

HALIFAX REGIONAL COUNCIL  
MINUTES  
September 6, 2005

PRESENT:

Mayor Peter Kelly  
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 Adams  
Reg Rankin  
Gary Meade

REGRETS:

Deputy Mayor Len Goucher  
Councillors Brad Johns  
Robert Harvey

STAFF:

Mr. Dan English, Acting Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Jan Gibson, Municipal Clerk  
Ms. Julia Horncastle, Legislative Assistant

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**1. INVOCATION**

The meeting was called to order at 2:30 p.m. with the Invocation being led by Councillor Hendsbee.

**2. APPROVAL OF MINUTES - August 2 & 9, 2005**

**MOVED by Councillor Sloane, seconded by Councillor Hum, that the minutes of August 2 & 9, 2005 be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

Additions

- 7. CAO Review Committee Recommendation
- 12.1 Councillor Snow - Halifax International Airport Air Show Funding
- 12.2 Property Matter - 213-217 Bedford Highway - Metro Food Bank Society
- 12.3 Legal Matter - Settlement of Claim
- 12.4 Legal Matter - Settlement of Claim
- 12.5 Legal Matter - Settlement of Claim

Deletions

- 10.2.1 Case H00169 - Application for Registration of Beechville United Baptist Church and Cemetery (heritage hearing)

**MOVED by Councillor Uteck, seconded by Councillor Hendsbee, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

**CAO REVIEW COMMITTEE RECOMMENDATION**

Mayor Kelly outlined the process undertaken prior to bringing the report forward to Council.

**MOVED by Councillor Streach, seconded by Councillor McCluskey that:**

- 1. The CAO Review Committee act as the Selection Committee and conduct a Canada wide search for a new Chief Administrative Officer with the assistance of an Executive Search/Recruitment firm.**
- 2. Caldwell Partners International be engaged to carry out the Canada wide**

search and work with the Committee through the recruitment process.

3. **Dan English, Deputy CAO be appointed interim CAO effective upon the departure of the CAO**
4. **Wayne Anstey, Municipal Solicitor, be appointed Acting Deputy CAO effective upon the departure of the CAO**

Councillor Adams expressed concerns with the process and the fact that a staff report was not provided on the expenditure of funds.

Councillor Mosher concurred with the need for a staff report and recommended that there be no representative from the business community on the selection committee but rather pre-screening be made by the consulting firm who would then recommend suitable candidates.

Councillor Fougere expressed concern with the fee structure as outlined and suggested there be some tightening of the language regarding the total amount, where it comes from and how it compares to what would be spent in lieu of the pay that would have been paid to the existing CAO.

Councillor Rankin requested each recommendation be voted on separately.

### **PART 1**

**MOVED by Councillor Streach, seconded by Councillor McCluskey that The CAO Review Committee act as the Selection Committee and conduct a Canada wide search for a new Chief Administrative Officer with the assistance of an Executive Search/Recruitment firm. MOTION PUT AND PASSED. (19 in favour, 2 against)**

Those voting **in favour** were Mayor Kelly and Councillors Streach, Snow, Hendsbee, McInroy, McCluskey, Karsten, Kent, Wile, Murphy, Sloane, Uteck, Fougere, Walker, Hum, Mosher, Adams, Rankin and Meade.

Those voting **against** were Councillors Younger and Smith.

Deputy Mayor Goucher and Councillors Johns and Harvey were absent.

### **PART 2**

**MOVED by Councillor Streach, seconded by Councillor McCluskey that Caldwell Partners International be engaged to carry out the Canada wide search and work with**

**the Committee through the recruitment process. MOTION PUT AND PASSED. (12 in favour, 9 against)**

Those voting **in favour** were Mayor Kelly and Councillors Streach, Snow, Hendsbee, Karsten, Kent, Smith, Wile, Murphy, Sloane, Walker and Meade.

Those voting **against** were Councillors McInroy, McCluskey, Younger, Uteck, Fougere, Hum, Mosher, Adams and Rankin.

Deputy Mayor Goucher and Councillors Johns and Harvey were absent.

### **PART 3**

**MOVED by Councillor Streach, seconded by Councillor McCluskey that Dan English, Deputy CAO be appointed interim CAO effective upon the departure of the CAO. MOTION PUT AND PASSED UNANIMOUSLY.**

### **PART 4**

**MOVED by Councillor Streach, seconded by Councillor McCluskey that Wayne Anstey, Municipal Solicitor, be appointed Acting Deputy CAO effective upon the departure of the CAO. MOTION PUT AND PASSED UNANIMOUSLY**

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

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Revenue Strategy: Proposed Tax Reform Initiative**

- A report dated August 3, 2005, on the above noted, was before Council.

Ms. Dale MacLennan, Director of Financial Services, presented the report.

**MOVED by Councillor Uteck, seconded by Councillor Fougere, that:**

1. **Regional Council authorize staff to move forward with the Tax Reform Initiative**

as outlined in the August 3, 2005 report.

2. **Staff proceed to request broader tax powers from the Province of Nova Scotia including a one-year extension of the Temporary Tax Credit.**

In response to Councillor McCluskey, Ms. McLennan, advised the report is deliberately providing a broad picture of the things HRM would like the public and Council to give consideration to. She stated staff is looking to determine whether or not the public and Council, after discussion, believe that the primary tool in collecting municipal revenues should continue to be target based assessment. If it does, should we be altering, capping or putting any parameters around it the way the Province has and also what other revenue sources might be more appropriate.

Councillor Walker expressed concern that the tax burden may be shifted to the rural areas.

Councillor Hendsbee HRM should provide for an opportunity for residents to express their concerns.

In response to Councillor Uteck, Ms. MacLennan advised that as long as HRM is in a situation where it is a large municipality with low Provincial and Federal funding it has to work harder locally to have to same impact as the total revenue dollar in another municipality.

#### **MOTION PUT AND PASSED UNANIMOUSLY.**

#### **7.2 Halifax Regional Municipality Scorecard 2<sup>nd</sup> Annual Report**

Deferred to a future meeting.

#### **8. PUBLIC HEARINGS**

#### **8.1 By-Law H-402, An Amendment to By-Law H-400, Respecting Marketing Levy Adjustments - Major Facilities Reserve**

This item was addressed during the evening session. (See page 13)

#### **8.2 Project 00818 - Capital Cost Contribution - Russell Lake West**

This item was addressed during the evening session. (See page 16)

#### **8.3 Case 00548: Mixed Residential Development - Parcel's B & C Woodland**

**Avenue and Block X, South Ridge Circle, Dartmouth**

This item was addressed during the evening session. (See page 17)

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions**

Councillor Rankin served a petition on behalf of taxi drivers regarding rates. The Councillor requested the petition and correspondence be forwarded to staff for a report.

**10. REPORTS**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Tender 05-161, New Moser River Fire Station**

- A report dated August 24, 2005, on the above noted, was before Council.

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

- 1. Approve an increase to Capital Project No. CBJ00582 - New Moser River Fire Station in the amount of \$251,022.**
- 2. Approve a withdrawal from the Rural Fire Reserve, Q128 in the amount of \$251,022.**
- 3. Award Tender No. 05-161 to Jetco Contracting Inc. for the construction of the new Moser River Fire Station for a total award cost of \$678,494 including net HST, and an additional scope of work for a training room and modified fire exit in the amount of \$54,161 including net HST from Capital Account No. CBJ00582, with funding authorized as per the Budget Implications section of the August 24, 2005 report.**
- 4. Approve an increase of \$10,000 including net HST to the existing contract to AMEC E&C for additional design and construction phase services, resulting in a revised contract value of \$92,237 including net HST.**



**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.2      Tender 05-246, Brick Sidewalk Replacement Resurfacing and New Gas Main, Portland Street - East Region**

- A staff report dated August 26, 2005, on the above noted, was before Council.

**MOVED by Councillor McCluskey, seconded by Councillor Kent, that Council:**

- 1. Approve an increase in the Gross Budget for Capital Account No. CZU00717, Resurfacing, by \$6,937, to reflect cost sharing to cover the cost of the gas line installation on Portland Street with no change to the Net Budget.**
- 2. Award Tender No. 05-246, Brick Sidewalk Replacement, Resurfacing and New Gas Main, Portland Street - East Region to Amber Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$470,380 including net HST from Capital Account No. CZU00717, Resurfacing, Capital Account No. CRG00491, Brick Sidewalk Replacement, and Capital Account No. CDG00490, Capital District Urban Design Study, with funding authorized as per the Budget Implications section of the August 26, 2005 report.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.3      Proposed Amendment to By-Law A-100, The Appeals Committee By-Law**

- A staff report dated August 11, 2005, on the above noted, was before Council.

**MOVED by Councillor Wile, seconded by Councillor Sloane, that Halifax Regional Council approve in principle the amendments to By-Law A-100, the Appeals Committee By-Law attached as Appendix "A" to the report dated August 11, 2005 and direct staff to arrange for their formal adoption. MOTION PUT AND PASSED UNANIMOUSLY.**

At a later point in the meeting, Councillor Uteck served Notice of Motion for First Reading at the September 13, 2005.

**10.1.4      Cuisack Street Outfall Replacement - East Region**

- A staff report dated August 24, 2005, on the above noted, was before Council.

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

1. **Approve an increase to the 2005/06 Capital Budget in the amount of \$32,993, including net HST, for a new capital account, Cuisack Street - Outfall Upgrade with funding from Sewer Redevelopment Reserve Account Q104, as outlined in the Budget Implications section of the August 24, 2005 report.**
2. **Approve withdrawal from the Sewer Redevelopment Reserve Account Q104 in the amount of \$32,993.**
3. **Award the Cuisack Street Outfall Replacement project to Dexter Harbour Solutions for materials and services listed for a quoted price of \$29,994 including net HST from the above new capital account with funding authorized as per the Budget Implications section of the August 24, 2005 report.**
4. **Approve an allowance for testing of materials and unforeseen work that is likely to arise with a project of this complexity, in the amount of \$2,999 including net HST.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.5 Withdrawal from Service Improvement Reserve - LED Traffic Lights**

- A staff report dated September 6, 2005, on the above noted, was before Council.

**MOVED by Councillor Smith, seconded by Councillor Wile, that HRM Council authorize a re-payable withdrawal of \$65,000 from Q310 Service Improvement Reserve to pay for installation of the remainder of LED Traffic Lights currently on hand, purchased through the NS Energy LED Traffic Light Retrofit Assistance Project, to be repaid from energy savings within R827-6607. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.1.6 Temporary Borrowing Resolution and 2005 Fall Debenture**

- A staff report dated August 17, 2005, on the above noted, was before Council.

**MOVED by Councillor Karsten, seconded by Councillor Murphy, that:**

1. **Halifax Regional Council approve a Temporary Borrowing Resolution, based on the 2005/06 Capital Budget, as well as the purchase of Alderney Gate, in the amount of \$60,949,000.**
2. **Halifax Regional Council approve a Temporary Borrowing Resolution in the amount of \$1,958,000 for refinancing of the balloon payment from the 95A1 Debenture.**
3. **Halifax Regional Council approve a Temporary Borrowing Resolution in the amount of \$17,313,000 for renewal of expired TBR4 02/03-05 and expiring TRB 03/04-01.**
4. **The Mayor and Municipal Clerk be authorized to sign the Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate confirmation, not to exceed 6.5%, to enable the Halifax Regional Municipality to issue a 10-year debenture in the amount of \$12,191,000, and a 20-year debenture in the amount of \$24,189,000, with an initial term of 15 years.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2 HERITAGE ADVISORY COMMITTEE**

**10.2.1 Case H00169 - Application for Registration of Beechville United Baptist Church and Cemetery (Heritage Hearing)**

This item was deleted under the approval of the Order of Business.

**10.2.2 Case H00171 - Review of proposed alterations 1489 Hollis Street (a municipal heritage property) Halifax, NS**

- A report from the Heritage Advisory Committee, dated August 29, 2005, was before Council.

**MOVED by Councillor Sloane, seconded by Councillor Fougere, that Regional Council set the date of October 11, 2005 for a Heritage Hearing to consider the de-registration of a portion of land known as 1489 Hollis Street. MOTION PUT AND PASSED UNANIMOUSLY.**

Subsequent to the meeting, staff confirmed that the address of the property was 1489 Hollis Street and not 1496 as noted in the staff report.

**10.2.3        Case H00170 - Application for Alterations to 2323 Princess Place, Halifax**

- A report from the Heritage Advisory Committee, dated August 29, 2005, was before Council.

**MOVED by Councillor Sloane, seconded by Councillor Wile, that Halifax Regional Council approve application H00170, alterations to 2323 Princess Place, Halifax, as proposed in the staff report dated July 27, 2005. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3            HARBOUR EAST COMMUNITY COUNCIL**

**10.3.1        Case 00525: Amendments to the Municipal Planning Strategy for Cole Harbour/Westphal and Dartmouth**

- Correspondence on the above noted was before Council.
- A report from the Harbour East Community Council, dated August 8, 2005, on the above noted, was before Council.

**CONFLICT OF INTEREST**

Councillor Younger declared a Conflict of Interest and left the Chambers.

**MOVED by Councillor McInroy, seconded by Councillor Streach, that:**

- 1. Halifax Regional Council refuse to amend the Municipal Planning Strategies (MPS) and Land Use By-Law (LUB) for Cole Harbour/Westphal and Dartmouth to realign the Plan Area Boundary as depicted on Map 1 attached to the July 25, 2005 staff report.**
- 2. Halifax Regional Council refuse to extend the Water Service District Boundary to those lands owned by Lake Loon Developments on the south side of Loon Lake, Westphal.**

**MOTION PUT AND PASSED.**

Councillor Younger rejoined the meeting.

**11.            MOTIONS - NONE**

**12.           ADDED ITEMS**

**12.1           Councillor Snow - Halifax International Air Show Funding**

**MOVED by Councillor Snow, seconded by Councillor Hendsbee, that Council approve funding in the amount of \$30,000 to the Halifax International Air Show from Account No. C760 (Community/Civic Events) from the 2005/06 fiscal year budget.**

Mr. Dan English, Acting CAO, cautioned that this may create a precedent for other events looking for monies to offset budget deficits. He noted the Community/Civic Events account has already been committed and the \$30,000 would be an over expenditure.

**MOTION PUT AND PASSED.**

The remaining added items were addressed during the evening session. (See page 19)

## **RECESS**

Council recessed at 5:15 p.m.

Council reconvened at 6:00 p.m. with the following members of Council present: Mayor Kelly and Councillors Streach, Snow, Hendsbee, McInroy, McCluskey, Younger, Karsten, Kent, Smith, Wile, Murphy, Sloane, Uteck, Fougere, Walker, Hum, Mosher, Adams, Johns, Rankin and Meade.

At this time, Council observed a Moment of Silence for those who lost their lives in Hurricane Katrina.

## **8. PUBLIC HEARINGS**

### **8.1 By-Law H-402, An Amendment to By-Law H-400, Respecting Marketing Levy Adjustments - Major Facilities Reserve**

- Copies of correspondence to and response from the Hotel Association of Nova Scotia was before Council.
- Extract from the July 5, 2005 Regional Council minutes was before Council.
- A staff report dated June 21, 2005, on the above noted, was before Council.

## **CONFLICT OF INTEREST**

Councillor Meade declared a Conflict of Interest and left the Chambers.

Ms. Carol Macomber, Acting Director, Recreation, Tourism and Culture, outlined the staff report.

In response to Council, Mr. Anstey, Municipal Solicitor, advised the use of the funds as defined by the legislation was to promote Halifax as a tourist destination. He noted the MOU dealt with the 1.5% and there is nothing in the proposed legislation that would change how the 1.5% will be utilized. He advised the additional 0.5% does meet the test under the legislation for the intended purpose being proposed.

Mr. Anstey advised that in the view of HRM, the MOU was not a binding contract but rather a Memorandum of Understanding that was entered into at the staff level. The MOU was brought to Council but Council did not ratify it as a contract, but directed staff to bring forward a By-Law which reflected the direction and principles contained in the MOU. Subsequently, a By-Law was brought forward which provided for the allocation of the 1.5%. He advised the Province of Nova Scotia gave HRM Council the right to decide on the amount of the levy and the uses to which it would be put.

He noted HRM Council is a government body and when it is given the authority to set taxes it is not allowed to tie its hands as to decision making with respect to how it is going to levy the taxes. The MOU can only be used as a guide to what it was going to do, it was not a legally binding contract. He noted Council has lived up to its obligation with respect to the 1.5%. He further noted staff does not have the authority to enter into contracts which would bind HRM, only Council has the authority to do this.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed By-Law amendment.

**Ms. Richard O' Beirne**, Dartmouth, President, Hotel Association of Nova Scotia, noted the levy was driven by the industry. He noted none of the additional funds will go to destination marketing and Halifax continues to be outspent by other cities. He requested HRM uphold the spirit of the MOU and allocate two thirds of the funds resulting from the increase to Destination Marketing.

**Mr. Stewart Jolliffe**, Chair, Destination Halifax, speaking against the proposed amendment, noted the distribution of funds in the MOU was one third to HRM and two thirds to Destination Halifax. He stated there is an opportunity to fund a facilities reserve in the original MOU and requested that the original agreement be honoured.

**Mr. Nicholas Carson**, Halifax, Chair, Tourism Industry of Nova Scotia, stated the concept of a marketing levy was developed and a MOU was designed. When it was acceptable to all parties it was taken to the Province who enacted legislation based on that MOU. He stated that there is a clear understanding in the MOU that whatever the rate, two thirds is to be spent on marketing.

**Ms. Carol Thorne**, President, Tourism Industry Association of Nova Scotia, stated that every nickle of marketing money that can be spent on the destination needs to spent in marketing.

**Ms. Pat Lyall**, CEO, Destination Halifax, stated the amount of inbound visitation into Canada is not coming into Halifax as in previous years. Since the introduction of the levy they have increased US group sales. He advised there is year round leisure marketing taking place. He stated the competition is getting stiffer and it is important to promote Halifax outside this province.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

**MOVED by Councillor Johns, seconded by Councillor Karsten, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

In response to Councillor Streach, Mr. Anstey advised the By-Law itself only sets the rate and does not provide for the establishment of the reserve or the allocation of the amount that would go into the reserve. The public hearing is to set the rate. He noted recommendation #3 of the staff report to establish a reserve would have been passed by Council on July 5<sup>th</sup>. If Council wished to change that, then Notice of Rescission would have to be given with the motion brought back the following week.

Councillor Mosher requested that at a later date, at a Committee of the Whole, Council look at the entire marketing destination program, what facilities are needed and what comparable cities are spending.

Council members stated they supported the increase but felt the monies should be split in accordance with the terms of the MOU. Mr. English, Acting CAO, noted there had been discussion, at budget time, regarding a rate increase coming forward.

Councillor Fougere noted that the Hotel Association of Nova Scotia and the Destination Marketing Organization have had an opportunity since 2001 to ask Council to increase the levy but they have not done so.

### **DECISION OF COUNCIL**

**MOVED by Councillor Streach, seconded by Councillor Murphy, that Council approve By-Law H-402, An Amendment to By-Law H-400, Respecting Marketing Levy Adjustments - Major Facilities Reserve.**

Without a vote being taken on the motion on the floor, the following motion was placed.

**MOVED by Councillor Adams, seconded by Councillor Hendsbee, that Council defer decision. MOTION TO DEFER DEFEATED. (7 in favour, 14 against)**

Those voting **in favour** were Mayor Kelly and Councillors Hendsbee, Smith, Murphy, Uteck, Adams and Rankin.

Those voting **against** were Councillors Streach, Snow, McInroy, McCluskey, Younger, Karsten, Kent, Wile, Sloane, Fougere, Walker, Hum, Mosher and Johns.

Deputy Mayor Goucher and Councillor Harvey were absent.

Councillor Meade had declared a conflict of interest.

The main motion was now before Council for consideration. The motion was:



**MOVED by Councillor Streach, seconded by Councillor Murphy, that Council approve By-Law H-402, An Amendment to By-Law H-400, Respecting Marketing Levy Adjustments - Major Facilities Reserve. MAIN MOTION PUT AND PASSED. (19 in favour, 2 against)**

Those voting **in favour** were Mayor Kelly and Councillors Streach, Snow, Hendsbee, McInroy, McCluskey, Younger, Karsten, Kent, Wile, Murphy, Sloane, Uteck, Fougere, Walker, Hum, Mosher, Johns and Rankin.

Those voting **against** were Councillors Smith and Adams.

Deputy Mayor Goucher and Councillor Harvey were absent.

Councillor Meade had declared a conflict of interest.

**MOVED by Councillor Streach, seconded by Councillor Sloane, that Council suspend the rules to allow for a motion of rescission.**

Mr. Anstey advised that two thirds majority, 14 members of Council, was required.

**MOTION DEFEATED (13 in favour, 8 against)**

Those voting **in favour** were Councillors Streach, Hendsbee, McInroy, McCluskey, Karsten, Kent, Wile, Murphy, Sloane, Mosher, Adams, Johns and Rankin.

Those voting **against** were Mayor Kelly and Councillors Snow, Younger, Smith, Uteck, Fougere, Walker and Hum.

Deputy Mayor Goucher and Councillor Harvey were absent.

Councillor Meade had declared a conflict of interest.

## **8.2 Project 00818 - Capital Cost Contribution - Russell Lake West**

- An extract from the draft August 2, 2005 minutes was before Council.
- A staff report dated July 28, 2005, on the above noted, was before Council.

Ms. Denise Schofield, Acting Manager, Development Engineering, Planning and Development Services outlined the staff report.

In response to Councillor Hendsbee, Ms. Schofield advised that any land that would be

developed is called the Shearwater Lands/Canada Lands and would be charged a Capital Cost charge. The boundary is expected to change once it is known what Canada Lands are going to be developing.

In response to Councillor McCluskey, Ms. Schofield advised HRM is currently building the interchange but is collecting funds from this developer and future developers for that construction cost.

Ms. Schofield advised the public hearing this evening is for the Russell Lake West lands only, noting staff would come back to Council for another Capital Cost for the Shearwater lands and any other lands shown on the map.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed Subdivision By-Law amendments.

Mike Hanusiak, Senior Vice President/General Manager, Clayton Developments, spoke in favour of the agreement advising the developer is prepared to sign the agreement.

Mayor Kelly called three times for additional speakers. Hearing none, the following motion was placed.

**MOVED by Councillor Younger, seconded by Councillor Karsten, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

### **DECISION OF COUNCIL**

**MOVED by Councillor Karsten, seconded by Councillor Sloane, that Regional Council:**

- 1. Approve the amendments to the Subdivision By-Law as presented in Attachment 1 of the July 28, 2005 staff report.**
- 2. Adopt the proposed infrastructure agreement, as presented in Attachment II, as fulfilment of the Capital Cost Contribution from Clayton Developments Limited.**

**MOTION PUT AND PASSED.**

**8.3 Case 00584: Mixed Residential Development - Parcel's B & C Woodland Avenue and Block X, South Ridge Circle, Dartmouth**

- An extract from the draft August 9, 2005 minutes was before Council.
- A report from the Harbour East Community Council dated August 5, 2005, on the above noted, was before Council.

Mr. John MacPherson, Planner, presented the staff report noting this is a joint public hearing between HRM and Harbour East Community Council.

Mayor Kelly called for those wishing to speak either in favour of or opposition to the proposed amendments.

**Mr. Mike Raftus**, Dartmouth, spoke against the relocation of the multiple unit dwelling. He advised that when the land use was determined for this parcel it was mixed residential. The wishes of the community are to have a housing mix consistent with the current mix. He stated traffic is already a problem and there will be further traffic implications as a result of this building. He expressed concern that this may set a precedent to allow other developers to develop other multi-unit buildings in the community. He requested the current zoning be maintained.

**Mr. Mark Raftus**, Dartmouth, stated he was against any type of multi-unit development in the neighbourhood. He stated multi unit does not fit within the profile of this community of single unit dwellings. He expressed concern that this may lead to a loss of the character of the community. He advised there will be an increase in traffic and, therefore, he is not in favour of the MPS amendment.

**Mr. Peter Connor**, Connor Architects, stated in his opinion this is a proper action to be taken, noting if this MPS amendment is not approved, the building will continue within Block X. He advised he has worked with staff and all requirements have been met. He noted traffic will be acceptable as per a traffic consultant report.

**Mr. Brad MacLeod**, Dartmouth, advised concerns were addressed by the PPC in consultation with the developer and the present plan reflects the better use of the area. He advised it made sense to relocate the building to the top of the hill to keep traffic away from residential streets.

**Ms. Marlene Holden**, Dartmouth, spoke in favour of the recommendation, advising the PPC held many meetings addressing this issue. She advised traffic will be moved out of the subdivision with the proposal before Council. She stated the playground facilities are needed and believes this is the best possible development for the area.

**Mr. Robert Palmer**, Dartmouth, expressed concern about his property value and a possible increase in traffic in the area.

**Mr. Derrick Raftus**, Dartmouth, recommended Council approve the proposal noting even though he may not want multi-unit development he would prefer it be in the proposed location.

**Mr. Danny Chedrawe**, Developer, spoke in favour of the proposed development stating the plan is a good plan.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

**MOVED by Councillor Younger, seconded by Councillor Karsten, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

### **DECISION OF COUNCIL**

**MOVED by Councillor Smith, seconded by Councillor Karsten, that Regional Council approve the amendments to the Dartmouth Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) provided in Attachment A of the June 15, 2005 staff report. MOTION PUT AND PASSED.**

#### **12. ADDED ITEMS CONTINUED**

##### **12.2 Property Matter - 213-217 Bedford Highway - Metro Food Bank Society**

- This item was discussed at an In Camera session held earlier in the day and was now before Council for ratification.

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

- 1. Authorize the Mayor and Municipal Clerk to permit the Assignment of the Lease to Purchase Agreement for 213-217 Bedford Highway, Halifax, to facilitate securing financing for the Metro Food Bank Society, based on the key terms and conditions outlined in the August 17, 2005 staff report.**
- 2. Not release the report to the public.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

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

- This item was discussed at an In Camera session held earlier in the day and was now before Council for ratification

**MOVED by Councillor Fougere, seconded by Councillor Sloane, that Halifax Regional Council settle this claim brought by the Plaintiff, as found in the September 6, 2005 Private and Confidential staff report, in the amount of \$15,000.00 to achieve a full settlement of the Plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of the Motor Vehicle accident which occurred on June 24, 2003. MOTION PUT AND PASSED UNANIMOUSLY.**

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

- This item was discussed at an In Camera session held earlier in the day and was now before Council for ratification

**MOVED by Councillor Wile, seconded by Councillor Sloane, that Halifax Regional Council settle this claim brought by the Plaintiff, as found in the August 17, 2005 Private and Confidential staff report, in the amount of \$14,000.00 to achieve a full settlement of the Plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of the incident on May 21, 2003. MOTION PUT AND PASSED UNANIMOUSLY.**

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

- This item was discussed at an In Camera session held earlier in the day and was now before Council for ratification

**MOVED by Councillor Walker, seconded by Councillor Sloane, that Halifax Regional Council settle this claim brought by the Plaintiff, as found in the September 6, 2005 Private and Confidential staff report, in the amount of \$38,000 to achieve a full settlement of the Plaintiff. MOTION PUT AND PASSED UNANIMOUSLY.**

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

#### **13.1            Councillor Uteck**

Take Notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 13<sup>th</sup> day of September 2005, I propose to move First Reading of By-Law A-101, the purpose of which is to amend By-Law A-100, the Appeals Committee By-Law to eliminate the requirement that two members of the Committee be members of the Taxi and Limousine Committee.

**13.2            Councillor Walker**

Take notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 13<sup>th</sup> day of September 2005, I propose to place before Council for adoption as a policy pursuant to the Municipal Government Act, an amendment to Administrative Order Number 35, the Procurement Policy Administrative Order, the purpose of which is to reduce the value of contracts which may be awarded by the Chief Administrative Officer from \$500,000 to \$100,000.

**13.3            Councillor Hendsbee**

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on September 13, 2005, I intend to introduce a motion to give First Reading of an amendment to By-Law S-400, Streets and Local Improvement Charges for the upgrading and paving of Norwood Court in Porters Lake, a private lane to public standards, and the improvement costs to be fully recoverable 100% by way of betterment charges at a rate to be determined to all of the abutting property owners.

**13.4            Councillor Walker**

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, the 13<sup>th</sup> day of September, I intend to introduce a motion to move First Reading to amend By-Law number T-108, Schedule 4, Taxi Fare Rate Increase - Halifax International Airport. The purpose of which is to bring forward the rate increase in all zones of 14% as recommended by the Airport Authority.

**14.            ADJOURNMENT**

The meeting adjourned at 9:50 p.m.

Jan Gibson  
Municipal Clerk

**The following items were circulated to Council.**

1. Proclamation - Shinerama Day In Halifax - September 6, 2005
2. Proclamation - HRM Workplace Diversity Week - September 11 - 17, 2005
3. Memorandum from Director, Financial Services dated August 8, 2005  
re: Appointment of Treasurer and Delegation of Certain Responsibilities
4. Memorandum from Director, Transportation & Public Works dated August 23, 2005  
re: Petition for Street Upgrades, Summerville Drive
5. Memorandum from Director, Environmental Management Services dated August 25, 2005  
re: Application for PCAP Funding - Wastewater Projects
6. Memorandum from Municipal Solicitor, dated August 16, 2005  
re: Legislation Penalizing Developers for Incomplete Developments
7. Memorandum from Acting Director, Recreation, Tourism and Culture  
dated August 17, 2005 re: Bedford Arena Facility
8. Memorandum from Acting Director, Recreation, Tourism & Culture  
dated August 31, 2005 re: Funding Assistance - Halifax International Air Show
9. Memorandum from Director, Planning and Development dated August 25, 2005  
re: Case 00793: Timberlea, Lakeside and Beechville Service Boundary
10. Memorandum from the Municipal Clerk, dated September 1, 2005  
re: Requests for Presentations to Council - Anne Marie Elderkin-Habibi re: Islam