

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
MINUTES

May 26, 2009

PRESENT: Mayor Peter Kelly
Deputy Mayor David Hendsbee
Councillors: Steve Streach
Barry Dalrymple
Lorelei Nicoll
Andrew Younger
Bill Karsten
Jackie Barkhouse
Jim Smith
Mary Wile
Jerry Blumenthal
Dawn M. Sloane
Sue Uteck
Jennifer Watts
Russell Walker
Debbie Hum
Linda Mosher
Brad Johns
Robert P. Harvey
Tim Outhit
Reg Rankin
Peter Lund

REGRETS: Councillors: Gloria McCluskey
Stephen D. Adams

STAFF: Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Sheilagh Edmonds, Legislative Assistant

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1. INVOCATION

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

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane advised that the Bloomfield Art Show will be held in the evening on Friday, May 29, 2009, beginning at 7:00 p.m. and all day Saturday, May 30, 2009; and the Spring Fair will be held at St. Mary's School on Morris Street on Saturday, May 30, 2009 from 11:00 a.m. to 1:00 p.m.

Councillor Wile advised that Thursday, May 27, 2009 the Neighbourhood Watch for District 10 is holding a meeting at 7:00 p.m. at the Keshan Goodman Library, and the topic is Good Neighbours, Great Neighbourhoods.

Councillor Johns advised that the Waterstone Homeowner's Association would be hosting an information open house Saturday, May 30, 2009, from 9:00 a.m. to 1:00 p.m. at the Wallace Lucas Community Centre. He added that Mr. Dave McCusker, Manager, Regional Transportation will be in attendance to respond to any questions residents may have concerning the proposed Margenson Drive/Beaver Bank Bypass Road; and information will also be available on proposed development plans for the area.

Councillor Lund extended an invitation to everyone to come out to the Shining Waters Marina, along Peggy's Cove Road, Tantallon, Saturday, May 30, 2009 from 3:00 p.m. to 10:00 p.m. He explained that the event is the last in a series of fundraisers for Dino and Donna Monk whose house burned down a couple of months ago.

Councillor Hum entered the meeting at 6:02 p.m.

Councillor Dalrymple advised those residents living in Woodbine that on Thursday, May 28, 2009 at 7:00 p.m., the Woodbine Family Association would be holding its Annual General Meeting at Brown Hall. Councillor Dalrymple extended his appreciation to those volunteers who came out to the LWF Community Hall this past Saturday who helped clean, paint, and carry out other repairs to the Community Hall, and who also started the work to enable the seniors archive centre to be placed in the Hall.

At 6:03 p.m. Councillor Watts entered the meeting

Councillor Dalrymple also thanked the community members of the Fall River Visioning Committee and HRM staff for the time they spent over two nights and a day presenting an open house for the Fall River Visioning Committee. He noted that it was a great display

and there was a tremendous turn out by the residents of the area.

Councillor Harvey advised that in approximately one hour the Riverside Estates Residents Association will be holding their Annual General Meeting at the Sackville Library. He noted that he would be leaving the Regional Council meeting early in order to attend this meeting.

Councillor Mosher advised that she and Councillors Blumenthal, Wile, and Hum attended the 9th. Annual Day of the Lebanese Immigrant. She offered congratulations to the Lebanese Society and advised that it was an honour to attend the event.

Councillor Mosher added that she attended the 40th competition for the Halifax Sparkettes. She noted the group was very active in the community, and have attended competitions in the United States as well as Canada, and have won many awards. She requested that the Mayor write a letter of congratulation to the group in regard to their 40 years of successful competitions. Councillor Mosher advised that she would provide the Mayor's Office some background information.

Councillor Blumenthal congratulated St. Stephen's School on their Spring Fling held this past Saturday. He also noted that St. Joseph's School have their open house, Wednesday, May 27, 2009 from 5:00 p.m. to 7:00 p.m.

3. APPROVAL OF MINUTES

MOVED by Councillor Blumenthal, seconded by Councillor Karsten that the minutes of May 12, 2009 be approved. MOTION PUT AND PASSED.

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

Additions:

- 13.1 Contractual Matter - Highway 102 / Larry Uteck Boulevard Interchange - Cost Sharing and Land Acquisition
- 13.2 Contractual Matter - Aerotech Park
- 13.3 Legal Matter - Settlement of Claim
- 13.4 Community Monitoring Committee Vacancy
- 13.5 Transportation and Municipal Tax Structure
- 13.6 2009/2010 Operating & Capital Budget

Deferral:

- 11.1.2 Streetscape Capital Projects Implementation Strategy

Councillor Karsten advised that, on behalf of Councillor McCluskey, he was requesting deferral of this item.

MOVED by Councillor Karsten, seconded by Councillor Younger that item 11.1.2 be deferred. MOTION PUT AND PASSED.

Deletions:

11.5.1 Councillor Mosher - Request for Report re: Councillors Support Office Budget

Councillor Mosher advised that recently staff contacted her in regard to the information she was seeking, and explained that the Councillors Support Office budget is in line with other business units. Councillor Mosher indicated that she was satisfied with the information she received and that she was requesting that item be deleted from tonight's agenda. She thanked staff for their work in this regard.

Regional Council agreed to delete item 11.5.1 from the agenda.

MOVED by Councillor Johns, seconded by Councillor Outhit that item 13.6 2009/2010 Operating & Capital Budget be dealt with as the first order of business. MOTION PUT AND PASSED.

MOVED by Councillor Blumenthal, seconded by Councillor Karsten that the agenda, as amended, be approved. MOTION PUT AND PASSED.

13.6 2009/2010 Operating & Capital Budget

MOVED by Deputy Mayor Hendsbee, seconded by Councillor Karsten that Regional Council approve the Resolution of Operating & Capital Budget and Tax Rates for Fiscal 2009/2010 as follows:

It is hereby resolved that:

- a) the Operating Budget in the amount of \$703,115,900 gross expenditures (which includes \$569,830,000 in municipal expenditures), \$605,400,800 non-departmental revenues, and \$97,715,100 departmental revenues be approved;**
- b) the Capital Budget in the amount of \$159,389,000 consisting of \$154,289,000 for Halifax Regional Municipality and \$5,100,000 for Halifax Regional Water Commission, be approved;**
- c) the general rates of taxation on commercial and business occupancy be set at
 - (i) \$3.157 for the urban area;**
 - (ii) \$3.157 for the suburban area; and**
 - (iii) \$2.744 for the rural area**applied to the full assessed value of the property;**
- d) the general rates of taxation on residential and resource property be set at**

- (i) **\$0.702 for the urban area;**
 - (ii) **\$0.685 for the suburban area; and**
 - (iii) **\$0.679 for the rural area**

applied to the full assessed value of the property;
- e) **the tax rates associated with Transit Tax be set at**
 - (i) **\$0.045 for the Regional Transportation tax rate;**
 - (ii) **\$0.088 for the Local Transit tax rate**

applied to the full assessed value of the property;
- f)
 - (i) **the boundary of the urban, suburban and rural areas is as delineated in the attached “Tax Structure Map”;**
 - (ii) **the boundary of the Regional Transportation area includes all properties within communities included within the attached “Regional Transportation map”;**
 - (iii) **the boundary for the Local Transit area includes all properties within 1km walking distance of any HRM transit stop.**
- g) **the Provincial Area Rate for Mandatory Education on residential and resource property be set at the rate of \$0.312; and at a rate of \$0.313 for all commercial and business occupancy assessment;**
- h) **the Provincial Area Rate for Property Valuation Services on residential and resource property be set at the rate of \$0.022; and at a rate of \$0.014 for all commercial and business occupancy assessment;**
- i) **the Provincial Area Rate for Corrections Services on residential and resource property be set at the rate of \$0.029; and at a rate of \$0.013 for all commercial and business occupancy assessment;**
- j) **the Provincial Area Rate for Metro Regional Housing Authority and Other on residential and resource property be set at the rate of \$0.009; and at a rate of \$0.009 for all commercial and business occupancy assessment;**
- k) **Supplementary Education, under Section 530 of the Municipal Government Act, shall be set at the rate of \$0.044 to the residential and resource assessment and \$0.166 to the commercial assessment including business occupancy of the former City of Halifax and the former City of Dartmouth; and \$0.039 to the residential and resource assessment and \$0.148 to the commercial assessment including business occupancy of the former Town of Bedford and Halifax County.**
- l) **Fire Protection rates shall be set at \$0.040 for all commercial assessable property, including business occupancy; and at a rate of \$0.014 for all residential and resource property which is within 1,200 feet of a hydrant that is designed**

and operated for public fire protection purposes.

- m) the final tax bills will become due on Wednesday, September 30, 2009;**
- n) the interest rate on the Special Reserve Funds, designated as requiring interest under Section 100(2) of the Municipal Government Act, be set at the rate of return on funds invested by HRM for the period April 1, 2009 to March 31, 2010;**
- o) the interest rate on the Pollution Control Reserves be set at the rate of return on funds invested by HRM for the period April 1, 2009 to March 31, 2010;**
- p) the interest rate on all reserves except for those identified in n) and o) will be set at the rate of return on funds invested by HRM for the period April 1, 2009 to March 31, 2010; and**
- q) the interest rate on trust funds will be set at the annual rate of return on specific investments held by the trusts.**

Councillor Uteck advised that she hoped next year staff would revisit how Council deals with the budget process, adding that she did not believe the budget open house format was successful. She expressed concern that, in reality, the motion was a tax increase of 3.5% and the residents of 14 districts will be paying a further increase in transit tax of which they are not aware.

MOTION PUT AND PASSED.

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

Councillor Harvey retired from the meeting at 6:16 p.m.

- 9. PUBLIC HEARINGS - 6:00 p.m.**
- 9.1 Project 01031 - Wright's Cove Secondary Planning Strategy**

An extract of the Regional Council Minutes from April 14, 2009 was submitted.

A Power Point Presentation entitled *Wright's Cove Land Use and Transportation Plan*, Initiated in 2005, presented to Regional Council April 18, 2006 was submitted.

A report dated April 3, 2009 from the Chair of Harbour East Community Council, with an

attached Supplementary Staff Report dated March 17, 2009, originally submitted to Regional Council April 14, 2009, was before Council for consideration.

Correspondence was submitted from:

- C Paul A. Kimball, President, Redstar Films, Limited, Halifax
- C Kautilya Gandhi, Halifax
- C Dusan Soudek, Canoe Kayak Nova Scotia

Mr. Paul Morgan, Planner, provided the staff presentation on the Wright's Cove Secondary Planning Strategy and proposed amendments to the Dartmouth Land Use By-law and responded to questions from members of Council.

Mayor Kelly reviewed the rules of procedure for public hearings, and opened the hearing for those wishing to speak to the matter.

Mr. K. J. Gandhi, Halifax advised that he was an architect and urban designer. He added that for the past two and a half years he has been trying to develop a project on Basinview Drive. He presented sketches depicting the impact that the policy, if approved, would have on his project. He explained that his project included four lots, but lots 1 and 2 have single family homes, therefore lot 3 would not be permitted to have a building higher than 6 stories; however, lot 4 would be permitted to go up as high as 16 stories. Mr. Gandhi pointed out, though, that if lot 3 were developed to 6 stories, that would then permit lots 1 and 2 to develop up to 16 stories in height. He suggested that the policy does not make sense and it will actually stop good development.

Mr. Gandhi noted that another concern was that there could be a single family home beside a 6-storey building, but that 6 storey building could house 50 families, and then that building could possibly be looking up at another building that was an additional 10 stories higher. Mr. Gandhi pointed out that at the public meeting held on this matter there was no mention of buildings being permitted to a height of 16 stories, and that 12 stories was the height mentioned at the time. He added that at the meeting, approximately 90 percent of the people who spoke said that there should not be any height restriction in the area.

Mr. Gary Hill, Bedford, addressed Council and presented a sketch illustrating five adjacent lots he owns in the area in question totalling three acres. He explained that almost two years ago he entered into a Development Agreement for an upscale multiple unit residential building, which would be located on the waterfront next to the Dartmouth Yacht Club. Mr. Hill advised that at the beginning of the process, there was no height restriction on his property, but staff asked him to put his application on hold until the rezoning occurred. Following this he pointed out that a 12 storey height restriction was suggested for all the properties except for 6 stories for a property that is adjacent to an existing house. Mr. Hill noted that one of his lots touches on a boundary line of an existing house and, therefore, this proposed amendment would limit him to 6 stories.

Mr. Hill advised that at the public meeting on this matter, the majority of people stated they did not want any height restriction but if it was necessary, the 6 storey restriction should

be eliminated so that all properties would have the same height restriction. He added that after this, Harbour East Community Council passed a motion to increase the 12 storey restriction to 16 stories, but did nothing in regard to changing the 6 storey restriction. Mr. Hill advised that as a result, if this amendment is approved, his neighbours can build up to 16 stories, but on his 3 acres of land, he would be restricted at 6 stories. Mr. Hill pointed out that his initial application which received preliminary approval was to build a 12 storey, 250 unit hotel. However, since that initial application, he decided not to move forward with the hotel and, instead, build a luxurious apartment building. Mr. Hill advised that he requires the necessary height to make it financially feasible and he requested that Regional Council make an amendment to allow all buildings to be 16 stories, without exception.

Mr. Hill responded to questions from Council.

In response to a question by Councillor Outhit, Mr. Hill advised that if he is cut back to building only as high as 6 stories, the building would be a cheaper building, adding that it is not what he really wants to do as it is valuable waterfront property. In response to a further question, Mr. Hill advised that he has had conversations with the owner of the single family home abutting his property and it was very likely he would be able purchase the property.

In response to a question by Councillor Johns, Mr. Hill advised that he started the process two years ago with the idea of a site specific application, until he was asked by staff to put it on hold.

In response to a question by Councillor Smith, Mr. Hill indicated that it may be possible to move his project closer to Windmill Road if the regulations were relaxed concerning the buffer zone.

Ms. Gloria Williams, Lower Sackville, advised that she was at a stage in her life where she wanted to sell her home and move closer to urban amenities, and when she found out about Mr. Hill's project, she found it to be a great opportunity to live the remainder of her life as she wished. Ms. Williams noted that the building would be a luxury apartment building and would be made of up seniors and professional people. She added that it would be a great way to bring in people to the area and the project would have a great impact on the area.

Mr. Felix Perry, Dartmouth, advised that he was a life-long resident of Dartmouth and that health issues were forcing him to give up his home. He added that he was looking for an apartment but found that there are very few quality apartments in Dartmouth, and that most of the good ones are condominiums. Mr. Perry indicated that Mr. Hill's project would be very nice and an appealing place for him to live. He added that he did not have any issues with having buildings up to 16 stories, as long as they are good neighbours. Mr. Perry advised that if there are going to be height restrictions, then it should apply to all.

Mr. Bart Henneberry, Bedford, advised that he was a commercial real estate agent and suggested that the proposal was not equitable as the restriction to 6 stories would give a

homeowner a 'trump card' and the person owning the 5 lots would incur undue hardship.

Mr. Ed Schumacher, Dartmouth, addressed Council and advised that he was a resident in one of the homes in the area in question. Mr. Schumacher advised that he has been at this location for almost 50 years and has concern about his privacy if Mr. Hill's building proceeds, as he would be looking at the back of the building. He noted that his neighbour who owns the property adjacent to the proposed building has had no discussion about selling his property. Mr. Schumacher added that the proposed building would be 10 feet from the property line of his neighbour. He indicated that he could support a 6 storey building but that 12 stories or higher would be intrusive.

In response to a question by Councillor Outhit, Mr. Schumacher advised that a 6 storey building would be less intrusive to him than a 12 storey building due to the land slope of the property. Mr. Schumacher added that the proposed building would be constructed on land owned by the former SF Club, and the residents of the area were of the understanding that this was to be green space only. He noted that there are plans on record illustrating a public right-of-way going down to the water.

Ms. Mary Schumacher, Dartmouth, advised that she lives at 14 Basinview Drive and that she also owns 12 Basinview Drive, and that her son lives in this residence. Ms. Schumacher advised that Basinview Drive is a permanent right-of-way for herself and the residents who live there. She questioned whether Mr. Hill's three acres of land includes the right-of-way. Ms. Schumacher expressed concern about the shadowing affect on her properties if a 12 storey building is built. She pointed out that the Harbour Isle development, going on nearby, impacts no one because there are no residences, therefore, the height of the buildings is not as much of a concern. Ms. Schumacher noted that if a high rise apartment building were built, there is no green space, there is no place to walk, and it will overload the traffic on Windmill Road. She indicated that she would be supportive of good quality townhouses that were owner occupied, and added that she did not believe that in this area, Mr. Hill would be able to rent out all the units in his building given the high rent he would be charging.

In response to a question by Councillor Younger, Ms. Schumacher noted that the deed shows a 10 ft. right-of-way and it skirts the property owned by Mr. Hill.

Mr. Harvey Adams, Greenbank Court, Dartmouth, advised that for the past 20 years he has lived near the gypsum plant and, although he understood when he moved to this location there would be a lot of gypsum dust, he questioned why someone would move to a luxury apartment to put up with gypsum dust. Mr. Adams also added that there is only about 1200 feet separating commercial and residential zones, and if a terminal is ever developed on the outside of the island there will be a lot of harbour traffic, and with a building of 250 units, there will be a lot of complaints.

The Mayor called three times for further speakers; there being none, it was **MOVED by Councillor Younger, seconded by Councillor Karsten that the public hearing close. MOTION PUT AND PASSED.**

MOVED by Councillor Smith, seconded by Councillor Karsten that Regional Council approve the Wright's Cove Secondary Planning Strategy and proposed amendments to the Dartmouth Land Use By-Law presented as Attachment A in the supplementary staff report dated March 17, 2009 and amend Policy WC-4 (b) to read "No building shall exceed 16 storeys in height."

Councillor Smith advised that he supported the recommendation and the document because it will ensure there is open space, wetland protection, and protection for residents, the harbour, and commercial spaces. He added that he felt some of the concerns that were raised can be worked out and that the overall question is how to protect the residents who have lived there all their lives, while allowing for some development.

Councillor Younger pointed out that, in regard to the properties in question, there is a right-of-way deeded in perpetuity to the heirs of Thomas Hanrahan, of which Mrs. Schumacher is one. He asked that when an application is ready for the Development Agreement stage, that staff look into the restrictions and covenants in the deed. Councillor Younger also pointed out, for information, that Community Council has not approved any development agreement for this property. He asked staff to clarify whether Mr. Hill was given a choice to freeze his application or whether it was a suggestion by staff and he chose to freeze the application.

In response to Councillor Younger, Mr. Morgan concurred that no development agreement has been approved on the lands in question, and none could be unless the amendments that were before Council were approved this evening. Mr. Morgan added that Mr. Hill was entitled to apply for a permit for a hotel, as it was zoned industrial, and if he complied with the zoning regulations and building codes, he would have been entitled to a permit, but Mr. Hill decided not to proceed with that proposal. Mr. Morgan pointed out that, at that time, there were no height restrictions so it could have been a fairly tall hotel; but since this time, Community Council requested staff to place height restrictions on the property. Mr. Morgan further noted that Mr. Hill made a development agreement application, but it was on the understanding that nothing could be approved until Regional Council approved policies that would allow for residential development on the lands. He added that Mr. Hill then questioned pursuing a site specific policy amendment, similar to the Shepard's Island property, and staff advised him that it could be presented to Council, but staff would not be supportive because Council instructed staff to proceed with policy amendments for all of Wright's Cove.

Councillor Karsten advised that he supported the motion noting that Council has a responsibility to protect the current homeowners, and that it gives developers opportunities.

In response to a question by Councillor Uteck, Mr. Morgan advised that staff recommended a height restriction of 12 stories, but Harbour East Community Council requested a new policy provision that would allow up to 16 stories.

MOTION PUT AND PASSED.

At 7:53 p.m. Council recessed.
At 8:02 p.m. Council reconvened.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS:

10.1 Correspondence:

10.1.1 Maritime Forces Atlantic - Request for Ceremonial Fly-Past

A letter dated May 11, 2009 was submitted from John F. Newton, Captain (N) Base Commander, Canadian Forces Base Halifax.

MOVED by Councillor Younger, seconded by Councillor Blumenthal that Halifax Regional Council grant permission for the Canadian Forces to fly fixed and rotary wing aircraft over the Garrison Grounds, Halifax (routed in a south to north direction) at an altitude of 500 feet above the highest obstacles, on June 27, 2009 at 1:30 p.m. MOTION PUT AND PASSED.

10.2 Petitions:

10.2.1 Councillor Blumenthal

Councillor Blumenthal submitted a petition with 21 signatures from residents living between civic #'s 3299 Novalea Drive and 3429 Novalea Drive, Halifax. The petition requests new sidewalk and curbing along this route. Councillor Blumenthal noted that the budget has already been passed, but he hoped that perhaps this could be put in the next year's budget.

11. REPORTS:

11.1 CHIEF ADMINISTRATIVE OFFICER:

11.1.1 Land Lease - Portion of PID 40665531, Lot 86-1ABC, Hammonds Plains Road, Upper Tantallon

A staff report dated May 8, 2009 was submitted.

MOVED by Councillor Lund, seconded by Councillor Rankin that Regional Council authorize the Mayor and Municipal Clerk to enter into a Land Lease with Crombie Property Holdings Limited as per the terms and conditions as outlined in the May 8, 2009 staff report. MOTION PUT AND PASSED.

11.1.2 Streetscape Capital Projects Implementation Strategy

This item was deferred during the Approval of the Order of Business.

11.1.3 NSTRIP Funding for Rural Transit

A staff report dated May 6, 2009 was submitted.

MOVED by Councillor Rankin, seconded by Councillor Karsten that Halifax Regional Council:

- 1. Allocate \$96,841 in funding from the Nova Scotia Transit - Rural Incentives Program (NSTRIP) to CMX01104 - Rural Community Transit and that any further funding from this program over the next three years be allocated to that same account ensuring compliance with the Changes to Cost Sharing for Capital Projects Policy.**
- 2. Approve a budget increase of \$96,841 to Capital Account CMX01104 - Rural Community Transit as per the budget implications section of the May 6, 2009 staff report.**

Councillor Rankin noted that this is the first of a number of such Metro Express routes. He advised that with regard to Highway #103, there was full expectation from the public that there would be service at Exit 4, but this is not immediately assured at this point. Councillor Rankin strongly urged that Exit 4 be delivered at the first opportunity, noting the importance of the connection and pointing out that there have been letters submitted and representations from residents of the nearby subdivisions. Councillor Rankin added that he hoped it would be delivered this calendar year.

MOTION PUT AND PASSED.

11.1.4 Proposed By-Law A-401, an Amendment to By-Law A-400, Respecting Alternative Voting for Ordinary Municipal Elections

A staff report dated May 14, 2009 was submitted.

MOVED by Councillor Outhit, seconded by Councillor Sloane that Regional Council approve in principle By-Law A-401 Respecting Alternative Voting. MOTION PUT AND PASSED.

Later in the meeting, Councillor Outhit gave Notice of Motion to move First Reading of By-Law A-401, at the next Regional Council meeting to amend By-Law A-400.

11.1.5 Code of Conduct for Municipal Elected Officials

A staff report dated May 22, 2009 was submitted.

MOVED by Councillor Mosher, seconded by Councillor Karsten that Halifax Regional Council recommend:

- 1. Adoption of the HRM Code of Conduct for Elected Municipal Officials, which has been modified from the Union of Nova Scotia Municipalities Code of conduct framework, with the exception of articles V111 and 1X and upon**

approval, the Clerk's Office assist the individual Councillors in the execution of the statement of commitment.

- 2. Sending a letter to the Province in support of the Union of Nova Scotia Municipalities resolution to seek changes to the Municipal Government Act/HRM Charter to allow for sanctions for violations fo the Code of Conduct.**
- 3. That Articles V111 and 1X of the UNSM Code of Conduct related to sanctions be brought back to Council for approval following adoption of the required enabling provisions by the Province of Nova Scotia.**

MOVED by Councillor Sloane, seconded by Councillor Smith that the ethics councillor be an external person and hired on an ad hoc basis.

Councillor Walker expressed concern that the amendment was changing the Terms of Reference for the Code of Conduct.

Mr. Dan English, Chief Administrative Officer advised that amendment refers to the template provided by UNSM, i.e. Clause 9 refers to any reported violation of the code will be subject to investigation by Council. Mr. English noted that this was not in the HRM code. He added that staff were asking in support of UNSM for an amendment to the Charter that would permit sanctions and corrective action. Mr. English advised that if there were to be an amendment, it would come in after HRM receives the necessary Legislative (Charter) amendment.

Councillor Sloane indicated that she would withdraw her motion, and at the appropriate time bring forward her amendments. She added that the second amendment she would be proposing is to make it a requirement for Councillors to take a leave of absence if they decide to run for office at another level of government.

Councillor Johns presented a number of questions and concerns as follows, suggesting that there needed to be more clarity around the issues:

- C the legislation should define a gift or benefit as something substantial—it was noted that the Councillors receive complimentary pens and calendars, and if items such as these are regarded as a 'gifts', then it should be clearly identified.
- C situations where Councillors get caught up in the heat of the moment during debate.
- C municipal council does not have any parliamentary privileges similar to the Members of the Legislature or Members of Parliament; he questioned if there was any intention to ask the Province if there would be some way to administer parliamentary privilege as long as the Councillors are in the Chamber.
- C campaign contributions that Councillors receive should be looked at;
- C he questioned what would happen if a councillor refused to sign the Code of Conduct.
- C if there is a breach in regard to the code of conduct, who would it be reported to, i.e. CAO, Mayor, or an independent body; and would there be merit in having either the RCMP or HRP involved in the review in certain cases.

MOTION PUT AND PASSED.

11.1.6 South Woodside Emergency Evacuation

A staff report dated May 20, 2009 was submitted.

MOVED by Councillor Barkhouse, seconded by Councillor Younger that Halifax Regional Council:

- 1. Make an application to the Provincial Department of Transportation and Infrastructure Renewal to reinstate the emergency evacuation gate and access road from Mason Street to Highway 111.**
- 2. Approve the reconstruction of the old access roadway and gate from Mason Street to Highway 111.**

MOTION PUT AND PASSED.

11.2 HARBOUR EAST COMMUNITY COUNCIL:

11.2.1 Case 01230 - Dartmouth Municipal Planning Strategy Amendment and Development Agreement - 249 / 251 Windmill Road

A staff report dated May 19, 2009 was submitted.

MOVED by Councillor Smith, seconded by Councillor Sloane that Regional Council give First Reading to consider the proposed amendment to the Dartmouth Municipal Planning Strategy as provided in Attachment "A" of the May 5, 2009 Supplementary Report and schedule a joint public hearing with Harbour East Community Council.
MOTION PUT AND PASSED.

11.3 ENERGY & UNDERGROUND SERVICES ADVISORY COMMITTEE:

11.3.1 Guiding Principles - Energy Efficiency Funding Strategy

A report dated May 7, 2009 was submitted from the Chair of the Energy and Underground Services Advisory Committee with attached staff reports dated March 10, 2009 and January 14, 2009.

MOVED by Councillor Younger, seconded by Councillor Sloane that Regional Council approve the concept of using energy savings from projects to fund future energy efficiency projects with the following guiding principles as per the business case in the April 24, 2009 staff report:

- Energy projects shall be considered on a case by case basis.**
- Energy efficiency savings shall be recovered and allocated to the Energy**

and Underground Service Co-Location Reserve

- **Energy efficiency funding in the Reserve Q131 shall not be permitted to exceed \$2 million.**
- **Non repayable loans shall only be considered for preliminary energy efficiency studies or audits and can not exceed 10% of funds available in the reserve.**
- **Projects that must be submitted and approved as part of the capital budget process do not require EUGS committee approval.**

MOTION PUT AND PASSED.

11.4 GRANTS COMMITTEE:

11.4.1 Property Matter - Market Value Sale 213-217 Bedford Highway, Halifax - Feed Nova Scotia

A report dated May 19, 2009 was submitted from the Chair of the HRM Grants Committee, with an attached Supplementary Staff Report dated February 20, 2009 and staff report dated January 17, 2009.

MOVED by Councillor Walker, seconded by Councillor Sloane that Halifax Regional Council:

- 1. Not write off Feed Nova Scotia's outstanding debt to HRM**
- 2. Approve, in principle, the sale by Feed Nova Scotia of the property located at 213-217 Bedford Highway, Halifax, for market value subject to payment in full of the debt relating to property purchase outstanding to HRM from proceeds of sale.**

Councillor Hum advised that she was considering deferring this item and that all options be brought forward to Feed Nova Scotia and see what would be most feasible for them. Councillor Hum requested staff respond to the suggestion.

Ms. P. J. Temple, Team Lead, Grants & Contributions addressed Council and advised that it is unknown to staff at this time whether Feed Nova Scotia wishes to expand at their current site or to sell and relocate. She added that when the Grants committee considered the staff supplementary report, it added two other options; i.e. if Feed Nova Scotia were to purchase the building, the debt could perhaps be placed as a lien against that future property. She added that although rent is not a lienable charge, there may be an option to pursue a judgement in that effect, if that would help them. Ms. Temple pointed out that, in this circumstance, if they sold the property for market value, that agreement would enable them to take the proceeds and apply them against the new property, and continue with the debt repayment to HRM.

Ms. Temple explained that if Feed Nova Scotia chose to expand their property, the Committee suggested that they may be able to assist them with cash flow by extending the

term of repayment and perhaps waiving interest that is presently charged. She noted that, if approved, the Committee's report would respond to the initial request from Feed Nova Scotia but would also set out other alternatives, and that would allow them to consider the alternatives and make their decision and then come back to the Committee.

Councillor Hum indicated that she would like staff to go back to Feed Nova Scotia and discuss the alternatives, and bring the matter back to the Grants Committee for further consideration, before it comes back to Council.

Without taking a vote on the motion, it was MOVED by Councillor Hum, seconded by Councillor Rankin that this matter be deferred for two weeks. MOTION PUT AND PASSED.

11.4.2 Property Matter - Less Than Market Value Land Lease - 1641 Fairfield Road, Halifax to Halifax Rowing Club

A report dated May 19, 2009 was submitted from the Chair of the HRM Grants Committee, with an attached staff report dated April 23, 2009.

MOVED by Councillor Uteck, seconded by Councillor Sloane that Regional Council approve extending the term to five (5) years with no increase in rent for the first year. In year two (2) there would be an increase with a four year phase in as set out in the Budget Implications Section of the May 19, 2009 report from the Grants Committee.

Ms. P. J. Temple, Team Lead, Grants & Contributions, responded to questions.

MOTION PUT AND PASSED.

11.5 MEMBERS OF COUNCIL

11.5.1 Councillor Mosher - Request for Report re: Councillors Support Office Budget

At the request of Councillor Mosher, this item was deleted from the agenda during the Approval of the Order of Business.

12. MOTIONS: None

13. ADDED ITEMS:

13.1 Contractual Matter - Highway 102 / Larry Uteck Boulevard Interchange - Cost Sharing and Land Acquisition

This matter had been dealt with at an In Camera Session held earlier on this date and was now before Council for ratification.

MOVED by Councillor Hum, seconded by Councillor Outhit that Halifax Regional

Council, contingent upon adopting a capital cost contribution charge for the Bedford West master plan area:

- 1. Approve the funding plan for the Highway 102/Larry Uteck Boulevard Interchange project as outlined in the Budget Implications section of the report dated April 21, 2009.**
- 2. Authorize the Mayor and Municipal Clerk, by resolution of Regional Council, to enter into Construction Agreements 2008-021 and 2009-026 between HRM and the Nova Scotia Department of Transportation and Infrastructure Renewal (NSTIR) for the Highway 102/Larry Uteck Boulevard Interchange project.**
- 3. Authorize the Mayor and Municipal Clerk to enter into Agreements of Purchase and Sale with Clayton Developments Limited and Cresco Holdings Limited, subject to the terms and conditions set out in the report dated April 21, 2009.**
- 4. Reduce the gross budget of Capital Account CTU00971, Highway 102/Larry Uteck Boulevard Interchange by \$2,666,000 in fiscal year 2008/2009.**
- 5. That the report dated April 21, 2009, not be released to the public until all the agreements/contracts have been signed.**

MOTION PUT AND PASSED.

13.2 Contractual Matter - Aerotech Park

This matter had been dealt with at an In Camera Session held earlier on this date and was now before Council for ratification.

MOVED by Councillor Mosher, seconded by Councillor Dalrymple that Halifax Regional Council:

- 1. Approve the settlement as per the attached agreement in the report dated May 6, 2009; and**
- 2. That the report dated May 6, 2009, not be made public.**

MOTION PUT AND PASSED.

13.3 Legal Matter - Settlement of Claim

This matter had been dealt with at an In Camera Session held earlier on this date and was now before Council for ratification.

MOVED by Deputy Mayor Hendsbee, seconded by Councillor Sloane that Halifax Regional Council authorize the Mayor and Municipal Clerk to sign the attached Memorandum of Agreement which outlines the “Without Prejudice” settlement of \$25 K, which would be full and final settlement for CUPE group grievance #07-06, with funding as per the Budget Implications section of the report dated May 6, 2009. MOTION PUT AND PASSED.

13.4 Community Monitoring Committee Vacancy

This matter had been dealt with at an In Camera Session held earlier on this date and was now before Council for ratification.

MOVED by Councillor Rankin, seconded by Councillor Lund that the vacancy on the Community Monitoring Committee be filled by continuing Mr. Jack Mitchell’s term to November, 2009. MOTION PUT AND PASSED.

13.5 Transportation and Municipal Tax Structure

This item had been dealt with at a meeting of Committee of the Whole held earlier on this date and was now before Council for ratification.

MOVED by Councillor Nicoll, seconded by Councillor Walker that Regional Council approve Option 6b Using 1km setback, 25% of local costs shared (4.5 cents Regional, 8.8 cents local = 13.2 cents)

Some Councillors expressed concern that previously, when this matter was reported on in the media there was confusion among taxpayers. Council requested a media release be issued and that it provide strong clarification that this is a substitute tax and not a new tax.

MOTION PUT AND PASSED.

14. NOTICES OF MOTION:

14.1 Councillor Outhit

Councillor Outhit gave Notice of Motion that at the next regular Regional Council meeting, to be held on Tuesday, June 2, 2009 he proposed to move First Reading of By-Law A-401, the purpose of which is to amend By-Law A-400 to allow council flexibility in the time frames for Alternative voting.

15. ADJOURNMENT

The meeting adjourned at 9:03 p.m.

May 26, 2009

Julia Horncastle
Acting Municipal Clerk

INFORMATION ITEMS
May 26, 2009

1. Proclamation - Halifax Grammar School Week - May 22-30, 2009
2. Memorandum from Chair, Grant Committee dated May 19, 2009
re: HRM Community Grants Program 2009-2010 Ineligible Applicants
3. Memorandum from the Acting Municipal Clerk dated May 22, 2009
re: Requests for Presentation to Council - CFB Halifax re: Highway Signage