

HALIFAX REGIONAL COUNCIL
MINUTES

June 23, 2009

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

REGRETS: Councillors: Andrew Younger
Brad Johns

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

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation lead by Deputy Mayor Hendsbee.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane advised that this Saturday, June 27, 2009 at the Garrison Grounds there will be a Consecration and Presentation of the Queens Colours. She invited everyone to come out and attend this ceremony. Councillor Sloane also advised of the Canada Day activities the Municipality has planned.

Councillor Blumenthal advised that the Multi Cultural Festival will be taking place this weekend at Alderney Landing.

Deputy Mayor Hendsbee extended congratulations on behalf of Regional Council to all the high school students who were graduating this week.

Councillor Adams advised that this Saturday, June 27, 2009 at 9:00 a.m. a group of Spryfield residents will be taking part in the second annual flower bed planting in the area of North West Arm Drive and the Old Sambro Road. He added that anyone who was interested in participating, could bring their garden tools and come out and help plant some flowers.

Councillor Dalrymple announced that Wednesday, June 24, 2009, at the Fall River Recreation Centre, the Annual General Meeting for the local Crime Prevention and Citizens on Patrol Boards was being held, and he invited his constituents to come out to the meeting to consider joining.

Councillor McCluskey advised that this weekend, at Lake Banook the paddling trials will be taking place for the Junior Worlds and Worlds.

Councillor Outhit announced that Bedford Days begins Wednesday, June 24, 2009 with the kick-off at DeWolfe Park from 6:00 p.m - 8:00 p.m. He advised that on Saturday morning there will be a Community Cleanup at Fish Hatchery Park.

Councillor Mosher extended congratulations to the Salvation Army on the opening of their Family Resource Centre. She also advised that the Lion's Rink Board has been chosen and that she represented Council at an opening for this, and that she and Councillor Adams will give periodic updates on the Rink Committee. Councillor Mosher expressed her appreciation to the volunteers of Greekfest and those residents who braved the rain and came out to the festivities. She thanked Councillor Adams and Mayor Kelly for

representing her at the Kaboom Playground Event, and noted that the Community has worked very hard over the past few months on the planning of the Playground. She requested that Mayor Kelly forward a letter to the Community Planning Committee acknowledging their efforts. Councillor Mosher added that they met every Friday and worked tirelessly to make this playground happen; and on the day the playground was constructed there were about 325 people who volunteered various amounts of their time on the construction.

Deputy Mayor Hendsbee advised that on Friday June 26, 2009 from 11:00 a.m. to 1:00 p.m. the Preston Area Trails Association, along with the Clean Nova Scotia Foundation will be having a trail celebration barbeque at the North Preston Community Centre. He also announced that on Saturday, June 27, 2009 an event called 'A Taste of East Preston' sponsored by the local church, will be held at the East Preston Recreation Centre from 11:00 a.m. - 3:00 p.m.

Councillor Hum advised that Monday, June 29, 2009, 7:00 p.m. the Rockingham Board of Directors will be holding their Annual General Meeting at the Rockingham Community Centre. She also advised that this Saturday, June 27, 2009 Feed Nova Scotia was holding an open house, and she invited the general public to drop by.

Councillor Rankin advised of a Variety Show being held in the church hall in Prospect Village on Sunday, June 28, 2009, from 2:00 p.m. to 4:00 p.m.

Councillor Nicoll advised that Tuesday, June 30, 2009 there will be a Canada Day Kick-off in Cole Harbour at the Fire Hall.

Councillor Harvey advised that Sackville Patriot Days will be celebrated beginning Saturday, June 27, 2009 and running through to Wednesday, July 1, 2009. Councillor Harvey extended congratulations to the Patriot Days Committee who have been working very hard on the events. Councillor Harvey invited all to come out to the Sackville Canada Day Parade on July 1.

Councillor Watts announced that a community garden is starting in District 14, located at Oxford School, and she invited any residents interested in having a garden plot, to contact her and she would make the arrangements with the organizing group.

Councillor Smith announced that Saturday, June 27, 2009, 10:00 a.m. at the Scotia Court area there will be a grand opening of the Community Police Office as well as a barbeque and beautification day. He noted that the clean up and a barbeque will start at around noon time, and that there would be activities for children. Councillor Smith added that the two officers working out of that particular office—Constables Willett and Head—have extended a welcome to all residents.

3. APPROVAL OF MINUTES - NONE

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

Addition:

13.1 Service Review Process

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

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

6. **MOTIONS OF RECONSIDERATION** - NONE

7. **MOTIONS OF RESCISSION** - NONE

9. **PUBLIC HEARINGS** - 6:00 p.m.

9.1 **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, originally submitted at the May 26, 2009 Regional Council meeting, was before Council for consideration.

A extract of the June 2, 2009 Regional Council minutes was submitted.

A Power Point Presentation was submitted.

Ms. Cathy Mellett, Acting Manager, Municipal Clerk's Office, provided the staff presentation. In her remarks she advised that administratively, the By-law is thorough, it is well tested and meets the administrative needs. She added that the proposed amendments are required to enable the Municipality to use alternative voting in the future and for special elections; and to allow Council flexibility on a go forward basis to set the times and periods for e-voting during those elections as specified by resolution of Council. Ms. Mellet noted that most of the 28 amendments are primarily administrative, and pointed out that the enabling portions of the amendments amend the term *Alternative Voting Days* to mean hours and dates set by resolution of Council. She explained further that they specifically add the capability of utilizing electronic voting for the purposes of plebiscites as outlined under Section 67 of the HRM Charter, Special Elections and this included School Board Special Elections.

There were no questions of clarification from Council

The Mayor called three times for anyone wishing to speak on this matter; no one came forward.

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

MOVED by Councillor Outhit, seconded by Councillor Sloane that Regional Council

Approve By-Law A-401, an Amendment to By-Law A-400, Respecting Alternative voting for Ordinary Municipal Elections, as attached to the May 14, 2009 staff report. MOTION PUT AND PASSED.

9.2 By-Law N-200, Respecting Noise - Exemption Application - Paul McCartney & KISS Concerts on the Common

A staff report dated May 26, 2009 was submitted.

Correspondence dated June 22, 2009 was submitted from Michael Hackett, Halifax

Mr. Mike Gillett, Civic Events & Festivals Coordinator provided the staff presentation in regard to the application by Power Promotional Events Inc., for an exemption from By-Law N-200, Respecting Noise. In his remarks he advised that the purpose of the exemption is to allow the construction and dismantling of the concert site which will host concerts by Paul McCartney and KISS.

Mr. Gillett, and Mr. Andrew Whittemore, Manager, Community Relations & Cultural Affairs, responded to questions.

Mayor Kelly reviewed the Rules of Procedure for Public Hearings and opened the hearing for anyone wishing to speak.

Ms. Beverly Miller, Halifax, advised that she was speaking on behalf of the Friends of the Halifax Common. Ms. Miller submitted her presentation for the official file. In her comments, Ms. Miller read a letter that was submitted to the Chronicle Herald by the Friends of the Halifax Common when the announcement of the KISS concert was made. The letter noted the costs associated with the Municipality hosting concerts, such as public subsidies and impact on the Common, as well as the loss of business for merchants of the local area. Ms. Miller also expressed concern that the staff report was vague on the hours that the promoters will be working.

Ms. Cathy Bray, Halifax, asked that Council not grant the exemption to the noise bylaw as was being requested. She explained that her bedroom was located just above the area of the concert stage, and she suggested that approximately 500 people who live in the area will be directly impacted. Ms. Bray indicated that there was nothing new presented this evening which would tell her when the noise will occur, and that if Council cannot determine exactly those times, then it should not approve the exemption. Ms. Bray noted that when Vancouver hosted the *Indy 500* residents of the area that were directly impacted by the noise were put in hotels away from the noise. In addition to the inconvenience of the noise associated with the concert and traffic congestion, Ms. Bray advised that the building in which she lives incurs extra cost because it has to hire security for the nights of the concerts

Ms. Jill Ceccolini, Halifax, requested that Council not approve the exemption to the bylaw. She explained that she has been through the last two concerts held on the Common and the noise associated to the lead up and tear down of the concert venue is very disruptive

to the residents. Ms. Ceccolini also expressed concern about not having specific times stated for the dismantling of the equipment.

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

MOVED by Councillor Adams, seconded by Councillor Walker that Regional Council approve an exemption from the provisions of the Noise By-law pursuant to the contents of the May 26, 2009 staff report and any matters raised at the hearing.

Mr. Gillett, Mr. Whittemore, and Mr. Wayne Anstey, Deputy Chief Administrative Officer responded to questions.

MOVED by Councillor Sloane, seconded by Councillor Rankin that, immediately following the concert, the dismantling of the production equipment not go beyond 3:00 a.m. THE AMENDMENT WAS PUT AND PASSED.

THE MOTION AS AMENDED WAS PUT AND PASSED.

8. CONSIDERATION OF DEFERRED BUSINESS:

8.1 Motion - Councillor Sloane

"To close June Street at West Street to vehicular traffic."

Councillor Sloane advised that residents have expressed a desire to close off June Street at West and have it a pedestrian and bike friendly area. She added that the rationale to support the street closure is that the street is too narrow, and that there are two houses very close to the roadway, therefore, it is unlikely it will ever be widened. Councillor Sloane noted that there were some dissenting voices in the neighbourhood to the idea, and she would like for staff to hold a Public Information Meeting to get feedback from as many residents as possible.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that staff begin the process for streets closure of June Street at West Street, and that the process include a public information meeting.

Councillor Karsten expressed concern that this motion was different from what was presented last week, and suggested that Council should get comment from staff in the form of a staff report before proceeding.

Mr. Dan English, Chief Administrative Officer noted that staff would come back to Council with a report in any event, and that Councillor Sloane was simply requesting a public information meeting be held prior to this. He also noted that any street closure also involves a public hearing.

Councillor Sloane clarified that the reason she wished to have a public information meeting

is that she is aware of some opposition expressed from residents of other streets in the area. She also pointed out that she has brought this issue to the attention of staff from the Traffic Services division and Police and Fire. She emphasized that she wanted to ensure that the process is fair and open and that everyone in the area has an opportunity to participate.

MOTION PUT AND PASSED.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS:

10.1 Correspondence - None

10.2 Petitions - None

11. REPORTS:

11.1 CHIEF ADMINISTRATIVE OFFICER:

11.1.1 Province of Nova Scotia Department of Transportation and Infrastructure Renewal - Construction Agreement 2009-033 - Cogswell Street Interchange

A staff report dated June 16, 2009 was submitted.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that His Worship the Mayor and the Municipal Clerk be authorized, by resolution of Regional Council to sign on behalf of the Halifax Regional Municipality, construction Agreement 2009-033 between HRM and Nova Scotia Department of Transportation and Infrastructure Renewal (NSTIR) relating to the rehabilitation of the Barrington Street Interchange Overpass Westbound Ramp (Ramp 4) from Barrington Street to Cogswell Street and the Northbound Ramp (Ramp 1) from Cogswell Street to Barrington Street, as outlined in the Discussion Section of the June 16, 2009 staff report.

Councillor Sloane advised that she wanted it noted that this work is being done to ensure that the structure is safe.

MOTION PUT AND PASSED.

At 7:10 p.m. Councillor Uteck retired from the meeting.

11.1.2 Proposed By-Law S-428, An Amendment to By-Law S-400, Respecting Charges for Local Improvements - New Paving Projects Outside the Core Area 2008

A staff report dated May 27, 2009 was submitted.

MOVED by Deputy Mayor Hendsbee, seconded by Councillor Rankin that Halifax Regional Council:

- 1. Approve in principle the adoption of By-Law S-428, an amendment to By-Law S-400, Respecting Charges for Street Improvements, relating to New Paving of Subdivision Streets Outside the Core Area - 2008.**
- 2. Direct staff to arrange for the formal introduction of the By-law**

Deputy Mayor Hendsbee referred to the Discussion section of the staff report and advised that Club Road is in Hatchett Lake, District 22 and not in Lawrencetown as noted in the report. He noted that the By-law proposal has the correct location.

MOTION PUT AND PASSED.

11.1.3 Funding Request - 2011 Canada Winter Games

A staff report dated June 2, 2009 was submitted.

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

- 1. Approve funding for a second installment of \$1,000,000 to the Halifax 2011 Canada Games Host as per the table contained in the discussion section of the May 27, 2009 staff report.**
- 2. Approve an exception to the Strategic Growth Reserve (Q126) Business Case, approved by Council on July 8, 2003, to allow the balance of the reserve to be less than the \$2M minimum required.**

MOTION PUT AND PASSED.

11.1.4 5755 Sackville Street, Halifax - Memorandum of Understanding - Halifax Rugby Football Club

A staff report dated February 24, 2009 was submitted.

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

- 1. Approve a Memorandum of Understanding with the Wanderer's Amateur Athletic Club (Attachment 1) respecting the renovation of 5755 Sackville Street, Halifax; and**
- 2. Approve in principle the proposed cost-sharing arrangement as set out in the Budget Implications section of the February 24, 2009 staff report.**

Ms. Peta Jane Temple, Team Lead, Grants & Contributions responded to questions.

MOTION PUT AND PASSED.

11.1.5 Case 01278 - Amendments to Planning Districts 8 & 9 Municipal Planning Strategy and Land Use By-Law, Lake Echo

A staff report dated June 2, 2009 was submitted.

MOVED by Deputy Mayor Hendsbee, seconded by Councillor Wile that Regional Council:

- 1. Initiate a process to consider amending the Planning Districts 8 & 9 Municipal Planning Strategy and Land Use Bylaw to permit a new mobile home park in Lake Echo on those properties identified as PID 40141236 and PID 40519555; and**
- 2. Direct staff to follow the public participation process approved by Council in February 1997.**

MOTION PUT AND PASSED.

11.1.6 Legislative Amendments - 2009

A staff report dated June 9, 2009 was submitted.

MOVED by Councillor McCluskey, seconded by Councillor Sloane that Halifax Regional Council approve the recommended amendments set out in the June 9, 2009 staff report to the HRM Charter and related legislation and that the recommended amendments be forwarded to the Province of Nova Scotia for consideration.

Councillor Smith advised that some time ago Regional Council requested the Province provide the Municipality the power to expropriate vacant buildings without cost or for the lien the Municipality has against it. He questioned if this was included in the Amendments or if it would have to be included.

The Municipal Solicitor responded that it was not included in this set of Legislative Amendments and that it would be something the Councillor would have to bring forward.

MOVED by Councillor Lund, seconded by Councillor Sloane that the Legislative Amendment pertaining to I. Hydrological Assessments be amended as follows:

Amending subsection 281(3) of the HRM Charter by adding the following new clause:

- (l) requirements to provide a hydrogeological impact assessment**

including quality, yield, and sustainability of water and *that demonstrates that a development will not adversely affect the future groundwater supply in the area.*

Councillor Lund advised that he was putting forward the amendment to ensure protection of the general groundwater supply in the area so that others are not adversely affected and it will allow for future development.

In response to a question of clarification, Mr. Paul Dunphy, Director, Community Development advised that the amendment is consistent with the spirit of what staff is trying to do, adding that if adopted by Council and sent to the Province, Provincial staff always contact staff to work out the final wording to make sure it is consistent in style and format with the rest of the Charter.

THE AMENDMENT WAS PUT AND PASSED.

MOVED by Councillor Smith, seconded by Councillor Sloane that the motion be amended to add an additional Legislative Amendment in regard to the Vacant Building Bylaw, to request that the Province provide the Municipality the power to expropriate vacant buildings without compensation.

THE AMENDMENT WAS PUT AND PASSED.

THE MOTION AS AMENDED WAS PUT AND PASSED.

11.1.7 Amendment to Administrative Order 45 Respecting Private Road Maintenance - Road Maintenance Fee for Three Brooks Homeowners' Association- Motion - Councillor Rankin - Approve Admin Order 45

A staff report dated May 29, 2009 was submitted.

MOVED by Councillor Rankin, seconded by Councillor Lund that Regional Council approve:

- 1) The proposed amendment to Administrative Order 45 as shown as Appendix "B" of the May 29, 2009 staff report.**
- 2) Authorize the Mayor and Municipal Clerk to sign on behalf of HRM, the Management and Operating Agreement between HRM and the Three Brooks Homeowner's Association as outlined in Appendix "C" of the May 29, 2009 staff report.**

MOTION PUT AND PASSED.

11.2 HERITAGE ADVISORY COMMITTEE

11.2.1 Case H00226 - Application to consider 7910, Highway #7 Musquodoboit Harbour, as a Municipally Registered Heritage Property (Heritage Hearing)

A report dated April 28, 2009 from the Heritage Advisory Committee, with an attached staff report dated April 7, 2009 was submitted.

A Power Point Presentation was submitted.

An extract of the Regional Council Minutes of May 12, 2009 was submitted.

Ms. Maggie Holm, Heritage Planner, outlined the application to consider 7910, Highway #7, Musquodoboit Harbour as a municipal heritage property. In her remarks she noted that the property owners, Donald and Sharron Guild, reside in Mississippi and were unable to be present at tonight's hearing, but have agreed to this process in writing as well as through a phone call. Ms. Holm then provided background and historical information on the property and highlighted architectural aspects of the home which staff felt warranted consideration for heritage registration. She added that the application went before the Heritage Advisory Committee on April 22, 2009, and the Committee reviewed and evaluated the application. Ms. Holm advised that it scored 61 points out of a 100, and the Committee sent a positive recommendation to Regional Council in regard to the registration.

Councillor Streach advised that there were a couple of concerns he had with regard to this application. He explained that he has not been contacted by the property owners and that no one has lived in the home for many years. He added that he had a recent conversation with the Chair of the local ratepayers association and a member of the Community Visioning Committee who suggested that a project by the Provincial Department of Transportation regarding the re-alignment of the East Petpeswick Road may be a concern.

MOVED by Councillor Streach, seconded by Deputy Mayor Hendsbee that this matter be deferred pending further information from the Provincial Department of Transportation and Public Works in regard to a possible project and re-aligning of the East Petpeswick Road; and that the proposed registration be referred to local Community Visioning Committee and Ratepayers Association for comment.

In moving the motion, Councillor Streach advised that he wasn't putting a specific timeline on the deferral, but wanted staff to follow up on these items first.

MOTION TO DEFER WAS PUT AND PASSED.

12. MOTIONS: None

13. ADDED ITEMS:

13.1 Service Review Process

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

MOVED by Councillor Blumenthal, seconded by Councillor Wile that Halifax Regional Council approve the Service Review Process and authorize staff to proceed as per the draft schedule as outlined in Attachment A of the report dated June 15, 2009. MOTION PUT AND PASSED.

14. NOTICES OF MOTION:

14.1 Councillor Rankin:

“Take notice that at the next regular Regional Council meeting, to be held on Tuesday, June 30, 2009, I propose to move First Reading of By-Law S-428, Respecting charges for Street Improvements, the purpose of which is to amend By-Law S-400, The Street Improvement By-Law.”

15. ADJOURNMENT:

The meeting adjourned at 7:46 p.m.

Julia Horncastle
Acting Municipal Clerk

INFORMATION ITEMS
June 23, 2009

1. Memorandum from Canada Games Committee re: 2011 Canada Winter Games - 1st Quarter Update
2. Memorandum from Acting Director, Infrastructure & Asset Management dated June 10, 2009 re: Petition for Sidewalk, Highway No. 7, Musquodoboit Harbour
3. Memorandum from Director, Finance dated April 20, 2009 re: Residential Tax Exemption - Revised Rebate Values for 2009 - 2010
4. Memorandum from Director, Legal Services dated June 17, 2009 re: Status of By-law Prosecutions - November 1-30, 2008
5. Memorandum from Acting Director, Infrastructure & Asset Management dated June 12, 2009 re: Yellow Floating Heart & Invasive Species
6. Memorandum from the Acting Municipal Clerk dated June 19, 2009 re: Requests for Presentation to Council - None