.80 EURO (estimated at \$172,010.51 CDN, plus Net HST for a total of \$183,069.06 CDN) and shipping charges estimated at \$10,200.00 plus Net HST for a total of \$10,855.75 for a total acquisition project cost of \$193,924.81 from Capital Account CVD00436, Bi-annual Ferry Refit and Operating Account No. R955-6802, Ferry Service Operation as outlined in the Budget Implications section of the staff report dated February 11, 2004.

At this time, Mr. George McLellan, Chief Administrative Officer, took the opportunity to speak about the efforts of staff during Hurricane Juan, in particular, the ferry service staff of Metro Transit. On behalf of Council, Mr. McLellan commended Capt. Jack Dabrowski and the ferry service staff who, out of a good sense of public service, took the ferries out of the dock to prevent damage and rode out the Hurricane in Halifax Harbour.

Responding to a question of Councillor Hendsbee, Mr. Paul Beauchamp, Manager, Fleet Services, stated the propeller parts are only made in Germany which was the reason for sole sourcing.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11. MOTIONS - NONE**

**12. ADDED ITEMS**

**12.1 Ministerial Order - Development Moratorium - Unserviced Areas, HRM**

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

**MOVED by Councillor Rankin, seconded by Councillor Sloane, that Regional Council request the Minister of Service Nova Scotia and Municipal Relations amend the Ministerial Order to make provision for:**

- 1. Grand-fathering all active completed “tentative” subdivision applications submitted prior to January 22, 2004; and**
- 2. Allowing the subdivision of new lots that have frontage on or access to existing public streets or approved private roads (which would include those roads identified on completed “tentative” subdivision applications which will be grand-fathered under #1.)**

In response to a question of Councillor Uteck regarding surveyors, Ms. Macomber stated staff met with the Association last week and will continue to seek feedback from all

stakeholders.

Councillor Cunningham requested clarification as to how many lots the motion will open up. Ms. Macomber responded that there are approximately 1200 parcels of land, and a preliminary examination indicates about 4000 lots, however she noted further analysis will be required to determine the exact number of lots.

In response to concerns expressed by members of Council regarding when the exact number of lots will be known, Ms. Macomber responded that staff could come back next week with an update. Councillor Cooper requested that the report also include information regarding the breakdown of tentative approvals (what areas they are in and when they might become available for development.)

Councillor Hendsbee reiterated his concern with respect to providing accurate mapping at the public information meetings and a request for a listing of lots in his area that are affected.

Following a brief further discussion, Councillor Adams requested that the question to be put. A two-thirds majority of Council agreed and Mayor Kelly called for the question. A recorded vote was requested.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2 Councillor Hendsbee - Interim Report of the Voluntary Planning Off-Highway Vehicle Task Force**

Councillor Hendsbee referenced the Voluntary Planning Task Force on Off-Highway Vehicles report requesting public input before March 15, 2004. The Councillor requested that this report be referred to Parks and Open Spaces, Police Services, and Public Works and Transportation Services for a report to Council before the March 15, 2004 deadline.

**MOVED by Councilor Hendsbee, seconded by Councillor Hetherington, that this matter be referred to staff for a report. MOTION PUT AND PASSED.**

**12.3 Property Matter - Street Closure - Portion of Mountbatten Avenue**

C This matter was discussed during an In Camera session held prior to the regular session and was now before Council for ratification.

**MOVED by Councillor Warshick, seconded by Councillor Sarto, that Halifax Regional Council:**

- 1. Authorize staff to set a date for a public hearing for consideration of HRM Administrative Order SC-31 concerning the closure of a portion of Mountbatten Avenue, Dartmouth, as shown on Attachment A of the private**



and confidential staff report.

2. **The staff report not be released until the matter is closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.4 Councillor Hetherington - Administrative Order One relating to cancellation of council meetings**

Councillor Hetherington noted there is no mechanism in place to allow the Mayor, in consultation with staff, to cancel a Council meeting. He requested that Council waive the requirement for a Notice of Motion and amend Administrative Order Number One. Mr. Anstey suggested it would be more appropriate to bring the matter back to Council with a Notice of Motion.

Councillor Cooper suggested the matter should be referred to staff for a report to define "appropriate circumstances."

**MOVED by Councillor Cooper, seconded by Councillor Hendsbee, that this matter be referred to staff for a report. MOTION PUT AND DEFEATED.**

Members of Council voting **in favour** of the motion: Councillors: Hendsbee, Cooper, McInroy, Warshick, Smith and Walker.

Members of Council voting **against** the motion: Mayor Kelly, Deputy Mayor Streach, Councillors: Snow, Sarto, Hetherington, Cunningham, Sloane, Uteck, Fougere, Hum, Mosher, Adams, Johns, Harvey and Goucher.

(Councillors Blumenthal and Meade were absent from the meeting and Councillor Rankin was absent for the vote.)

**13. NOTICES OF MOTION**

**13.1 Councillor Hetherington - Amendment to Administrative Order Number One**

**TAKE NOTICE** that at the next regular Regional Council meeting to be held on Tuesday, February 24, 2004, I plan to introduce a motion to amend Administrative Order Number One to give the Mayor and Chief Administrative Officer the authority to approve the cancellation of a Council meeting in appropriate circumstances.

**14. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:40 p.m.

Jan Gibson  
Acting Municipal Clerk