

HALIFAX REGIONAL COUNCIL  
MINUTES

March 15, 2011

PRESENT:

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

REGRETS:

Councillors: Darren Fisher  
Bill Karsten  
Linda Mosher  
Brad Johns

STAFF:

Mr. Wayne Anstey, Acting Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Sherryl Murphy, Acting Municipal Clerk  
Ms. Sheilagh Edmonds Legislative Assistant

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## 1. INVOCATION

The Mayor called the meeting to order at 6:04 p.m. with the Invocation being led by Councillor McCluskey.

## 2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane advised that a Saint Patrick's Day parade was held Saturday, March 12, and the Saint Patrick's Church Restoration Society arranged for judging of the parade floats. She noted that HRM won the 2011 Best Float prize. Councillor Sloane thanked all those who participated in the parade and to HRM staff who worked on the float.

Councillor Dalrymple referred to the recent earthquake and tsunami in Japan and requested a moment of silence in memory of those who died and for those who lost so much in the earthquake and tsunami in Japan.

Mayor Kelly requested that Council stand for a moment of silence.

Councillor Hendsbee congratulated the Charitable Irish Society of Halifax, noting that they would be holding a dinner on March 17 in recognition of their 225<sup>th</sup> anniversary.

Councillor Hendsbee announced that on Sunday, March 20 a special church service in regard to International Day for the Elimination of Racial Discrimination (March 21) would be held at East Preston United Baptist Church.

Councillor Lund announced a musical fundraiser March 19, at Emmanuel Baptist Church entitled, *Choirs for African Grandmothers, the Unsung Heros*.

Councillor Lund announced a breakfast fundraiser would be held at the Black Point Fire Department on March 20

Councillor Watts advised that on March 16 a presentation by Paul Gipp in regard to renewable energy would be held at Dalhousie's Killam Library. She also advised that on March 17 a meeting will be held with Bill Reeves in regard to the Ecological Footprint concept at Dalhousie's McCain Building.

Councillor Watts acknowledged the Libyan community in Halifax and extended her thoughts and support for a peaceful resolution to the current conflict in their homeland.

At 6:11p.m. Councillor Streach entered the meeting.

Councillor Dalrymple announced that on March 27, the 3<sup>rd</sup> annual Trek for Tourette's will be in held in Shubie Park, Dartmouth.

Councillor Hendsbee, on behalf of Councillor Fisher, announced the Dartmouth Mainstreet Business Network would be holding their monthly breakfast March 16 at The Dairy Queen, on Main Street.

**3. APPROVAL OF MINUTES – March 1 and 8, 2011**

Councillor McCluskey noted that the March 1, 2011 minutes indicate she was present however, she was not in attendance at the meeting.

Councillor Watts advised that she had some minor revisions to provide to clarify comments she made in the March 8 minutes. The Mayor advised her to submit her revisions to the Municipal Clerk.

**MOVED by Councillor Blumenthal, seconded by Councillor Wile that the minutes of March 1 and 8, 2011, as amended, be approved. MOTION PUT AND PASSED.**

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

Additions:

- 13.1 Board of Police Commissioners - Letter of Support re: Additional Officer Program
- 13.2 Audit and Finance Standing Committee Report

**MOVED by Councillor Barkhouse, seconded by Councillor Watts that the Rules of Order be suspended and that the In Camera Report (Audit and Finance Standing Committee Report) be added to the agenda for full debate.**

The Mayor advised that two-thirds majority of Council members voting in support was required to suspend the Rules of Order.

**MOTION PUT AND DEFEATED.**

The agenda was accepted as amended.

**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. PUBLIC HEARINGS**

## **9.1 Case 16104/16106 – Bedford West Sub Areas 5, 9, & 10**

First Reading of this matter was given at Regional Council's February 8, 2011 meeting.

A copy of a staff presentation dated March 15, 2011 was before Regional Council

A report dated January 28, 2011 from North West Community Council was before Regional Council

A report dated February 1, 2011 from Chebucto Community Council was before Regional Council.

A staff report dated November 18, 2010 was before Regional Council.

Mr. Andrew Bone, Senior Planner, outlined the application by West Bedford Holdings and Cresco Holdings Limited for amendments to the Bedford West Municipal Planning Strategy for Sub Area 5, 9 and 10. In his remarks he noted that the parcels of land in question are located southwest and southeast of the new interchange of Highway 102/Larry Uteck Boulevard, in the Bedford West Master Plan area and they are vacant and forested. Mr. Bone advised that the proposal included:

- Change to the boundary line between sub-area 5, 9, and 10
- Creating new or revised community concept plans for the new sub-area 5 and 9
- Create revised policy to support the community concept plan for the new sub-area 5 and 9
- Revisions to the Halifax Zoning Map –rezoning a small parcel which is currently zoned urban settlement zone to Bedford West Comprehensive Development District Zone
- Revise as capital cost charges for sub-area 9 of Bedford West in the regional sub-division bylaw.

Mr. Bone and Mr. Paul Burgess, Program Engineer, Infrastructure Planning Office responded to questions.

In response to questions by Councillor Sloane, Mr. Burgess advised that there will be no net increase or decrease in the collection of capital cost contribution charges. He also advised that the transportation capital cost contribution charge includes monies collected for transportation improvements; it does not include transit.

In response to a question by Deputy Mayor Smith concerning any height restrictions in the general commercial zone, Mr. Bone advised that there are no specific height regulations, but the policy allows for flexibility throughout the various neighbourhoods to respond to the developer's marketing needs and to enable the ability to achieve the densities required under the Secondary Plan.

The Mayor reviewed the Rules of Procedure for Public Hearings and opened the hearing for anyone wishing to speak.

Mr. Kevin Neatt, representing West Bedford Holdings Limited addressed Council and advised that he was in attendance to respond to any questions Council may have in regard to the application.

The Mayor called three times for anyone wishing to speak; there being no response, it was **MOVED by Councillor McCluskey, seconded by Councillor Nicoll that the public hearing close. MOTION PUT AND PASSED.**

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

- 1. Approve the proposed amendments to the Bedford Municipal Planning Strategy as set out in Attachment "A" of the staff report dated November 18, 2010 the Beaver Bank Hammonds Plains and Upper Sackville Municipal Planning Strategy as set out in Attachment "B" of the staff report dated November 18, 2010 and the Regional Subdivision By-law as set out in Attachment "E" of the staff report dated November 18, 2010.**
- 2. Approve the proposed amendments to the Halifax Municipal Planning Strategy as set out in Attachment C, the Halifax Mainland Land Use By-law as set out in Attachment D, and the Regional Subdivision By-law as set out in Attachment E of the report dated November 18, 2010.**

Councillor Hum advised that at the Public Information Meeting the residents expressed a concern in regard to the realignment of Kearney Lake Road and that they wanted assurance that the future name would not be Kearney Lake Road, keeping that name with the old road.

Mr. Bone advised the naming would be carried out through the Civic Addressing business unit, and that it was his understanding the street would be referred to as Larry Uteck Boulevard.

Councillor Sloane expressed concern that Council does not have information on the infrastructure costs prior to making a decision on this matter. She indicated that Council was awaiting a report on capital cost contribution and, therefore, it should not be approving applications like this without knowing the cost implications.

Ms. Thea Langille, Supervisor of Planning Applications, pointed out that the area being considered is one of the three suburban master plan areas that was selected and identified through the Regional Plan for suburban growth.

**MOTION PUT AND PASSED.**

**9.2 Case 16643 (01307) – Municipal Planning Strategy and Land Use By-Law Amendment – 345 Kearney Lake Road, Bedford**

First Reading of this matter was given at Regional Council's February 8, 2011 meeting.

A copy of a staff presentation dated March 15, 2011 was before Regional Council

A report dated January 28, 2011 from North West Community Council was before Regional Council.

Ms. Jacqueline Belisle, Planner presented the application to amend the Municipal Planning Strategy to allow the application of the institutional zone at 345 Kearney Lake Road, Bedford. In her presentation she advised that the property located at 345 Kearney Lake Road, the Diman Community Centre, has become a nonconforming use due to changes in the Municipal Planning Strategy and Land Use By-law and a plan amendment is required to consider an institutional zone on the subject property.

There were no questions from Council.

The Mayor opened the public hearing and called three times for anyone wishing to speak; there being no response, it was **MOVED by Councillor McCluskey, seconded by Councillor Blumenthal that the public hearing close. MOTION PUT AND PASSED.**

**MOVED by Councillor Outhit, seconded by Councillor Walker that Regional Council approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of the December 7, 2010 staff report. MOTION PUT AND PASSED.**

**9.3 Proposed Administrative Order SC-63, Respecting Closure of a Portion of Portland Street Right-of-Way, Dartmouth**

First Reading of this matter was given at Regional Council's February 8, 2011 meeting.

A staff report dated January 18, 2011 was before Regional Council.

Mr. Nathan Hines, Real Estate Officer, outlined the request from Westwood Developments Limited in acquiring a portion of Portland Street, Dartmouth—PID 40935603.

Councillor McCluskey noted that the price was not disclosed in the report

In response, Mr. Tom Crouse, Manager of Acquisitions and Disposals, advised that the actual sale was approved under the authority of the Deputy Chief Administrative Officer as per the Transaction Policy approved in 2002.

Mr. Wayne Anstey, Acting Chief Administrative Officer advised that Council can make the decision to release the amount if it wishes.

**MOVED by Councillor McCluskey, seconded by Councillor Nicoll that Regional Council approve the closing of the portion of the Portland Street right-of-way, as shown on Attachment "B" of the January 18, 2011 staff report. MOTION PUT AND PASSED.**

**MOVED by Councillor McCluskey, seconded by Councillor Nicoll the market value of the property be released. MOTION PUT AND PASSED.**

Mr. Hines advised that the price of the portion being disposed of was \$79,450.

The Mayor called three times for anyone wishing to speak; there being no response it was **MOVED by Councillor McCluskey, seconded by Councillor Nicoll that the public hearing close. MOTION PUT AND PASSED.**

Councillor Sloane expressed concern that Council was being asked to vote on this matter without advance knowledge of the price.

Mr. Crouse clarified that tonight's motion was to close the portion of the street; the actual sale was the subject of a separate report.

Ms. Mary Ellen Donovan, Municipal Solicitor added that if, in future, Council wanted more information on the other part of the transaction when a street closure report is coming forward, Council could make a request of staff to provide that information.

## **10. CORRESPONDENCE, PETITIONS & DELEGATIONS**

### **10.1 Correspondence- None**

### **10.2 Petitions:**

#### **10.2.1 Councillor Hendsbee**

Councillor Hendsbee submitted a petition containing 31 signatures requesting Metro Transit Bus service and the Community Transit bus that serves Porters Lake and the Eastern Shore Communities, to start service at 5:00 a.m. daily to allow residents the time needed to arrive on their job site.

### **10.3 Presentation - None**

## **11. REPORTS**

### **11.1 WESTERN REGION COMMUNITY COUNCIL**

#### **11.1.1 Revision to Catchment Area for Hammonds Plains Common Area Rate**



A report dated March 1, 2011 was submitted from Western Region Community Council.

**MOVED by Councillor Lund, seconded by Councillor Harvey that Halifax Regional Council approve that:**

1. **Effective April 1, 2010, the catchment area for the Hammonds Plains Common Area Rate be changed to exclude all properties in District 19 with the exception of those properties in the neighbourhood of Kingswood North; and**
2. **Credit back to the tax accounts of the owners of all properties to be removed from the catchment area the amount of property taxes paid for this area rate in fiscal 2010-11.**

**MOTION PUT AND PASSED.**

## **11.2 TRANSPORTATION STANDING COMMITTEE**

### **11.2.1 Transportation Standing Committee Terms of Reference**

A report dated March 9, 2011 was submitted from the Transportation Standing Committee.

**MOVED by Councillor Rankin, seconded by Councillor Blumenthal that Halifax Regional Council approve the Terms of Reference for the Transportation Standing Committee as outlined in Attachment 1 of the March 9, 2011 report.**

A discussion ensued with regard to the meeting protocol of the Standing Committees and a concern was noted that at a recent meeting, un-appointed Councillors attended and, rather than sitting in the public gallery, they sat in their usual Council seat and participated in the discussion.

Mayor Kelly advised that the Standing Committees operate under the same Rules of Procedure for Council as outlined in Administrative Order One and that members who were not appointed to the Committee would only be able to speak if the Committee agreed and it would require a motion by the Committee.

**MOTION PUT AND PASSED**

### **11.2.2 Transportation Demand Management (TDM) Functional Plan**

A report dated January 28, 2011 was submitted from the Transportation Standing Committee.

A report dated September 16, 2010 was submitted from the Regional Plan Advisory Committee.

A document entitled, Halifax Transportation Demand Management (TDM) Functional Plan, dated June 17, 2010 was submitted.

**MOVED by Councillor Watts, seconded by Councillor Hendsbee that Halifax Regional Council adopt in principle the Transportation Demand Management Functional Plan.**

In moving the motion, Councillor Watts advised that the Plan essentially provides Council with a roadmap and it will help focus on a more sustainable and active transportation system in HRM. She added that she looked forward to having an education component as the Plan rolls forward, and that she believes there will be good public support as many of the issues in the document have been brought forward by residents.

Mr. Dave McCusker, Manager, Strategic Transportation Planning responded to questions from Council. He explained that the Plan is a high-level document which gives staff direction to proceed with several initiatives. He added that a number of the elements are items staff would work on as a part of normal operations but any of the major initiatives would come to Council.

Some council members expressed concern that a number of the measures outlined in the Plan were not feasible and that they would be introduced without public or council engagement. In response, Mr. Ken Reashor, Director, Transportation and Public Works clarified that the document was not a prescriptive plan, but rather it contained initiatives that would be investigated and would come back to the Standing Committee and Council for decision. Mr. Reashor also noted that the process will include public feedback and engagement.

**MOTION PUT AND PASSED.**

**11.3 ENVIRONMENT & SUSTAINABILITY STANDING COMMITTEE**

**11.3.1 Environment & Sustainability Standing Committee Terms of Reference**

A report dated March 10, 2011 was submitted from the Environment and Sustainability Standing Committee.

**MOVED by Councillor Lund, seconded by Councillor Nicoll that Halifax Regional Council approve the Terms of Reference for the Environment and Sustainability Standing Committee as outlined in Attachment 1 of the March 10, 2011 report.**

**MOTION PUT AND PASSED.**

**12. MOTIONS - NONE**

**13. ADDED ITEMS**

**13.1 Board of Police Commissioners - Letter of Support re: Additional Officer Program**

A report dated March 14, 2011 from the Chair of the Board of Police Commissioners was circulated.

**MOVED by Councillor Uteck, seconded by Councillor Sloane that Halifax Regional Council support the Chair of the Board of Police Commissioners' statement of concern at the March 23, 2011 meeting with the Minister of Justice that provincial funding for the Additional Officer Program not be reduced. MOTION PUT AND PASSED.**

**13.2 Audit and Finance Committee Report**

Councillor Barkhouse pointed out that Council intended to issue a press release later this evening but that she would like Council to have an opportunity to discuss it before it is released.

**MOVED By Councillor Barkhouse, seconded by Councillor Outhit that the Rules of Order be suspended and that Council convene an In Camera session. MOTION PUT AND DEFEATED.**

The following matter was dealt with at an In Camera session held earlier on this date and was now before Council for ratification.

**MOVED by Councillor McCluskey, seconded by Councillor Outhit that Regional Council approve the recommendation of the Audit & Finance Committee as amended by Council, as follows:**

- 1. The booking of a contingent liability in the amount of \$359,550 as per the budget implications section of this March 15, 2011 Private and Confidential report, from Fiscal Services M310-6999 Other Goods and Services.**
- 2. Refer the issue of staff conduct, policy and guidelines around HRM's role in concert promotions, governance and internal controls for Metro Centre Limited to the HRM Municipal Auditor General for his consideration for further investigation.**
- 3. That the Private and Confidential Audit Committee report of March 15, 2011 be released to the public, pending Council approval on March 15, 2011.**

**MOTION PUT AND PASSED**

**14. NOTICES OF MOTION**

**14.1 Councillor Watts**

“Councillor Watts gave notice that at the next regular meeting of Halifax Regional Council to be held on March 22, 2011 she intends to introduce a motion to request Regional Council to ask the Community Planning and Economic Development Standing Committee to clarify the definition and approach to developing HRM as an “entertainment centre” and how entertainment events will be developed in a transparent and sustainable way.”

**14.2 Councillor Watts**

“Councillor Watts gave notice that at the next regular meeting of Halifax Regional Council to be held on March 22, 2011 she intends to introduce a motion to ask for a staff report to clarify how motions by Community Councils are acted on by the Chief Administrative Office, with particular reference to the motions by the Peninsula Community Council on ‘Concerts on the Commons’ since 2009.”

**15. ADJOURNMENT**

The meeting adjourned at 8:00 p.m.

Cathy J. Mellett  
Municipal Clerk

The following information items were submitted:

1. Memorandum from Director, Infrastructure & Asset Management dated February 15, 2011 re: Birches Drive at St. Margaret's Bay Road
2. Memorandum from Director, Community Development dated February 2, 2011 re: Status Update – Halifax Explosion Memorial
3. Memorandum from the Municipal Clerk dated March 11, 2010 re: Requests for Presentation to Council - None