

**HALIFAX REGIONAL COUNCIL  
MINUTES**

**January 31, 2006**

**PRESENT:** Mayor Peter Kelly  
Deputy Mayor Russell Walker  
Councillors: David Hendsbee  
Harry McInroy  
Gloria McCluskey  
Andrew Younger  
Bill Karsten  
Becky Kent  
Jim Smith  
Mary Wile  
Patrick Murphy  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Debbie Hum  
Linda Mosher  
Stephen Adams  
Brad Johns  
Robert Harvey  
Len Goucher  
Reg Rankin

**REGRETS:** Councillor Steve Streach  
Councillor Krista Snow  
Councillor Gary Meade

**STAFF:** Mr. Dan English, Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Jan Gibson, Municipal Clerk  
Ms. Sheilagh Edmonds, Legislative Assistant

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**1. INVOCATION**

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

**2. APPROVAL OF MINUTES**

**MOVED by Councillor Wile, seconded by Councillor Goucher, the minutes of January 17, 2006 be approved. MOTION PUT AND PASSED.**

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

Additions:

- 12.1 Councillor Hum - HRM's Process for Telecommunications Structure Applications
- 12.2 Councillor Murphy - Responsibility for Playgrounds (HRM & Government of NS)
- 12.3 Fiscal Framework
- 12.4 Fiscal Framework
- 12.5 Fiscal Framework
- 12.6 Property Matter - Lease of Parcel "A" from GHB Holdings Ltd. - Access to Range Park
- 12.7 Contractual Matter - RFP No. 02-017, Household Hazardous Waste - Option for One Year Extension
- 12.8 Legal Matter - Settlement of Claim
- 12.9 Councillor Uteck - Noise Bylaw - Changes to the Municipal Government Act

**MOVED by Councillor Sloane, seconded by Councillor Hum, the Order of Business, as amended, be approved. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES - NONE**

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

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

**8. PUBLIC HEARINGS:**

- 8.1 **By-Law S-419, Respecting Local Improvement Charges - New Paving Projects**

### **Outside the Core Area - 2004**

- C First Reading of this matter was given at the January 10, 2006 meeting of Regional Council.
- C A report dated December 2, 2005, originally submitted at the December 13, 2005 meeting of Regional Council, was before Council for its consideration.
- C A revised map showing Greenough Drive and Inverary Court for Paving outside the Core as per By-Law S-419 was submitted .

Mr. David Hubley, Manager, Design & Construction Services, addressed Council and outlined the staff report recommending that Council approve in principle and begin the formal process for the adoption of By-Law S-419 respecting Charges for Street Improvements.

The Chair called three times for any wishing to speak either for or against this matter, and there being none, it was **MOVED by Councillor Johns, seconded by Councillor Sloane, that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED by Councillor Hendsbee, seconded by Councillor Sloane that Regional Council approve the adoption of By-law S-419 Respecting Charges for Street Improvements. MOTION PUT AND PASSED.**

### **8.2 Case 00851 - Amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law - Adult Entertainment**

- C First Reading of this matter was given at a meeting of Regional Council on January 10, 2006.
- C A report dated January 6, 2006 from the Chair of the Harbour East Community Council, originally submitted at the January 10, 2006 Regional Council meeting with an attached staff report dated December 29, 2005, was before Council.

The following correspondence was submitted:

- C A letter, received in the Municipal Clerk's Office January 27, 2006 from Ms. Joann Shepherd, Dartmouth, was submitted.
- C a letter received in the Municipal Clerk's Office January 13, 2006 from Angela Davies, Dartmouth.
- C a letter dated January 10, 2006 from M. Kathleen Rusinak, Lower Sackville.
- C a letter dated January 25, 2006 from Rev. Dr. Peter Sherwood, Senior Pastor of First Baptist Church in Dartmouth
- C a letter dated January 30, 2006 from Eileen M. and Brian R. Oxner, Dartmouth.
- C a written presentation dated January 31, 2006 from Linda MacDonald, Dartmouth

Mr. Shayne Vipond, Planner, addressed Council and outlined the application by Halifax Regional Municipality to amend the Municipal Planning Strategy and Land Use Bylaw for Dartmouth to prohibit adult entertainment nightclubs as of right in the City of Dartmouth, as contained in the submitted staff report. In his remarks, Mr. Vipond advised that the proposed amendments are designed to create a process whereby a development agreement would be required for future adult entertainment venues. He also noted that there are presently two adult entertainment nightclubs operating in an as-of-right capacity, and if Council approves the staff recommendation, those businesses would still be permitted to continue operating but would have legal nonconforming status.

In response to a question by Councillor McInroy, the Municipal Solicitor advised that various court rulings have stated that the Municipality cannot, through zoning regulations prohibit an activity which is a legal activity. She added that staff has presented to Council a means of imposing a regime which would facilitate decision making as to where the uses would be allowed in future.

In response to a further question by Councillor McInroy, Mr. Vipond concurred that the proposed amendments before Council this evening would have no impact on the current Sensations business, in Dartmouth.

Councillor Younger questioned under what conditions would the present two adult entertainment nightclubs no longer fall under the nonconforming clause.

In response, Mr Vipond advised there were two conditions:

1. if the use was discontinued for a six month period; or
2. if the premises was destroyed by fire, i.e. 75% of its value, the use could not continue but the building could be reconstructed.

Councillor Smith referred to Policy IP-13 and suggested daycare centres should be included.

The Chair advised that anyone wanting to address this matter either for or against, could address Council at this time.

**Dr. Todd Hill**, Dartmouth addressed Council and spoke in support of the proposed amendments. In his remarks, he advised that he was not in opposition to strip clubs, per se, but was opposed to any planning that would permit them in residential areas. Dr. Hill noted that the Sensations strip club has already had a negative impact on the area, with residents noticing an increase in garbage, prostitution, noise etc.

**Mr. Andrew Trider**, addressed Council and advised that he was speaking on behalf of **Nick Price**, who was unable to attend this evening's meeting. Mr. Trider read a letter from Mr. Price which was in support of the staff recommendation. Mr. Trider noted that the residents had been working hard to improve the safety of their neighbourhood before the strip club opened, and he questioned the appropriateness of its location. He indicated that the

community is upset and feel their safety has been compromised. He concluded by advising that he hoped Council will support the amendments to protect other neighbourhoods in Dartmouth.

**Mr. Tim Olive, Dartmouth** addressed Council advising that as Executive Director of the Downtown Dartmouth Business Commission, he was representing the Commission on this issue. Mr. Olive advised that Dartmouth has had revitalization over the past several years, and the residents and business community have worked hard to expunge the negative stereotype of Dartmouth, held by many outside of the community. Mr. Olive noted that the Provincial Government removed strip bars from the downtown approximately 10 years ago and, as a direct result, the issues relating to crime and the overall negative perceptions of the downtown were substantially reduced. Mr. Olive added that it appears that the community is, once again, being faced with a negative and counterproductive label as a result of the opening of the Sensations strip club. He concluded his remarks by requesting Council's support in endorsing legislation that will restrict the creation of strip bars where their establishment will negatively affect the social and economic well being of the neighbourhood.

**Mr. Gerry Pye**, MLA, addressed Council speaking in support of the proposed amendments. In his comments, Mr. Pye asked that Council consider including daycare centres in the policy, and he advised that he would like to see an exact definition of adult entertainment facilities incorporated in the MPS. He indicated that he was pleased that the amendments would require a development agreement, which will provide protection for the citizens, as well as ensuring public meetings and public hearings. In closing, Mr. Pye suggested that he felt some responsibility for the situation which has occurred, because he was a former Alderman of the City of Dartmouth. He noted that during his tenure, he was advised by staff that it was not possible to draft MPS amendments, such as the ones which are before HRM Council this evening.

The Chair called three times for any wishing to speak either for or against this matter, and there being none, it was **MOVED by Councillor Johns, seconded by Councillor Sloane, that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED by Councillor Smith, seconded by Councillor Kent that Regional Council approve the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use Bylaw as provided in Attachment A and B of the December 29, 2005 staff report.**

**MOVED by Councillor Smith, seconded by Councillor Sloane that the motion be amended to include daycare centres and early childhood intervention centres in Policy IP-13. THE AMENDMENT TO THE MOTION WAS PUT AND PASSED.**

**THE MOTION, AS AMENDED, WAS PUT AND PASSED.**

At 6:52 p.m. Council recessed for five minutes.

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS:**

**9.1 Correspondence**

**9.1.1 Canadian Commission for UNESCO re: Canadian Coalition Against Racism**

C A letter dated January 13, 2006 from David A. Walden, Secretary-General, Canadian Commission for UNESCO was submitted.

**MOVED by Councillor Hendsbee, seconded by Councillor Sloane that the letter be forwarded to the Community and Race Relations Advisory Committee and staff, for review and report back to Council. MOTION PUT AND PASSED.**

**9.2 Petitions**

**9.2.1** Councillor Brad Johns served a petition containing 111 signatures on behalf of the Waterstone Neighbourhood Association, and residents of Waterstone Village in Lucasville expressing concern regarding proposed development for the areas north and east of McCabe and Webber Lakes to Highway 101. This matter was forwarded to staff for response.

**9.2.2** Councillor Hum served a petition from the residents of Julie's Walk, asking that HRM join the existing sidewalk at the top of Julie's Walk to the existing sidewalk at the bottom section of Julie's Walk. This matter was forwarded to staff for response.

**9.2.3** Councillor Smith served a petition signed by 55 businesses located on Brownlow Avenue in Burnside Park requesting that HRM staff install traffic signals at the intersection of Brownlow and Commodore. This matter was forwarded to staff for response.

**10. REPORTS:**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Tender 05-295, Resurfacing Inglis Street - West Region**

C A staff report dated January 10, 2006 was submitted.

**MOVED by Councillor Uteck, seconded by Councillor Wile that Regional Council award Tender No. 05-295 Resurfacing, Inglis Street - West Region to Lafarge Canada Inc. for materials and services listed at the unit prices quoted for a Tender Price of \$411,131 including net HST, from Capital Account No. CZU00717 Resurfacing, with funding authorized as per the Budget Implications Section of the January 10, 2006 staff report. MOTION PUT AND PASSED.**



**10.1.2 Additional Funding Request - Tender 05-350, Sullivan's Pond Outlet Pipe, 130 Metre Section Replacement - East Region**

C A staff report dated January 16, 2006 was submitted.

**MOVED by Councillor McCluskey, seconded by Councillor Wile that Regional Council:**

1. **Authorize an increase to Unit Price Tender No. 05-350 of \$69,825 including net HST, to Dexter Construction Co. Ltd. for materials and services related to extra work required on the project. This increases the original contract price of \$229,302 including net HST to a total revised price of \$299,127 including net HST, with funding from capital project CSI00706 - Sullivans Pond Outlet Pipe.**
2. **Authorize an increase to capital project CSI00706 - Sullivans Pond Outlet Pipe of \$52,010 with funding from the Sewer Redevelopment Reserve Q104 to finance the aforementioned work.**

**MOTION PUT AND PASSED.**

**10.1.3 Write Off of Uncollectible Accounts (supplementary)**

C A supplementary staff report dated January 10, 2006 was submitted, with the attached supplementary staff report dated December 6, 2006.

**MOVED by Councillor Goucher, seconded by Councillor Karsten that Regional Council recommend:**

1. **The real property tax and lienable charges in the amount of \$203,945.65 comprised of \$120,082.69 principal and \$83,862.96 interest as detailed in Schedule 1 of the December 6, 2006 supplementary staff report be formally written out of the books of account.**
2. **The business occupancy tax accounts in the amount of \$698,441.92 comprised of \$600,153.81 principal and \$98,288.11 interest as detailed in Schedule 2 of the December 6, 2006 supplementary staff report be formally written out of the books of account.**
3. **The general revenue accounts in the amount of \$43,929.47 comprised of \$42,234.42 principal and \$1,695.05 interest as detailed in Schedule 3 of the December 6, 2006 supplementary staff report be formally written out of the books of account.**

Ms. Catherine Sanderson, Senior Manager, Financial Services responded to questions.

Councillor McCluskey made reference to amounts of lienable charges recommended for write-off, and when some of them are related to land lease by commercial operations from Federal or Provincial governments, and she questioned if staff have taken any steps to include taxes in the rent.

Ms. Sanderson noted that she would follow up on Councillor McCluskey's suggestion.

**MOTION PUT AND PASSED.**

**10.1.4 Halifax Regional Municipality / Canadian National Railway Relationship**

C A staff report dated January 12, 2006 was submitted.

**MOVED by Councillor McCluskey seconded by Councillor Wile that Regional Council recommend the Chief Administrative Officer assign staff to assume responsibility for the coordination of municipal interaction with Canadian National Railways on strategic matters requiring attention and resolution.**

A brief discussion ensued, and the Chair advised that the following comments would be forward to the CAO for his consideration:

- C The wall along Barrington Street has not been well maintained. Determine if it is owned by CN. Council would like the designated staff person to work on safety standards with CN.
- C Once designated by the CAO, the staff person should contact the Councillors who have the rail line going through their districts or border their districts, for discussion on the issues regularly dealt with by those Councillors.
- C Suggestion that the designated staff person be a Bylaw Services contact.
- C The question was raised as to whether the billboard signs along the Bedford Highway are on CN property, and whether CN was leasing this property for billboard usage.
- C There is the ongoing problem of the Marshalling Yard, i.e. trains shunting back and forth. Would ask that the designated staff person address this issue.

**MOTION PUT AND PASSED.**

**10.1.5 Surplus Right of Way - Rocky Hill Road, Halifax (Administrative Order SC-42)**

C A staff report dated January 13, 2006 was submitted.

**MOVED by Councillor Hum, seconded by Deputy Mayor Walker that Regional Council close the surplus portion of Rocky Hill Road Right-of-Way, Halifax, pursuant to HRM Administrative Order SC-42 and as shown on Attachment "A" of the January 13, 2006 staff report to conclude the sale of the subject lands. MOTION PUT AND PASSED.**

**11. MOTIONS:**

**11.1 Councillor Rankin - Amendment to Administrative Order No. 33 Respecting Open Air Burning - Communities of Hubley, McGrath's Cove, Otter Lake and Big Lake**

C Councillor Rankin Gave Notice of Motion at the January 17, 2006 meeting of Halifax Regional Council.

C a staff report dated January 30, 2006 was circulated.

**MOVED by Councillor Rankin, seconded by Councillor Goucher that Regional Council approve the adoption of the Amendment to Administrative Order No. 33, Section 2 - to include the following communities in which a burning permit is not required, providing all requirements that are outlined in Section 13 of the By-Law O-103 are met, namely the communities of Hubley, McGraths Cove, Otter Lake and Big Lake.**

Councillor Hendsbee addressed Council with various concerns about the bylaw. In particular, he advised that he felt the bylaw was flawed in regard to aspects of setback requirements, and that local fire departments were moving further away from having the ability to determine where controlled burning is occurring in their community.

In response, Chief Mike Eddy briefly addressed Council, indicating that he, too, had some concerns and would like to see the bylaw go to the Bylaw Rationalization Committee.

**MOTION PUT AND PASSED.**

**12. ADDED ITEMS**

**12.1 Councillor Hum - HRM's Process for Telecommunications Structure Applications**

This item was added to the agenda at the request of Councillor Hum.

**MOVED by Councillor Hum, seconded by Deputy Mayor Walker that staff provide an information report on the following:**

- C staff undertake a full review of the current process for telecommunications structures and make recommendations on changes to improve the process;
- C staff develop an overall policy by which telecommunication structures, and in particular cellular antennas and structures can be located on HRM land and private property;
- C staff perform a review of the existing public input process, and recommend how it can be improved to allow more public consultation on telecommunication applications, including the opportunity to speak at Council meetings, regardless whether a Public Information Meeting (PIM) is held, or written correspondence is sent to area residents for feedback.
- C consult with Industry Canada officials to clarify exactly what information is required from HRM regarding a telecommunication structure application and this be included in HRM's overall policy.

**MOTION PUT AND PASSED.**

## **12.2 Councillor Murphy - Responsibility for Playgrounds (HRM & Government of NS)**

This item was added to the agenda at the request of Councillor Murphy.

**MOVED by Councillor Murphy, seconded by Councillor Sloane that staff provide an information report to Council that would outline HRM and the Government of Nova Scotia's responsibilities with respect to HRM building playgrounds on Provincial housing sites and what the role of the Provincial Government is now and has been historically. The report is to include the standard the Province uses for their equipment. MOTION PUT AND PASSED.**

## **12.3 Fiscal Framework**

- C This item was addressed at an earlier Committee of the Whole meeting held prior to the regular session and was now before Council for ratification.

**MOVED by Councillor Rankin, seconded by Deputy Mayor Walker that Regional Council direct staff to return with a balanced budget that would include ways and means to have the tax rate reduced by 5.1% to reflect the ongoing principal of not taking advantage of that portion attributable to market increase. MOTION PUT AND PASSED.**

## **12.4 Fiscal Framework**

This item was addressed at an earlier Committee of the Whole meeting held prior to the

regular session and was now before Council for ratification.

**MOVED by Deputy Mayor Walker, seconded by Councillor Goucher that Regional Council request that the Department of Education and The Honourable Jamie Muir, Minister of Education for the Province of Nova Scotia, provide HRM with the provincial mandatory education rate as soon as possible. Further, that this request be executed through Deputy Mayor Walker at the prebudget meetings of UNSM Executive.**

#### **12.5 Fiscal Framework**

This item was addressed at an earlier Committee of the Whole meeting held prior to the regular session and was now before Council for ratification.

**MOVED by Councillor Hendsbee, seconded by Councillor Wile that Regional Council write a letter to Prime Minister Designate, Mr. Stephen Harper, regarding the cause of fiscal imbalance for the Province and request that he be cognizant of the needs of the Municipalities. Further, that a similar letter be sent to the new Premier Designate of Nova Scotia. MOTION PUT AND PASSED.**

#### **12.6 Property Matter - Lease of Parcel "A" from GHB Holdings Ltd. - Access to Range Park**

This item was addressed at an earlier In Camera meeting held prior to the regular session and was now before Council for ratification.

**MOVED by Councillor Goucher and seconded by Councillor Sloane that Halifax Regional Council:**

- 1. Approve the terms of the renewal option and proposed lease extension between GHB Holdings and Halifax Regional Municipality as detailed in the Private and Confidential report dated January 12, 2006.**
- 2. Not release the Private and Confidential staff report dated January 12, 2006 to the public.**

**MOTION PUT AND PASSED.**

#### **12.7 Contractual Matter - RFP No. 02-017, Household Hazardous Waste - Option for One Year Extension**

This item was addressed at an earlier In Camera meeting held prior to the regular session and was now before Council for ratification.

**MOVED by Councillor Smith, seconded by Councillor Kent that Halifax Regional Council:**

- 1. Exercise HRM's sole option to extend RFP No. 20-017, for one (1) additional year, to May 1, 2007, subject to the drafting and signing of a supplementary agreement with Matrix Environmental Inc.**
- 2. Direct staff to investigate the possibility of holding a mobile Hazard Waste Depot day for Dartmouth in the spring of 2006 within the proposed 2006/07 budget.**
- 3. Not release the Private and Confidential staff report dated January 23, 2006 until after the execution of the Supplementary Agreement.**

**MOTION PUT AND PASSED.**

#### **12.8 Legal Matter - Settlement of Claim**

This item was addressed at an earlier In Camera meeting held prior to the regular session and was now before Council for ratification.

**MOVED by Councillor Uteck, seconded by Councillor Wile that Halifax Regional Council:**

- 1. Accept the payment of \$10,000 as a final settlement with no further contributions toward repairs/corrections of the overweight problem with Fort Garry's fire apparatus and that Fort Garry Fire trucks are permitted to bid on future tenders for fire trucks in HRM.**
- 2. Not release the Private and Confidential staff report dated January 4, 2006 to the public.**

**MOTION PUT AND PASSED.**

#### **12.9 Councillor Uteck - Noise Bylaw - Changes to the Municipal Government Act**

Councillor Uteck advised that last spring, staff sent a set of changes to the Municipal Government Act to the Provincial Government, one of which was an amendment to the Noise By-law. She explained that the amendment would enable the ticketing police officer to act as his own witness. Councillor Uteck advised that it has come to her attention that the House has no plans to make any MGA amendments other than to extend HRM's temporary tax credit this year. She indicated that the noise bylaw amendment is a quality of life issue and that it should be dealt with during the spring sitting of the Legislature.

**MOVED by Councillor Uteck, seconded by Councillor Wile that the Mayor write a letter to the Premier of Nova Scotia, with copies to the official opposition parties, requesting that the Legislature deal with proposed changes to the MGA regarding the noise bylaw, as requested by HRM, during the spring sitting of the Legislature. MOTION PUT AND PASSED.**

### **13. NOTICES OF MOTION**

#### **Councillor Hum**

Take Notice that at the next regular Regional Council meeting, to be held on February 7, 2006, I proposed to introduce for consideration by Council as Policy pursuant to Section 315 of the Municipal Government Act, Administrative Order SC-42, the purpose of which is to effect closure of the surplus portion of Rocky Hill Drive Right of Way, Halifax.

### **14. ADJOURNMENT**

The meeting adjourned at 7:52 p.m.

Jan Gibson  
Municipal Clerk

The following information items were circulated to Council:

1. Memorandum from Acting Director, Recreation, Tourism & Culture dated January 23, 2006 re: Filming in HRM
2. Memorandum from Director, Planning and Development Services dated January 23, 2006 re: Petition - Cushing Hill, Bedford
3. Memorandum from Acting Director, Real Property and Asset Management dated January 25, 2006 re: Off-Lease Dog Areas Master Plan
4. Memorandum from Director, Transportation & Public Works dated January 25, 2006 re: Application for Funding - Halifax Inland Terminal Plan
5. Memorandum from the Municipal Clerk, dated January 26, 2006 re: Requests for Presentations to Council - Halifax International Airport Authority