

HALIFAX REGIONAL COUNCIL
MINUTES
January 20, 2009

PRESENT: Mayor Peter Kelly
Deputy Mayor David Hendsbee
Councillors: Steve Streach
Barry Dalrymple
Gloria McCluskey
Lorelei Nicol
Andrew Younger
Bill Karsten
Jackie Barkhouse
Mary Wile
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Jennifer Watts
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Tim Outhit
Reg Rankin
Peter Lund

REGRETS: Councillor Jim Smith

STAFF: Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Chris Newson, Legislative Assistant

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1. **INVOCATION**

The Mayor called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Blumenthal.

2. **SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor Adams thanked all persons who offered assistance to residents during a recent apartment building fire in Spryfield. He expressed special appreciation to Metro Transit for the provision of buses for use as temporary shelter and transport, and; to the local Tim Horton's and Shoppers Drug Mart for supplying food, beverages, puzzles and comic books. He thanked the Red Cross and MLA Michelle Raymond for their assistance and support. Councillor Adams further acknowledged the generosity of Wallace and Kim Thompson of the Spryfield Lions Club who opened the Lions Den as a temporary shelter and ensured the displaced residents were comfortable. He expressed a special thank you to Mike Blackburn, Platoon Chief, Halifax Regional Fire and Emergency Services, whose confidence at the scene reassured and comforted the public. Councillor Adams noted that a family was seeking the return of their white cat with grey dabs that has been missing since the fire.

Councillor Mosher thanked Councillor Adams for his work on behalf of the residents following the Spryfield apartment building fire. She further congratulated Mr. Bassam (Sam) Nahas who was recently installed as Potentate of the Shriners of Philae Temple (Nova Scotia and Prince Edward Island) explaining that Mr. Nahas was the first person of Lebanese decent to receive this distinction.

Councillor Sloane noted that members of the Cornwallis Street Baptist Church hosted an event to view the Swearing In Ceremony of President Elect Barack Obama. She thanked Mr. Matt Curry, Coordinator of the Blind Date with a Star, a fundraising event for the Learning Association of Nova Scotia. Councillor Sloane encouraged residents to utilize the recently opened skating rink at the George Dixon Centre.

Councillor McCluskey offered a bouquet to the HRM Snow Removal crew, specifically Mr. Gordon Hayward, Superintendent, Winter Operations, in recognition of the work they have done during this hard winter.

Councillor Streach noted the upcoming ninth consecutive Dinner and Toast to Robbie Burns being held on Saturday, January 24th at 7:00 p.m in the Bicentennial Theatre, Middle Musquodoboit.

Councillor Blumenthal advised that a public information meeting was scheduled for Wednesday, January 28, 2009 at 7:00 p.m at St. Andrew's Centre, Bayers Road. He also

acknowledged the Philae Temple Shriners installations located on Connolly Street in District 11 advising that there were over 700 members doing great work in support of family and patients of the IWK.

Councillor Watts acknowledged an Interfaith Celebration organized by the B'hai Brith community on Sunday, January 18, 2009. She advised of an upcoming public consultation meeting to be held on February 11, 2009 at the St. Andrew's Community Centre in regard to the proposed Bayers Road widening.

Councillor Uteck entered the meeting at 6:09 p.m.

3. APPROVAL OF MINUTES - NONE

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

- Additions:**
- 13.1 Information Item - Memorandum from Director, Harbour Solutions Project dated January 19, 2009 re: Halifax Wastewater Treatment Facility (WWTF) Update
 - 13.2 Legal Matter - Settlement of Claim
 - 13.3 Legal Matter - Settlement of Claim
 - 13.4 Personnel Matter - Councillor Appointments to Boards, Committees and Commissions

Councillor Watts requested that Information Item 1, Memorandum from Assistant Director, Infrastructure & Asset Management dated December 31, 2008 re: Public Consultation - Bayers Road / Highway 102 Corridor Study, be added to the January 27, 2009 agenda for discussion.

Defer: Item 11.1.6 to be deferred to January 27, 2009.

MOVED BY Councillor Blumenthal, seconded by Councillor Sloane that the agenda, as amended, be approved. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - NONE

Council agreed to deal with Item 9.1 Public Hearing at this time.

9.1 **Case 01121 - Amendments to the Regional Municipal Planning Strategy, Regional Subdivision By-Law and the Municipal Planning Strategies and Land Use By-Law for Timberlea / Lakeside / Beechville and Halifax**

- An extract of the December 9, 2008 draft Regional Council minutes was before Council.
- A joint report dated November 25, 2008 from the Regional Plan Advisory Committee, Western Region Community Council and the Chebucto Community Council was before Regional Council.

Mr. Brian White, Planner, presented the report.

Ms. Denise Schofield, Manager, Development Engineering, clarified for Council that since the project was still at the conceptual stage there would be time to address sewage capacity concerns in regard to the subdivision component.

Councillor Hum expressed concern with the timing of the public hearing and lack of wide spread public consultation. She noted that a meeting was planned for later in the week with the Bayers Park Business Association and she would have preferred for the public hearing to have been held following that meeting.

Mr. Roger Wells, Supervisor, Regional Planning, responded that there had been full consultation with the Bayers Park Business Association throughout the production of the business park plan process. He noted that there had been no red flags raised during the consultation process that would prohibit the issue being before Council at this time.

Mayor Kelly opened the public hearing calling for any speakers for or against the proposal. He gave the third and final call for speakers; hearing none, it was **MOVED BY Councillor Johns, seconded by Councillor Younger that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED BY Councillor Rankin seconded by Councillor Wile that Halifax Regional Council approve:

1. **The proposed amendments to the Regional Municipal Planning Strategy and Regional Subdivision By-Law as provided in Attachments “A” and “B” of the staff report dated October 31, 2008.**
2. **The proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-Law as provided in Attachment “C” of the staff report dated October 31, 2008.**

3. The proposed amendments to the Timberlea/Lakeside/Beechville Municipal Planning Strategy and Land Use By-Law as provided in Attachment “D” of the staff report dated October 31, 2008.

MOTION PUT AND PASSED.

Council agreed to deal with Item 8.1 at this time.

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Case 01058: Amendments to all Land Use By-Laws - Temporary Construction Uses

- A Supplementary Report dated January 16, 2009 was before Council.
- An extract of the draft Regional Council minutes of January 13, 2009 was before Council.

The Public Hearing on Case 01058 was held and closed on January 13, 2009.

Ms. Mary Ellen Donovan, Solicitor, clarified that anyone not in attendance for all or a portion of a public hearing would not be eligible to vote and would no longer be part of the process by having exempted themselves from the process.

MOVED BY Councillor Rankin, seconded by Councillor Younger that Halifax Regional Council approve the proposed amendments to all HRM Land Use By-Laws regarding “Temporary Construction Uses” as contained in Attachments “A” through “U” of the Supplementary Report dated January 16, 2009.

Council recessed for five minutes at 6:56 p.m.

Council reconvened at 7:00 p.m.

In response to Councillor Mosher, Mr. David Lane, Planner, advised that soil screening would be exempt from the proposed By-Law amendments.

Councillor Hum expressed concern with environmental sustainability and suggested that the “Greener Dig” document referenced during the public hearing warranted additional review by staff. She advised that she was impressed with the willingness of the industry stakeholders to reach a compromise.

Ms. Sharon Bond, Manager, Subdivision and Land Use, clarified for Councillor Wile that under the proposed legislation a temporary sixty (60) day permit could be issued with the possibility of an extension for up to an additional thirty (30) days. HRM would not have the ability to place a limitation such as restricted use from Monday to Friday on a permit that was not regulated by HRM By-Laws.

Ms. Mary Ellen Donovan, Solicitor, suggested that staff could consider day limitation in the development agreements.

In response to Councillor Adams, Ms. Bond advised that the distance separation of 60 metres would apply only to subdivision construction and not the downtown.

Councillor Adams expressed concern with the proposed amendments as no tickets had been issued over the last three years in regard to temporary rock crushers. He noted that the proposed amendments were far from green and would be forcing contractors to increase truck traffic which would increase dust. He explained that rock breaking was the issue not rock crushing yet rock breaking had not been discussed.

In response to Councillor Mosher's concern on how HRM would ensure that excess material was disposed of properly, Ms. Bond advised that the development agreements could address that issue.

Councillor Rankin requested a recorded vote on the motion.

The motion on the floor for consideration reads:

MOVED BY Councillor Rankin, seconded by Councillor Younger that Halifax Regional Council approve the proposed amendments to all HRM Land Use By-Laws regarding "Temporary Construction Uses" as contained in Attachments "A" through "U" of the Supplementary Report dated January 16, 2009. MOTION PUT AND PASSED.

Those voting in favour of the proposal were: Mayor Kelly, Deputy Mayor Hendsbee and Councillors Barkhouse, Blumenthal, Dalrymple, Harvey, Hum, Johns, Karsten, Lund, McCluskey, Mosher, Nicoll, Outhit, Rankin, Sloane, Walker, Watts, Wile and Younger.

Those voting against the proposal were: Councillor Adams.

Those absent, or not eligible, for the vote were: Councillors Smith, Streach and Uteck.

Following adoption of the Land Use By-Law, the following motions were placed:

MOVED by Councillor Mosher, seconded by Deputy Mayor Hendsbee that Halifax Regional Council direct staff to consult with the industry and the Nova Scotia

Department of the Environment to see if there are additional amendments which can be agreed upon to further improve the practicality and effectiveness of the bylaw provisions.

Councillor Mosher expressed concern that developers may not remove excess material and that Council should protect the homeowners.

Councillors Karsten and Rankin opposed the motion explaining that there had already been good public consultation involving the industry. Staff have indicated that once the By-Law was approved they would proceed to the next step and have further dialogue with the industry and the provincial Department of Environment and Labour in regard to environmental and efficiency issues.

MOTION PUT AND PASSED.

MOVED BY Councillor Mosher, seconded by Deputy Mayor Hendsbee that Halifax Regional Council request that HRM staff explore site specific permitting applications that may go before the applicable Community Council.

Deputy Mayor Hendsbee indicated that aspects of the amended By-Law could be used for lot drainage/grading issues. He commented that if a Community Council has the ability to approve a development agreement, why not provide Community Council with the ability to approve limited construction activity through the development agreement if conducive to the area.

MOTION DEFEATED.

8.2 Breeding Kennel Fees

- A report dated December 15, 2008 was before Council.

MOVED BY Councillor Younger, seconded by Councillor Karsten that Halifax Regional Council recommend that By-Law A-300 remain unchanged relative to the registration of all dogs. MOTION PUT AND PASSED.

8.3 Proposed Amendments to Administrative Order 11 - Animal Licensing Strategy for 2009

- A report dated December 15, 2008 was before Council.

MOVED BY Councillor Sloane, seconded by Councillor Uteck that Halifax Regional Council approve in principle the proposed amendments to Administrative Order 11, as attached to the December 15, 2008 staff report.

Councillor Younger requested that staff provide additional information in regard to the overhead and enforcement costs related to collecting the licensing (renewal) fees each year.

Councillor Karsten requested more detail in regard to the number of licenses purchased in 2008 such as: how many were purchased during the reduced fee period of January to May and how many of those were renewals.

Staff Sargeant Robin McNeil, Halifax Regional Police, in response to Councillor Adams, advised that increased registration resulted in decreased animals in the shelter. He acknowledged that identification tags containing all pertinent contact information would have the same effect as licensing but someone would be required to input the data.

Deputy Mayor Hendsbee suggested that HRM consider a lifetime animal registration as it would simplify the process and eliminate the need for annual renewal of licenses. He proposed an amnesty period for owners to have their pets registered and that a fine be charged for any non-registered animals once the amnesty period expired.

MOTION PUT AND PASSED.

8.4 Councillor Blumenthal - Removal of Recyclables from Curb

MOVED BY Councillor Blumenthal, seconded by Councillor Wile that Halifax Regional Council request staff to investigate the current policy in regard to residential recyclables left at the curb and remove any ambiguity in regard to responsibility and that the matter also be referred to the Solid Waste Resource Advisory Committee for consideration and comment at their next meeting.

Staff are to consider options/solutions such as a tag system whereby residents would not be fined for garbage left at their curb by another person.

MOTION PUT AND PASSED.

8.5 Councillor Watts - Request for Report re: Resident Accessibility to Electronic Waste and Hazardous Waste Recycling Programs

MOVED BY Councillor Watts, seconded by Councillor Sloane that Halifax Regional Council request a staff report on the feasibility of implementing a program in HRM, similar to Sudbury's Toxic Taxi Program, for hazardous waste and electronic waste

recycling. The report is to consider costs, models from other municipalities, and a recommendation in regard to possible working partnerships with other organizations and HRM resources. MOTION PUT AND PASSED.

9. **PUBLIC HEARINGS**

9.1 **Case 01121 - Amendments to the Regional Municipal Planning Strategy, Regional Subdivision By-Law and the Municipal Planning Strategies and Land Use By-Laws for Timberlea / Lakeside / Beechville and Halifax**

This item was dealt with earlier in the meeting. See page 6.

10. **CORRESPONDENCE, PETITIONS & DELEGATIONS**

10.1 **Correspondence - None**

10.2 **Petitions**

10.2.1 **Councillor Barkhouse - Island View Apartments - Request for Crosswalk**

Councillor Barkhouse submitted a petition, with 31 signatures, on behalf of the residents of the Island View Apartments, 36 Cow Bay Road, Eastern Passage, requesting a crosswalk in front of their building.

10.2.2 **Councillor Barkhouse - Russell Lake Bus Service**

Councillor Barkhouse submitted a petition, with approximately 295 signatures, on behalf of residents of the Russell Lake area requesting that Metro Transit bus service be expanded to include the new Russell Lake shopping area.

10.2.3 **Councillor Lund - Request for Speed Limit Reduction and Traffic Lights at Highland Park**

Councillor Lund submitted a petition, with approximately 115 signatures, on behalf of the residents of Highland Park, Hammonds Plains, requesting traffic lights at Norwood and Hammonds Plains Road; street lighting along Hammonds Plains Road between Yankeetown and Rockcliffe and a reduction in the speed limit to 80 kph.

11. **REPORTS**

11.1 **CHIEF ADMINISTRATIVE OFFICER**

11.1.1 Purchase of Fare Collection and Automated Vehicle Tracking and Communications Systems for Metro Transit Buses, Sole Source

- A report dated January 9, 2009 was before Council.

MOVED BY Councillor McCluskey, seconded by Councillor Karsten that Halifax Regional Council:

- 1. In accordance with the Sole Source Policy (Administrative Order 35, Section 7 (8)), award the Sole Source Purchase of vehicle tracking and communications equipment in the amount of \$266,962.75 (net HST included) to Nova Communications with funding from Capital Account CVD00434, Conventional Bus Expansion and Capital Account CMX01104, Rural Express, per the Budget Implications Section of the report dated January 9, 2009, and approve Nova Communications as the vendor for supply and installation of the equipment for all orders of Metro Transit buses for the expansion of service over the next 3 years.**
- 2. In accordance with the Sole Source Policy (Administrative Order 35, Section 7 (8)), award the Sole Source Purchase of fareboxes in the amount of \$94,327.25 (net HST included) to Garival with funding from Capital Account CMX01104, Rural Express per the Budget Implications Section of the report dated January 9, 2009, and approve Garival as the vendor for supply and installation of the equipment for all orders of Metro Transit buses for the expansion of service over the next 3 years.**

MOTION PUT AND PASSED.

11.1.2 Purchase of Three (3) Rapid Deployment Inflatable Shelters, Sole Source

- A report dated January 6, 2009 was before Council.

MOVED BY Councillor Wile, seconded by Councillor Walker that Halifax Regional Council, in accordance with the Sole Source Policy (Administrative Order 35, Section 7 (8)) award the purchase of three (3) Rapid Deployment Inflatable Shelters to Dynamic Air Shelter Ltd. for materials and services specified in the amount of \$151,756.20 (net HST included) with funding from Operating Account No. F181-6701 USAR Project Equipment Purchase and the cost sharing from Public Safety Canada, Joint Emergency Preparedness Program (JEPP) as

outlined in the Budget Implications section of the report dated January 6, 2009.
MOTION PUT AND PASSED.

11.1.3 Pre-Approval Ferry Biennial Refit

- A report dated January 20, 2009 was before Council.

MOVED BY Councillor McCluskey, seconded by Councillor Sloane that Halifax Regional Council pre-approve the expenditure of \$470,000 from Capital Account CVD00436, Biennial Refit. MOTION PUT AND PASSED.

11.1.4 Appointment of Building Officials

- A report dated January 6, 2009 was before Council.

MOVED BY Councillor Johns, seconded by Councillor Sloane that Halifax Regional Council appoint the staff included in Appendix "A" of the report dated January 6, 2009 as Building Officials, pursuant to Sections 5(2) of the Nova Scotia Building Code Act. These appointments are effective for the duration of their current conditions of employment with Halifax Regional Municipality. MOTION PUT AND PASSED.

11.1.5 Case 01201 - Amendment to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-Law - Signs for Home Based Business Uses

- A report dated November 17, 2008 was before Council.

MOVED BY Councillor Johns, seconded by Councillor Sloane that Halifax Regional Council:

- 1. Initiate the process to consider amending the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-Law to consider permitting signs for home based business uses in all residential zones; and**
- 2. Request staff to follow the public participation program as approved by Council in February 1997.**

MOTION PUT AND PASSED.

11.1.6 Feasibility of Former Dartmouth City Hall as Central Museum

MOVED BY Councillor McCluskey, seconded by Councillor Younger that the Feasibility of Former Dartmouth City Hall as Central Museum matter be deferred to January 27, 2009. MOTION TO DEFER PUT AND PASSED.

11.1.7 First Reading By-Law S-426, An Amendment to By-Law S-400, Respecting Charges for Street Improvements - New Paving Projects Outside the Core Area - 2007

- A report dated November 18, 2008 was before Council.

MOVED BY Councillor Dalrymple, seconded by Deputy Mayor Hendsbee that Halifax Regional Council approve First Reading of By-Law S-426, An Amendment to By-Law S-400, Respecting Charges for Street Improvements, New Paving Projects Outside the Core Area - 2007, as attached to the November 18, 2008 staff report. MOTION PUT AND PASSED.

11.2 GRANT COMMITTEE

11.2.1 Re-Capitalisation Assistance to Community Recreation Facilities - Arenas and Swimming Pools 2008 - 2009 - Recommended Awards

- A report dated December 18, 2008 was before Council.

MOVED BY Councillor Walker, seconded by Councillor McCluskey that Halifax Regional Council:

- 1. Approve a total of seven (7) awards from Capital Account CBX01146 for a combined total of \$595,110 as detailed in Attachment 1 of the report dated November 17, 2008.**
- 2. Approve holding \$100,000 pending further evaluation of the submission from the St. Margaret's Centre.**

MOTION PUT AND PASSED.

MOVED BY Councillor Harvey, seconded by Councillor Johns that Halifax Regional Council direct staff to explore the possibility of a service agreement with the Lake District Recreation Association in regard to the Sackville and District Community Arena. MOTION PUT AND PASSED.

11.3 MEMBERS OF COUNCIL

11.3.1 Deputy Mayor Hendsbee - Municipal Planning Strategy Amendment Request Re: Mobile Home Park Development, Lake Echo

MOVED BY Deputy Mayor Hendsbee, seconded by Councillor Sloane that Halifax Regional Council request that staff initiate the planning process to formulate appropriate policy and land-use zoning designation for the creation of a new mobile home park development in the Lake Echo area.

Deputy Mayor Hendsbee explained that a Municipal Planning Amendment to the Halifax County Planning Districts 8 and 9 would be required to have provisions made available to permit the re-zoning of lands to allow for the development of a Mobile Home Park by way of a development agreement.

Councillor Younger expressed concern with an amendment request being submitted by a single company noting that it was highly irregular and questioned whether Council could approve such a request. He explained that the process has been to direct the applicant to staff and that the applicant pay the applicable fees. He noted that he was not in support of the motion as developers have always been expected to pay the full costs.

Councillor Johns also expressed concern that approval of the motion would be precedent setting and although he was not opposed to the end objective he was not in agreement with the implications of the municipality picking up the initial charges. He requested, as Chair of the HRM Mobile Home Park Advisory Committee, that the Mobile Home Park Advisory Committee be advised of such issues and the outcome of this request as other areas of HRM have expressed a desire for re-zoning in consideration of mobile home park development.

In response to Councillor Karsten, Mr. Dan English, Chief Administrative Officer, advised that typically an Applicant would apply through staff, pay the fee and go through the proper process.

MOVED BY Deputy Mayor Hendsbee, seconded by Councillor Sloane that this item be deferred for one week pending clarification of questions raised. MOTION TO DEFER PUT AND PASSED.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Information Item - Memorandum from Director, Harbour Solutions Project dated January 19, 2009 re: Halifax Wastewater Treatment Facility (WWTF) Update

This item was added for Information purposes. No further action required.

13.2 Legal Matter - Settlement of Claim

MOVED BY Councillor Johns, seconded by Councillor Karsten that Halifax Regional Council:

- 1. Settle this claim brought by the Plaintiff in the amount of \$30,000.00 to achieve a full and final settlement of the Plaintiff's action, upon obtaining a full Release from the Plaintiff from any further claims arising out of the incident on July 27, 2005 and**
- 2. The Private and Confidential staff report dated January 6, 2008 not be released to the public.**

MOTION PUT AND PASSED.

13.3 Legal Matter - Settlement of Claim

MOVED BY Councillor McCluskey, seconded by Councillor Sloane that Halifax Regional Council settle this claim brought by Portage Mutual Insurance in the amount of \$10,794.14 and that the Private and Confidential staff report dated January 17, 2009 not be released to the public. MOTION PUT AND PASSED.

13.4 Personnel Matter - Councillor Appointments to Boards, Committees and Commissions

MOVED BY Councillor Blumenthal, seconded by Councillor Lund that Halifax Regional Council approve the appointment of Councillor Sue Uteck to the Solid Waste Resource Advisory Committee for a two year term to November 2010. MOTION PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor McCluskey

"Take Notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday the 27th of January, I propose to introduce amendments to Administrative Order 11 Respecting Dog Registration Fees the purpose of which is to approve a special rate of \$10.00 for dog licenses from February 1 to April 30, 2009."

15. ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Julia Horncastle
Acting Municipal Clerk

INFORMATION ITEMS

1. Memorandum from Assistant Director, Infrastructure & Asset Management dated December 31, 2008 re: Public Consultation - Bayers Road / Highway 102 Corridor Study.
2. Memorandum from Director, Infrastructure & Asset Management dated January 12, 2009 re: "Earth Hour" Event 2009.
3. Memorandum from Assistant Director, Infrastructure & Asset Management dated January 12, 2009 re: Advanced Funding for the 2009 - 2010 Capital Budget.
4. Memorandum from Director, Legal Services & Risk Management dated December 29, 2008 re: Case 00728 - Development Agreement - Horizon Court, Dartmouth.
5. Memorandum from the Acting Municipal Clerk dated January 16, 2009 re: Requests for Presentations to Council - An Cumann / Irish Association of Nova Scotia.