

HALIFAX REGIONAL MUNICIPALITY

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HALIFAX REGIONAL COUNCIL  
MINUTES  
April 10, 2007

PRESENT:

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

REGRETS:

Councillor David Hendsbee

STAFF:

Mr. Dan English, Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Jan Gibson, Municipal Clerk  
Ms. Jennifer Weagle, 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 Karsten.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillors Walker and Murphy acknowledged the attendance of the 44<sup>th</sup> Halifax Scout Troupe.

**3. APPROVAL OF MINUTES - March 27, 2007**

**MOVED by Councillor Mosher, seconded by Councillor Sloane, that the approval of the minutes of March 27, 2007 be deferred to next week. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**Additions:**

- 13.1 Proclamation - National Public Safety Telecommunicator's Week - April 8-14, 2007
- 13.2 Councillor Mosher - Request to add Information Item #1, "Improving HRM's Community Relations - An Assessment of HRM's Past and Present Public Engagement Exercises Project" to the April 17, 2007 agenda for discussion
- 13.3 Contractual Matter - RFP 02-097 - Notice of Default

Council agreed to address the Public Hearings as the first order of business.

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

As per the approval of the Order of Business, Council addressed Item 9 at this time.

**9. PUBLIC HEARINGS**

**9.1 By-Law S-421, An Amendment to By-Law S-400, Respecting Charges for Street Improvements and Proposed Amendments to Administrative Order 15, Respecting Licence, Permit and Processing Fees - Engineering Fees Recovery for Local Improvement Charges**

- C An extract of the Regional Council minutes of March 20, 2007 on the above noted was before Council.

C A staff report dated February 23, 2007 on the above noted was before Council.

Mr. Jerry Blackwood, Operations Manager, Revenue, presented the report to Council, noting the following:

C This matter was before Council on April 25, 2006, at which time Council approved charging Local Improvement Charges (LIC's) based on a blended actual costs approach with an appropriate engineering fee;

C Staff have since researched engineering fees, and identified that other municipalities, as well as the Province of Nova Scotia, charge for engineering and administrative services associated with local improvement projects as a cost recovery item;

C Staff are proposing an engineering overhead recovery fee, as follows:

C Paving - 5% of property owners share of total construction costs;

C Stand-alone curb - 5% of property owners share of total construction costs;

C Sidewalk, curb & gutter - 10% of property owners share of total construction costs.

Mayor Kelly called three times for those wishing to speak either in favour or in opposition to the proposed amendment. Hearing none, the following motion was placed.

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

**MOVED by Councillor Younger, seconded by Councillor Sloane, that Regional Council approve an amendment to Administrative Order 15 regarding Engineering Fees, to be effective April 1, 2006, and that this report serve as Notice of Motion to approve the change as per the attachment to the February 23, 2007 staff report. MOTION PUT AND PASSED.**

**9.2 Case 00817 - Site Specific Community Planning Strategy and Land Use By-Law Amendment and Development Agreement - 32 Primrose Street, Dartmouth**

C An extract of the Regional Council minutes of March 20, 2007 on the above noted was before Council.

C A staff report dated March 2, 2007 on the above noted was before Council.

Ms. Hanita Koblents, Planner, advised that this application is for site specific Dartmouth Community Planning Strategy, Pinecrest/Highfield Park Neighbourhood Planning Strategy and Dartmouth Land Use By-Law amendments, to enable a development agreement to

permit office use and two residential units at 32 Primrose Street, Dartmouth. Ms. Koblents presented the staff report, noting the following:

- C The building was constructed as a legal fifteen (15) room boarding house under the R-3 (Medium Density Residential) zone, but was down-zoned in the early 1990's to the R1M (Single Family - Modified, Residential) zone permitting only single detached dwellings, becoming a legal non-conforming use;
- C The building has been vacant and boarded up for many years;
- C A public information meeting was held on November 9, 2005, at which residents raised concern that they did not wish to see outside storage or the bold commercial facade originally proposed by the applicant, TransGlobe Property Management Services;
- C The development agreement (Attachment D to the staff report) requires the exterior appearance to be residential in character and that any changes to the facade be approved by Council;
- C Should Council approve the staff recommendation, the development agreement will go forward to Harbour East Community Council for approval.

Ms. Koblents reviewed the proposed appearance of the property and site plan with Council, noting that the development agreement will include a landscaping requirement.

At the request of Councillor Smith, Ms. Koblents clarified that the R1M zoning permits one dwelling unit per lot, however, the intent of the R1M zone was to allow the creation of small lot single unit dwelling properties. She further clarified that this property is more than twice the size of a typical R1M lot, and therefore, the density would be less than what was intended by the zoning.

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

**Mr. Jamie Vigliarold, Executive Director - Operations, TransGlobe Property Management**

Mr. Vigliarold indicated that he is appearing on behalf of the applicant, TransGlobe Property Management. He thanked Planning staff and Council for considering this application, noting that the proposal will be a benefit to the community by improving the aesthetics of the property, and increasing the value of the surrounding properties. He noted that the majority of Primrose Street is apartment buildings of twelve units or more, although the neighbourhood zoning is R1M.

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

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

**MOVED by Councillor Smith, seconded by Councillor Wile, that Regional Council approve the proposed amendments to the Dartmouth Community Planning Strategy and Land Use By-Law as provided as Attachment C of the March 2, 2007 staff report.**

Councillor Smith commented that during the public information meeting, concerns were raised by residents regarding the down-zoning to R1M of the area between Pinecrest Drive and Albro Lake Road that took place in the early 1990's. He clarified that the intent of the down-zoning was to stop future apartment buildings from being constructed, and to encourage single family homes; and while the down-zoning has stopped the construction of apartment buildings, it has not been successful in encouraging single family homes. He indicated that he supports the staff recommendation, in order to have the building put back into use, as it has been vacant and boarded up for some time.

**MOTION PUT AND PASSED.**

At the request of Councillor McInroy, Council observed a moment of silence at this time for six Canadian soldiers killed Sunday in Afghanistan, including Master Cpl. Christopher Stannix of Cole Harbour.

5. **BUSINESS ARISING OUT OF THE MINUTES - NONE**
6. **MOTIONS OF RECONSIDERATION - NONE**
7. **MOTIONS OF RESCISSION - NONE**
8. **CONSIDERATION OF DEFERRED BUSINESS**

Council agreed to address Item 8.2, while awaiting the arrival of staff to address Item 8.1.

**8.2 Motion - Councillor McCluskey - Committee of the Whole**

**MOVED by Councillor McCluskey, seconded by Councillor Snow, that no further Committee of the Whole meetings be scheduled and all Committee of the Whole business be moved to regular Council.**

Councillor McCluskey indicated that Council often repeats discussion held during Committee of the Whole that evening at the regular Council session, and that time could be saved by moving discussion directly to Council. She noted that the Council sessions are televised and residents would be able to hear the discussion first hand. Councillor

McCluskey also indicated that it would save time to meet with staff and review what Councillors expect to see in the reports.

**MOTION DEFEATED.**

**8.1 Motion - Deputy Mayor Uteck - Supplementary Funding Budget**

**MOVED by Deputy Mayor Uteck, seconded by Councillor Martin, that the Arts and Music portion be removed from the Supplementary Funding Budget envelope and be shown as a separate area rate. MOTION PUT AND PASSED.**

Deputy Mayor Uteck commented that she has fought very hard on behalf of the Fine Arts Parents Association to show where funding for arts and music is being spent. She noted that the Agreement with the Halifax Regional School Board (HRSB) “guarantees to maintain” arts and music, but does not guarantee to enhance these programs. The Deputy Mayor indicated that she wishes for the arts and music portion to be separate, in order for residents to clearly see where their tax dollars are being spent.

Councillor Johns indicated that he will not be supporting the motion, as there is already a letter on file from the HRSB indicating that they will comply with the Agreement, and will maintain the same funding toward arts and music over the next four years. He advised that in addition, he will not be supporting the motion as Council just two weeks ago debated and decided upon this issue. He inquired of the solicitor whether this motion is not hostile to the motion passed two weeks ago, given that he may have voted differently on that motion if he had known the outcome of this discussion today.

Ms. Mary Ellen Donovan, Municipal Solicitor, indicated that the motion on the floor is not hostile, as the Agreement provides for the option of moving funding to an area rate, subject to the approval of the HRSB.

Mr. Randy Kinghorne, Solicitor, read from paragraph 6 of the Agreement, clarifying that “there will be no specific educational area rates targeting areas within the HRM, without the approval of the HRSB.”

Ms. Cathie O’Toole, Acting Director, Finance, clarified that the advice of the solicitor is contingent on the motion not being adverse to the Agreement, if the HRSB would be in agreement with the motion. She advised that staff were not successful in reaching the HRSB Superintendent, Karen Olsen, prior to Council this evening, however, Ms. Olsen is in attendance in the gallery.

At the request of Councillor Johns, Ms. Donovan clarified that as per the figures already agreed upon by Council, 6.1 cents would be the rate charged to Halifax and Dartmouth, and 4.0 cents would be the rate charged to the County and Bedford. She clarified that the



arts and music portion of those figures is 1.6 cents, and the Deputy Mayor is proposing to remove the arts and music portion from the Supplementary Funding Budget, and move the arts and music portion to an area rate.

Councillor McInroy commented that what is done is done, and the section of the Agreement that was reference was not intended to isolate for specific purposes. He indicated that his recollection was that the general spirit of the Agreement was to move toward some uniformity in terms of taxation funding in excess of what HRM is required to provide to the HRSB, and that the HRSB would have the ability to be able to utilize those funds throughout its jurisdiction where it is most apparent. Councillor McInroy noted that Council and the HRSB after many years just reached an agreement on this matter.

**MOVED by Councillor McInroy, seconded by Councillor Younger, that the question be put.**

Mayor Kelly clarified that a 2/3 majority is needed to put the question at this time.

**MOTION PUT.**

A vote was taken on the motion at this time.

**MOTION DEFEATED.**

**9. PUBLIC HEARINGS**

**9.1 By-Law S-421, An Amendment to By-Law S-400, Respecting Charges for Street Improvements and Proposed Amendments to Administrative Order 15, Respecting Licence, Permit and Processing Fees - Engineering Fees Recovery for Local Improvement Charges**

This item was addressed earlier in the meeting. See page 4.

**9.2 Case 00817 - Site Specific Community Planning Strategy and Land Use By-Law Amendment and Development Agreement - 32 Primrose Street, Dartmouth**

This item was addressed earlier in the meeting. See page 5.

**10. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**10.1 Correspondence**

Councillor Sloane submitted to the Municipal Clerk correspondence to be forwarded to staff from a resident of District 12 concerned about the vehicular noise in the downtown core.

**10.2            Petitions**

Councillor Snow submitted a petition with 923 signatures in support of the installation of traffic lights at Beaverbank Road and Windsor Junction, along with emails and letters of support.

**10.3            Presentation - None**

**11.             REPORTS**

**11.1            CHIEF ADMINISTRATIVE OFFICER**

**11.1.1         Tender 07-210 - Micro Surfacing, Phase 1, Various Locations**

C            A staff report dated April 2, 2007 on the above noted was before Council.

**MOVED by Councillor Karsten, seconded by Councillor Kent, that Regional Council award Tender No. 07-210, Micro Surfacing - Phase 1, Various Locations to Industrial Cold Milling for material and services listed at the unit prices quoted for a Total Tender Price of \$755,202.36 (net HST included) with funding from Capital Account No. CZU00782 - Resurfacing, as outlined in the Budget Implications section of the April 2, 2007 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Karsten commented that this program is working toward saving the quality of streets within HRM.

At the request of Councillor Hum, Mr. David Hubley, Manager, Design & Construction Services, clarified that the company awarded the tender has been awarded each year that the micro program has been undertaken by HRM. He noted that the company has the expertise and specialized equipment, unique from other contractors, which explains the why the bid price is \$400,000 lower than the other bid submitted.

**MOTION PUT AND PASSED.**

**11.2            CHEBUCTO AND PENINSULA COMMUNITY COUNCILS**

**11.2.1         Case 00596: Amendments to Halifax Municipal Planning Strategy and Land Use By-Law - Water Lot Infilling, Subdivision , and Development on Northwest Arm, Halifax**

**11.2.1 (i) Chebucto Community Council**

- C A report from Chebucto Community Council dated April 3, 2007, with attached staff report dated March 26, 2007, on the above noted was before Council.

Councillor Mosher indicated that she is pleased that this matter is finally before Council, and thanked staff for their hard work in organizing this matter with the various levels of government.

**MOVED by Councillor Mosher, seconded by Councillor Wile, that Halifax Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law as provided in Attachments “A” and “B” of the March 26, 2007 staff report and schedule a Public Hearing. MOTION PUT AND PASSED.**

The Municipal Clerk clarified that the joint Public Hearing will be scheduled for May 1, 2007.

**11.2.1 (ii) Peninsula Community Council**

- C A report from Peninsula Community Council dated April 3, 2007, with attached staff report dated March 26, 2007, on the above noted was before Council.

Councillor Fougere recognized the efforts of Deputy Mayor Uteck to bring this matter forward.

**MOVED by Councillor Fougere, seconded by Councillor Murphy, that Halifax Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as provided in Attachments “A” and “B” of the March 26, 2007 staff report and schedule a Public Hearing. MOTION PUT AND PASSED.**

The Municipal Clerk clarified that the joint Public Hearing will be scheduled for May 1, 2007.

**12. MOTIONS**

**13. ADDED ITEMS**

**13.1 Proclamation - National Public Safety Telecommunicator’s Week - April 8-14, 2007**

This proclamation was distributed for the information of Council.

**13.2            Councillor Mosher - Request to add Information Item #1, “Improving HRM’s Community Relations - An Assessment of HRM’s Past and Present Public Engagement Exercises Project” to the April 17, 2007 agenda for discussion**

**MOVED by Councillor Mosher, seconded by Councillor Sloane, that Information Item #1, “Improving HRM’s Community Relations - An Assessment of HRM’s Past and Present Public Engagement Exercises Project” be added to the April 17, 2007 Regional Council agenda for discussion. MOTION PUT AND PASSED.**

**13.3            Contractual Matter - RFP 02-097 - Notice of Default**

C        This item was addressed at an earlier In Camera meeting and was now before Council for ratification.

**MOVED by Councillor Rankin, seconded by Councillor Johns, that Halifax Regional Council approve that:**

- 1.        Staff undertake the contract enforcement proceedings as outlined in the April 2, 2007 Private and Confidential staff report together with any related enforcement proceedings as determined by the Municipal Solicitor.**
- 2.        That the April 2, 2007 Private and Confidential staff report not be released to the public.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**14.            NOTICES OF MOTION - None**

**15.            ADJOURNMENT**

The meeting was adjourned at 6:46 p.m.

Jan Gibson  
Municipal Clerk

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

1. Memorandum from Director, Community Development, dated March 27, 2007, re: Improving HRM's Community Relations - An Assessment of HRM's Past and Present Public Engagement Exercises Project Update
2. Memorandum from Acting Director, Finance dated March 31, 2007 re: By-Law F-300 (Provision of Tax Information) Update
3. Memorandum from the Municipal Clerk dated April 5, 2007 re: Requests for Presentation to Council - None

<b>Date of Request(s)</b>	<b>Name of Delegation(s)</b>	<b>Disposition of Request(s)</b>
April 2 - 6, 2007	No requests received during this period.	