



**HALIFAX REGIONAL COUNCIL
MINUTES
September 8, 2015**

PRESENT: Mayor Mike Savage
Deputy Mayor Lorelei Nicoll
Councillors: Barry Dalrymple
David Hendsbee
Bill Karsten
Gloria McCluskey
Waye Mason
Jennifer Watts
Linda Mosher
Russell Walker
Stephen Adams
Reg Rankin
Matt Whitman
Brad Johns
Steve Craig
Tim Outhit

REGRETS: Councillor Darren Fisher

STAFF: Mr. Richard Butts, Chief Administrative Officer
Mr. John Traves, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sheilagh Edmonds, Legislative Assistant
Mr. Andrew Reid, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

*A video recording of this meeting is available:
http://archive.isiglobal.ca/vod/halifax/archive_2015-09-08_live.mp4.html*

*The agenda, supporting documents, and information items circulated to Council are available online:
<http://www.halifax.ca/council/agendasc/150908rc-agenda.php>*

The meeting was called to order at 1:00 p.m. and recessed at 2:53 p.m. Council reconvened at 3:15 p.m. Council moved into an In Camera session at 4:33 p.m. and reconvened at 6:00 p.m. Council recessed at 7:54 p.m. and reconvened at 8:09 p.m. Council reconvened into an In Camera session at 8:45 p.m. Council adjourned at 10:35 p.m.

1. INVOCATION/REFLECTION

The Mayor called the meeting to order at 1:00 p.m.

Regional Council noted the recent passing of:

Graham Downey, former Alderman of the City of Halifax and Councillor of HRM;
Deborah Grant, former Alderman of the City of Halifax;
Eric Carlos, served with the Dartmouth Police for 31 years;
Brian Anderson, employee of Metro Non-profit Housing from 1996 to 2014

Council stood for a moment of reflection.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of special community announcements and acknowledgements.

3. APPROVAL OF MINUTES – Committee of the Whole July 21, 2015 and August 4, 2015; and Regional Council July 21, 2015

MOVED by Councillor McCluskey, seconded by Deputy Mayor Nicoll

THAT the minutes of the Committee of the Whole of July 21, 2015 and August 4, 2015; and Regional Council of July 21, 2015 be approved.

MOTION PUT AND PASSED.

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

Additions:

14.1 Mayor Savage – Support for Syrian Refugees

13.3 Personnel Matter – *Private and Confidential Report*

Information Item – Item No. 10 – Proclamation – Her Majesty Queen Elizabeth 11 Historic Reign– September 9, 2015

MOVED by Deputy Mayor Nicoll, seconded by Councillor Whitman,

THAT the agenda be approved as amended.

Two-third majority vote required.

MOTION PUT AND PASSED.

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 By-law N-200, Respecting Noise – Exemption Application – University of King’s College Orientation

This was dealt with later in the meeting. See page 12.

9.2 Case 19413 – Slaunwhite Request to allow Further subdivision of Land without road frontage in Terence Bay

This was dealt with later in the meeting. See page 14

9.3 Case 01192 – Halifax Stanfield International Airport – Regulation of Adjacent Development

This was dealt with later in the meeting. See page 15

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

The Clerk noted that correspondence was received for items: 9.2 and 9.3. This correspondence was circulated to Council.

Councillor Johns entered the meeting at 1:22 p.m.

10.1.1 Fly-Past Request – 2015 Remembrance Day Ceremony

The following was before Council:

- Correspondence dated August 12, 2015 from C.F. Sutherland, Captain, CFB Halifax Base Commander

MOVED by Councillor Mason, seconded by Councillor McCluskey

THAT Halifax Regional Council grant permission for a flypast by a SeaKing helicopter from 12 Wing Shearwater at an altitude of 500 feet above the highest obstacle on Wednesday, November 11, 2015 at approximately 11:02 a.m. over Grand Parade Halifax in conjunction with the 2015 Remembrance Day Ceremony.

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Councillor Fisher

10.2 Petitions - NONE

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Lease Agreement – 331 Pleasant Street, Dartmouth Halifax Regional Fire and Emergency (HRFE)

The following was before Council:

- A staff recommendation report dated August 8, 2015.

MOVED by Councillor McCluskey, seconded by Councillor Mason

THAT Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into a lease agreement for the land lease for 331 Pleasant Street, Dartmouth, between Her Majesty the Queen (Landlord) and the Halifax Regional Municipality (Tenant), as per the terms and conditions outlined in Table 1 of the discussion section of the August 8, 2015 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Fisher

11.1.2 Acquisition of Lands – Connector Road

The following was before Council:

- A staff recommendation report dated July 10, 2015.

Councillor Johns indicated that, in his view, the Municipality would benefit from acquiring the land in question and he disagreed with the staff recommendation to not acquire them. Councillor Johns added that, in following protocol, he was prepared to move the staff recommendation but was asking that Regional Council defeat the motion, and he would then bring forward another motion.

MOVED by Councillor Johns, seconded by Councillor Adams

THAT Halifax Regional Council make no effort to acquire lands to assemble a road right of way from Newbury Road to Lucasville Road through the lands of Timber Trails and the Annapolis Group

In response to a question to review the 'pros' and 'cons' of not acquiring these lands, Mr. David McCusker, Manager, Regional Transportation Planning explained that staff do not see a need for this roadway to be constructed, as there are other roadways that serve the purpose of taking on the traffic from other development areas without this roadway in place. He also advised that the road would add another intersection to the Lucasville Road, and staff is currently trying to reduce intersection points along this road. On the 'pro' side, Mr. McCusker advised that the connector road would keep traffic from being added to existing streets.

Mr. McCusker also advised that staff have a list of regional roadway projects as outlined in the Regional Plan, and this road was not on the list. Further, Mr. McCusker noted that there is a plan for this area, therefore, staff would not bring this item forward as an alternative when staff carry out consultation on the Road Network Functional Plan this fall.

MOTION PUT AND DEFEATED. (6 in favour, 10 against)

In favour: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Karsten, McCluskey, Mason, and Watts.

Against: Councillors: Dalrymple, Hendsbee, Mosher, Walker, Adams, Rankin, Whitman, Johns, Craig, and Outhit.

Not present: Councillor Darren Fisher

MOVED by Councillor Johns, seconded by Councillor Hendsbee:

That Halifax Regional Council direct staff to proceed with negotiations to acquire the two properties needed to assemble this road right of way.

Deputy Mayor Nicoll questioned whether this matter would come back through the Audit and Finance Standing Committee if passed.

In response to a question of clarification Mayor Savage advised that the usual process would be to have this matter come back to Council through the Audit and Finance Standing Committee; with the agreement of Council he advised that the motion would be revised to reflect this, as follows:

That Halifax Regional Council direct staff to proceed with negotiations to acquire the two properties needed to assemble this road right of way and return to Audit and Finance with identification of the source of the funding.

Councillor Craig indicated that he would support the motion but that he wanted the staff report to fully explore the implications of acquiring this land. He also asked that the report examine how amicable Timber Trail Homes is to this acquisition.

MOTION PUT AND PASSED. (13 in favour, 3 against)

In favour: Deputy Mayor Nicoll; and Councillors: Dalrymple, Hendsbee, McCluskey, Mason, Mosher, Walker, Adams, Rankin, Whitman, Johns, Craig, and Outhit.

Against: Mayor Savage; and Councillors: Karsten and Watts

Not Present: Councillor Fisher

11.1.3 First Reading, Proposed By-law S-1001, Respecting the Regulation of Sidewalk Cafes

The following was before Council:

- A staff recommendation report dated August 14, 2015.

MOVED by Councillor Mason, seconded by Councillor Whitman

THAT Halifax Regional Council move First Reading of By-law S-1001, amending By-law S-1000, Respecting the Licensing of Sidewalk Cafes, as set out in Attachment B of the staff report dated August 14, 2015

Councillor Craig referred to Attachment C to the staff report and noted that Sections 41 and 42 refer to a committee. He suggested that it should be defined as the Appeals Committee.

MOVED by Councillor Craig, seconded by Councillor Outhit

That Sections 41 and 42 of Attachment C be amended to replace the word 'committee' with 'Appeals Committee'.

THE AMENDMENT WAS PUT AND PASSED UNANIMOUSLY.

Not Present: Councillors: Fisher and Mosher

THE MOTION AS AMENDED WAS PUT AND PASSED UNANIMOUSLY.

Not present: Councillors: Fisher and Mosher

11.1.4 First Reading, Proposed By-law L-400, A by-law Respecting Lot Grading – Lot Grading and Stormwater Management By-laws

The following was before Council:

- A staff recommendation report dated July 5, 2015.
- A revised Motion Memo

MOVED by Deputy Mayor Nicoll, seconded by Councillor Whitman

THAT Halifax Regional Council

- 1. Move First Reading and schedule a public hearing to consider the adoption of the proposed By-law L-400 – A By-law Respecting Lot Grading, as contained in Attachment A of the staff report dated July 5, 2015, to repeal and replace By-law L-300 – A By-law Respecting Lot Grading and Drainage with the following amendment:**

That clause 4(b) is amended by replacing the word “and” at the end of the clause with the word “or” so it reads: “new building construction where lot grading is regulated by a Development Agreement; or”

- 2. Direct staff to begin consultations with the Development Liaison Group concerning the content of a Stormwater By-law as outlined in the staff report dated July 5, 2015.**

Councillor Hendsbee suggested that it would be beneficial for Council to discuss this matter at a Committee of the Whole prior to setting a public hearing date.

MOVED by Councillor Hendsbee, seconded by Councillor Craig

That this matter be referred to Committee of the Whole for debate.

In response to a question of clarification on the motion, Mayor Savage advised that the entire report will be referred to Committee of the Whole.

MOTION TO REFER WAS PUT AND PASSED. (14 in favour, 2 against)

In favour: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Dalrymple, Hendsbee, Karsten, McCluskey, Mason, Watts, Mosher, Rankin, Whitman, Johns, Craig, and Outhit.

Against: Councillors: Walker and Adams

Not present: Councillor Fisher

11.2 HARBOUR EAST AND MARINE DRIVE COMMUNITY COUNCIL

11.2.1 Request to Amend the Dartmouth Municipal Planning Strategy (MPS) and Land Use By-law (LUB) Addressing the Kuhn Road Area

The following was before Council:

- A recommendation report dated July 31, 2015 submitted by the Chair of Harbour East-Marine Drive Community Council; with an attached staff recommendation report dated July 21, 2015.

MOVED by Councillor McCluskey, seconded by Councillor Walker

THAT Halifax Regional Council:

1. **Give First Reading to consider the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Dartmouth as set forth in Attachment A of the staff report dated July 21, 2015; and**
2. **Set the date for a public hearing.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Fisher

11.3 NORTH WEST COMMUNITY COUNCIL

11.3.1 Amendment to the River-lakes Secondary Plan to allow the use of a wider range of development techniques to control and treat phosphorus to carry out the no-net phosphorus Policy RL-22

The following was before Council:

- A recommendation report dated July 31, 2015 submitted by the Chair of North West Community Council; with an attached staff recommendation report dated May 11, 2015.

MOVED by Councillor Dalrymple, seconded by Councillor Craig

THAT Halifax Regional Council:

1. **Initiate a process to consider amending the Shubenacadie Lakes (Planning District 14/17) Municipal Planning Strategy with a focus on Policy RL-22 to enable the use of all types of stormwater management systems for the reduction of phosphorus emissions in large scale residential and commercial developments that may be considered by development agreement with the River-lakes Secondary Plan Area; and**
2. **Request staff to follow the public participation program as approved by Council in February 1997.**

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Fisher

Mayor Savage stepped down from the Chair to address the following agenda item.

11.4 EXECUTIVE STANDING COMMITTEE

11.4.1 Campaign Finance Reform

The following was before Council:

- A recommendation report dated August 10, 2015 was submitted by the Chair of the Executive Standing Committee

Mayor Savage advised that last February Regional Council provided direction to staff for a report on options and implications of campaign finance reform. Since this time, staff has met with Provincial representatives and with the Union of Nova Scotia Municipalities (UNSM). He noted the three options the staff report provided are: to recommend status quo; to suggest to the Province a change to all the municipalities; and, to look at Halifax specifically. Mayor Savage advised that the Province and UNSM have indicated they are dealing with other challenges at this time and this matter is not a priority for the municipalities.

MOVED by Mayor Savage, seconded by Councillor Watts

That Halifax Regional Council request the Province of Nova Scotia amend the Halifax Regional Municipality Charter to grant Regional Council the power to enact a by-law to:

- **establish disclosure requirements respecting election campaign contributions and expenses;**
- **set election campaign spending limits and the maximum amounts that a contributor may contribute to an election campaign; and**
- **determine who is eligible to contribute to an election campaign.**

Then, should the authority be granted, Council direct staff to develop a by-law which deals with issues like those raised in the “Discussion” section of the staff report dated August 7, 2015.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillor Fisher

Council recessed at 2:53 p.m.

Council reconvened at 3:15 p.m.

11.5 MEMBERS OF COUNCIL

11.5.1 Councillor McCluskey – Winter Tires for Halifax Transit Buses

The following was before Council:

- A staff information report dated June 16, 2015.

Councillor McCluskey asked staff to provide an overview of the information report.

Mr. Eddie Robar, Director, Metro Transit reviewed the June 16, 2015 information report and responded to questions of clarification.

11.5.2 Councillor McCluskey – Municipal Alcohol Policy (MAP) Consultation

The following was before Council:

- A staff information report dated June 12, 2015.

At the request of Councillor McCluskey, Ms. Marion Currie, Government Relations and External Affairs, and Ms. Maggie MacDonald, Managing Director Government Relations & External Affairs addressed Council and responded to questions of clarification in regard to the information report dated June 12, 2015.

At 3:34 p.m. Mayor Savage left the Council Chamber and Deputy Mayor Nicoll assumed the Chair.

11.5.3 Councillor McCluskey – Downtown I’m In Update

The following was before Council:

- An information report dated July 24, 2015 submitted by the Chair of the Community Planning & Economic Development Standing Committee; with an attached staff information report dated July 13, 2015.

Ms. Maggie MacDonald, Managing Director Government Relations & External Affairs addressed Council and responded to questions of clarification in regard to the submitted information report. She advised Councillor McCluskey that she would follow-up and provide her the following information:

- A breakdown of the number of benches installed in the urban core
- Confirm if lighting along the Dartmouth waterfront trail was completed
- Identify the trails that are open in the winter months

Councillor Whitman advised that it would be appreciated if staff could provide information on a safe way for cyclists to get through the Halifax downtown core to the Windsor Street Exchange.

Councillor Hendsbee suggested that staff consider posting community engagement reports such as this on a website that is easily accessible for the citizens.

11.5.4 Councillor McCluskey – Milestone Update Report – Step 1 Centre Plan

The following was before Council:

- An information report dated July 24, 2015 submitted by the Chair of the Community Planning & Economic Development Standing Committee; with an attached recommendation report dated June 29, 2015 from the Chair of the Community Design Advisory.

Mr. Jacob Ritchie, Manager, Urban Design provided a brief review on the Centre Plan update.

Mayor Savage returned to the meeting and assumed the Chair.

11.5.5 Councillor Adams – Weekly Collection Service for Recyclables

The following was before Council:

- A 'Request for Council's Consideration' form submitted by Councillor Adams.

MOVED by Councillor Adams, seconded by Councillor Walker

That Halifax regional Council request a staff report on implementing weekly collection service for recyclables throughout the municipality, including rural areas, commencing with the 2016/17 budget cycle.

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Councillor Fisher

11.5.6 Councillor Craig – Atlantic Fringe Festival 2015 Event Grant

The following was before Council:

- A 'Request for Council's Consideration' form submitted by Councillor Craig.

MOVED by Councillor Craig, seconded by Councillor Outhit

THAT Regional Council approve an increase of \$11,250 to the 2015 Events Grant to the Atlantic Fringe Festival to bring the total combined grant to \$20,000 due to additional information provided in regard to the 25th anniversary celebration of the Festival, to be funded from the 2015/2016 Marketing Levy Special Events Grants Reserve account Q315.

Councillor Craig advised that he was bringing this matter forward because new information has come to light that the Special Events Advisory Committee was not aware of when it recommended the 2015 grant, specifically that this year was a milestone event for them because it was their 25th anniversary year.

Some concern was expressed that approving the motion would be precedent setting and that it may encourage other applicants to also come forward with a similar request.

Councillor Craig pointed out that the original application clearly stated that it was their 25th Anniversary, but the staff summary the Committee received did not state this key factor.

MOTION PUT AND PASSED. (9 in favour, 6 against)

In favour: Mayor Savage; Deputy Mayor Nicoll; and Councillors: Hendsbee, McCluskey, Mason, Watts, Johns, Craig, and Outhit.

Against: Councillors: Dalrymple, Karsten, Walker, Adams, Rankin, and Whitman

Not Present: Councillors: Fisher and Mosher

The CAO advised Council that staff had a late addition to the agenda which was time sensitive. He indicated that it was a noise exemption application and that the process pertaining to this matter has been followed but that the staff report did not make it in time for the agenda. He asked for Council's consideration of adding it to the agenda.

MOVED by Councillor Mason, seconded by Deputy Mayor Nicoll

That By-Law N-200, Respecting Noise – Exemption Application – Dalhousie University Student Union be added to the agenda, and dealt with after the public hearings as Item 9.4.

Two-thirds majority vote required.

MOTION PUT AND PASSED.

12. MOTIONS – NONE

13. IN CAMERA

13.1 In Camera Minutes – July 21, 2015

MOVED by Councillor McCluskey, seconded by Councillor Karsten that:

The Minutes of July 21, 2015 be approved.

MOTION PUT AND PASSED.

Regional Council dealt with agenda items 14 and 15 prior to convening in camera.

13.2 Labour Relations

13.3.1 NSUPE 13 Contract Negotiations – Private and Confidential Report

This matter was dealt with in camera.

13.3.2 HRM Pension Plan – Private and Confidential Report

This matter was dealt with in camera.

13.3 Personnel Matter

This matter was dealt with in camera.

Mayor Savage stepped down from the Chair to address the following item.

14. ADDED ITEMS

14.1 Mayor Savage – Support for Syrian Refugees

The following was before Council:

- A 'Request for Regional Council Consideration' form submitted by Mayor Savage.

MOVED by Mayor Savage, seconded by Councillor Karsten that:

Whereas the humanitarian crisis unfolding in the Mediterranean has captured the attention of people across Canada and around the world, Regional Council requests:

- 1) **The Mayor to write a letter to the federal Minister of Citizenship and Immigration, assuring that Halifax will provide a welcoming environment for refugees, and calling on the Government of Canada to act urgently in response to the unfolding Syrian refugee crisis;**
- 2) **The Mayor to write a letter to the NS Minister of Immigration, supporting the provincial government's call to take in more refugees, and assuring that Halifax will provide a welcoming environment for refugees, and**
- 3) **A staff report outlining what additional measures the municipality may take, within the municipal mandate, which would further assist in the resettlement, should Halifax receive a sudden and significant number of refugees.**

Mayor Savage noted that with the thousands of refugees and migrants fleeing into Europe, many who are from Syria, Canadians have indicated they want to help, and across the world cities are providing leadership on this issue. He advised that Nova Scotia and Halifax has a great history in helping people fleeing hardship and conflict from other countries, and that this situation was an opportunity to help alleviate the suffering of these individuals and provide much-needed immigration to the community.

In response to a question on the report timeline, the CAO advised that staff could provide the report on or at the first meeting after October 30, 2015.

MOTION PUT AND PASSED UNANIMOUSLY.

Not Present: Councillors: Johns and Fisher

15. NOTICES OF MOTION

15.1 Councillor Hendsbee

"Take Notice that, at the next meeting of Halifax Regional Council to be held on September 22, 2015, I intend to introduce a motion to request a staff report for the Municipality to develop policy and implement a process for the acceptance and adoption of old, abandoned or orphan cemeteries, and/or from any congregation and/or community groups that want to convey and transfer their cemeteries over to the Municipality for the purposes of ongoing maintenance and perpetual care."

15.2 Councillor Whitman

"Take Notice that, at the next meeting of Halifax Regional Council to be held on September 22, 2015 I propose to move First Reading of Proposed By-law S-441, which will amend By-law S-400, the Street Improvement By-law the purpose of which is to adopt the Local Improvement Charges for 2014 for new paving projects outside the core area."

15.3 Councillor Whitman

“Take Notice that, at the next meeting of Halifax Regional Council to be held on September 22, 2015 I intend to request a staff report that explores opportunities to provide financial/value-in-kind contributions of up to \$40,000 annually to support the Province and the private sector in a successful bid *to become home of the Women’s National Volleyball Team Training Centre starting in 2016/17.*”

15.4 Councillor Walker

“Take Notice that, at the next meeting of Halifax Regional Council to be held on September 22, 2015, I propose to move First Reading of proposed By-laws S-610 and S611, which will amend By-law S-600 the Solid Waste Resource Collection and Disposal By-law, the purpose of which is to prohibit Industrial, Commercial and Institutional Waste from being received at the Otter Lake Facility and this prohibition will be effective on January 1, 2015 unless:

- 1) The 140,000 tonne expansion of Cell 6 is approved by the Province prior to January 1, 2016, in which case the change to the by-law will not be effective until April 1, 2016; or
- 2) Unless vertical expansion of the entire Otter Lake Facility is approved by the Province prior to April 1, 2016, in which case the change to the by-law will not be made effective at all.

MOVED by Councillor McCluskey, seconded by Councillor Adams

That Council convene In Camera.

MOTION PUT AND PASSED.

At 4:33 p.m. Council convened In Camera.

At 6:00 p.m. Council reconvened.

Items 9.1 to 9.4 were dealt with at this time. Council agreed to deal with item 9.4 following item 9.1.

9.1 By-law N-200, Respecting Noise – Exemption Application – University of King’s College Orientation

The following was before Council:

- A staff recommendation report dated August 17, 2015

Ms. Tanya Phillips, Manager, By-Law Standards, presented regarding the application for an exemption to By-Law N-200 by the University of King’s College Students’ Union as described in the recommendation report dated August 17, 2015. Ms. Phillips noted the requested exemption times on page two of the staff report.

Mr. Chris Parsons, Services and Campaign Coordinator and Ms. Meg Collins, Orientation Week Coordinator, King’s College Student Union, thanked staff for their assistance in submitting the exemption and Council for their consideration.

The Mayor opened the public hearing and called for anyone wishing to address Council on this matter.

No speakers came forward. The Mayor called three more times for anyone else wishing to speak. There being no speakers, it was MOVED by Councillor Karsten, seconded by Councillor Watts

THAT the public hearing be closed. MOTION PUT AND PASSED.

MOVED by Councillor Watts, seconded by Councillor McCluskey

THAT Halifax Regional Council approve the University of King's College Students' Union's application for an exemption from the provisions of the Noise By-law pursuant to the contents of the staff report dated August 17, 2015.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors: Mason, Mosher, Fisher

9.2 Case 19413 – Slaunwhite Request to allow further subdivision of Land without road frontage in Terence Bay

This item was discussed later in the meeting. See page 14.

9.3 Case 01192 – Halifax Stanfield International Airport – Regulation of Adjacent Development

This item was discussed later in the meeting. See page 15.

The following matter was discussed at this time:

9.4 By-Law N-200, Respecting Noise – Exemption Application – Dalhousie University Student Union

The following was before Council:

- A staff recommendation report dated August 6, 2015

Ms. Tanya Phillips, Manager, By-Law Standards, presented regarding the application for an exemption to By-Law N-200 by the Dalhousie Student Union as described in the recommendation report dated August 6, 2015. She noted the requested times for the exemption on page two.

Mr. Dan Nicholson, President, Dalhousie Student Union, thanked Council for their consideration.

The Mayor opened the public hearing and called for anyone wishing to address Council on this matter.

The Mayor called three more times for anyone else wishing to speak. There being no speakers, it was MOVED by Councillor Karsten, seconded by Deputy Mayor Nicoll

THAT the public hearing be closed. MOTION PUT AND PASSED.

MOVED by Councillor Watts, seconded by Deputy Mayor Nicoll

THAT Halifax Regional Council approve the Dalhousie Student Union's application for an exemption from the provisions of the Noise By-law pursuant to the contents of the staff report dated August 6, 2015.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors: Mason, Mosher, Fisher

The following matter was discussed at this time.

9.2 Case 19413 – Slaunwhite Request to allow further subdivision of Land without road frontage in Terence Bay

The following was before Council:

- A recommendation report dated June 29, 2015 submitted by the Chair of the Halifax and West Community Council; with an attached staff recommendation report dated May 8, 2015
- An extract of draft minutes from the July 21, 2015 Regional Council meeting
- A letter from Ms. Lisa and Mr. Ward Drew dated September 1, 2015 re: Case 19413
- A letter from Ms. Chris Slaunwhite dated September 8, 2015, re: Case 19413
- A staff presentation dated September 8, 2015

First reading on this matter was given at Regional Council on July 21, 2015.

Ms. Maureen Ryan, Senior Planner, presented Case 19413 as described in the staff report dated May 8, 2015. She described the background of the request by Ms. Susan Slaunwhite. Ms. Ryan noted the petition by Ms. Slaunwhite with 107 signatures in support of her application as well as a number of letters of correspondence which had been submitted. Ms. Ryan also noted that in recommendation number two of the May 8, 2015 staff report, the words "with reduced road frontage" were not included, but that staff had added the phrase to the notice of public hearing. She explained that the exemptions s. 38, attachment C would allow for both with or without reduced road frontage.

Staff responded to questions of clarification as follows.

Councillor Hendsbee questioned what might be required for the other seven nearby lots to have the same rule of subdivision as the lot in question. Ms. Ryan responded that it would constitute a substantive amendment to the application, requiring a supplementary report and a new public hearing process. Councillor Hendsbee also questioned the maintenance of private roads and if Council could set an area rate for mandatory road maintenance of an area. Ms. Ryan stated that the road maintenance program for the property was voluntary and was not a requirement. Councillor Hendsbee asked how this case was different from the provincial subdivision guidelines. Ms. Ryan responded that the HRM must comply with the provincial subdivision regulations, unless provided for by policy. She explained that since the Municipal Planning Strategy was being amended to exceed the provincial subdivision regulations, the municipality can vary the provincial requirements by policy.

Councillor Karsten questioned if the road maintenance agreement by Ms. Slaunwhite was a formal agreement or a verbal acknowledgement. Ms. Ryan stated it was the later and that Ms. Slaunwhite could answer any questions regarding the acknowledgement.

Ms. Susan Slaunwhite, applicant, requested that the subdivision bylaw be amended for her property. She described efforts for maintaining Riverview Lane by herself and her neighbours. Councillor Hendsbee asked if the lot was 3.7 acres, which the applicant confirmed. Ms. Slaunwhite indicated the subdivision would create two lots of 1.7 acres and 2 acres.

The Mayor opened the public hearing, inviting anyone who wished to speak on the matter to come forward.

The Mayor called three times for speakers and there being none it was MOVED by Deputy Mayor Nicoll, seconded by Councillor McCluskey

THAT the public hearing be closed. MOTION PUT AND PASSED.

MOVED by Councillor Adams, seconded by Councillor Johns

THAT Halifax Regional Council:

Adopt the proposed amendments to the Planning District 4 Municipal Planning Strategy (MPS) and Land Use By-law (LUB) and the Halifax Regional Subdivision By-law to allow the creation of an additional lot without road frontage or with reduced road frontage within

the Mixed Use Designation of Planning District 4, as set out in Attachments A, B, and C of the staff report dated May 8, 2015.

Councillor Rankin described the background of the case and voiced support for the motion. He commented that the commitment of the applicant in maintaining the road and in gathering support in the community was impressive. Councillor Hendsbee voiced support for the motion and commented that the case may be referenced for coastal villages in general.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors: Mason, Mosher, Fisher

The following matter was discussed at this time.

9.3 Case 01192 – Halifax Stanfield International Airport – Regulation of Adjacent Development

The following was before Council:

- A recommendation report dated July 24, 2015 submitted by the Chair of the North West Community Council; with an attached staff supplementary report dated June 24, 2015 and a staff recommendation report dated May 11, 2015.
- An extract of draft minutes from the August 4, 2015 Regional Council meeting.
- Correspondence from: Mr. Todd Gilbert dated August 27, 2015, Mr. Peter Spurway dated August 31, 2015, Ms. Joyce Carter dated August 31, 2015, Mr. Joseph D. Randell dated August 26, 2015, Mr. Jamie Porteous dated August 31, 2015, Ms. Valerie Payn dated September 3, 2015, Mr. David Blott dated September 1, 2015, Mr. Derek A. Vanstone dated September 3, 2015, Mr. Robert Deluce dated September 4, 2015, Mr. Mike McNaney dated September 8, 2015, and Mr. Michael Laurie dated September 8, 2015.
- A staff presentation dated September 8, 2015
- Revised staff presentation slide with Revised Motion

First reading on this matter was given at Regional Council on August 4, 2015.

Mr. David Lane, Senior Planner, Planning and Development, provided the presentation for Case 01192. He outlined the history of the application and presented its context in terms of the Regional Plan policy EC-11, the Community Plan, and a Noise Exposure Forecast. Mr. Lane described the proposed amendments, including the North West Community Council's July 20, 2015 amendment. He summarized the proposed amendments as formalizing the noise exposure forecast (NEF), limiting future subdivision and prohibiting future large scale residential subdivisions.

Mr. Lane presented the following minor revision to the recommendation, which he explained would clarify part two of the motion. He stated the revision would bring the amendment in better line with the Halifax Charter.

"2. Adopt the amendments to the Planning Districts 14 and 17 Municipal Planning Strategy and Land Use By-law, and the Regional Subdivision By-law to restrict the establishment of new noise sensitive developments located in the NEF 30 Contour around the Halifax Stanfield International Airport, Enfield as set out in Attachments C, D, and E of the staff report dated May 11, 2015 **with the following amendments:**

a) Policy P-111D of Attachment C is amended by deleting the word "on" and adding the following words after the word "Policy": "or the proposed subdivision is in accordance with section 288 of the HRM Charter."

b) Section 1 of Attachment E is amended by adding the following words after the word "to": "or the proposed subdivision is in accordance with section 288 of the HRM Charter."

The Mayor opened the floor to questions of clarification.

Councillor Dalrymple questioned page 7 of the presentation, regarding public roads and whether a property specifically within the Sky Boulevard would be able to build a new road to access commercial and industrial properties. Mr. Lane stated that no new public roads would be allowed. He stated that he was unsure regarding land ownership in the area; however, was aware that the Municipality owned lands in the Aerotech Business Park. He stated that if an extension of roads in that area became necessary, staff would return to Council with an amendment.

Councillor Dalrymple questioned existing residential applications in Oakfield, referencing the Laurie properties, and whether the proposed amendments would allow those applications to be grandfathered in or would the applications be lost. Mr. Lane confirmed the later, stating that applications would lose their status for tentative plan and final plan subdivision approvals made during the last year, after the time of the public information meeting held in October 2014, as there was a sunset clause on those applications. He underscored that the intent of the proposed amendments was to regulate subdivision applications.

Councillor Watts questioned if the amendments would still fit with the Regional Plan as it pertained to density factors, given the additional lots provided by the reduced frontage. Councillor Watts also questioned the potential for a third runway at the airport and whether its location ought to be discussed although it may not be built until 2053. Mr. Lane stated that the amount of residential density would be reduced in the future and that the amendments were not in conflict with the Regional Plan as the Plan did not identify the area around the airport as a growth area. Mr. Lane highlighted that the minimum frontage reduction from 300 to 200 feet would result in an additional 23 potential new lots. Mr. Lane displayed the potential location of the third runway and the corresponding noise exposure forecast in 2010. He then displayed the noise exposure forecast of 2012, which did not include the third runway and showed a reduced NEF contour line.

Councillor Hendsbee questioned if private roads would be permitted in the area. He also questioned page 4 of the recommendation report regarding commercial land use and what would be required to re-evaluate the plan to allow for commercial and industrial uses within that area. Mr. Lane responded that private roads were already prohibited as per the Regional Plan of 2006. He stated that control of the lands was beyond the scope of the amendments as the report before Council dealt specifically with noise exposure forecasting. Councillor Hendsbee suggested that this matter be looked at later on.

Councillor Adams questioned if the amendments were strictly to restrict potential residential development to prevent future complaints. He also questioned if hotels could still be built. Mr. Lane confirmed that hotels could be constructed if the Municipal Plan and zoning regulations permitted it. He confirmed that the uses specifically identified were to restrict noise-sensitive residences, such as dwelling units, nursing homes, residential care facilities, which are of a long term nature as opposed to hotels.

The Mayor opened the public hearing and called for anyone who wished to speak to come forward.

Ms. Joyce Carter, President and Chief Executive Officer (CEO), Halifax International Airport Authority (HIAA), described the role of the airport, its governance and operations. She thanked Councillor Dalrymple for his work with the proposed amendments in addition to the members of the North West Community Council and HRM staff. She described the tax revenue generated by the airport. She stated that without the proposed amendments, the airport may lose the ability to operate 24/7 and she indicated this was a critical element in the Authority's growth strategy. Ms. Carter requested Council's support for the amendments.

Mr. Geoff Irvine, Executive Director, Lobster Council of Canada, stated support for the proposed amendments as they related to the Seafood sector. He indicated the export value of Canadian Lobster and the reliance of the Halifax airport for maintaining the live lobster sector. Councillor Adams questioned if there was currently 24 hour access. Mr. Irvine responded in the affirmative.

Mr. Bernie McDonald, Waverly, voiced disagreement with amendments, specifically the section on page 9 of the report dated June 24, 2015 regarding private landowners of large lots. He identified himself as the owner of a large parcel in the Sky Boulevard area. Mr. McDonald stated that according to the Noise Exposure Forecast (NEF) contour map, his property would be adversely affected, leaving approximately 100 acres of land of no use. Mr. McDonald underscored the loss in value to his property and he requested that the Municipality or the Authority purchase this property or remove the road prohibition policy for AE-4 valued property and similar parcels of land. Mr. McDonald stated that noise zoning was likely required but stated that the cost should not be borne by the owners without compensation. He proposed that an increase in property tax be introduced until the cost of compensation be paid out to landowners.

Councillor Dalrymple questioned when the municipality changed the zoning of his property to AE-4. Mr. McDonald responded that several years after purchasing his property, it was rezoned from AE-4 to P-4 but at the time he was able to persuade Council to adjust the zoning so that the entirety of it was not rezoned to P-4.

Mr. Paul Mackinnon, of Young Street, Executive Director Halifax Business Commission, indicated support for the staff recommendation. He stated that the airport does not have the same needs as downtown but has its own needs that require support. He stated that the proposal being considered was a balanced one and offered protection for current landowners as well as flexibility for the airport to continue to utilize 24/7 operations.

Mr. Bill Campbell, of Halifax, stated he was representing Mr. Michael Laurie of Oakfield Estates Ltd. (OEL), who was unable to attend the meeting. Mr. Campbell stated that Mr. Laurie owned a large parcel of land within the Transport Canada NEF 30 corridor in Oakfield. Mr. Campbell submitted a map of the lands in the North West corner. He stated that the lands had access to a current street system and were part of an ongoing planned community. Mr. Campbell stated that OEL believed the background report submitted to Council was one-sided and in certain instances erroneous. He highlighted that the amendments as pertaining to the NEF 30 corridor were not required under Transport Canada, but were guidelines. Mr. Campbell stated that Transport Canada suggests NEF 30 zones could generate sporadic individual complaints and that this did not entail prohibiting privately owned lands from development. He highlighted alternatives to prohibiting development given by Transport Canada such as acoustic insulation features, noise impact studies, and informing prospective tenants and purchasers. He highlighted that another alternative rejected by the report was actual expropriation. Mr. Campbell stated that the recommendation to down-zone the lands avoided the need of compensating owners. Mr. Campbell stated that if the recommendations are implemented, private landowners including OEL may pursue legal action. He highlighted an inconsistency in the report related to the NEF-30 corridor for single family dwellings in St. John's airport. He also highlighted that the proposed amendments were inconsistent as there would still be allowed an additional 170 units within the NEF 30 Corridor. Mr. Campbell also commented on tentative lot approval issues, stating that those approvals held by Mr. Laurie were due to disappear because of the amendments. He concluded that the community of Oakfield and specifically the lands held by OEL should be excluded from the amendments or less prohibitive measures put in place such as notice to prospective buyers.

Ms. Michele McKenzie, Interim President and CEO, Tourism Nova Scotia, of Waverly, stated support for the proposed amendments and the importance of the airport in achieving goals of increasing the percentage of tourists arriving by air. She commented on the alignment of the goals of tourism with those held by the airport such as the international hub strategy.

Mr. Ron Hanlon, resident of Schooner Cove, President and CEO Halifax Partnership, voiced support for the amendment. He stated that maintaining 24/7 access to the airport would be key to maintaining and attracting airlines for international travel. He stated that the airport was vital to the city's economic goals.

Mr. Karl Richies, of Oakfield, stated he was a representative of Gateway Facilities. Mr. Richies described the mandate of the organization and the importance of the airport's 24/7 operation in transporting

perishable freight to international destinations. He stated that farmers and fishermen were dependent on the ability to ship perishable freight. He requested support for the proposed amendments.

Mr. Paul Pettipas, of Bedford, CEO Nova Scotia Homebuilders, stated that the airport is working under the current rules and that he has heard no complaints regarding noise. He commented regarding the Development Liaison Group (DLG) presentation mentioned in the staff report. He indicated that the proposal had been dismissed by private industry at the meeting. He stated that he represented the residential construction industry, which represented 20,000 employees. Mr. Pettipas highlighted that his industry was bound by rules such so that noise or nuisance complaints are avoided. He stated that the proposal would expropriate land from landowners and stated disagreement about the inability to build public roads on the lands.

Mr. Wadih Fares, of Halifax, Chairman of the Halifax International Airport Board of Directors, stated support for the Authority's vision and that as a developer he understood the challenges of noise as detrimental to residential development. He described the amendments as proactive. He stated the importance of the amendments and requested support.

The Mayor called three times for any additional speakers. There being no speakers, it was MOVED by Deputy Mayor Nicoll, seconded by Councillor McCluskey.

THAT the public hearing be closed. MOTION PUT AND PASSED.

Councillor Adams requested clarification regarding the number of units within the proposed area. Councillor Adams also requested who would be able to put in restrictions on the airport's hours and whether a federally regulated facility such as the airport would be able to supersede any municipal regulation. Mr. Lane responded that Transport Canada leases the airport to the HIAA, which requires them to cooperate with municipalities for land use according to the lease agreement. Regarding the lot count, he stated that the existing Land Use Bylaw would equate to 123 possible lots, while the proposed amendments including the 200 foot frontage would equate to the potential for an additional 69 lots.

Councillor Dalrymple stated that he only became aware of the possibility of no new public roads recently. He stated that if Council passed the proposed amendments it would deal a severe financial loss to landowners such as Mr. McDonald. Mr. Lane responded that the intent behind the regulations was to regulate residential development. He further answered that Mr. McDonald would have the opportunity to do airport-related businesses uses on his property as he possessed land fronting on the airport's road.

Councillor Dalrymple suggested a potential amendment that no new roads for residential purposes be built within the NEF contour, but roads may be built for industrial and commercial purposes.

Mr. Richard Butts, Chief Administrative Officer, stated that the amendment was a substantive change, which would nullify the purpose of the public hearing. Ms. Karen Brown, Solicitor, added that Council could pass the amendments as they are, with direction to staff to return with further amendments. She stated the other option would be for Council to defer a decision on the amendments, and ask for a supplementary report, thus requiring a new public hearing.

Council recessed at 7:54 p.m. and reconvened at 8:09 p.m.

Councillor Dalrymple stated he would put the motion on the floor but ask that it be deferred pending receipt of a supplementary staff report. He acknowledged that this would require a public hearing regarding the two new items, which would be the matter of the supplementary report.

MOVED by Councillor Dalrymple, seconded by Councillor Craig

THAT Halifax Regional Council

1. **Adopt the amendments to the Planning Districts 14 and 17 Municipal Planning Strategy and Land Use By-law, to amend the Transportation Map and Zoning Map as set out in Attachments A and B of the staff report dated May 11, 2015;**
2. **Adopt the amendments to the Planning Districts 14 and 17 Municipal Planning Strategy and Land Use By-law, and the Regional Subdivision By-law to restrict the establishment of new noise sensitive developments located in the NEF 30 (Noise Exposure Forecast) Contour around the Halifax Stanfield International Airport, Enfield as set out in Attachments C, D, and E of the staff report dated May 11, 2015 with the following amendments:**
 - a) **Policy P-111D of Attachment C is amended by deleting the word “on” and adding the following words after the word “Policy”: “or the proposed subdivision is in accordance with section 288 of the HRM Charter.”**
 - b) **Section 1 of Attachment E is amended by adding the following words after the word “to”: “or the proposed subdivision is in accordance with section 288 of the HRM Charter.”**
3. **And further, that the proposed amendments to the Planning Districts 14 and 17 Municipal Planning Strategy and Land Use By-law include conditions which reduce minimum frontage requirements from 300 feet to 200 feet including in sections 2, 4, 6, 8, 11 and 14 of Attachment D of the staff report dated May 11, 2015.”**

MOVED by Councillor Dalrymple, seconded by Councillor Craig

THAT the matter be deferred until Council receives a supplementary staff report, which would address the two matters listed below:

- 1) **No new road for residential purposes be allowed, but only roads for commercial and industrial purposes**
- 2) **Grandfathering of existing residential applications on the Laurie applications (Oakfield Estates Ltd.) in Oakfield.**

Councillor Dalrymple asked support for his course of action to defer the motion. He stated that he understood the importance of the case to the airport authority and to HRM and that the two additional items identified would enable moving forward.

A discussion ensued regarding the motion on the floor. Council voiced agreement to the motion to defer and the proposed request for a supplementary report. Certain Councillors questioned in general why the Case in question had come forward and disagreed that it was proactive, while others agreed it was a proactive and necessary step. Councillor Karsten requested that the number of residential lots grandfathered for Oakfield Estates Ltd. be included in the report. In response to the question of potential development by the Oakfield golf course, Mr. Lane responded that he had spoken with their representatives and they had been advised of potential impacts. Mr. Lane also confirmed that the Laurie applications referenced in the request were active applications with HRM.

Responding to a question regarding procedure, Ms. Karen Brown, Solicitor, stated that a public hearing would be required to discuss the two new items. Alternatively, she stated that passing the recommendation and then creating an amendment would restart the process from the beginning; whereas deferring the matter would only cause the second public hearing to occur.

Councillor Dalrymple thanked staff for their support. He commented that he was aware why the application to regulate adjacent development had come forward. He stated that courts have reacted to civil actions by residents allowed to build in proximity to airports. He added that in some cases this action

resulted in severe restrictions or partial closures of airports. He requested that the report include examples where such a result occurred.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors: Mason, Mosher, Fisher

At 8:45 p.m., it was moved by Councillor Adams, seconded by Councillor Craig

THAT Council reconvene into In Camera.

16. ADJOURNMENT

The meeting adjourned at 10:35 p.m.

Cathy J. Mellett
Municipal Clerk