

HALIFAX REGIONAL MUNICIPALITY

**HALIFAX REGIONAL COUNCIL
MINUTES
March 22, 2005**

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Goucher
Councillors: Steve Streach
David Hendsbee
Harry McInroy
Gloria McCluskey
Bill Karsten
Becky Kent
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Stephen D. Adams
Robert P. Harvey
Reg Rankin
Gary Meade

REGRETS:

Councillors: Krista Snow
Andrew Younger
Linda Mosher
Brad Johns

STAFF:

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

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1. **INVOCATION**

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

MOMENT OF SILENCE

A **Moment of Silence** was observed in memory of Mr. Mike Kavanagh, Metro Transit, who passed away on March 16, 2005, and Mr. Don Shea, By-law Enforcement, who passed away on March 8, 2005.

2. **APPROVAL OF MINUTES - March 1 & 8, 2005**

MOVED by Councillor McCluskey, seconded by Councillor Sloane, that the minutes of March 1 & 8, 2005 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

- 12.1 Correspondence - Maritime Forces Atlantic - Request for Military Flypast to Commemorate V-E Day - May 8, 2005.
- 12.2 Property Matter - Leased Premises - Alderney Gate, Dartmouth

Councillor Smith requested that Item 10.3.1 (i) Development and Peace - Water Resolution be moved up on the agenda to follow Presentations.

MOVED by Deputy Mayor Goucher, seconded by Councillor Karsten, that the Agenda and Order of Business be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

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

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

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

8. PUBLIC HEARINGS

8.1 Morris - Russell Lake Secondary Planning Strategy

C A staff report dated February 8, 2005 was before Council for its consideration.

C Correspondence from the following people was before Council for its consideration:

C Mr. Shalom Mandaville, Soil and Water Conservation Society of Metro Halifax, dated February 26, 2005

C Mr. Henri Charest, dated March 10, 2005

C Mr. Paul Morgan, Planning and Development Services, dated March 22, 2005

C A document entitled *Rush to Development: A Call for Interim Reconsideration of the Proposed Morris - Russell Lake Secondary Planning Strategy*, from the Harbour East Friends of the Environment Society, dated March 22, 2005, was before Council for its consideration.

Mr. Paul Morgan, Planner, presented the report to Council. Copies of his presentation were circulated.

Mr. Morgan, Mr. Paul Dunphy, Director, Planning and Development Services; and Mr. Ken Reashor, Manager, Traffic and Right of Way Services, responded to questions of clarification from Council, making the following points:

C Staff supported the Public Participation Committee's recommendations regarding publicly owned lands, and they believe a minimum of 50% is a considerable achievement. If Council wants to purchase additional land, there is nothing in the policy to preclude that.

C The Municipal Government Act states HRM can demand a maximum of 10 percent of the development area for parkland. In this particular case, HRM is receiving roughly 30 percent.

C Council could amend the policy and demand more buffer around the lake, but it would be at the expense of other public land (ie. playgrounds, trails, etc.) elsewhere in the development.

C Staff does not anticipate that Portland Street Blvd. will be a major shortcutting route or thoroughfare. If concerns are raised, traffic counts will be taken.

C If Council approves the policies, the matter of the location of the public land will go before the Harbour East Community Council to make a determination.

C The Public Participation Committee made specific recommendations as to what can and cannot be placed in the buffer zone.

Concern was expressed by some members of Council regarding the late receipt of the Harbour East Friends of the Environment Society document. Mr. McLellan clarified that the document was just received by HRM today. Mayor Kelly indicated if Council felt it needed more time to review the information or comments made during the Public Hearing, there is an option to defer the matter. Councillor Uteck suggested there should be a cutoff date for submissions so as they could be included in the regular Council agenda package.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the proposal.

Mr. Maurice Lloyd, Dartmouth Save the Lakes Coalition

Mr. Lloyd addressed Council making the following points:

- C The Dartmouth Save the Lakes Coalition is not an anti-development group rather it supports responsible development.
- C The Coalition believes a minimum 30m buffer should be maintained around all lakes, streams and wetlands and be held in public ownership.
- C The 50ft buffer on Maynard Lake proved not to be sufficient to provide protection.
- C The Coalition requested Council to reserve at least a 100ft buffer around Russell Lake.
- C There are a number of lakes in HRM where the municipality owns the entire buffer area.
- C This type of policy should be carried forward to the Regional Plan as it is developed and presented to the public for review and comment.

Dr. Hugh Millward, Dartmouth Lakes Advisory Board representative on the Public Participation Committee

Speaking in support of the plan, Dr. Millward made the following points:

- C This plan, while not perfect, does a great deal more for water and lake protection than any existing plans in HRM.
 - C It protects all steeply sloping land from development to prevent erosion.
 - C It limits the percentage of area that may be built as impermeable surfaces which prevents excessive runoff.
 - C It retains at least 25 percent of the area in natural vegetation within any particular development agreement.
 - C It requires the developers to prepare erosion and sedimentation minimization plans.
 - C All wetlands in the plan area will have buffers and be exempt from development.
 - C All lake shores and water courses will have buffers.

- C There is excellent lake access provided as well as excellent provision of public trails.

In closing, Dr. Millward stated he believes the plan incorporates many goals of Council in the development of the Regional Plan.

(Councillor Walker left the meeting at 6:50 p.m.)

Mr. Blair Mitchell, Harbour East Friends of the Environment Society

Mr. Mitchell addressed Council making the following points:

- C The Society requests that Council not pass the amendments to the Municipal Planning Strategy and that Council join with the Society in requesting the Province to conduct a full environmental assessment of the habitat in lakelands represented by the property covered by this plan.
- C This is a \$30 million decision and it deserves very careful close consideration.
- C The Society shares the view of a public owned buffer. This view was also shared by Regional Planning until two years ago, as stated in correspondence included in the Society's submission.

Mr. Phil Elliott, Chair, Public Participation Committee

Mr. Elliott addressed Council making the following points:

- C The amendments before Council are a culmination of five years of work by the Committee, comprised of residents and landowners in the area, with much input from HRM staff.
- C No one got everything they wanted, but they worked hard to arrive at a compromise.
- C The process has been a long and thorough five year review of the issues involved including land use, central services, environmental protection, transportation and infrastructure charges, with continual public input.
- C The environmental protection mechanisms in this plan deal with design and development controls, public awareness and education programs, stormwater management, monitoring of the lakes and maintaining water levels on Morris Lake.
- C The Committee is confident that access to the Circumferential Highway and the completion of Baker Drive will begin to relieve traffic problems in the Portland Valley.
- C This is a good, solid, well-developed plan that has the support of the majority of residents and landowners in the area, the Dartmouth Lakes Advisory Board and the Public Participation Committee.

Mr. Shalom Mandaville, Soil and Water Conservation Society of Metro Halifax

Mr. Mandaville addressed Council making the following points:

- C The Society is generally disappointed with some of the recommendations.
- C His greatest concern was that the CCME framework for phosphorous was not utilized. Further information on this issue was provided in Mr. Mandaville`s written submission.
- C CCME guidelines clearly state that phosphorous concentrations should not increase more than 50 percent of the baseline levels. Morris Lake is three times the national background level and Russell Lake is six times.
- C Based on testing conducted by the Society, Russell Lake is hypereutrophic.
- C Russell Lake is not headwater lake.

Mr. Norman Wiechert, Portland Estates

Mr. Wiechert addressed Council making the following points:

- C He has been actively involved in this issue and fully supports the proposed amendments.
- C The community has been very much involved throughout the process and the majority are in support of the plan.
- C Public meetings on this issue have been held for many years and all parties have worked together to develop this plan.
- C Amendments to the plan can be made later if needed, but if it is not approved now it may die and the process will have to start all over again.
- C Public ownership of lands does not guarantee protection.
- C The lakes should be protected regardless of ownership.
- C The plan provides a good foundation for the future.

Mr. Henri Charest, Portland Estates

Mr. Charest expressed concern with traffic using Portland Estates Boulevard for a throughway to the new box store area. He stated the residents of this street are opposed to the direct link. He suggested vehicles should use Baker Drive to Hwy 111 and not use a residential area for a throughway. Mr. Charest asked staff to reconsider this and perhaps cul de sac the proposed connector to prevent the use of his street as a thoroughfare.

Mr. Ken Hauschildt, Russell Lake Drive

Mr. Hauschildt addressed Council expressing a concern with the quality of water in Russell

Lake stating he does not see the necessary precautions for lake protection being undertaken. Mr. Hauschildt noted the plan has plenty of loopholes that will not protect the lake. He further stated that not all residents were involved in the planning process, and he urged Council to delay the project and undertake an environmental assessment so Russell Lake does suffer as have other lakes in Dartmouth.

Ms. Nancy Witherspoon, Portland Estates, Past Member of Executive of Residents Association

Ms. Witherspoon rebutted Mr. Hauschildt's comments about community participation noting there was a representative from his community on the Public Participation Committee.

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

MOVED by Councillor Sloane, seconded by Deputy Mayor Goucher, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor Sloane, seconded by Councillor McCluskey, that this matter be deferred for one week to allow Council further time to review all the information received. MOTION PUT AND DEFEATED.

MOVED by Councillor Karsten , seconded by Councillor Kent, that Regional Council give Second Reading to the proposed amendments to the Municipal Planning Strategies for Dartmouth, Cole Harbour/Westphal and Eastern Passage/Cow Bay, and the Land Use By-Laws for Dartmouth and Cole Harbour/Westphal, as Attachments I to V of the staff report dated February 8, 2005.

Responding to a question of Councillor McCluskey regarding the opinion expressed by staff in the May 5, 2003 correspondence included in the document from the Harbour East Friends of the Environment Society, Mr. Dunphy clarified there is nothing in the policies before Council which is inconsistent with the existing Dartmouth plan with respect to acquisition of land along the lakes for protection of the lake. Policies in the Dartmouth plan talk about the municipality budgeting money in the capital budget to purchase land. There is nothing that prevents HRM from purchasing land along the lake. Given that, staff have negotiated a minimum of 50 percent of the land at no expense to taxpayer.

Several Councillors spoke in support of the MPS and LUB amendments and expressed thanks to all those involved in the process.

Mr. George McLellan, Chief Administrative Officer, stated the process this plan followed is the way HRM should work and expressed thanks to the public for their involvement.

Responding to a question of Councillor Hendsbee, Mr. Morgan stated there will be specifics regarding the buffer zones in the development agreement and clear cutting will not be permitted. However, the Committee is proposing a limited amount of development in the buffer zone.

Councillor Harvey noted that public access and buffer zones are no guarantee of lake protection.

Councillor McCluskey expressed congratulations to the public for their involvement. The Councillor stated she is not against this development, but she has concerns with private ownership around lake. The Councillor stated the lakes are for the people and they should be able to walk around them.

MOTION PUT AND PASSED.

RECESS

A recess was taken at 8:00 p.m. The meeting reconvened at 8:15 p.m.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

9.1.1 Halifax Regional Development Agency re: Eastern HRM Broadband Project Application

C Correspondence from the Halifax Regional Development Agency, dated February 9, 2005, was before Council for its consideration.

MOVED by Councillor Hendsbee, seconded by Councillor Wile, that the correspondence be referred to staff for a recommendation to Council. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 Petitions

None.

9.3 Presentations

9.3.1 Halifax International Airport Authority - Development Agreement Update

(i) Bernie Miller, Chairman & CEO

(ii) Peter Clarke, Acting President and COO

Mr. Bernie Miller and Mr. Peter Clarke, Halifax International Airport Authority, made a presentation to Council regarding the development agreement update and responded to questions of Council. Copies of the presentation were provided to Council.

Several Councillors expressed thanks and congratulations to Halifax International Airport Authority for their work. Deputy Mayor Goucher suggested a letter of thanks should also be sent to Mr. Reg Milley, former President and CEO, HIAA. It was noted that Mr. Milley is currently the President and Chief Executive Officer of Edmonton Airports.

MOVED by Deputy Mayor Goucher, seconded by Councillor Fougere, that Council request the Mayor to write a letter to Mr. Reg Milley, former President and CEO, HIAA, thanking him for his years of service in Halifax. MOTION PUT AND PASSED UNANIMOUSLY.

10.3.1 Councillor Smith

(i) Development and Peace - Water Resolution

C Correspondence from the Canadian Catholic Organization for Development and Peace, dated March 15, 2005 was before Council for its consideration.

Councillor Smith reviewed the correspondence and put forth the following motion:

MOVED by Councillor Smith, seconded by Councillor McCluskey, that Council request the Mayor to send a letter to the federal government accepting the following principles of the Water Declaration:

C Water is a sacred gift that connects all life;

C Access to clean water is a basic human right;

C The value of the Earth`s fresh water to the common good takes priority over any possible commercial value;

C Fresh water is a shared legacy, a public trust and a collective responsibility.

And THAT the Mayor on behalf of this council write to the Federal Government requesting that they urge the World Bank to ensure access to clean affordable drinking water for the worlds poor and to strengthen the role of the public sector and individual communities in setting water policies and delivering and regulating water services.

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Harvey expressed concern with the potential consequences Council could face by supporting broad resolutions such as this. For example, the Councillor noted passing this particular resolution may result in any resident in HRM with a well problem looking to HRM for assistance. Mr. McLellan agreed, noting there are also elements of public-private ownership and policy matters that are much more complex than the pure intent of the resolution.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Case H00108: Kelly Building, 1790 Granville Street, Halifax

C A staff report dated March 16, 2005 was before Council for its consideration.

C Correspondence from the Nova Scotia College of Art and Design (NSCAD) dated March 15, 2005 was before Council for its consideration.

C Correspondence from a concerned taxpayer dated March 22, 2005 was circulated to Council.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Regional Council:

- 1. Authorize an expenditure not to exceed \$10,000 from HRM`s Commercial Heritage Incentives budget (Account C-730-8004) to provide 50% cost sharing on a study (see Terms of Reference in Attachment 6 of the March 16, 2005 staff report) to examine the feasibility of incorporating the Kelly building into a new development on condition that the owner agrees:
 - a. not to demolish the Kelly building before 17 April 2005; and**
 - b. not to make a new demolition application until the outcome of the feasibility study is known;****
- 2. Approve in principle the demolition of the Kelly building pending the outcome of the feasibility study, should the owner subsequently make a new application to demolish.**

Councillor McCluskey stated she had no concern with the study being conducted, but she disagreed with the \$10,000 coming from the commercial incentives program for it. The Councillor suggested the study should be funded by the property owner, not the taxpayers.

Councillor McCluskey also expressed concern with the correspondence from NSCAD stating it should be treated in the same manner as the previous request regarding the new campus location.

Councillor Adams also expressed concern with the motion stating HRM will be funding a market analysis of this project which has nothing to do with the heritage aspects of the facade.

Speaking in support of the motion, Councillor Fougere noted HRM has experienced difficulty in saving heritage properties in the downtown in the past, and the commercial incentive grant funding was set up to assist commercial enterprises with this.

A discussion took place regarding the proposed use of the site, and it was noted that the potential student residence site is not related to the location of the new campus. Mr. McLellan suggested Council consider this matter in the pure merits of heritage value., and what may or may not happen regarding the location of the new campus should be secondary.

Following further discussion, the vote was taken.

MOTION PUT AND PASSED.

(Mayor Kelly left the meeting at 9:25 p.m. Deputy Mayor Goucher assumed the Chair.)

10.1.2 Municipal Grant-in-Lieu for Residential Properties of Post Secondary Institutions and Hospitals

C A staff report dated March 17, 2005 was before Council for its consideration.

MOVED by Councillor Rankin, seconded by Councillor Hendsbee, that Council request the Mayor to send the draft letter, seeking support in regards to the Union of Nova Scotia Municipalities` request to the Province to move from 40 percent to 100 percent grant-in-lieu for municipalities hosting residential properties of post-secondary educational institutions and hospitals (attached to the March 17, 2005 staff report), to all Members of the Legislative Assembly who represent areas within the HRM.

In response to a suggestion of Councillor Hendsbee, Mr. McLellan stated copying the letter to MLAs representing other municipalities in Nova Scotia, which have post secondary institutions and hospitals, for their information would be appropriate.

Councillor Uteck stated she would like to have assurances that the Province will not be passing the cost of this onto the students.

MOTION PUT AND PASSED.

10.2 NORTH WEST COMMUNITY COUNCIL

10.2.1 Case 00712: Bedford Municipal Planning Strategy and Land Use By-Law Amendment - 196 Rocky Lake Road

C A report from the North West Community Council dated March 8, 2005 was before Council for its consideration.

MOVED by Councillor Harvey, seconded by Councillor Karsten, that Regional Council give First Reading to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-Law as contained in Attachment D of the staff report dated January 20, 2005, and schedule a Public Hearing for April 12, 2005. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.2.2 Case 00603: Amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-Law

C A report from the North West Community Council dated March 8, 2005 was before Council for its consideration.

MOVED by Councillor Harvey, seconded by Councillor Karsten, that Regional Council give First Reading to consider proposed amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-Law, provided in the revised Attachment B to the March 8, 2005 staff report, and schedule a joint Public Hearing with North West Community Council. **MOTION PUT AND PASSED UNANIMOUSLY.**

(Mayor Kelly returned to the meeting at 9:30 p.m. and assumed the Chair.)

10.3 MEMBERS OF COUNCIL

10.3.1 Councillor Smith

(i) Development and Peace - Water Resolution

This item was addressed earlier in the meeting.

(ii) Failure of Non-Corrode Sewer Piping

MOVED by Councillor Smith, seconded by Councillor Murphy, that Council request an information report on the increasing number of failures of non-corrode sewer pipes that were installed about 50 years ago. The report should include the areas where these types of sewer pipes are installed, the numbers that have been failing, the reasons for the failures and the financial impacts on the streets and sidewalks both to HRM and the homeowners, and failures of non-corrode vs. other types. Also, staff was requested to investigate any type of assistance that may be available to residents if the number of failures so warrants.

Councillor Uteck suggested perhaps the previous staff report and recommendation on

increasing water rates should be brought back as that report contained all the information needed for the requested information report. Councillor Wile agreed noting Council turned down the water rate increase which would have gone towards infrastructure repair/replacement.

MOTION PUT AND PASSED.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Correspondence - Maritime Forces Atlantic - Request for Military Flypast to commemorate V-E Day - May 8, 2005

C Correspondence from D. G. McNeil, Rear-Admiral, Commander, Maritime Forces Atlantic, dated March 22, 2005 was before Council for its consideration.

MOVED by Councillor Hendsbee, seconded by Deputy Mayor Goucher, that Council grant the request for a military flypast on March 8, 2005. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Property Matter - Leased Premises - Alderney Gate, Dartmouth

C This matter was discussed at an In Camera Session held prior to the Regular Session and was now before Council for ratification.

MOVED by Councillor Karsten, seconded by Councillor Kent, that Regional Council:

- 1. Authorize the Mayor and Municipal Clerk to exercise the Option to Purchase 40 Alderney Drive, Dartmouth, under the terms of the Ground Lease dated September 14, 1988, and enter into an Agreement of Purchase and Sale with Sun Life Assurance Company of Canada, subject to the terms and conditions set out in the staff report dated March 18, 2005,**
 - 2. Appoint Citigroup Properties Limited as interim transition and property manager of 40 Alderney Drive, Dartmouth, for a term not to exceed two years, as per the Budget Implications section of the March 18, 2005 report.**
 - 3. Not release the March 18, 2005 report until the transaction has closed.**
- MOTION PUT AND PASSED.**

13. NOTICES OF MOTION

None.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 9:45 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council:

1. Proclamation - Greek Independence Day - March 25, 2005
2. Proclamation - Better Business Awareness Week - March 25 - March 31, 2005
3. Memorandum from Directors, Governance & Strategic Initiatives and Transportation & Public Works dated March 9, 2005 re: Funding Award - Automated Vehicle Location (AVL) Pilot Project
4. Memorandum from Director, Environmental Management Services dated March 8, re: Corporate Greenhouse Gas Emission Plan and Climate Change Strategy Update
5. Memorandum from Director, Planning and Development dated March 17, 2005 re: Municipal Activities in Facilitating the Disposal of Surplus Federal Lands for Affordable Housing
6. Memorandum from the Municipal Clerk, dated March 18, 2005 re: Requests for Presentations to Council

Date of Request(s)	Name of Delegation(s)	Disposition of Request(s)
March 7 - March 18, 2005	Halifax Kennel Club - Judith Tulloch re: Breed Specific Dog Legislation	Referred to staff of Environmental Management Services - Community Projects