

HALIFAX REGIONAL COUNCIL
MINUTES

October 19, 2010

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

REGRETS: Councillor Linda Mosher

STAFF: Mr. Wayne Anstey, Acting Chief Administrative Officer
Mr. Michael Labrecque, Acting Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Sherrill Murphy, Acting Municipal Clerk
Ms. Sheilagh Edmonds, Legislative Assistant

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1. INVOCATION

Mayor Kelly called the meeting to order at 4:00 p.m. with Councillor Sloane leading the Invocation.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane advised that the Nocturne event held this past weekend was very successful, with thousands of people coming to the downtown to look at visual arts, multi-media, art galleries and various other artistic displays. She expressed appreciation to Allison Queen and Rose Zack, Co-chairs of the event.

Councillor Sloane also announced that CBC is holding an Open House this coming weekend.

Councillor Adams advised that a ceremony commemorating the 70th anniversary of the sinking of the Hebridean would be held on October 23, 2010, 11:00 a.m.

Councillor Adams advised that on October 15, 2010 Judd Richards, a former police officer with the City of Halifax passed away. Councillor Adams noted that Mr. Richards was well liked in the police force and in the community and he requested a moment of silence in his memory and that a letter of condolence on behalf of Regional Council be forwarded to Mr. Richard's family.

Mayor Kelly asked members of Council to rise for a moment of silence in memory of Judd Richards.

Councillor Blumenthal announced that a rally for concerned seniors will be held October 29, 2010, 9:00 a.m. He explained that the rally is in response to the removal of Metro Transit Route 3 Manors bus.

Councillor Wile announced a Police Town Hall meeting would be held at Halifax West High School, beginning at 6:30 p.m., October 20, 2010.

Councillor Watts announced the following events in her district:

- 'Meet Your Councillor' evening, October 25, 2010, 7:00 p.m., Citadel High School Cafeteria
- October 20, 2010 is the start of the 4-Days Conference in Halifax
- October 23, 2010 - Scrabble with the Stars
- HRM is re-hosting the National Communities in Bloom Symposium and Awards ceremony, October 27 – 30, 2010.

Councillor Harvey announced the following two public meetings: a public information meeting in regard to an application for a commercial building at 70 First Lake Drive, Sackville on October 21, 2010, 7:00 p.m., Sackville Heights Community Centre; and a

meeting in regard to an application for a multi-unit building at 249 Sackville Drive on October 27, 2010, 7:00 p.m., Fenerty Room, Sackville Library.

Councillor Dalrymple advised that this past Saturday evening a fire destroyed Brown Hall, leaving many community groups with no place to meet or hold functions. Councillor Dalrymple asked that other community groups such as the Lion's Club and local churches consider offering any assistance or available rooms while the community organizes the fundraising and rebuilds the Hall.

Councillor Dalrymple extended an invitation to all HRM residents to attend the Haunted House of Wellington this weekend. He advised that over 75 volunteers and actors provide an incredible show. He noted that the event has grown so much over the past few years that it is now held at the LWF Community Hall, 843 Fall River Road.

Councillor Dalrymple advised that on October 20, 2010 the Fall River and District Lion's Club are holding their Bi-annual Seniors Appreciation Supper beginning at 6:00 p.m. at the LWF Community Hall.

Councillor Outhit announced an Art Show and Sale, October 23, 2010, 10:00 a.m. – 1:00 p.m., at All Saints Anglican Church, Bedford Highway, and noted that it will also be an opportunity to view the T-shirt entries that have been received for the Bedford Skate. He also advised that a Police Town Hall will be held October 27, 6:30 p.m., Basinview School.

Councillor Fisher advised that the Kinsmen Community Brunch will be held October 24, 2010, 9:30 a.m. – 1:00 p.m., East Dartmouth Community Centre; and on October 30, 2010, 2:00 – 5:00 p.m. the Pumpkin Patch event will be held at the Fairbanks Centre.

Councillor Hendsbee announced an RCMP Town Hall meeting October 20, 2010, 7:00 p.m., Porters Lake Community Centre.

Councillor Hendsbee advised that October 23, 2010 the IODE North Preston Chapter will be having a Corn Boil at the North Preston Fire Hall, 11:00 a.m. – 1:00 p.m.; and on October 24, 2010, a Trails Walk will be held at 2:00 p.m. starting at the Lawrencetown Beach parking lot.

Councillor Barkhouse advised of a Merchandise Bingo October 24, 2010 at the Northwoodside Community Centre; and she provided contact information for those individuals wishing to book a table for the Eastern Passage Holiday Festival Craft Fair November 7, 2010.

Councillor McCluskey advised that on October 25, 2010, at 6:30 p.m. a Police Town Hall meeting will be held at the First Baptist Church, 100 Ochterloney Street; and that the Great Curbside Give-a-Way will occur on October 23 and 24, 2010.

Councillor Uteck requested that a letter of congratulations be forwarded to Ross Webb, HRP Officer who will be inducted into the Nova Scotia Hall of Fame.

Councillor Nicoll announced an RCMP Town Hall meeting on October 28, 2010, 7:00 p.m., Westphal Room, Cole Harbour Place.

Deputy Mayor Johns advised that he will be volunteering at a fundraising dance October 23, 2010, 9:00 – 1:00 p.m., Sackville Heights Community Centre. He added that the event is to raise money to help one of his residents who suffers from Multiple Sclerosis and will be receiving the Liberation Treatment. He invited everyone to come out and support this event.

Councillor Streach announced that on October 24, 2010, at 2:00 p.m. a walk-about will be held in celebration of the Sheet Harbour Streetscape and Sidewalk project.

Councillor Smith advised that October 22, 2010, 1:00 p.m. – 4:00 p.m., at the top of Nantucket Avenue a Synthetic Ice Rink demonstration will be held; and on October 23, 2010, 9:00 p.m. – 3:00 p.m. a yard sale will be sponsored by the Take Action group at Farrell Hall, and there will be draws in support of Christmas Daddies.

Councillor Fisher advised that the Get Out /Check it Out booklet is being re-launched at Fairbanks Centre October 23, 2010 and noted that the booklet highlights 19 trails in HRM. He noted that a trail hike begins at 1:45 p.m. – 3:00 p.m.

3. APPROVAL OF MINUTES: None

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

Additions:

13.1 Proposed Convention Centre

13.2 Property Matter – Parkland Acquisition – Brookside Avenue, Westphal

MOVED by Councillor McCluskey, seconded by Councillor Sloane 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

8. CONSIDERATION OF DEFERRED BUSINESS: None

9. PUBLIC HEARINGS:

9.1 Case 16038 – Lounges in Restaurants – Quinpool Road, Halifax

This item was dealt with later in the meeting. See page 9.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS:

10.1 Correspondence:
10.1.1 Request for Helicopter Landing – Bel Ayr Elementary School

Correspondence dated October 12, 2010 was submitted from Patrick MacNamara, Major, Commanding Officer, Helicopter Operational Test and Evaluation Facility, 12 Wing Shearwater.

MOVED by Councillor Karsten, seconded by Councillor Blumenthal that Halifax Regional Council approve the request by 12 Wing Shearwater to land a Sea King helicopter At Bel Ayr Elementary School, 4 Bell Street, Dartmouth, NS. on Monday, October 25, 2010, MOTION PUT AND PASSED.

10.2 Petitions: None

11. REPORTS:

11.1 CHIEF ADMINISTRATIVE OFFICER:

11.1.1 1247 Bedford Highway (Former Fire Hall), Bedford

A staff report dated September 29, 2010 was submitted.

MOVED by Councillor Outhit, seconded by Councillor Rankin that Halifax Regional Council authorize the postponement of the Buy-Back Agreement for the subject property in favour of a first mortgage from the Bank of Montreal not to exceed \$750,000.

Mr. Peter Stickings, Manager, Real Property responded to questions.

MOTION PUT AND PASSED.

11.1.2 2010-2011 Government Relations Priority Areas

A staff report dated October 6, 2010 was submitted.

MOVED by Councillor Nicoll, seconded by Councillor Sloane that Halifax Regional Council approve the 2010-11 Government Relations Priority Areas.

Ms. Jennifer Church, Managing Director, External & Corporate Affairs responded to questions.

Councillor Watts advised that she appreciated receiving the information that is circulated from senior staff following their meetings with Provincial staff. She noted, however, that she would like to be informed of these meetings in advance, and be able to comment. She asked that, in future, Council be apprised of high level meetings with Provincial representatives.

Councillor Watts referred to the Strategic Joint Regional Transportation Planning Committee, and asked if Council could receive copies of the minutes from the meetings. Mayor Kelly advised that the minutes would be provided.

Councillor Watts added that it is helpful to also provide this type of information/reports to the MLA's and MP's of the Municipality who are representing the residents as well.

Councillor Fisher asked staff to e-mail him the ten HRM Legislative Amendment Requests which were passed during the spring session of the Provincial Legislature.

Councillor Watts made reference to the Immigration Action Plan on page 8 of the report and advised that she had not recalled seeing a recent report or update on what HRM is doing to support immigration in the community and that she would appreciate receiving an update.

MOTION PUT AND PASSED.

11.1.3 Second Reading Proposed By-Law O-109 and Amendments to Administrative Order 33, Respecting Open Air Burning
(i) Supplementary Report dated September 21, 2010

Notice of Motion for this matter was given at the September 21, 2010 Regional Council meeting and First Reading was given at Regional Council's September 28, 2010 meeting.

MOVED by Deputy Mayor Johns, seconded by Councillor Sloane that Halifax Regional Council:

- 1. approve By-Law 0-109, Respecting Open Air Burning, as outlined in Attachment 1 of the September 21, 2010 supplementary staff report.**
- 2. approve amendments to Administrative Order 33, Respecting Open Air Burning as outlined in Attachment 2 of the September 21, 2010 supplementary staff report; and**
- 3. Repeal By-Law 0-103, Respecting Open Air Burning.**
- 4. That the Provincial Department of Natural Resources requirements be the permitting requirements in place from April 15 to October 15 in the areas specifically outlined in the current By-Law.**

MOTION PUT AND PASSED.

11.1.4 Second Reading Proposed By-Law T-142, An Amendment to By-Law T-108, Respecting the Regulation of Taxis & Limousines, and Amendments to Administrative Orders 15, 21 & 39

First Reading of this matter was given at Regional Council's meeting of September 28, 2010.

MOVED by Councillor Adams, seconded by Councillor Walker that Halifax Regional Council approve By-Law T-142 Respecting the Regulation of Taxis and Limousines (Appendix "A"), Administrative Order 39, Respecting Taxi Fares and Taxi Roof Light Sign Requirements (Appendix "B"), Administrative Order 15, Respecting Licence, Permit and Processing Fees (Appendix "C") and Administrative Order 21, Respecting the Appointment of the Taxi and Limousine Inspector (Appendix "D") as outlined in the July 6, 2010 staff report.

At the request of Councillor Walker, **Council agreed** to revise Section 39 as follows: "Driver applications are valid for 12 months from date of application and if an applicant twice fails to successfully complete the HRM driver licence examinations within that 12 month period, the applicant must wait **3 months** from the date of last attempt, before submitting a new application."

Mr. Kevin Hindle, Regional Coordinator, Halifax Regional Police; Mr. Bill Moore, Superintendent, Halifax Regional Police; and Mr. Wayne Anstey, Acting Chief Administrative Officer responded to questions.

Ms. Mary Ellen Donovan, Municipal Solicitor, noted that there were some typographical errors in the proposed bylaw and recommended that Council include in the motion, agreement that the Municipal Clerk be authorized to make minor wording changes to correct the errors, **to which Council agreed.**

MOTION PUT AND PASSED.

12. MOTIONS: None

13. ADDED ITEMS:

13.1 Proposed Convention Centre

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

MOVED by Councillor Dalrymple, seconded by Councillor Sloane that Halifax Regional Council request that staff complete the analysis of the Provincial ask relative to the proposed convention centre dated October 15, 2010, and return to Council on November 9, 2010 with possible options and recommendations to secure Council direction on the project and a strong approach on behalf of our citizens for negotiation with the Province of Nova Scotia and further that our Municipal Auditor General be part of the process. MOTION PUT AND PASSED.

13.2 Property Matter – Parkland Acquisition – Brookside Avenue, Westphal

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

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll that Halifax Regional Council:

- 1. Approve the transfer of \$15,000 from Project No. CCV01244 – District 3 Capital Funds, Reservation #1352.2, to Project No. CPX01149 – Parkland Acquisition.**
- 2. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale for the subject property, as per the key terms and conditions outlined in the report dated August 13, 2010, to be funded from Project No. CPX01149 – Parkland Acquisition; and**
- 3. Not release the August 13, 2010 Private and Confidential staff report until the transaction has been completed.**

MOTION PUT AND PASSED.

14. NOTICES OF MOTION:

14.1 Councillor Uteck

Councillor Uteck gave notice that at the next Regional Council meeting to be held on November 2, 2010 she will propose an amendment to Section 46(b) of By-law T-108 as follows: It shall be an offence for a driver licensed under this By-law other than an accessible taxi driver, to pick up or to accept a passenger in any zone other than the zone in which the vehicle is licensed and to carry that passenger to another location within that zone, except on Fridays from 11:00 p.m. to Saturday 3:00 a.m. and on Saturday from 11:00 p.m. to Sunday 3:00 a.m. or as otherwise permitted by Administrative Order or Resolution of Council.

The meeting recessed at 4:53 p.m.

The meeting reconvened at 6:00 p.m. to deal with the public hearing. Councillors Mosher, Streach, and Deputy Mayor Johns were absent.

9. PUBLIC HEARINGS:

9.1 Case 16038 – Lounges in Restaurants – Quinpool Road, Halifax

A report dated September 16, 2010 was submitted from the Chair of Peninsula Community Council with an attached staff report dated August 17, 2010.

Correspondence was submitted from the following individuals:

Peter Curtis, Matina AuCoin, Pamela Whelan, Gail Yorke, Thomas and Patricia Lynch, John Conn, Andrew Thalheimer, Karla Nicholson, Khalid Wasi, Laura Bishop, Theresa Ulicki, and Doris Stuart.

First Reading of this matter was given at a meeting of Regional Council on September 28, 2010.

Ms. Mackenzie Stonehocker, Planner 1 outlined the staff report in regard to permitting lounges in association with restaurants through the development agreement process in the commercial designation of the Quinpool Road Commercial Area Plan. She advised that Peninsula Community Council requested Regional Council initiate the plan amendment process that would enable consideration of this and on March 2, 2010 Regional Council passed a motion initiating the process.

In her remarks Ms. Stonehocker explained that the proposal is to modify policies 2.8 and 2.8.1 in the Quinpool Road Commercial Area Plan, and it would then apply to the entire commercial designation instead of only the Athens Restaurant. She noted that the Development Agreement process would continue to be used. Ms. Stonehocker highlighted the following criteria in regard to the proposed amendments:

- the lounge area must be subordinate to the restaurant and it cannot exceed 50 percent of the seating area
- the lounge cannot be open later than midnight and the policy allows for further restriction if necessary
- any outdoor features such seating, patios or music would only be permitted in locations where impacts on residential uses are minimized.

Ms. Stonehocker responded to questions of clarification from Council.

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

Ms. Karla Nicholson, addressed Council and advised that she was the General Manager of the Quinpool Road Mainstreet District Association. Ms. Nicholson advised that her Association was very supportive of the proposed amendments, explaining that they simply want to be able to compete with other restaurants in the City on a level playing field. She noted that no one wants a cabaret or to have video lottery terminals, loud music, or anything that would upset the surrounding residents who are their cliental.

Mr. Tony Nahas, addressed Council and advised that he owned Mezza Restaurant on Quinpool Road. Mr. Nahas spoke in support of the proposed amendments and advised that he wanted to be able to offer his patrons a place to go and have a drink, without having to buy a meal. He noted that his restaurant is close to the Oxford Theatre, and that customers would like to have a place to go for a drink either before or after the movie.

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

MOVED by Councillor Uteck, seconded by Councillor Sloane that Halifax Regional Council approve 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 August 27, 2010 staff report.

Councillor Uteck indicated that she supported the amendments as she felt the controls that will be put in place are stringent and will provide controls over the hours of operation, the percentage of area that is designated as lounge, and patios. She also pointed out that this will give the restaurant owners in the area the same competitive advantage as restaurants in other parts of the City.

In response to questions from Councillor Watts concerning the flexibility that Peninsula Community Council will have to respond to each specific location, Ms. Stonehocker noted the following:

- With regard to backyard lounges, the drafted amendments state that 'outdoor features would be permitted only where potential impacts on adjacent residential uses are minimized'. She explained, for example, that it would be inappropriate to have a back yard lounge on Quinpool Road backing on to a residential yard on Pepperell. Also, there could be outdoor features on a side or front yard that would be inappropriate. Ms. Stonehocker added that, where each case would go through a development agreement, staff are comfortable the proposed policy ensures that all four sides of the building would be considered.
- If there were several lounges approved and resulted in a negative impact, Community Council would have the choice to remove this policy from the Plan if they decided it was no longer appropriate.
- When going through the development agreement process if there was an unusually large building for the street, such as Buckleys building, a precedence of smaller buildings getting 50 percent would not mean the Buckleys building would get 50 percent as well.

Councillor Watts indicated that she could support the recommendation based on the criteria staff have put forward which address the concerns that have been expressed to her by residents. She encouraged all her residents to attend any meetings where a Development Agreement in this regard will be considered.

Councillor Sloane advised that she was in favour of the proposed amendments as they are in keeping with *HRMbyDesign's* idea of 'Complete Neighbourhoods' and that the Development Agreement process is stringent enough to ensure that things will not get out of control. In addition to this, Councillor Sloane pointed out that there is a Provincial

Liquor Control Act which also can address some of the concerns that have been expressed.

MOTION PUT AND PASSED.

15. ADJOURNMENT

The meeting adjourned at 6:28 p.m.

Cathy Mellett
Municipal Clerk

The following information items were submitted:

1. Proclamation – Waste Reduction Week – October 18 – 24, 2010
2. Proclamation – International Epidermolysis Bullosa Awareness Week – October 25 – 31, 2010
3. Memorandum from 2011 Canada Games Committee dated September 2010
re: Second Quarter Update
4. Memorandum from Director, Finance dated October 1, 2010
re: Award of Contracts – CAO Approval
5. Memorandum from Chair, Governance & District Boundary Review Committee dated October 13, 2010 re: Phase 2 Public Consultation – Polling District Boundary Review
6. Memorandum from the Municipal Clerk dated October 15, 2010
re: Requests for Presentation to Council – Bruce DeVenne re: Proposed Convention Centre