

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES May 10, 2005

PRESENT:

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

STAFF:

Mr. George McLellan, Chief Administrative Officer
Ms. Mary Ellen Donovan, Acting 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 being led by Deputy Mayor Goucher.

SPECIAL PRESENTATION - FCM AWARDS

A presentation was made in recognition of HRM receiving two FCM – CH2M HILL Sustainable Community Awards for excellence and innovation in municipal service delivery that has advanced sustainable community development. HRM was recognized for its ClimateSMART Program and the Halifax Regional Water Commission for its Water Accountability Program.

Mr. George McLellan, Chief Administrative Officer, also noted HRM recently won a national award for literacy in the workplace.

ACKNOWLEDGEMENTS

Councillor Murphy noted there will be an Open House at Bloomfield Centre on May 13th.

Councillor McCluskey expressed thanks to staff for their patience with respect to the recent deliberations of the draft Regional Plan.

2. APPROVAL OF MINUTES - April 26, 2005

MOVED by Councillor Hendsbee, seconded by Deputy Mayor Goucher, that the minutes of April 26, 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:

- 11.1 Councillor Younger - Lake Micmac Siltation
- 11.2 Draft Regional Plan
- 11.3 Councillor Streach - Cultural Advisory Committee - Terms of Reference

The Municipal Clerk noted additional attachments have been circulated regarding Item 9.1.1 - Case 00743: Application for Development Agreement, Lot A-1, Hollis, Salter and Lower

Water Streets, Halifax.

Councillor Rankin requested that Item 11.2 Draft Regional Plan be addressed after Item 7 - Consideration of Deferred Business.

MOVED by Councillor Sloane, 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

7.1 Councillor Harvey - Bill #172, Rocky Lake Commons and Ice Rink Act

C A staff report dated May 6, 2005 was circulated to Council.

MOVED by Councillor Harvey, seconded by Councillor Snow, that Council take the position of opposition to Bill 172 and communicate this to the three party caucuses and Mr. Russell MacKinnon.

Responding to questions of Deputy Mayor Goucher, Mr. Mike Labrecque, Director, Public Works and Transportation Services, acknowledged that there is a need for an additional rink in Bedford. With respect to decisions regarding locations, Mr. Labrecque stated the locations of rinks are based on regional purposes rather than local.

Deputy Mayor Goucher expressed concern that the existing differences, real or perceived, between HRM and the Province appear to have prevented an objective review of the Rocky Lake ice surface proposal. The Deputy Mayor also expressed concern with the Imperial Oil tax exemption issue being brought forward with respect to this item. The Deputy Mayor stated there is an identified need for this facility, and it is being brought down in a political quagmire.

He stated the tax exemption being requested would come full circle to the residents of HRM in the form of lower user fees. Deputy Mayor Goucher further noted that other aspects of the triplex would have significant tax revenue spin off.

Councillor Uteck noted the Municipal Government Act does not provide HRM the authority to

provide a tax exemption to a for-profit organization. The Councillor suggested the issue should be sent back to the MLA proposing the Bill to request a grant in lieu of taxes from Cabinet.

Councillor Hendsbee stated he would prefer to see amendments to the Municipal Government Act to allow HRM to deal with the issue through its Grant Committee.

Speaking in favour of the motion, Councillor Fougere stated the issue is not being for or against an arena in any location, rather it is to express opposition to a Bill which would exempt a property from municipal taxation, which is not a provincial issue. The Councillor stated she objects to the Province's interference in this municipal issue, noting there are many other recreational facilities in HRM that the Province is not stepping forward to assist. Councillor Fougere clarified that Council is not, in any way, opposing additional recreational facilities.

Also speaking in support of the motion, Councillor Johns inquired if HRM built a new ice surface facility, would it choose the proposed site or another location. Mr. Labrecque responded that staff would follow the indoor facilities master plan policy approved by Council to determine a location. Councillor Johns stated he supports additional recreation facilities but is opposed to this Bill for a number of reasons, one being the process by which it came forward.

MOVED by Councillor Rankin, seconded by Councillor Goucher that the motion be amended to authorize staff to meet with the Province and the group proposing the facility to explore options for the proposal and come back to Council in a two week time frame.

Speaking against the amendment, Councillor McInroy stated he was not willing to debate the ice surface issue noting the issue before Council is the proposed Bill. The Councillor stated he objects to the Bill because there was no consultation with HRM.

Deputy Mayor Goucher stated the Bill allows a municipal solution to a genuine need without jeopardizing or compromising the tax base. He asked that Council support the amendment to permit discussions with the proponent.

Councillor Hum stated she would support the amendment because Council needs more information and staff input on how this project can move forward.

Several Councillors stated they believed the amendment should be a separate motion.

Councillor Mosher stated the staff report does not provide enough information, and she requested that the following additional information be provided:

- C How much would it cost HRM to build a rink in Bedford?
- C If it was built, would it generate revenue and, if so, how much?
- C What would be the costs to maintain it (capital and operating)?
- C What are the effects of location?
- C What would be the estimated property taxation revenue from other facilities in this triplex (excluding the ice surface)?
- C Can HRM partner with the proponent?

Responding to a question of Councillor Johns, Mr. George McLellan, Chief Administrative Officer, stated if the amendment passes, staff can approach the proponent to determine their issues and how to address them so the facility can proceed.

Speaking in support of the amendment, Councillor Adams stated this is an opportunity that cannot be ignored.

Also speaking in support of the amendment, Councillor Streach stated all opportunities need to be examined and the amendment illustrates that HRM is prepared to offer latitude. Councillor Smith spoke against amendment as he did not believe HRM should be seeking out the developer, rather he should be approaching HRM.

A **Recorded Vote** was taken on the amendment. **MOTION PUT AND PASSED (16 in favour, 8 against).**

Members of Council voting **in favour** of the motion: Mayor Kelly, Deputy Mayor Goucher, Councillors: Streach, Hendsbee, McCluskey, Kent, Murphy, Sloane, Uteck, Fougere, Walker, Hum, Mosher, Adams, Rankin and Meade.

Members of Council voting **against** the motion: Councillors: Snow, McInroy, Younger, Karsten, Smith, Wile, Johns and Harvey.

Debate continued on the main motion, as amended.

Councillor McCluskey referenced the tax breaks provided to the P3 schools and the provincial jail stating a precedent has already been set. In response, Ms. Dale MacLennan, Director, Financial Services, noted that was a different process than this one.

Councillor Kent stated the need for additional ice surfaces is clear and some creative thinking is needed to reach a solution.

Councillor Walker reminded Council that the tax exemption being requested is only for the ice surface, and the impact on HRM would be \$30,000. Ms. MacLennan clarified that the issue

from staff's perspective is the principle, not the amount.

Mr. Bob Nauss, Acting Director, Recreation, Tourism and Culture explained the effect the proposed triplex would have on other HRM facilities in response to questions of Councillor Murphy.

Councillor Younger expressed concern that the Province has not come forward to help other recreational facilities in the same manner. The Councillor noted there is a private recreation facility in his area that almost went out of business last year due to taxes and they received no assistance.

Following further discussion, Council agreed to split the motion.

A **Recorded Vote** was taken on the first part of the motion which read as follows:

MOVED by Councillor Harvey, seconded by Councillor Snow, that:

- 1) Council take the position of opposition to Bill 172 and communicate this to the three party caucuses and Mr. Russell MacKinnon. MOTION PUT AND PASSED. (16 in favour, 7 against).**

Members of Council voting **in favour** of the motion: Councillors: Snow, Hendsbee, McInroy, Younger, Karsten, Smith, Murphy, Sloane, Uteck, Fougere, Walker, Hum, Adams, Johns, Harvey and Meade.

Members of Council voting **against** the motion: Mayor Kelly, Deputy Mayor Goucher, Councillors: Streach, McCluskey, Wile, Mosher and Rankin.

(Councillor Kent was absent for the vote.)

A Recorded Vote was taken on the second part of the motion which read as follows:

- 2) Council authorize staff to meet with the Province and the group proposing the facility to explore options for the proposal and come back to Council in a two week time frame. MOTION PUT AND PASSED.**

Members of Council voting **in favour** of the motion: Mayor Kelly, Deputy Mayor Goucher, Councillors: Streach, Hendsbee, McInroy, McCluskey, Karsten, Smith, Wile, Murphy, Uteck, Fougere, Walker, Hum, Mosher, Adams, Rankin and Meade.

Members of Council voting **against** the motion: Councillors: Snow, Younger, Sloane, Johns and Harvey.

(Councillor Kent was absent for the vote.)

As agreed to during Approval of the Order of Business, Council addressed item 11.2 Draft Regional Plan, at this time.

11.2 Draft Regional Plan

C This matter was discussed at a Committee of the Whole meeting on Monday, May 9, 2005 and was now before Council for ratification.

MOVED by Councillor Rankin, seconded by Councillor Fougere, that Regional Council:

- 1. Endorse the Regional Plan including all parking lot items including comments of Council for the purpose of public consultation, prior to initiating the plan adoption process.**
- 2. Communicate a sense of urgency to the Province of Nova Scotia regarding the need for legislative authority to require groundwater assessments, in order that interim growth management policies can be lifted at the time of the adoption of the Regional Plan scheduled for fall 2005. MOTION PUT AND PASSED UNANIMOUSLY.**

8. CORRESPONDENCE, PETITIONS & DELEGATIONS

8.1 Correspondence - None

8.2 Petitions

8.2.1 Deputy Mayor Goucher - Rocky Lake Common Ice Rinks

Deputy Mayor Goucher served a petition containing approximately 650 signatures in support for all future HRM and provincial legislation to allow tax exemption from ice surface (only) and construction of proposed ice surfaces on Rocky Lake Commons.

8.3 Presentations

8.3.1 Blue Nose International Marathon -Gerald Walsh & Rod McCulloch, Co-Chairs

C Correspondence from the Blue Nose International Marathon Event Office, dated April 4, 2005, was before Council for its consideration.

Mr. Gerald Walsh, Co-Chair, made a presentation to Council regarding the Blue Nose International Marathon. Copies of the presentation were provided to members of Council.

Several Councillors commended and congratulated the organizers of this event.

Councillor Uteck expressed concern with the effect increased policing fees has had on events such as this. The Councillor noted this very successful marathon is now in its second year and stated she believed HRM is not where it should be in terms of support for it.

MOVED by Councillor Uteck, seconded by Councillor Hendsbee, that the presentation be referred to staff to work with Committee to see how HRM can fulfill its part in this event.

Mr. McLellan clarified that staff have interpreted the policy adopted by Council with respecting to funding and sponsorship. He noted that HRM does provide financing to several of the sponsors of the event.

MOTION PUT AND PASSED UNANIMOUSLY.

9. REPORTS

9.1 CHIEF ADMINISTRATIVE OFFICER

9.1.1 Case 00743: Application for Development Agreement, Lot A-1, Hollis, Salter and Lower Water Streets, Halifax

(i) Heritage Advisory Committee report

(ii) District 12 - Planning Advisory Committee Report

C Correspondence from Ms. Heather McKibbon, dated February 23, 2005, was before Council for its consideration.

C A revised report from the Heritage Advisory Committee dated May 2, 2005 was before Council for its consideration.

C A report from the District 12 Planning and Advisory Committee, dated May 3, 2005,

was before Council for its consideration.

C A staff report dated April 14, 2005 was before Council for its consideration.

MOVED by Councillor Sloane, seconded by Councillor Fougere, that Regional Council give Notice of Motion to consider an application by Salters Gate Developments Limited for a development agreement at Lot A-1, Hollis, Salter and Lower Water Streets, Halifax, and schedule a public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 Administrative Order # 33, Respecting Open Air Burning

C A staff report dated May 3, 2005, was before Council for its consideration.

MOVED by Councillor Snow, seconded by Councillor Johns, that Council approve the adoption of the amendment to Administrative Order No. 33, Section 2 - to include the following Fire Protection Districts 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: Beaver Bank/Kinsac.

Mr. McLellan noted that the staff recommendation was to not approve these amendments. Following a brief discussion, the vote was taken.

MOTION PUT AND PASSED.

9.1.3 First Reading - By-law T-700, Respecting Residential Property Tax Deferral - Revisions

C A report from the Grant Committee dated April 25, 2005 was before Council for its consideration.

MOVED by Councillor Walker, seconded by Councillor Hendsbeen, that Council give First Reading to By-Law T-700, Respecting Residential Property Tax Deferrals. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.4 First Reading By-Law L-122, An Amendment to By-Law L-100, Respecting Local Improvement Charges - Bedford Highway/Millview -Sewer and Water Servicing

C A staff report dated April 26, 2005 was before Council for its consideration.

Deputy Mayor Goucher noted an error on the map noting the date should read April 15, 2005 to coincide with the date on the By-Law..

MOVED by Deputy Mayor Goucher, seconded by Councillor Hum, that Regional Council give First Reading to By-Law L-122, An Amendment to By-Law L-100, Respecting Local Improvement Charges - Bedford Highway/Millview - Sewer and Water Servicing. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.5 Immigration in HRM

C A staff report dated May 4, 2005 was before Council for its consideration.

MOVED by Councillor Streach, seconded by Councillor Sloane, that Halifax Regional Council adopt the following vision: Halifax Regional Municipality is a welcoming community where immigration is supported and encouraged. Halifax Regional Municipality will work with other levels of government and community partners to increase our collective cultural, social and economic diversity by welcoming immigrants to our community.

Following a brief discussion, the vote was taken.

MOTION PUT AND PASSED UNANIMOUSLY.

9.2 MEMBERSHIP SELECTION COMMITTEE

9.2.1 Councillor Appointment - Canadian Urban Transit Association

C A report from the Membership Selection Committee dated May 5, 2005 was before Council for its consideration.

MOVED by Councillor Walker, seconded by Deputy Mayor Goucher, that Regional Council approve the appointment of Councillor Harry McInroy to the Canadian Urban Transit Association. MOTION PUT AND PASSED UNANIMOUSLY.

10. MOTIONS

10.1 Councillor Karsten - Proposed Littering By-Law

MOVED by Councillor Karsten, seconded by Councillor Younger, that Council initiate

the process to develop a by-law prohibiting the littering of streets, alleys, sidewalks, parks, lakes, lake shores, city-owned land or public places; in so doing that the former City of Dartmouth By-Law 400 be reviewed and implemented in a new by-law, if feasible; that the by-law include a provision for a substantial summary offence ticket to be issued to persons violating the proposed littering by-law; and that a program be initiated to encourage citizens' participation in cleaning up our communities.

Councillor Karsten stated HRM cannot be complacent with respect to this issue as there is still work to do. The Councillor cited two recent experiences of residents in this regard. Councillor Karsten further stated that HRM needs to focus on the issue of littering to further enhance the municipality. Councillor Karsten noted the intent of the increased fine is to act as a deterrent.

Councillor McCluskey suggested HRM should encourage corporate sponsorships to assist in this matter.

Councillor Streach stated he would like to see more encouragement for programs by those that manufacture the waste as well as incentives being offered to panhandlers to assist in clean up.

Councillor Murphy emphasized the need for increased public awareness.

Councillor Younger stressed the urgency in addressing this issue.

Councillor Smith questioned if HRM has more of a littering problem than other municipalities at this time of year. The Councillor stated he was not sure that litter could be eliminated, but suggested perhaps there should be different categories of fines for littering. Councillor Smith noted the real challenge is a change in attitude and questioned if a by-law would accomplish this.

Councillor Sloane stated HRM needs to be more proactive in addressing the issue of litter. The Councillor noted the importance of community clean ups and the need for more media coverage of good news stories such as the implementation of the four stream waste containers.

Mr. McLellan noted HRM is pursuing some of the initiatives mentioned. He concurred that seasonality is a concern when it comes to litter.

Councillor Mosher stated HRM needs to make this issue a priority with increased enforcement, partnerships, awareness and funding. The Councillor stated she did not believe

the by-law alone will solve the problem.

In closing, Mr. McLellan stated he believes that cleanliness of the municipality has been better this year than others and this has been passed on to staff.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Councillor Uteck - Amendment to By-Law N-200 Respecting Noise

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Council move First Reading of an amendment to By-Law N-200 Respecting Noise to increase the summary offence ticket from \$125.00 to \$300.00. MOTION PUT AND PASSED UNANIMOUSLY.

11. ADDED ITEMS

11.1 Councillor Younger - Lake Micmac Siltation

Councillor Younger expressed concern with the large muddy slicks seen in Lake Micmac over the past three weekends that extend from an outfall pipe which originates in the former Countryview Lands. With the aid of photographs, the Councillor illustrated the problem.

MOVED by Councillor Younger, seconded by Councillor McCluskey, that the Mayor write a letter to the Provincial Minister of the Environment and Federal Minister of Fisheries formally requesting that an environmental impact study be conducted regarding the runoff from the former Countryview Lands into Lake Micmac with respect to the fish habitat of the lake and any other potential damages.

Councillor Younger expressed concern that this is very close to the construction of the interchange and is under close public scrutiny and residents are very concerned. The Councillor noted a lot of construction will take place at that site over the next year. HRM does not have the jurisdiction to enforce Department of Environment regulations. Council needs to make it clear that Council is concerned and wants the appropriate government departments to monitor it closely.

Several Councillors noted similar situations exist in other waters of HRM.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Draft Regional Plan

This item was addressed earlier in the meeting.

11.3 Councillor Streach - Cultural Advisory Committee - Terms of Reference

MOVED by Councillor Streach, seconded by Councillor Hum, that Council amend the Cultural Advisory Committee Terms of Reference such that:

- 1. A member of Council can hold the position of Chair or Vice-Chair.**
- 2. The Committee may elect two Vice-Chairs.**
- 3. The membership be increased by one to allow for the appointment of a member of the Community and Race Relations Advisory Committee.**
- 4. The Municipal Clerk seek an Expression of Interest from the members of the Community and Race Relations Advisory Committee to serve on the Cultural Advisory Committee. MOTION PUT AND PASSED UNANIMOUSLY.**

12. NOTICES OF MOTION

12.1 Councillor Walker - Amendment to Admin Order #10

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on May 17, 2005, I intend to introduce a motion to approve amendments to Administrative Order 10 as detailed in the Discussion Section of the April 25, 2005 report for implementation effective April 1, 2005.

13. ADJOURNMENT

There being no further business the meeting adjourned at 8:30 p.m.

Jan Gibson
Municipal Clerk

The following Information Items were circulated to Council:

1. Proclamation - Falun Dafa Day - May 13, 2005
2. Proclamation - National Public Works Week - May 15 - 21, 2005
3. Memorandum from Director, Transportation and Public Works dated April 28, 2005 re: National Public Works Week - May 15 -21, 2005

4. Memorandum from Director, Financial Services dated May 2, 2005
re: HRM Community Grants Program 2005-06: Ineligible Applications
5. Memorandum from Acting Director, Real Property & Asset Management dated April 22, 2005
re: Purchase - Transit Buses (2005-06 Allotment)
6. Memorandum from Chief, Police Services dated April 25, 2005
re: Councillor Sloane - Curfew
7. Memorandum from the Municipal Clerk, dated May 6, 2005
re: Requests for Presentations to Council:

Date of Request(s)	Name of Delegation(s)	Disposition of Request(s)
May 2 - 6 th , 2005	Shakespear by the Sea - Elizabeth Murphy	Referred to Grants Committee