



**HERITAGE ADVISORY COMMITTEE
MINUTES
May 27, 2015**

PRESENT: Ms. Emma Sampson, Chair
Mr. Jason Cooke, Vice Chair
Councillor David Hendsbee
Mr. Brent Ronayne
Ms. Janet Morris
Mr. Scott Smith
Ms. Shiva Nourpanah
Ms. Aurora Camaño
Mr. Nathaniel Smith

REGRETS: Mr. Benjamin LeBlanc
Ms. Pascale van der Leest
Councillor Brad Johns

STAFF: Ms. Maggie Holm, Heritage Planner
Mr. Seamus McGreal, Planner, Community & Recreation
Ms. Erin McIntyre, Heritage Planner
Ms. Sheilagh Edmonds, Legislative Assistant
Ms. Cathy Collett, Legislative Support

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to the Heritage Advisory Committee are available online: <http://www.halifax.ca/boardscom/hac/Agendas.php>

The meeting was called to order at 2:09 p.m. and adjourned at 3:40 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 2:09 p.m. in the Media Room, City Hall.

The Chair welcomed the new member, Ms. Aurora Camãno, and the Committee conducted a roundtable of introductions

2. APPROVAL OF MINUTES – April 1, 2015

Ms. Shiva Nourpanah clarified that she recalled Ms. Janet Morris' request at the previous meeting was to have votes marked unanimous, when clearly unanimous, thus indicating that there was dissent when a vote was not identified as unanimous.

MOVED by Emma Sampson, seconded by Mr. Scott Smith that the minutes of April 1, 2015 be accepted as amended. MOTION PUT AND PASSED.

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

MOVED by Councillor David Hendsbee seconded by Ms. Shiva Nourpanah that the Heritage Advisory Committee agree to hear a 5-minute presentation from Mr. David Garrett, architect with regard to item 7.1. His presentation would follow the staff presentation and be item 7.1.1.

This motion requires two-thirds majority vote.

MOTION TO AMEND THE ORDER OF BUSINESS WAS PUT AND PASSED.

Mr. Jason Cooke, Vice Chair, arrived at 2:15 p.m.

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

5. CONSIDERATION OF DEFERRED BUSINESS – NONE

6. CORRESPONDENCE, PETITIONS & DELEGATIONS - NONE

7. REPORTS

7.1 Case H00404: Barrington Street Heritage Incentives – Request for a Special Arrangement for the Freemasons Building.

The following was before the Committee:

- A Staff report dated March 31, 2015.
- Correspondence dated April 21, 2015 from David F. Garrett, MNSAA

Ms. Maggie Holm, Heritage Planner, gave a power point presentation on Case H00404.

As Ms. Holm explained, on February 9, 2010 Regional Council approved a Barrington Street Heritage Incentive application for 1533 Barrington Street, Halifax for a grant of \$96,878 and a tax credit of \$203,033. The owner of 1533 Barrington Street, Halifax (Freemason's Lodge) received approval of the initial submission; however, when Staff reviewed the owner's submission to confirm compliance with the incentive program's Terms and Conditions (Attachment A of the report dated March 31, 2015), it was determined that several items submitted for grant and tax credits were ineligible for funding under the program. The effect of this was an overall reduction of \$119,000 from the originally approved maximums.

The owner disagrees with these final disbursement figures and is now requesting Council's approval to eliminate most of the \$119,000 reduction to their grant and tax credit.

The items that emerged as ineligible for funding were as follows:

- Section 2.6(c): work which was carried out prior to making the funding application;
- Sections 3.5(f) & 3.6(a): work which was considered tenant fit up rather than base building work;
- Sections 2.17 & 2.19: invoices for "owners own labour" which are not clear have been paid, or broken down into work type or number of labour hours spent on the approved work; and
- Section 2.17: one item of approved work valued at \$60,000 was not undertaken.

While an agreement was reached, through meetings with the owner, on two of the four ineligible work types (tenant fit up and work not undertaken), the owner has made specific requests for Council's consideration on the two outstanding issues as follows:

1. That the costs of the masonry work carried out before the application was made (valued at \$170,395) be considered eligible for grant funding; and
2. That the work carried out by his own labour forces (estimated by the owner at \$470,805) be considered eligible for incentive funding

The masonry work was determined to be ineligible because it was completed before the application was finalized; however, Staff acknowledges that it was not made clear to the applicant that the work could not begin until after the application was approved. Considering both the ambiguity of the Terms and Conditions and the urgency of the repairs, Staff's recommendation to Regional Council includes the masonry work previously determined as ineligible.

The item for which Staff and the owner have been unable to agree upon is the work done by the owner's own forces. Initially, it was determined that none of the work completed by the owner would be considered eligible. After further discussion, it was determined that work completed by the owner's company would be eligible, as long as it was documented. The issue remaining is that the owner is unable to submit payroll summaries for this work, or provide any other acceptable documentation.

Ms. Holm, and Mr. David Garrett, Architect and applicant responded to questions from the Committee.

Mr. Jason Cooke, Vice Chair, took over the role of Chair and Ms. Emma Sampson left the meeting.

7.1.1 Presentation by Mr. David Garrett, Architect

Mr. David Garrett addressed the issue regarding the lack of documentation for work categorized as "work by own forces." As he explained, the owner was originally told that the work completed by his company was ineligible, and thus did not prepare the documentation at the time the work was completed with the intention of submitting it to the Incentive Program. Years later when the owner applied for a different grant, it became clear that work completed by a company under the same ownership as the building in question would be accepted as an exception to the "work by own forces" policy. While this would also apply to work done on the Freemason's building, it is not possible to retroactively document the work in a manner acceptable to HRM staff.

Mr. Garrett commented that the owner did have several meetings to clarify issues with HRM staff and at the last meeting in December 2013 the owner was under the understanding that a percentage of work by own forces was still on the table. After that there was no communication between Staff and the owner until the report dated March 31, 2015 was released.

Mr. Nathaniel Smith entered the meeting.

Mr. Garrett expressed surprise that none of the work previously categorized as "work by own forces" is included in the recommendation. He acknowledged that the owner was unable to document the exact

amounts of eligible work, but he believes that since a large portion of the \$724,316.00 spent by the owner's company on the project was put towards eligible work, it would be more reasonable for Staff to establish a percentage of the work to apply the 15% tax credit to, not to leave the work out entirely.

Mr. Garrett informed the Committee that the owner does not want to continue discussions with Staff, as the discussions have already been going on for years and the owner has not yet received any funds.

Councillor Hendsbee asked what records are available. He expressed his agreement that there should be some value attached to the work done by the owner's company, but questioned how it would be possible to adjudicate what a reasonable amount might be.

Ms. Holm emphasized that Staff did try to come up with different ways to document what was spent in order to satisfy HRM financial officers, but that this was unsuccessful.

Mr. Scott Smith left the room, declaring a conflict of interest because he knows the Architect.

MOVED by Councillor David Hendsbee, seconded by Ms. Shiva Nourpanah that the Heritage Advisory Committee recommend that Halifax Regional Council:

- 1. Approve a 'Special Arrangement' pursuant to Section 2.6 of the Barrington Street Heritage Conservation District Incentives Program Terms & Conditions allowing eligibility of all completed exterior masonry work, allowing for a grant of \$96, 878 and a tax credit of \$124,701 for the former Freemasons Lodge located at 1533 Barrington Street, and subject to recommendation 2; and**
- 2. Approve the payments referenced in recommendation 1 conditional upon the applicant executing and registering at the Registry of Deeds and agreement that the owner will not apply to demolish, nor will they demolish, the respective property for 20 years from the signing of the agreement.**

MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Hendsbee, seconded by Ms. Emma Sampson, that the Heritage Advisory Committee forward a positive recommendation with respect to the inclusion of the requested \$470,805 of "own forces" costs in the calculation of eligible financial incentives for the former Freemasons Building, 1533 Barrington Street, as described in staff report dated March 31, 2015.

Ms. Morris suggested that a separate assessment be conducted in order to provide documentation for the work that was done. Ms. Holm replied that the program is predicated on the owner providing the documentation.

Councillor Hendsbee said that it is incumbent on the applicant to provide more documentation and asked Mr. Garrett if a statement could be produced. Mr. Garrett replied that they could provide a list of work that was done within the figure, along with a letter from a controller, (the person who does the accounting work for the company) but that this was not determined to be satisfactory to HRM Staff.

MOTION PUT AND DEFEATED

8. IN CAMERA

The Committee moved to an in-camera session following adjournment of this meeting to deal with Case H00418: Appointment of Stakeholder Steering Committee for the Old Couth Suburb Heritage Conservation District.

9. ADDED ITEMS

10. DATE OF NEXT MEETING – June 24, 2015

11. ADJOURNMENT

The meeting adjourned at 3:40 p.m.

Cathy Collett
Legislative Support